

In 2016, no assessment has been made regarding Burma's efforts to advance the elimination of the worst forms of child labor because this is the first year that efforts have been assessed and suggested actions provided for Burma. Based on research regarding Burma's efforts to combat the worst forms of child labor, the Government made several efforts, but the military was also complicit in the use of forced child labor. Government efforts in Burma included amending the Shops and Establishments Act and the Factories Act to raise the minimum age for work to 14 and the minimum age for dangerous work to 18 in these sectors. In addition, the military provided its personnel, training centers, and recruitment officials with training and improved age assessment and verification procedures to enhance the military's ability to identify and prevent child soldier recruitment. Burma's military released 112 children and young people who had been recruited into the armed forces as children, and sanctioned 13 officers and 23 non-commissioned personnel for the recruitment and use of children in the armed forces. However, Burma's military continued to use some children as combatants, porters and cooks in conflict areas. Children in Burma also performed dangerous tasks in garment production. Despite steady progress, military oversight and monitoring of recruitment procedures were insufficient to completely eliminate the recruitment of children. In addition, the legal framework does not prohibit the recruitment and use of children by non-state armed groups, and it does not comprehensively identify hazardous work that is prohibited for children.



I. PREVALENCE AND SECTORIAL DISTRIBUTION OF CHILD LABOR

Children in Burma engage in the worst forms of child labor, including in armed conflict.(1, 2) Children also perform dangerous tasks in garment production.(3) In 2016, the Government published the 2015 Report on Child Labor in Myanmar. The report data show that 1,278,909 children work in Burma, including 60.5 percent in agriculture, forestry, and fishing; 12 percent in manufacturing; 11.1 percent in trades; and 6.1 percent in other services.(4) Table 1 provides a key indicator on children's education in Burma. Data from the 2015 Report on Child Labor in Myanmar is available publicly, although not in its disaggregated format. Therefore, disaggregated data from the 2015 Report on Child Labor in Myanmar is not publicly available for further analysis to calculate additional work and education indicators.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		85.1

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2016.(5)
Data were unavailable from Understanding Children's Work Project's analysis, 2016.(6)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including rubber, sugarcane, beans and pulses, rice, betel nut, and bamboo (7-12)
	Fishing and processing fish and seafood (8-10, 13)
	Forestry, including on teak plantations (10, 14)
Industry	Producing garments (3, 15-19)

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Industry	Construction (3, 16, 20, 21)
	Food processing (3, 16, 22)
	Manufacturing, including furniture, bricks, and other products (7, 10, 22, 23)
	Quarrying and mining, including jade and rubies (10, 24)
Services	Domestic work (3, 10, 22, 25, 26)
	Working in teashops and restaurants, including waiting tables and washing dishes (7, 10, 16, 27)
	Street vending, collecting garbage and recyclables, working in transportation, and working in markets (3, 7, 9, 22, 28)
Categorical Worst Forms of Child Labor†	Forced recruitment of children by state and non-state armed groups for use in armed conflict (1, 2, 29)
	Forced labor in agriculture, including harvesting bamboo, and producing beans, rice, rubber, sugarcane, and teak (11, 29)
	Forced labor in manufacturing bricks and construction (23, 29)
	Forced labor in domestic work, teashops, and begging (26, 29)
	Commercial sexual exploitation, sometimes as a result of human trafficking (12, 22, 29)

† Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

While a small number of children are reported to be used by Burma’s armed forces as combatants in armed conflict, active recruitment of children into the Army has been significantly reduced in recent years.(2, 29) In 2016, there were only two verified cases of child recruitment into the military.(30) While there has been a decrease in reports of forced labor by the military, the Army continues to use civilians, including children, for forced labor in conflict areas to porter goods and cook for battalions, and carry supplies.(29) In addition, children are recruited and used in armed conflict by non-state armed groups that are often in conflict with the Burmese military, including the Karen National Liberation Army; the Kachin Independence Army; the Shan State Army-South; and the Ta’ang National Liberation Army in Kachin, Kayin, and Shan States.(1, 29)







While national statistics are available in Burma, research did not uncover sufficient recent information about the detailed nature and prevalence of child labor in Burma, including its worst forms.

Many children face barriers to education, such as long distances to schools and expenses that include uniforms, books, and transportation.(3, 7, 31) In addition, internally displaced and stateless children, in particular, have limited access to education due to an inadequate number of schools.(22, 32)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Burma has ratified most key international conventions concerning child labor, but it has not ratified the UN CRC Optional Protocol on Armed Conflict (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Burma’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Section 75 of the Factories Act; Article 14 of the Shops and Establishments Act (33, 34)
Minimum Age for Hazardous Work	Yes	18	Article 15(d) of the Shops and Establishments Act; Sections 25 and 29 of the Factories Act; Rule 90 of the Mining Law; Section 65(a) of the Child Law (33-36)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Sections 25 and 29 of the Factories Act; Article 15(d) of the Shops and Establishments Act (33, 34)
Prohibition of Forced Labor	Yes		Section 24 of the Anti-Trafficking in Persons Law; Sections 370–371 and 374 of the Penal Code; Section 27(a) of the Ward or Village Tracks Administrative Law (37-39)
Prohibition of Child Trafficking	Yes		Section 24 of the Anti-Trafficking in Persons Law; Sections 372 and 366(a) of the Penal Code (37, 38)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 372–373 of the Penal Code; Section 66(f) of the Child Law (36, 37)
Prohibition of Using Children in Illicit Activities	No		Sections 20(a) and 22(c) of the Narcotics and Psychotropic Substances Law; Sections 65(b)–(c) and 66(c) of the Child Law (36, 40)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	1974 Regulation for Persons Subject to the Defense Service Act (War Office Council Instruction 13/73) (41)
Non-state Compulsory	No		
Compulsory Education Age	No	10 [‡]	Section 20 (b)(i) of the Child Law; Section 4(e) of the National Education Law (36, 42)
Free Public Education	Yes		Section 20 (a)(ii) of the Child Law; Section 4(e) of the National Education Law (36, 42)

* No conscription (43)

‡ Age calculated based on available information (44)

In 2016, the Government amended the Shops and Establishments Act and the Factories Act, which raised the minimum age for work to 14 in these sectors. The amendment to the Shops and Establishments Act also established 18 as the minimum age for dangerous work in this sector.(33, 34) During the reporting period, a list of hazardous work prohibited for children was drafted and is awaiting government approval.(45)

However, a general minimum age for work has not been established, and as a result, there is no minimum age for work in all sectors in which children are employed, including agriculture and informal work. While some of the sector-specific laws do identify activities that are prohibited for children under age 18, these are not comprehensive, and the minimum age of 16 for hazardous work established in the Child Law and the Factories Act is not in compliance with international standards.(33, 36)

In addition, the legal framework does not sufficiently prohibit commercial sexual exploitation of children, as there are no criminal prohibitions for the procurement and offering of children for the production of pornography or pornographic performances.(36, 37) The legal framework also does not sufficiently prohibit the use of children in illicit activities as the use of children ages 16 and 17 for the production and trafficking of drugs is not criminally prohibited.(36, 40) The legal framework does not prohibit non-state armed groups from recruiting children for use in armed conflict.(41)

Burma's compulsory education age of 10 does not meet international standards as children are not required to attend school up until the minimum age for work, as established by international standards.(36)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

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Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Factories and General Labor Laws Inspection Department	Inspect factories, shops, and establishments for child labor law violations.(33, 34)
Child Protection Units, Police Anti-Trafficking Units	Enforce criminal laws related to child trafficking, including for the purpose of commercial sexual exploitation of children and labor exploitation. Established in the Anti-Trafficking Units of police departments in Rangoon, Mandalay, and Naypyidaw.(46)
Ministry of Defense Committee for the Prevention of Military Recruitment of Underage Children	Sanction perpetrators that recruit or use children in the armed forces.(30)
Department of Social Welfare	Investigate cases in which children need protection and care of the State.(36)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Burma took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016†
Labor Inspectorate Funding	Unknown	\$1,043,405 (41)
Number of Labor Inspectors	Unknown	179 (41)
Inspectorate Authorized to Assess Penalties	Unknown	No (47)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to Child Labor	Unknown	Unknown
Refresher Courses Provided	Unknown	Yes (48)
Number of Labor Inspections	Unknown	60,089 (41)
Number Conducted at Worksite	Unknown	Unknown
Number Conducted by Desk Reviews	Unknown	Unknown
Number of Child Labor Violations Found	Unknown	3 (41)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	3 (41)
Number of Penalties Imposed That Were Collected	Unknown	3 (41)
Routine Inspections Conducted	Unknown	Yes (47)
Routine Inspections Targeted	Unknown	Yes (47)
Unannounced Inspections Permitted	Unknown	Yes (47)
Unannounced Inspections Conducted	Unknown	Yes (41)
Complaint Mechanism Exists	Unknown	Yes (47)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown	No (41)

† Dates are from April 1, 2015, to March 31, 2016.

The number of labor inspectors is insufficient for the size of Burma's workforce, which includes over 37 million workers. According to the ILO recommendation of 1 inspector for every 40,000 workers in less developed economies, Burma should employ roughly 929 inspectors.(49-51)

In 2016, the Factories and General Labor Laws Inspection Department conducted 60,089 inspections; therefore, each inspector conducted an average of 335 inspections during this period.(41) This is a high number of inspections conducted by each inspector, and it is unknown whether this high number affects the quality of inspections. The number of inspections that were conducted at the worksite or by desk review is also unknown.(41)

In addition, it is unknown whether new and veteran labor inspectors received training on the recently amended child labor laws during the reporting period. Research also did not uncover labor law enforcement data for 2015.

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Burma took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	N/A
Refresher Courses Provided	Unknown	Yes (30)
Number of Investigations	Unknown	2 (30)
Number of Violations Found	Unknown	5 (30)
Number of Prosecutions Initiated	Unknown	1 (30)
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown	Yes (46)

In 2016, 13 officers and 23 non-commissioned personnel were sanctioned under military law for complicity in the recruitment or use of children in the military.(30) The military provides an annual refresher training course to senior enlisted personnel on the military regulations prohibiting the recruitment and use of children in the armed forces. UNICEF and ILO also provide training to military officers on the prevention of underage recruitment.(30) Despite these efforts and a continued decline in the recruitment and use of children, Burma's military continued to use children as combatants in armed conflict in violation of the Defense Services Law. Military oversight and monitoring of recruitment procedures were insufficient to prevent the recruitment of children.(29) In addition, the military forced children to work for armed forces in violation of the Ward or Village Tracks Administrative Law.(29, 39)

In addition, it is unknown whether new criminal investigators receive initial training for enforcing laws related to the worst forms of child labor during the reporting period. The number of convictions resulting from the prosecution of the crimes involving the worst forms of child labor is also unknown. Research also did not uncover information regarding criminal law enforcement actions for 2015.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Description
Technical Working Group on Child Labor	Coordinate the implementation of ILO Convention 182, including drafting the list of hazardous work prohibited for children. Chaired by the Ministry of Labor, Employment and Social Security, consists of stakeholders from Government, workers, employers, and civil society.(52) In 2016, validated the draft list of work prohibited for children.(45)
Central Body for the Suppression of Trafficking in Persons	Coordinate government and non-government efforts to address trafficking in persons. Chaired by the Minister of Home Affairs, includes six government agencies and several non-governmental stakeholders. (30)
Township Child Rights Committee	Coordinate local child welfare and protection activities. Led by the Township Administrator, consists of government agencies, including the Department of Social Welfare and the police, as well as NGOs.(53)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
Joint Action Plan to Prevent the Recruitment and Use of Children for Military Purposes	Aims to end all government recruitment and use of children in its armed forces. Seeks to ensure the release of children under age 18 from the armed forces and facilitate their reintegration into families and communities. Resulted in 811 children being released since the start of the policy in 2012, including 112 in 2016.(30, 54, 55)

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In 2016, the Government was involved in consultations to develop the National Action Plan on the Elimination of Child Labor. (45) Although the Government has adopted a policy to end the military's recruitment and use of children, research found no evidence of a policy on other worst forms of child labor, including the recruitment of children by non-state armed groups, work in hazardous occupations, forced child labor, and commercial sexual exploitation of children.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government of Burma funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor

Program	Description
Forced Labor Complaint Mechanism	ILO program, gives citizens a mechanism to lodge complaints of forced labor and seek remedies from the Government.(56)
Hotlines	UNICEF and World Vision-operated hotlines for reporting suspected cases of child recruitment or use by Burma's military.(54)
Myanmar Programme on the Elimination of Child Labour (My-PEC) Project	\$5.25 million, USDOL-funded project implemented by ILO to expand the knowledge base on child labor in Myanmar, increase awareness and knowledge of child labor, improve laws to meet international standards, and improve the capacity of stakeholders to address child labor.(57) In 2016, supported the Technical Working Group on Child Labor to develop the hazardous work list and held initial consultations for the development of a National Action Plan on the Elimination of Child Labor. Provided educational services to 1,766 children and livelihood services to 96 households.(45) For additional information about USDOL's work, please see our Website .
SafeYouth@Work Project: Building a Generation of Safe and Healthy Workers	USDOL-funded global project implemented by ILO, with Burma as one of the three pilot countries. In Burma, focuses on young workers ages 15–25 in the construction and agricultural sectors and seeks to improve availability and use of occupational safety and health (OSH) data, improve regulations and programs on OSH, build the capacity of the Government and social partners to promote and enforce compliance with OSH laws and regulations, and increase youth knowledge and awareness of hazards and risks.(58)

In 2016, the Government encouraged the public to report information about cases of child soldier recruitment through dedicated hotlines operated by the UN.(29) In addition, the Department of Social Welfare increased the number of case manager offices in Burma from 27 to 42. Case managers work to provide victims of the worst forms of child labor with rehabilitation and reintegration services.(30) However, the Department of Social Welfare lacks the staff and resources necessary to sufficiently provide services to victims.(30)

Overall, the Government lacks social programs to adequately address the worst forms of child labor, including the recruitment of children by non-state armed forces, the use of forced child labor, and commercial sexual exploitation of children.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Burma (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on Armed Conflict.	2016
	Establish a minimum age for work of at least 14 years for all sectors.	2016
Legal Framework	Ensure that the types of hazardous work prohibited for children are comprehensive.	2016
	Ensure that all forms of child commercial sexual exploitation are prohibited, including procuring and offering of children for the production of pornography or pornographic performances.	2016
	Criminally prohibit the use of children ages 16 and 17 in the production and trafficking of drugs.	2016
	Criminally prohibit the recruitment of children under 18 by non-state armed groups.	2016
	Ensure that the age up to which education is compulsory is the same as the minimum age for work, as established by international standards.	2016

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Enforcement	Authorize the inspectorate to assess penalties.	2016
	Hire and train a sufficient number of labor inspectors according to ILO recommendations, to enforce labor laws, including child labor regulations.	2016
	Determine whether the inspection ratio for each labor inspector is appropriate to ensure the quality and scope of inspections.	2016
	Establish a referral mechanism between the labor inspectorate and social services.	2016
	Publish information related to labor law enforcement, including the number of inspections conducted at the work site and by desk review, training provided to labor inspectors.	2016
	Ensure that the Defense Services Law is enforced by ceasing the military use of children as combatants in armed conflict and improving military oversight and monitoring of recruitment procedures to prevent the recruitment of children.	2016
	Ensure that the Ward or Village Tracks Administrative Law is enforced by ceasing the military practice of forcing children to work for armed forces.	2016
	Publish data on the number of convictions for violations related to the worst forms of child labor.	2016
Government Policies	Make disaggregated data from the 2015 Report on Child Labor in Myanmar publicly available for analysis.	2016
	Adopt a policy that addresses all relevant worst forms of child labor, such as children being recruited by non-state armed groups, working in hazardous occupations, forced child labor, and commercial sexual exploitation of children.	2016
Social Programs	Collect and publish sufficient information about the nature and prevalence of child labor, including its worst forms.	2016
	Develop and implement programs to ensure that all children, including displaced and stateless children, can access education.	2016
	Ensure that the Department of Social Welfare has sufficient resources to provide rehabilitation and reintegration services to victims of the worst forms of child labor.	2016
	Develop and implement programs to address the worst forms of child labor, including the recruitment of children by non-state armed groups, the use of forced child labor, and the commercial sexual exploitation of children.	2016

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49. CIA. *The World Factbook*, [online] [cited March 25, 2016]; <https://www.cia.gov/library/publications/the-world-factbook/fields/2095.html#131>. Data provided is the most recent estimate of the country's total labor force. This number is used to calculate a "sufficient number" of labor inspectors based on the country's level of development as determined by the UN.
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ultimately, by the General Assembly, on the basis of recommendations made by the Committee for Development Policy. The basic criteria for inclusion require that certain thresholds be met with regard to per capita GNI, a human assets index and an economic vulnerability index. For the purposes of the Findings on the Worst Forms of Child Labor Report, “developed economies” equate to the ILO’s classification of “industrial market economies; “economies in transition” to “transition economies,” “developing countries” to “industrializing economies, and “the least developed countries” equates to “less developed countries.” For countries that appear on both “developing countries” and “least developed countries” lists, they will be considered “least developed countries” for the purpose of calculating a “sufficient number” of labor inspectors.

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