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In 2019, Burma is receiving an assessment of no advancement. During the reporting period, the government enacted the Child Rights Law and established the National Committee for the Rights of the Child to institute the policies, guidelines, and measures needed to implement the law. It also ratified the United Nation's Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, in April 2019, released the results of the Labor Force Survey. Furthermore, the recruitment of children into the national armed forces for use in armed conflict declined markedly in 2019, due to positive steps taken by the government to work towards fully eliminating the recruitment of children into the national military. In June 2020, the United Nations delisted the national military for the violation of use and recruitment of child soldiers from Annex 1 of the annual Secretary General's Report on Children and Armed Conflict. Despite these commendable efforts, however, Burma is receiving an assessment of no advancement because the national armed forces continued to force civilians, including at least 197 children, to work as porters, cleaners, cooks, and agricultural laborers in the conflict areas of Kachin, Rakhine, and Shan states during the reporting period, and made no known efforts to hold criminally accountable those military personnel involved in these practices. Children in Burma engage in the worst forms of child labor, including forced recruitment and use in armed conflict by non-state armed groups and commercial sexual exploitation, sometimes as a result of human trafficking. The vulnerability of Rohingya children to the worst forms of child labor also increased as many were denied access to education through government restrictions on their movement. Penalties for recruitment and use of children by the military or for the military's use of civilian populations for forced labor are not sufficient for the seriousness of the crime, and the government did not publish information on criminal law enforcement efforts to investigate, prosecute, and convict cases involving the worst forms of child labor. Although the government provided anecdotal information on criminal law enforcement efforts to investigate, prosecute, and convict cases involving child labor through Facebook and the national media in 2019, it did not regularly publish comprehensive statistics on its efforts to address such crimes.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Burma engage in the worst forms of child labor, including forced labor in armed conflict and commercial sexual exploitation, sometimes as a result of human trafficking. (I-3) Table I provides key indicators on children's work and education in Burma.

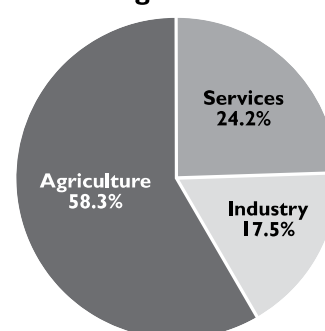
Table I. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	3.3 (312,151)
Attending School (%)	5 to 14	86.0
Combining Work and School (%)	7 to 14	0.2
Primary Completion Rate (%)		95.4

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2020. (4)

Source for all other data: International Labor Organization's analysis of statistics from Labour Force, Child Labour and School to Work Transition Survey (LF-CL-SWTS), 2015. (5)

Figure I. Working Children by Sector, Ages 5-14



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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 (1,5-10)
	Fishing and processing fish and seafood (2,5-7,11-13)
	Forestry, including on teak plantations (2,5,12)
Industry	Producing garments (14-19)
	Construction and carrying stones (1,2,5,14,15,20-22)
	Food processing (14,15)
	Brickmaking (23)
	Quarrying and mining, including for jade and rubies (2,3,5,13,24,25)
Services	Domestic work (1,2,5,13,26-28)
	Working in teashops and restaurants, including waiting tables and washing dishes (1,2,5,14,21,29)
	Vending, including in fish markets, collecting garbage and recyclables, and working in transportation (2,6,15,21,30)
Categorical Worst Forms of Child Labor‡	Forced recruitment of children by state and non-state armed groups for use in armed conflict (1,31,32)
	Forced labor in agriculture, including harvesting bamboo and producing beans, rice, rubber, sugarcane, and teak (3,8,33)
	Forced labor in manufacturing bricks and construction (3,23)
	Forced labor in domestic work, teashops, and begging (2,3,13,27,28)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2,3,9,13)

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

In 2019, the UN Country Task Force for Monitoring and Reporting (CTFMR) on Grave Violations Against Children identified eight cases of recruitment and use of children under the age of 18 into the Burmese national military for combat roles. (31,34) In previous years, the national military used force and coercion to recruit children, and research indicates that these practices continued during the reporting period; however, the national military has cooperated with the UN efforts to eliminate this process, centralize recruiting, and initiate a “benefit of the doubt” policy in the recruitment process. (32,34,35) Civilian brokers with military connections sometimes facilitate the entry into the military of underage recruits, in some instances bypassing standard age verification procedures. (3,13,34,36) In prior years, children were reported as having been used on the front lines as combatants. (3,34) The national military’s “self-reliance” policy, which requires military forces to provide their own food and labor from local communities, has led to some units using civilians, including children, to porter goods, cook, and clean barracks in conflict areas. (3,34) During the reporting period, research indicated that children continued to work in these types of support roles, including 197 children found to be working for low-level national military officials in Rakhine and Kachin States. (3,32,34)

The national military agreed to apply the principle of the “benefit of the doubt,” which states that when the age of a recruit cannot be definitively verified, the person is discharged. Research indicated that the national military adhered to this principle and during the reporting period it released 59 individuals whose ages could not be definitively verified. (31,34) As of April 2020, the national military had released 1,000 children, in accordance with the 2012 Joint Action Plan with the UN - which aims to end all government recruitment and use of children in its national military - including 54 children from April 1, 2019-March 31, 2020. (13,34,37,38,) The national military announced that it had taken disciplinary action against 18 military personnel, including 10 military officers and 8 non-commissioned military personnel, for recruitment of child soldiers from April 1, 2019-March 31, 2020 under Section 65 of the Defense Services Act and Defense Services Rules of 1960. Since the CTFMR was signed in 2012, the military has prosecuted and convicted 65 commissioned and non-commissioned officers for the recruitment of children into the national military. (31,34)

The Border Guard Police continued to use children to perform unspecified labor during the reporting period. (3) Children were also recruited and used in armed conflict by non-state armed groups, including the Kachin Independence Army, the Karen National Liberation Army, the Shan State Progress Party/Shan State Army, the Ta’ang National Liberation Army, and the United Wa State Army. (31,36)

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In a positive development, the UN Secretary General's Report on Children and Armed Conflict noted that due to "continued significant decrease in [the] recruitment of children into the military, ongoing prosecutions, and an agreement to continue to trace and release cases identified in previous years," the United Nations recommended that the Burmese national military be delisted for the violation of use and recruitment of child soldiers. (31,34)

Although there were no reports of child labor in the garment sector during the reporting period, the Confederation of Trade Unions of Myanmar reported that children use falsified documentation to obtain labor cards, which are needed to get work. NGOs reported that Burmese girls are trafficked to Burma's border with China for the purpose of commercial sexual exploitation. (2) There are also reports from the Myanmar Industry, Craft, and Services Union of children involved in commercial sexual exploitation along the borders of Kachin and Shan States. (2) Children living in refugee and internally displaced persons (IDP) camps are at increased vulnerability to sex and labor trafficking. (2,13)

The recruitment of young women, including girls, under false pretenses of getting a high-paying job in China only to be sold into forced marriages with indicators of sex and labor exploitation, is a common human trafficking trend in the country. (13,34) Traffickers often pose as recruiters and provide the necessary travel documents, sometimes including false birth certificates. (13) Furthermore, NGOs noted that children, in particular boys, in Shan, Karen, and Kachin States, and along the Thai-Myanmar border are used in illicit activities, including drug trafficking. (2)

Since August 2017, an estimated 728,000 people, primarily from the Rohingya minority, have fled from Burma to Bangladesh following acts of violence and ethnic cleansing perpetuated by the military in northern Rakhine State. (3,39-41) While the displacement of Rohingya people abated in 2018, conditions in Rakhine State were not conducive to the safe and voluntary return of refugees from Bangladesh in 2019. (3,40) As a result, an estimated 350,000 Rohingya children live in refugee camps in Bangladesh, at sites in which they are vulnerable to the worst forms of child labor. (13,40,42) Rohingya girls are trafficked from refugee camps for commercial sexual exploitation in Bangladesh, India, and Nepal. (3,43) In some cases, girls are promised jobs in domestic service, but are instead forced into commercial sexual exploitation. (43,44) There are also reports that some girls are forced into domestic service, sometimes as a result of human trafficking, and are abused by their employers. (44-47) Rohingya children recruited to work outside of the refugee camps, such as in shops, fishing, and transportation, are reported to be underpaid or unpaid, unable to communicate with their families, and subjected to excessive working hours. (45)

Rohingya children internally displaced by the ethnic violence in northern Rakhine State are at increased risk to the worst forms of child labor due to a lack of access to education. Approximately 129,000 people, including children, were forced to reside in IDP camps in central Rakhine State. (40,48) Government restrictions on the movement of Rohingya in these IDP camps limit children's access to basic services, including education. (32,36,40) Furthermore, schools in Rohingya villages in Maungdaw, Rathedaung, and Buthidaung townships where the 2017 ethnic cleansing occurred have not re-opened. (48,49) Meanwhile, the government expects dozens of schools for ethnic Rakhine children in these townships to remain closed for the 2020-2021 school year due to continued fighting between the national military and an ethnic-Rakhine insurgent group. This conflict has displaced nearly 70,000 people, mostly ethnic Rakhine, into IDP camps in 2019 and 2020. (48)

Rohingya children throughout Rakhine State face severe restrictions on attending school due to discriminatory government policies and practices adopted following the 2012 riots and violent clashes between ethnic Rakhine and Rohingya communities. (50) Local officials and school authorities typically ban Rohingya children from attending government schools with ethnic Rakhine children. (50,51) The government also imposed severe movement restrictions on Rohingya, making it difficult for children to access schools outside of their IDP camps, villages, or townships. (40,48,52) These restrictions particularly affect Rohingya children ages 10 to 17 because they must travel to attend middle school and high school. (51-53) Many Rohingya children also lack

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the documentation that is required to attend middle schools and high schools in Rakhine State because the government denies them citizenship or officials refuse to register their household residency. (2,32,54,55) Since 2018, the government has forced over 13,000 Rohingya to accept National Verification Cards in Rakhine State, including over 500 children. However, naturalized citizens are not afforded full rights like those granted to full citizens, including the ability to run for high office or form political parties. (3,32,36,48,56) In November 2019, the government finalized a new national strategy on the closure of IDP camps and the resettlement of IDPs. (13)

Rohingya children's access to primary schools in their villages is limited due to a lack of schools, particularly in IDP camps, movement restrictions, and teacher absenteeism in Muslim villages due to security concerns. (48,57,58) Burmese law only guarantees education for Burmese citizens, and citizenship rates in Rohingya communities are extremely low. (48) In addition to Rakhine State, children throughout Burma face barriers to education, such as long distances to schools and expenses that include uniforms, books, transportation, and "extra fees" charged by teachers and schools. (1,15,25,44,59)

Refugee children and children from ethnic communities who speak different languages often face barriers in schools because the curriculum is taught in Burmese. (2,36,44) To address this specific issue, the Ministry of Education is working on an equivalency program that will allow students to sit for exams. Furthermore, there is no law that requires the school curriculum to be taught in Burmese. (2)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Burma has ratified all key international conventions concerning child labor (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	✓

On June 8, 2020, the government ratified ILO C.138, becoming the 173rd ILO member state to ratify. (60,113) The government also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. (2,13,31,61-63) As the protocol extends to non-state armed groups, the government filed declarations under Article 3(2) and Article (4) of the protocol to allow for implementation that reflects domestic realities on the ground, namely that the government does not take responsibility for non-state armed groups' adherence to the new protocol. (61,62)

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Burma's legal framework to adequately protect children from the worst forms of child labor, including criminally prohibiting child trafficking consistent with international standards and comprehensively identifying the types of hazardous work prohibited for children.

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Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	14	Chapter XIV, Section 48(b) of the Child Rights Law; Section 75 of the Factories Act; Article 14 of the Shops and Establishments Law (64-66)
Minimum Age for Hazardous Work	Yes	18	Chapter I, Sections 3(b) and 3(t)(4), Chapter XIV, Section 48(a), and Chapter XXVII, Section 103(a)(3) of the Child Rights Law (66)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Sections 25 and 29 of the Factories Act; Article 14(d) of the Shops and Establishments Law; Rule 146 of the 2018 Mining Rules (64,65,68)
Prohibition of Forced Labor	Yes		Chapter I, Section 3(t) and Chapter XXVII, Section 103(a)(2) of the Child Rights Law; Sections 3 and 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 (66,69-71)
Prohibition of Child Trafficking	No		Chapter I, Section 3(t) and Chapter XVIII, Section 66 of the Child Rights Law; Sections 3 and 24 of the Anti-Trafficking in Persons Law; Sections 372 and 366(a) of the Penal Code (66,69,70)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Chapter I, Section 3(t)(2), Chapter XVIII, Section 66, and Chapter XXVII, Section 105(b) of the Child Rights Law; Sections 372–373 of the Penal Code (66, 70)
Prohibition of Using Children in Illicit Activities	No		Chapter I, Section 3(t)(3) and Chapter XIV, Section 48(a) of the Child Rights Law; Sections 20(a) and 22(c) of the Narcotics and Psychotropic Substances Law (66,72)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Chapter XVII, Section 63(a–b) of the Child Rights Law; the 1974 Regulation for Persons Subject to the Defense Service Act (War Office Council Instruction 13/73) (66,73)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Chapter XVII, Section 64(a–b) and Chapter XXVII, Section 104(b) of the Child Rights Law (66)
Compulsory Education Age	No	10‡	Chapter XIV, Section 48(b) of the Child Rights Law; Section 4(j) of the National Education Law (66,74)
Free Public Education	Yes		Chapter XIII, Section 46(b) of the Child Rights Law; Section 4(j) of the National Education Law (66,74)

* No conscription (75)

‡ Age calculated based on available information (67,76)

During the reporting period, the government enacted the Child Rights Law, which prohibits the recruitment of children under the age of 18 into non-state armed groups and mandates the creation of a hazardous work list to replace the existing sector-specific lists; however, its implementing regulations for the law and the new hazardous work list have yet to be promulgated. It is expected that they will be published at the same time. (2,13,55,66) In addition, the government began drafting a law in 2019 on domestic workers that will address child labor issues in that sector, including the allowable age to enter into employment as a domestic worker. (2,13,44,77)

During the reporting period, with support from IOM, the Ministry of Home Affairs and the Myanmar Police Force drafted a new anti-trafficking in persons law that is currently awaiting approval. (13) The law, if approved, removes the requirement to demonstrate force, fraud, or coercion in order to constitute a child trafficking offense, and will allow for assets and proceeds found during trafficking in persons cases to be seized. (13,78)

The 2019 Child Rights Law established age 14 as the minimum age for work with some sector-specific laws identifying activities that are prohibited for children under age 18. (65,66,68) Furthermore, the 2019 Child Rights Law raised the minimum age for hazardous work from age 16 up to age 18, putting it in compliance with international standards. (66)

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Under the 2019 Child Rights Law, Burma now meets international standards in the prohibition of commercial sexual exploitation of children. (66) However, the legal framework does not sufficiently prohibit the use of children in illicit activities, as there are no criminal penalties associated with the use, procuring, and offering of a child for the production and trafficking of drugs. (12,66,72)

Children in Burma are required to attend school only up to age 10. This standard leaves children ages 10 through 13 vulnerable to child labor since they are not required to attend school but are not legally permitted to work. (67,76)

The Occupational Safety and Health Bill was signed into law in 2019, but has yet to be implemented because the regulation bylaws are still being drafted. The bill expands the legal jurisdiction of the labor inspectorate to include additional industries, such as agriculture and construction. (77,79-81)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Social Welfare, Relief, and Resettlement that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Immigration, and Population (MOLIP), Factories and General Labor Laws Inspection Department (FGLLID)	Inspects factories, shops, and establishments for child labor law violations. (64,65)
Myanmar Police Force (MPF), Anti-Trafficking in Persons Division (ATIPD)	Investigates trafficking in persons crimes and engages in human trafficking prevention efforts through its 32 regional Anti-Trafficking Task Forces. (13,83) Oversees three specialized Child Protection Units in Rangoon, Mandalay, and Naypyidaw. (83) Staffed by 465 personnel, including 408 staff and 57 commissioned officers. Operates a 24/7 hotline dedicated to reporting human trafficking cases. (13) Increased the number of offices from 22 in 2018 to 60 in 2019. (2,77) Created nine new child protection squads overseen by the Child Protection Units in Yangon, Mandalay, and Naypyidaw with special remit to address the worst forms of child labor, including handling investigations. (13,77,84) Also in 2019, conducted survivor roundtables to collect feedback from victims. (13) Provided 80 trafficking in persons trainings that reached 11,388 officers. (13)
Ministry of Defense, Committee for the Prevention of Military Recruitment of Underage Children	Sanctions perpetrators that recruit or use children in the armed forces. (85)
Ministry of Social Welfare, Relief, and Resettlement – Department of Social Welfare, Department of Rehabilitation, and Department of Disaster	The Department of Social Welfare provides social services for children rescued from human trafficking and forced labor. (2,13,77,83) Responsible for implementing the child protection policy. (48,86) Offices in 100 townships. (3,13) Covers cases of juvenile justice, child soldiers, and children in armed conflict. Receives cases from the MPF. (2) During the reporting period, launched a working group to begin drafting the implementing regulations for the Child Rights Law and to draft a child protection policy, with UNICEF assisting on both tasks. (2) During the reporting period, increased the number of case managers to 188, up from 27 in 2015. (2,13) The Department of Rehabilitation was created in late 2018. (2) Responsible for running state-managed facilities and temporary shelters. (48,87) Covers cases of child trafficking and cases of long-term rehabilitation. (2) Provides rehabilitation services to children discharged from the military and victims of child trafficking. (2,13,77) Actively collaborates with the Ministry of Defense to verify documentation when child labor complaints are received. Expected to expand their work to non-state armed groups in 2020. (2) During the reporting period, provided rehabilitation and reintegration services for 16 cases from Thailand and 55 cases from China, all related to child trafficking. (3,84) In addition, provided rehabilitation and reintegration services in five cases of children being trafficked internally during the reporting period. (2,84) Increased the number of staff from 72 in 2018 to 202 by January 2020. Between April and December 2019, provided reintegration support to 38 former child soldiers. (13) The Department of Disaster provides emergency assistance for the victims of natural disasters for ensuring immediate relief. Conducts preventive measures to reduce the loss of lives and properties due to disasters, such as providing assistance to internally displaced persons – including children – due to armed conflict and social conflict. (34,48)

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During the reporting period, the Central Body for the Suppression of Trafficking in Persons (CBTIP) conducted anti-trafficking awareness-raising activities that reached over 2 million people, including 34,289 students. (22,34)

In 2019, the Ministry of Social Welfare, Relief, and Resettlement, in coordination with UNICEF and Save the Children, formed a taskforce to update the country's case management systems. The taskforce established terms of reference and began drafting standard operating procedures for case management with the goal of improving and standardizing the quality of social services provided by the government. (2) The draft is expected to be completed in early 2020. (2)

To combat administrative corruption within ministries, the Anti-Corruption Commission formed Corruption Prevention Units (CPU) in 14 ministries, including the Ministry of Labor, Immigration, and Population (MOLIP) and the Ministry of Home Affairs (MOHA), to enable recipients of government services to report corruption-related complaints, including complaints related to the worst forms of child labor. (84) In addition, the Anti-Corruption Commission launched a CPU toolkit mechanism for use on mobile phone messages to recipients of government services to check the effectiveness, timeliness, and efficiency of services provided. (13)

During the reporting period, the ATIPD remained hampered by resource constraints and limited training, resulting in areas of the country continuing to lack sufficient coverage. (2,13)

In addition, the Department of Social Welfare continued to lack a sufficient number of case managers to cover the entire country. Despite an increase in the number of case managers hired during the reporting period, case managers still had to cover two or more townships, in some instances, causing delays in case management services. (2,13,34) Furthermore, the Department of Rehabilitation lacks sufficient human resources to provide reintegration support. (13)

Furthermore, the Factories and General Labor Laws Inspection Department (FGLLID) is only mandated to inspect for child labor in manufacturing establishments and factories as laid out in the Factories Law (1951) and the Shops and Establishment Law (2016). This leaves certain sectors, including agriculture, mining, and fishing – where child labor is reported to occur – outside of the purview of the FGLLID. (2)

Labor Law Enforcement

In 2019, labor law enforcement agencies in Burma took actions to combat child labor (Table 6). However, gaps exist within the operations of MOLIP that may hinder adequate child labor law enforcement, including the lack of publicly available enforcement information and an inadequate number of labor inspectors.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	Unknown (1)	Unknown (2)
Number of Labor Inspectors	163 (88)	151 (2)
Inspectorate Authorized to Assess Penalties	Yes (25)	Yes (2)
Initial Training for New Labor Inspectors	Yes (1)	Unknown (34)
Training on New Laws Related to Child Labor	N/A	Unknown (34)
Refresher Courses Provided	Yes (88)	Yes (2)
Number of Labor Inspections Conducted	45,641 (88)	44,912 (2)
Number Conducted at Worksite	Unknown	Unknown (2)
Number of Child Labor Violations Found	6 (88)	0 (2)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (88)	N/A (2)
Number of Child Labor Penalties Imposed that Were Collected	Unknown	N/A (2)
Routine Inspections Conducted	Yes (88)	Yes (2)
Routine Inspections Targeted	Yes (88)	Yes (2)

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Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Labor Law Enforcement	2018	2019
Unannounced Inspections Permitted	Yes (1)	Yes (2)
Unannounced Inspections Conducted	Yes (1)	Yes (2)
Complaint Mechanism Exists	Yes (25)	Yes (2)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (1)	No (2)

During the reporting period, the Factories and General Labor Laws Inspection Department (FGLLID) conducted 1,635 awareness-raising seminars on labor laws, including child labor prohibitions, for 49,786 workers. In addition, government officials from MOHA, General Administration Department, MOLIP, Ministry of Agriculture, Livestock, and Irrigations, and the Anti-Trafficking Police unit received training on coercion and forced overtime, as they relate to issues of child labor. (2,34)

Despite having the authority to conduct unannounced inspections, labor unions noted that, in practice, factory owners are often given advanced notice that an inspection will occur. In addition, research indicated that there is a greater focus on the quantity of inspections rather than the quality, with complaints that labor inspectors talk to factory owners and supervisors rather than workers. (2)

NGOs noted that funding for the labor inspectorate is insufficient to cover transportation and equipment for labor inspectors, which discourages inspections of remote establishments. (2) An NGO also noted that when a complaint is filed by a worker, inspections often are not conducted in a timely manner. (2) Research indicated that the FGLLID does not consistently enforce labor laws when a violation is found, as there were instances during the reporting period for which fines were not imposed after a company official complained about receiving a violation. (2,12) Due to capacity and resource constraints, the FGLLID also has limited data on its own labor market, including the number of factories and basic resources such as furniture for labor inspector offices. (2,89)

The number of labor inspectors is likely insufficient for the size of Burma's workforce, which includes approximately 22 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in less developed economies, Burma would employ about 558 inspectors. (75,90,91)

The government did not provide information on its labor law enforcement efforts, including labor inspectorate funding, initial training for labor inspectors, training on new laws related to child labor, the number of labor inspections conducted at worksites, and the number of targeted routine inspections.

Criminal Law Enforcement

In 2019, criminal law enforcement agencies in Burma took actions to combat the worst forms of child labor (Table 7). However, gaps exist within the Burmese military's practices that may hinder adequate criminal law enforcement, including the lack of publicly available data on enforcement efforts.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Unknown (1)	11,388 (34)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (1)	Unknown (2)
Refresher Courses Provided	Unknown (1)	Unknown (2)
Number of Investigations	Unknown (1)	72 (34)
Number of Violations Found	Unknown (1)	8 (34)
Number of Prosecutions Initiated	Unknown (1)	44 (34)
Number of Convictions	Unknown (1)	106 (34)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Yes (92)	Yes (34)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (1)	Yes (34)

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In December 2019, 70 prosecutors from the Union Attorney General's Office received specialized training from the U.S. Department of Justice on how to prosecute trafficking in persons cases, including child trafficking. Those trained will serve as "Trafficking in Persons Coordinators" in each of the country's prosecutorial districts, and act as the primary point of contact on all trafficking in persons cases, including coordinating with civil society, victims, and criminal law enforcement officials on the prosecution of cases. (13,84)

During the reporting period, the government dishonorably discharged a commissioned military officer who is currently in jail awaiting trial in a civilian court for facilitating the human trafficking of a young girl to China to marry a Chinese man. (13) From April 1, 2019 through December 2019, courts reached a verdict in 66 cases involving 163 alleged human trafficking perpetrators, including 89 individuals who were convicted and sentenced to more than 10 years in prison. (34) This included the conviction and life imprisonment of seven people for trafficking seven girls in a Chinese bride trafficking scheme. (13,34)

In 2019, the UN Special Envoy to Myanmar noted that, due to the efforts of the government to utilize enhanced screening protocols of recruits, cases specifically involving recruitment and use of children in the military were reduced to single digits. (2,13) While the government continued training its personnel on age verification at recruitment centers, insufficient identity document access and security issues continued to present challenges to the full prevention of the recruitment of children. (3,34,36,83) While the national military has taken action against national military officials for these crimes, the penalties imposed on members of the military for recruiting and using child soldiers are not commensurate with the seriousness of these crimes. (3,34,35) In past years, most of these cases reportedly culminated in reprimands, demotions, relocations, fines, or decreases in pensions, penalties significantly less than those prescribed by criminal law, which mandates prison sentences. (2,3,93)

The government did not provide information on whether training on new laws related to the worst forms of child labor or refresher courses were provided during the reporting period. (2,34)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including coordination among agencies.

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

Coordinating Body	Role & Description
National Committee for the Rights of the Child*	Institutes policies, guidelines, and measures needed to implement the Child Rights Law of 2019. (66) Chaired by the Minister of Social Welfare, Relief, and Resettlement. Creates and oversees Local Committees for the Rights of the Child, which are mandated to submit progress reports on functions and duties concerning the implementation of the Child Rights Law. (66)
UN Country Task Force on Monitoring and Reporting (CTFMR) on Grave Violations Against Children & the Committee for the Prevention of Grave Violations Against Children in Armed Conflicts*	UN Country Task Force on Monitoring and Reporting (CTFMR) on Grave Violations Against Children coordinates with the government to end and prevent the recruitment and use of children in Burma's armed forces. (94) Operates a hotline for reporting cases of child soldiering. (13) Co-chaired by the UN and UNICEF, members include Save the Children, World Vision, and relevant UN agencies, such as the ILO. Mandated by UN Security Council Resolution 1612 in response to children in Burma being subjected to grave violations, including the recruitment and use of children as soldiers. (2,94) During the reporting period, released results from its report covering incidents for calendar year 2018. (2) In addition, permitted by the government to directly engage with ethnic armed groups to pursue the signing of joint action plans on the use and recruitment of child soldiers. (13) Committee for the Prevention of Grave Violations Against Children in Armed Conflicts formed in January 2019 and addresses the designation of the Burmese military within the annual UN Report on Children and Armed Conflict Annex related to the killing, maiming, and sexual assault of children in armed conflicts. (13,77) Members include 13 Ministries. Regularly meets with the CTFMR to discuss additional measures to prevent grave violations against children in armed conflicts. (13,77)

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

Coordinating Body	Role & Description
Child Labor Coordination: National Committee on Child Labor Eradication & Technical Working Group on Child Labor	National Committee on Child Labor Eradication oversees the implementation of the Myanmar Child Labour Eradication Project, which was approved by the committee in December 2018. (1,25,97) Chaired by the Vice President and consists of 37 members including representatives from 13 government ministries, the chief ministers of 10 states, the mayors of Rangoon and Mandalay, unions, and employer and civil society organizations. (2,97) Officially launched on February 5, 2018. (2,98) During its first 5 years, will focus on the worst forms of child labor. (2) During the reporting period, began work on implementing the first phase of the National Action Plan to Eliminate Child Labor, with the goal of gathering data from five target areas, reducing child labor, and implementing child labor laws. (2,99) Met twice during the reporting period. (2) Technical Working Group on Child Labor coordinates the implementation of ILO Convention 182, including drafting the list of hazardous work prohibited for children, developing a national plan of action against child labor, and establishing a mechanism for identifying, monitoring, and referring child labor cases. Chaired by MOLIP, consists of stakeholders from eight government ministries, employers, and civil society organizations. (12,95,96) During the reporting period, began developing a hazardous work list of activities prohibited to children. (34)
Central Body for the Suppression of Trafficking in Persons	Coordinates efforts to address trafficking in persons. Chaired by the Minister of Home Affairs (MOHA) and includes six government agencies and several NGOs. (13,85) Creates, implements, and maintains an annual work plan to make progress toward goals established in the 5-year National Plan of Action to Counter Trafficking in Persons (NPA). (13) Includes three working groups: (1) Prevention of Trafficking in Persons and Protection of Trafficked Victims, headed by the Deputy Minister of MOHA; (2) Legal Framework and Prosecuting Measures, headed by the Deputy Attorney General; and (3) Repatriation and Rehabilitation of Trafficked Victims, headed by the Deputy Minister of the Ministry of Social Welfare, Relief and Rehabilitation. (13) During the reporting period, held a meeting to discuss challenges and efforts to work toward implementation of recommendations contained in the U.S. Department of State's 2019 Trafficking in Persons Report. Also drafted the 2019 Anti-Trafficking in Persons Law that is pending Cabinet approval before submission to Parliament. (13) Hosted the Seventh Myanmar Anti-Trafficking in Persons Day that featured print, radio, and television programming with anti-trafficking messaging. (13)
Township Committees of the Rights of the Child	Coordinate local child welfare and protection activities. Led by the Township Administrator and consists of government agencies, including the Department of Social Welfare, police, and NGOs. (1,67)

* Mechanism to coordinate efforts to address child labor was created during the reporting period.

During the reporting period, the government formed a Committee on Underage Recruitment and a Committee for the Prevention of Sexual Violation - which is overseen by the CTFMR - with the goal of establishing more robust age assessment procedures, issuing national military directives prohibiting child recruitment, and establishing standards for national military personnel conduct. (2,34) Additionally, in July 2019, the government hosted the Association of Southeast Asian Nations (ASEAN) Senior Officials Meeting on Transnational Crime, Working Group on Trafficking in Persons to work toward better coordination between regional governments to address human trafficking. (13)

Research indicates that the government continues to be hampered by limited inter-ministerial coordination across all government ministries. (13)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including the adoption of policies that address all relevant worst forms of child labor.

Table 9. Key Policies Related to Child Labor

Policy	Description
Myanmar Child Labour Eradication Project	Establishes a national plan of action to eliminate child labor, including hazardous child labor. (1) Policy was implemented during the reporting period. (34)
Joint Action Plan with the UN 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 through the CTFMR. (94) Policy was implemented during the reporting period. (34)

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Table 9. Key Policies Related to Child Labor (Cont.)

Policy	Description
Myanmar Sustainable Development Plan (2018–2030)	Sets out a strategy to expand the social safety net and social protection services, including the introduction of measures to keep children enrolled in schools and out of child labor. (100) Action Plan Item 4.3.6 specifically addresses eliminating child labor through education. (2,100) Policy was implemented during the reporting period. (34)
Myanmar Decent Work Country Programme (2018–2021)	Seeks to strengthen protections against child labor and forced labor by building on existing ILO programs in Burma and continuing engagement between the ILO and the government. (101) Policy was implemented during the reporting period. (34)
National Plan of Action to Combat Human Trafficking (NPA) (2017–2021)	Aims to effectively eliminate internal and cross-border trafficking in persons and to anticipate and forestall new forms of trafficking. (13,102) Third iteration of the NPA. Implemented by the Central Body for Suppression of Trafficking in Persons. (13) Employs three strategies, including: (1) prevent and suppress trafficking in persons; (2) protect all victims, in particular women and children; and (3) prevent forced labor of children, including in the recruitment of children into the armed forces, and prevent the sexual exploitation of children. (13,102) Policy was implemented during the reporting period. (34)

In November 2019, the government adopted the ASEAN Declaration on the Rights of Children in the Context of Migration. (2) This Declaration calls on member states to increase action to address and prevent child labor and forced labor as they relate to migration. The Ministry of Social Welfare, Relief and Resettlement in Burma and the Ministry of Social Development and Human Security in Thailand signed a Memorandum of Understanding (MOU) to begin work on a cross-border protection framework to strengthen the protection of children in migration that will complement the Declaration. (2,34) This MOU will establish functioning cross-border child protection mechanisms and frameworks, including case management standard operating procedures. (34)

Although the government has adopted a policy to end the national military's recruitment and use of child soldiers and hazardous child labor, research found no evidence of a policy on other worst forms of child labor, including armed conflict by non-state armed groups, forced child labor, or commercial sexual exploitation of children. (34)

During the reporting period, the government began drafting and negotiating MOUs with the Governments of India and Vietnam to address the issue of child trafficking. (2,13,77) The government also negotiated a child protection mechanism with the Governments of Thailand and China, which seeks to assist children affected by the risks of migration, including human trafficking and forced labor. (2,13,77)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address all worst forms of child labor.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Forced Labor Complaint Mechanism	Joint government-ILO program that gives citizens a mechanism to lodge complaints of forced labor and seek remedies from the government. (103) In February 2020, a new permanent mechanism was approved and implemented by the government. Includes the ability to report cases of child labor and child soldier recruitment. (34) During the reporting period, 115 cases of child soldiers were received through the complaint mechanism; most of the complaints reported were from people who are no longer children. (104)
Hotlines	UNICEF and World Vision-operated hotlines for reporting suspected cases of child recruitment or use by Burma's military. (105) In 2019, 67 calls were received by World Vision hotline. (2)
USDOL-Funded Projects	USDOL-funded projects that aim to increase awareness and knowledge of child labor, improve the legal and institutional environment to contribute to the elimination of child labor, improve availability and use of occupational safe and health data, and increase youth knowledge and awareness of the hazards and risks of child labor and improve availability. Includes: the Myanmar Programme on the Elimination of Child Labour (My-PEC) Project, a \$7.75 million global project implemented by the ILO; SafeYouth@Work Project: Building a Generation of Safe and Healthy Workers, a global project implemented by the ILO; and Measurement, Awareness-Raising, and Policy Engagement (MAPI 6) Project on Child Labor and Forced Labor, a global project implemented by the ILO. (2,106–109) For additional information, please see the USDOL website.

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The MOLIP published the Labor Force Survey in April 2019, with data collected in 2017 in all seven states and regions, as well as the union territory, and found that 5 percent (623,000) of the total child population (12,410,000) were found to be working in child labor, and 608,000 were found to be in hazardous work conditions. (2,110) A second survey collected data from 2019 and is expected to be published in early 2020. (77) Data from this second survey was primarily collected from the Yangon, Bago, and Ayeyarwady Regions, and in Mon and Karen States. (2) The survey was done to help develop and establish a database that accurately reflects the current size and composition of the labor force in Burma, and includes information on child labor. (111)

The Forced Labor Complaints Mechanism lapsed in December 2018, but the ILO continued to receive and forward child labor complaints to the government. (2,13,41,77,89) In August 2019, the government approved a proposal to create a new government-operated complaints mechanism, and established an interim complaints mechanism while it worked with stakeholders to establish the new mechanism. The permanent mechanism was implemented in February 2020 and is able to receive complaints. (2,13,34,36,41,112) The National Tripartite Dialogue comprising members of the government, employers' associations, and labor unions, continued to work toward labor reforms by acting as the main stakeholder consultative body regarding the establishment of a formal complaints mechanism and the creation of the hazardous work list. (2,77)

Overall, the government lacks sufficient social programs to adequately address the worst forms of child labor, including forced child labor and the commercial sexual exploitation of children. (34)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

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

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Finalize and implement the Occupational Safety and Health Bill regulation bylaws.	2019
	Ensure that the types of hazardous work prohibited for children are comprehensive by including all sectors and activities in which children engage in hazardous work.	2016 – 2019
	Ensure that the law does not require a demonstration of force, fraud, or coercion to constitute a child trafficking offense.	2017 – 2019
	Ensure that the law provides criminal penalties for the use, procuring, and offering of children under age 18 in illicit activities including in the production and trafficking of drugs.	2016 – 2019
	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 – 2019
	Publish the implementing regulations for the Child Rights Law and a comprehensive hazardous work list.	2019
Enforcement	Ensure that the Anti-Trafficking in Persons Division of the Myanmar Police Force has sufficient resources to hire and train officers to ensure all areas of the country are covered.	2019
	Ensure that the Ministry of Social Welfare, Relief and Resettlement has sufficient resources to provide services to victims of the worst forms of child labor, including reintegration support at the Department of Rehabilitation and increasing the number of case managers at the Department of Social Welfare.	2016 – 2019
	Ensure that the Factories and General Labor Laws Inspection Department's mandate allows for inspections to occur in all sectors in which child labor is known to occur including agriculture, mining, and fishing.	2019
	Ensure that prior notice of unannounced inspections are not given to factory owners, inspectors conduct thorough inspections that include talking with workers, provide inspections in a timely manner, and consistently enforce labor laws when a violation is found.	2019
	Ensure that the Factories and General Labor Laws Inspection Department has sufficient funding to cover transportation costs to remote areas, equipment for labor inspector offices, including furniture, and maintaining up-to-date data on the labor market.	2019
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 – 2019
	Publish data related to labor law enforcement, including the amount of funding for the labor inspectorate, whether initial training for labor inspectors was offered, whether there was training on new laws related to child labor, the number of inspections conducted at worksites, and the number of targeted routine inspections.	2016 – 2019

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Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Enforcement	Establish a permanent referral mechanism between the labor inspectorate and social services.	2016 – 2019
	Continue to improve military oversight and monitoring of recruitment procedures to prevent the recruitment of children.	2017 – 2019
	Ensure that the penalties for the recruitment and use of children in the military are appropriate for the seriousness of the crime.	2017 – 2019
	Publish data related to criminal law enforcement, including training on new laws and refresher courses offered for investigators.	2016 – 2019
Coordination	Ensure frequent and regular communication and coordination across all government ministries related to the worst forms of child labor.	2019
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as armed conflict by non-state armed groups, forced child labor, and commercial sexual exploitation.	2016 – 2019
Social Programs	Cease the practice of compelled forced labor of civilians, including children, by the military in conflict areas.	2016 – 2019
	Remove all restrictions on Rohingya access to education, including school segregation, travel restrictions, and barriers to enroll in school.	2017 – 2019
	Develop and implement education programs that reduce physical barriers for children who live long distances from schools and eliminate prohibitive expenses for attending school.	2016 – 2019
	Ensure that conditions are safe in Rakhine State for the voluntary return of Rohingya refugees, including children in Bangladesh.	2018 – 2019
	Develop and implement programs to address all worst forms of child labor, including forced child labor, and the commercial sexual exploitation of children.	2016 – 2019
	Provide legal status to the Rohingya, including children, to decrease their vulnerability to the worst forms of child labor.	2019

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