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2020 Findings on the Worst Forms of Child Labor: Burma

No Advancement – Efforts Made But Complicit in Forced Child Labor

In 2020, Burma is receiving an assessment of no advancement. Despite limited initiatives to address child labor, Burma is assessed as having made no advancement because it demonstrated a practice of being complicit in the use of forced child labor in more than isolated incidents. The military continued to work with international organizations to end recruitment of children for combat roles and implement a policy of releasing child soldiers. Despite this, the national military continued to force civilians, including the use of at least 700 children, to work in non-combat roles as porters, cleaners, cooks, and agricultural laborers in the conflict areas, including Rahkine, during the reporting period. Otherwise, the government made efforts by ratifying ILO C.138, implementing the National Complaints Mechanism for Forced Labor, and approving the National Action Plan on Preventing Grievous Injuries and Sexual Abuse on Children in Armed Conflicts (2020–2021). Children in Burma are subjected to the worst forms of child labor, including in recruitment of children for use in armed conflict and in commercial sexual exploitation, sometimes as a result of human trafficking. The vulnerability of Rohingya children to the worst forms of child labor remained high as many continued to be denied access to education and livelihoods 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 many of the worst forms of child labor. On February 1, 2021, the Burma military launched a coup and seized control of the state. The return of a military regime and the resulting instability may severely impact the ability of the Government of Burma to fully engage in combating the worst forms of child labor throughout the country. However, the findings in this report relate to the reporting period of January–December 2020 and do not cover the potential impacts of the military coup.

I. Prevalence and Sectoral Distribution of Child Labor

Children in Burma are subjected to the worst forms of child labor, including forced recruitment of children for use in armed conflict and commercial sexual exploitation, sometimes as a result of human trafficking. (1, 2) Table 1 provides key indicators on children's work and education in Burma.

Children	Age	Percent
Working (% and population)	5 to 14	0.4 (39,370)
Working children by sector	5 to 14	
Agriculture		57.7
Industry		11.2
Services		31.3
Attending School (%)	5 to 14	95.3
Combining Work and School (%)	7 to 14	0.1
Primary Completion Rate (%)		95.4

Table 1. Statistics on Children's Work and Education

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2021. (3)

Source for all other data: International Labor Organization's analysis of statistics from Labour Force Survey (LFS), 2019. (4)

These data are not comparable with data presented in last year's report due to changes in survey source, survey questionnaire, or age range surveyed. (4)

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

Sector/Industry	Activity
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Agriculture	Farming, including rubber, sugarcane, beans and pulses, rice, betel nut, and bamboo (1,4-8)
	Fishing and processing fish and seafood (4-6,8-12)
	Forestry, including on teak plantations (4,9,12)
Industry	Producing garments (13-16)
	Construction and carrying stones (1,4,8,9,17,18)
	Brickmaking (19)
	Quarrying and mining, including for jade and rubies (4,8,9,11,20,21)
Services	Domestic work (1,4,8,9,11,22-24)
	Working in teashops and restaurants, including waiting tables and washing dishes (1,4,8,9,17,25)
	Vending, including in fish markets, collecting garbage and recyclables, and working in transportation (5,9,17,26)
Categorical Worst Forms of Child Labor‡	Forced recruitment of children by state and non-state armed groups for use in armed conflict (1,8,27-29)
	Forced labor in agriculture, including harvesting bamboo and producing beans, rice, rubber, sugarcane, and teak (2,8)
	Forced labor in manufacturing bricks and construction (2,19)
	Forced labor in domestic work, teashops, and begging (8,9,11,23,24)
	Commercial sexual exploitation, sometimes as a result of human trafficking (7,8,9,11,29)

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

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

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, reportedly including the Border Guard Police, to use civilians, including children, to porter goods, cook, and clean barracks in conflict areas. (2,8,29-30) During the reporting period, research indicated that children continued to work in these types of support roles, including 700 children forced into service by low-ranking national military officials in Rakhine State. (2,8,28-31,32)

In 2020, research indicated that children continued to be used by the national military in non-combat roles. In October, two boys in Rakhine Province were reportedly killed in crossfire after being forced by the national military to walk in front to ensure the path was clear of landmines and to act as human shields for soldiers. (2,8,12,28,31,30,33,34) Though there was no identified pattern of recruitment for combat roles, the UN Country Task Force for Monitoring and Reporting (CTFMR) on Grave Violations Against Children identified two cases of recruitment and use for combat roles of children under the age of 18 in the Burmese national military. (35) In the past, civilian brokers with military connections have sometimes facilitated entry into the military of underage recruits, in some instances bypassing standard age verification procedures by producing sophisticated counterfeit identity documents. (8,11,29,31,30)

As of June 2020, there were 145 suspected minors for whom age verification was pending. (8,27,31,35) However, the national military continued to adhere to the established 2019 principle of the "benefit of the doubt,"—which states that when the age of a recruit cannot be definitively verified, the person is discharged—and released at least 22 individuals whose ages could not be definitively verified. As of April 2020, 1,006 children had been released from the national military 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. (11,31,36-38) 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. (27,31,37)

Children were also forcibly recruited and used in armed conflict by non-state armed groups, including the Kachin Independence Organization, Democratic en Benevolent Army (DKBA), 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. (27,30,32,35) The DKBA signed a joint action plan to end recruitment and use of children in armed conflict with the UN CTFMR in November 2020. (39)

Research found that Burmese girls were trafficked to Burma's border with China for the purpose of commercial sexual exploitation. (9,29,30,32) A common trend in Burma is the recruitment of young women, including girls, under the false pretense of getting a high-paying job in China only to be sold into forced marriages with related violations of sexual and labor exploitation. (11,29,31)

The Ministry of Labor, Immigration, and Population (MOLIP) collected data for a survey in 2019 to help develop and establish a database that accurately reflects the current size and composition of the labor force in Burma—including information on child labor—but it has yet to be published. (9,40,41)

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 perpetrated by the military in northern Rakhine State. (2,42-46) As a result, an estimated 51 percent of Rohingya refugees—approximately 438,000 of whom are children—live in refugee camps in Bangladesh at sites in which they lack access to education, making them vulnerable to the worst forms of child labor. (9,11,43,47-50) Rohingya girls are trafficked from refugee camps, in some cases being promised jobs in domestic work, for commercial sexual exploitation in Bangladesh, India, and Nepal. (2,24,51) Research also found that increasing numbers of children, particularly girls, are leaving refugee and IDP camps to immigrate to countries such as Malaysia for marriages, but often find themselves in situations of forced labor, including domestic work, sometimes as a result of human trafficking. (24,29,45,52-54) Rohingya children recruited to work outside 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. (52)

Approximately 130,000 Rohingya were forced to reside in IDP camps in Rakhine State after being internally displaced by ethnic violence within the State. Rohingya children residing in IDP camps are at an increased risk of the worst forms of child labor, including forced labor and sex trafficking, due to lack of schools particularly in IDP camps, movement restrictions, discriminatory policies and practices, and school closures due to ongoing violence, especially in Muslim villages. (8,29,30,43,45,55-57)

Rohingya children throughout Rakhine State continue to 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. (58) Local officials and school authorities typically ban Rohingya children from attending government schools with ethnic Rakhine children. (58,59) In addition, Burmese law guarantees education only for Burmese citizens, and citizenship rates in Rohingya communities are extremely low. (55) Many Rohingya children also lack 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. (9,28,60,61) While the government touted its citizenship processing campaigns, such campaigns are scarce and there has only been one in Rakhine State since 2017. (39) Since 2018, the government has forced over 13,000 Rohingya to accept National Verification Cards (NVC) in Rakhine State, including over 500 children; the NVC is required to begin the process of applying for citizenship and requires Rohingya to accept a concession of foreignness. Of the few Rohingya who do obtain citizenship, they are rarely granted full citizenship; they are instead relegated to naturalized citizenship and are not afforded full rights like those granted to full citizens. (2,28,30,55,62)

Furthermore, schools in Rohingya villages impacted by the violence that occurred in 2017 have not reopened, and it is expected that dozens of schools for ethnic Rakhine children will remain closed due to continued fighting between the national military and non-state armed groups in the area, which, in 2020, has displaced an additional 70,000—mostly ethnic Rakhine—into IDP camps. (55,63)

In addition to Rakhine State, children throughout Burma face barriers to education, such as costs associated with travel to schools located long distances away (especially when located in a different township than their own), a lack of schools and teachers, and expenses that include uniforms, books, transportation, and "extra fees" charged by teachers and schools. This leads many children to discontinue their studies after primary school, and increasing their vulnerability to the worst forms of child labor. (1,21,24,30,32,64) Refugee children and children from ethnic communities who speak different languages often face barriers in schools because the curriculum is taught in Burmese, despite there being no law explicitly requiring Burmese language instruction. (9,24,30,32) To address this specific issue, the Ministry of Education was working on an equivalency program that will allow students to sit for exams in their native tongue. (9)

II. Legal Framework for Child Labor

Burma has ratified all key international conventions concerning child labor (Table 3).

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	✓

Table 3. Ratification of International Conventions on Child Labor

On June 8, 2020, the government ratified ILO C.138, becoming the 173rd ILO member state to ratify. (29,32,65,66)

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.

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 (67-69)
Minimum Age for Hazardous Work	Yes	18	Chapter 1, Sections 3(b) and 3(t)(4), Chapter XIV, Section 48 (a), and Chapter XXVII, Section 103(a)(3) of the Child Rights Law (69)
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 (67,68,70)
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 (69,71-73)
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 (69,71,72)
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 (69,72)
Prohibition of Using Children in Illicit Activities	No		Chapter 1, 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 (69,74)
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) (69)
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 (69)
Compulsory Education Age	No	10‡	Chapter XIV, Section 48(b) of the Child Rights Law; Section 4 (j) of the National Education Law (69,76)
Free Public Education	Yes		Chapter XIII, Section 46(b) of the Child Rights Law; Section 4 (j) of the National Education Law (69,76)

Table 4. Laws and Regulations on Child Labor

* No conscription (77)

‡ Age calculated based on available information (78,79)

During the reporting period, MOLIP prepared a draft hazardous work list and worked to finalize the implementing regulation for the Child Rights Law (2019), but both have yet to be promulgated. (9,11,29,32,34,61,69) In addition, two 2019 draft laws dealing with child labor issues in domestic work and the Occupational Safety and Health Bill, which seeks to expand the legal jurisdiction of the labor inspectorate to include additional industries, remained pending in 2020. (9,11,24,40,80-82)

Furthermore, the draft anti-trafficking in persons law, which will remove the requirement to demonstrate force, fraud, or coercion to constitute a child trafficking offense and allow for assets and proceeds found during trafficking in person cases to be seized, was still awaiting approval as of December 2020. (8,11,29,32,83) The implementing regulations for this bill are currently being drafted by the Ministry of Home Affairs. (39)

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. (12,69,74)

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. (30,78,79)

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 enforcement agencies that may hinder adequate enforcement of their child labor laws.

Organization/Agency	Role
Ministry of Labor, Immigration, and Population (MOLIP), Factories and General Labor Laws Law (2016), Inspection Department (FGLLID)	Inspects factories, shops, and establishments for child labor law violations. (67,68) 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, construction, mining, and fishing in which child labor is reported to occur, outside of the purview of the FGLLID. (9,29,30,32)
Ministry of Home Affairs (MOHA) – Myanmar Police Force (MPF), Anti-Trafficking in Persons Division (ATIPD)	Investigates trafficking in persons crimes and engages in human trafficking prevention efforts through its 60 regional Anti-Trafficking Task Force (ATTF) police units. (11,29,32,84) Oversees nine specialized Child Protection Units in Rangoon, Mandalay, and Naypyidaw to address child exploitation cases, including child trafficking, and uses formal written procedures with questions to screen victims. (29,84) Staffed by 476 personnel and operates nine 24/7 hotlines dedicated to reporting human trafficking cases. (11,29) During the reporting period, the ATIPD and ATTF consulted and collaborated with law enforcement agencies in several countries that are part of the Association of Southeast Asian Nations (ASEAN), including China, Laos, India, and Thailand, as part of formal dialogues on human trafficking and border issues. (8) In addition, focused on improving both hotline and online mechanisms for reporting trafficking in persons crimes during the COVID-19 pandemic. In conjunction with an NGO, conducted two online courses on police procedures on child protection, police procedures on sexual and gender-based crimes, and on social cohesion for 60 ATIPD officers. (29)
Ministry of Defense—Committee for the Prevention of Recruitment of Underage Children	Sanctions perpetrators that recruit or use children in the armed forces. (32,85)
Union Attorney General's Office	Responsible for prosecuting trafficking in persons crimes. During the reporting period, issued an order to formally establish Trafficking in Persons (TIP) Coordinators in each of the 74 prosecutorial districts in the country. (29) TIP Coordinators will act as district-level TIP focal points, helping to build prosecutorial expertise, collect and report data, support coordination between prosecutors and police, create focused TIP training opportunities, and improve TIP prosecution records throughout the country. (29,32) During the reporting period, deployed virtual teleconferencing equipment to regional law offices and moved new prosecutor onboarding to a remote platform. (29)

Table 5. Agencies Responsible for Child Labor Law Enforcement

During the reporting period, the Ministry of Transportation and Telecommunications worked with mobile phone operators to send quarterly text messages to all subscribers that included information related to trafficking in persons (TIP) awareness, including the anti-trafficking in persons hotline phone numbers. (29)

The Department of Social Welfare leads efforts on repatriation, reintegration, and rehabilitation of TIP victims, and continued to lack a sufficient number of case managers to cover the entire country. There continued to be instances of delays in offering case management services, and the Department of Rehabilitation lacked sufficient human resources to provide reintegration support. (9,11,29,31)

During the reporting period, the Myanmar Police Force (MPF) remained hampered by personnel turnover, resource constraints, and limited training, which resulted in areas of the country continuing to lack sufficient coverage. (9,8,11,29) Furthermore, MPF was limited in conducting normal police operations from April–August 2020 due to COVID-19 pandemic restrictions on the number of people who could be in the office. (29) Non-specialized police

were sometimes unaware of how to pursue human trafficking investigations without the assistance of the Anti-Trafficking in Persons Division's (ATIPD) Anti-Trafficking Task Force units, possibly resulting in some trafficking victims being turned away when attempting to report their cases. (8,29)

Labor Law Enforcement

In 2020, labor law enforcement agencies in Burma took actions to combat child labor (Table 6). However, gaps exist within the operations of the Factories and General Labor Laws Inspection Department (FGLLID) that may hinder adequate enforcement of their child labor laws, including inspection planning.

Overview of Labor Law Enforcement	2019	2020
Labor Inspectorate Funding	Unknown (9)	Unknown (32)
Number of Labor Inspectors	151 (9)	180 (32)
Inspectorate Authorized to Assess Penalties	Yes (9)	Yes (67,68)
Initial Training for New Labor Inspectors	Unknown (31)	No (32)
Training on New Laws Related to Child Labor	Unknown (31)	N/A (32)
Refresher Courses Provided	Yes (9)	No (32)
Number of Labor Inspections Conducted	44,912 (9)	1,100 (32)
Number Conducted at Worksites	Unknown (9)	0 (32)
Number of Child Labor Violations Found	0 (9)	0 (32)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (9)	N/A (32)
Number of Child Labor Penalties Imposed that Were Collected	N/A (9)	N/A (32)
Routine Inspections Conducted	Yes (9)	Yes (32)
Routine Inspections Targeted	Yes (9)	No (32)
Unannounced Inspections Permitted	Yes (9)	Yes (67,68)
Unannounced Inspections Conducted	Yes (9)	Yes (32)
Complaint Mechanism Exists	Yes (9)	Yes (32)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (9)	No (32)

Table 6. Labor Law Enforcement Efforts Related to Child Labor

In 2020, trainings for labor inspectors were halted and the number of labor inspections conducted declined sharply due to pandemic-related movement restrictions put in place by the government. Due to these restrictions, labor inspections were geographically limited to Burma's major urban centers, including Yangon, Mandalay, and Bago, and the FGLLID claimed that they did not uncover any child labor during their inspections in 2020. (32) However, in November, a bakery factory owner was charged with "violating the rights of children," after at least 18 children were alleged to have been in situations of forced child labor; prosecution was ongoing during the reporting period. (32,89)

Despite labor inspectors having the authority to conduct unannounced inspections, these do not occur regularly; when they do occur, factory owners are often given advanced notice, and labor inspectors often neglect to speak with workers. (2, 9,32)

Research found that funding for the labor inspectorate is insufficient to cover transportation and equipment for labor inspectors, which discourages inspections of remote establishments. Furthermore, when a complaint is filed by a worker, inspections often are not conducted in a timely manner. (9,32) Research also indicated that when FGLLID imposes penalties on violators, the fines are too low to act as a deterrent to medium and large enterprises. (32) Due to capacity and resource constraints, FGLLID has limited data on its own labor market, including the number of factories, and a lack of basic resources such as furniture for labor inspector offices. (9)

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. (32,77,90,91)

The government did not provide information on its labor inspectorate funding.

Criminal Law Enforcement

In 2020, criminal law enforcement agencies in Burma took actions to combat the worst forms of child labor (Table 7). However, gaps exist within the authority of MPF that may hinder adequate enforcement of their child labor laws, including penalties not commensurate with the seriousness of certain crimes.

Overview of Criminal Law Enforcement	2019	2020
Initial Training for New Criminal Investigators	11,388 (31)	Yes (32)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (9)	Yes (32)
Refresher Courses Provided	Unknown (9)	Yes (32)
Number of Investigations	72 (31)	Unknown (32)
Number of Violations Found	8 (31)	39 (32)
Number of Prosecutions Initiated	44 (31)	Unknown (32)
Number of Convictions	106 (31)	Unknown (32)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Yes (31)	Yes (32)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (31)	Yes (32)

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

In February, a group of mid-level civilian and military officers attended a course on how to facilitate increasing transparency of anti-trafficking in persons efforts made by the government; this effort resulted in the government providing monthly trafficking in persons data to foreign embassies and international organizations located in Burma. (29,92) The government also trained 60 diplomats and 35 attaches on human trafficking issues. (8)

In 2020, the ATIPD reported two cases of government complicity in the worst forms of child labor. In one case, a commissioned military officer was court-martialed and faces civilian charges for trafficking a young girl into China where she experienced sex and labor exploitation. (29) In the second case, a village leader faces charges for attempting to traffic a young girl to China for forced marriage. Both cases remain under active investigation and prosecution. (29) Also during the reporting period, a 2019 case involving a commissioned military officer and eight civilians who trafficked a young girl to China culminated in the court-martial and conviction of the officer and two of the co-conspirators. All three of the convicted individuals, including the military officer, were sentenced to 10 years in prison. (29) In addition, the case of a karaoke club and bar owner charged with human trafficking after allegedly forcing a child into commercial sexual exploitation remains under active prosecution. (29,92)

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. (2,31,84) 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. (2,8,12,31) 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. (2,8,9,30,93)

Research noted that some government and law enforcement officials allegedly participated in, facilitated, or profited from human trafficking. This included police officers and other government officials accepting bribes, and in some cases, individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers. (8,29)

The government did not provide information on the number of investigations conducted, the number of prosecutions initiated, and the number of convictions related to child labor during the reporting period.

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.

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. (69) 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. (69) During the reporting period, held one virtual meeting. (32) 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. (11,29) Co-chaired by the UN and UNICEF, members include Save the Children, World Vision, and relevant UN agencies, such as 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. (9,33,37,94) During the reporting period, permitted to directly engage and negotiate with ethnic armed groups, leading to the signing of an 18-month Joint Action Plan with the Democratic Karen Benevolent Army to prevent and end the recruitment and use of children in conflict. Allows for implementation monitoring, release and reintegration of child soldiers, prevention of future recruitment and use of children, and provides support efforts to hold violators accountable. (29,30,32,95)
Child Soldiers: CTFMR; Committee for the Prevention of Grave Violations Against Children in ACs; and National Committee on Implementation of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in AC*	Committee for the Prevention of Grave Violations Against Children in Armed Conflicts (ACs): Formed in January 2019 and addresses issues directed at the national 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. (11,40) Members include 13 Ministries. Regularly meets with CTFMR to discuss additional measures to prevent grave violations against children in armed conflicts. (11,40) During the reporting period, established a complaint mechanism for Burmese citizens to report potential cases of any of the UN-defined "six grave violations" against children in armed conflict that are now prohibited under the 2019 Child Rights Law. Established a working group to screen and review complaints submitted through the complaint mechanism, and promoted phone numbers and e-mails for the complaint mechanism. (32) Worked on collaborating with Ministry of Defense and MOHA to include them in future complaint mechanism review meetings. In October, met and reviewed progress made by inter-ministerial partners. (32) National Committee on Implementation of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Created in November 2020. Implements legal and management measures to prevent the use and recruitment of children under the age of 18 by the military, and builds awareness of this issue among the general population. (92) Chaired by the Minister for Social Welfare, Relief and Rehabilitation. (29,92) Has 16 members, including the Ministry of Defense, MOHA, Ministry of Health and Sports, Ministry of Information, and the Union Attorney General's Office. Met for the first time in December 2020. (29,92)
Child Labor Coordination: National Committee on Child Labor Eradication; and Technical Working Group on Child Labor, and Forced Labor Committee	National Committee on Child Labor Eradication: Oversees the implementation of the Myanmar Child Labor Eradication Project. (1,21,96) 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. (9,96) Research was unable to determine whether this coordinating body was active during the reporting period. (32) 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. (12,97) During the reporting period, met and discussed the development of the hazardous work list and the development of standard operating procedures (SOP) for processing forced labor complaints that come through the National Complaints Mechanism for Forced Labor (NCM). (32) Forced Labor Committee: Met to discuss development of a detailed SOP for the NCM during the reporting period. (98)

Central Body for the Suppression of Trafficking in Persons	Coordinates efforts to address trafficking in persons. Chaired by the Minister of MOHA and includes six government agencies and several NGOs. (11,29,32,85) Creates, implements, and maintains an annual work plan to make progress toward goals established in the Third 5-year National Plan of Action to Counter Trafficking in Persons (NPA). (11,29,99) 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 (MSWRR). (11,29) During the reporting period, trained ATIPD officers on anti-trafficking issues. (8) Launched the National Standard Operating Procedure on Return/Repatriation, Reintegration, and Rehabilitation which provides guidelines for government, civil society, and private partners who offer services for survivors of human trafficking, but noted more could also be done to train local Department of Rehabilitation officials and auxiliary police officers on how to properly screen and identify victims of human trafficking. (29,32) From July–December 2020, virtually trained 183 government officials, including MSWRR and ATIPD staff, on best practices to standardize rehabilitation services and referral procedures using a victim-centric approach and "do no harm" principles. (29,32) In addition, in conjunction with NGOs, provided anti-trafficking in persons trainings. (29)
Township Committees of the Rights of the Child	Coordinate local child welfare and protection activities. Led by the Township Administrator and consist of government agencies, including the Department of Social Welfare, police, and NGOs. (1,78) Research was unable to determine whether these committees were active during the reporting period. (32)

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

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

During the reporting period, the government virtually attended the Coordinate Mekong Ministerial Initiative against Trafficking (COMMIT) Regional Task Force and the 14th Annual Senior Official Meetings hosted by the Government of Vietnam. Senior Burmese government officials, including the Commander of ATIPD, participated and discussed national and transnational referral mechanisms, reviewed the COMMIT Memorandum of Understanding (MOU), and extended the Sub-Regional Plan of Action into 2022. (29) In addition, the government attended a virtual meeting with ASEAN counterparts and the Australian government to discuss countering trafficking in person in the Asia-Pacific region. In December, the Ministry of Social Welfare, Relief and Rehabilitation (MSWRR) hosted the 25th Burma-Thailand Case Management Virtual Meeting on Return and Reintegration of TIP victims with their counterparts from Thailand's Ministry of Social Development and Human Security. (29)

Research indicates that the government continues to be hampered by limited inter-ministerial coordination, including communication, across all government ministries. (11)

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.

Policy	Description
Myanmar Child Labour Eradication Project	Establishes a national plan of action to eliminate child labor, including hazardous child labor. (1) During the reporting period, continued to raise awareness around child labor and trained government officials and social partners on the importance of compliance with ILO C. 138 and the protection of children against hazardous work. (32)
Children in Armed Conflict: Joint Action Plan with the UN to Prevent the Recruitment and Use of Children for Military Purposes; and National Action Plan on Preventing Grievous Injuries and Sexual Abuse of Children in Armed Conflicts (2020–2021)†	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. (100) Research was unable to determine specific activities undertaken during the reporting period to implement this policy. National Action Plan on Preventing Grievous Injuries and Sexual Abuse of Children in Armed Conflicts (2020–2021) was finalized in August 2020. In November, formed a Monitoring and Evaluation Committee to implement the national action plan. (29) Chaired by the Director-General of the Department of Rehabilitation and a representative from the Department of Defense is the Deputy Chair. Responsible for verifying and monitoring that official government actions taken on complaints are handled according to official guidance. (29) Coordinates with government ministries and civil society organizations to establish annual work plans, and develops appropriate capacity building and awareness-raising campaigns related to prevention of the six grave violations against children in armed conflict. Issues annual report. (29)

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. (101) Action Plan Item 4.3.6 specifically addresses eliminating child labor through education. (9,101) Research was unable to determine specific activities undertaken during the reporting period to implement this policy.
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 ILO and the government. (46,102) Research was unable to determine specific activities undertaken during the reporting period to implement this policy.
Third 5-Year National Plan of Action (NPA) to Combat Trafficking in Persons (2017–2021)	Aims to effectively eliminate internal and cross-border trafficking in persons and to anticipate and forestall new forms of trafficking. (11,100) Third iteration of the NPA. Implemented by the Central Body for Suppression of Trafficking in Persons. (11,29) 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. (11,100) Research was unable to determine specific activities undertaken during the reporting period.

Table 9. Key Policies Related to Child Labor

† Policy was approved during the reporting period.

During the reporting period, the government officially signed an MOU with the Government of India on Cooperation for Prevention of Trafficking in Persons: Rescue, Recovery, Repatriation, and Re-Integration of Victims of Trafficking. (9,11,29,32,40) Both governments continue to actively work to develop working groups and task forces to prevent TIP crimes, share information on TIP crimes, and enhance cooperation on investigations and prosecutions while also protecting victim information. (29) The government also continued discussions with the Government of Vietnam on establishing a new MOU that would address anti-trafficking in persons measures. (29)

During the reporting period, the Ministry of Defense issued three directives prohibiting the use and recruitment of child soldiers by the national military. (29,30,32) The first directive ordered adherence to all previously released directives to not recruit children under the age of 18 or use underage labor in military-owned factories, shops, and establishments. (29,32,103) The second directive outlined the prohibitions and punishments associated with the use and recruitment of children into the national military for both combat and non-combat roles, and the third directive ordered that national military personnel follow the National Action Plan on Preventing Grievous Injuries and Sexual Abuse of Children in Armed Conflicts (2020–2021). (29,104,105)

Although the government has adopted a policy to end the national military’s recruitment and use of child soldiers and a policy on 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. (31)

VI. Social Programs to Address Child Labor

In 2020, 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.

Program	Description
National Complaints Mechanism for Forced Labor (NCM)*	Joint government-ILO program that gives citizens a permanent mechanism to lodge complaints of forced labor and seek remedies from the government, established in February 2020. (29,106) Includes the ability to report cases of child labor and child soldier recruitment. (31,32,98) During the reporting period, began publishing monthly statistics on forced labor complaints received through the mechanism, including 58 complaints received in 2020. (29,30,32,92,98)
Hotlines	UNICEF and World Vision-operated hotlines for reporting suspected cases of child recruitment or use of children by Burma's military. (107) Research was unable to determine specific activities undertaken relative to the project.
USDOL-Funded Projects	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 safety and health data, and increase youth knowledge and awareness of the hazards and risks of child labor. Includes: the Myanmar Program on the Elimination of Child Labour (My-PEC) Project (2013-2021) , a \$7.75 million global project implemented by 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 (MAP16) Project on Child Labor and Forced Labor , a global project implemented by ILO. (9,108-111) For additional information, please see the USDOL website .

Table 10. Key Social Programs to Address Child Labor

*Program was launched during the reporting period.

In 2020, the government implemented a permanent National Complaints Mechanism for Forced Labor (NCM), replacing the ILO-managed Forced Labor Complaints Mechanism that lapsed in 2018. During the reporting period, ILO continued to receive and forward child labor complaints to the NCM, but research found that there was no mechanism in place for the ILO to follow up on cases it referred to the NCM. (9,11,29,30,31,40,44,98,112) Additionally, research was unable to determine whether the mechanism was being adequately implemented due to the government's failure to communicate important developments to applicable stakeholders related to the NCM, including publishing NCM data online through MOLIP's website. (29,92,98)

During the reporting period, the MSWRR developed and implemented a standard operating procedure (SOP) for local-level victim support and rehabilitation, which provides provisions for the rehabilitation and reintegration of former child soldiers, and is in the process of creating a national-level SOP on child protection. (98) However, research found that due to a lack of resources and understanding of victim reintegration, and the decentralization of responsibility to state and regional governments, the protection of victims and the ability to adequately combat forced labor remain unaddressed and unclear. (30,32,113)

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. (31,32)

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).

Area	Suggested Action	Year(s) Suggested	
Legal Framework	Publish the implementing regulations for the Child Rights Law and release a comprehensive hazardous work list that includes types of hazardous work prohibited for children, including all sectors and activities in which children engage in hazardous work.	2019 2020	–
	Finalize and implement the draft law on domestic work and the Occupational Safety and Health Bill.	2016 2020	–
	Publish and implement the anti-trafficking in persons bill, and ensure that the law does not require a demonstration of force, fraud, or coercion to constitute a child trafficking offense.	2020	
	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 2020	–
	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 2020	–
Enforcement	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 2020	–
	Ensure that labor inspections occur outside of the main urban centers.	2020	
	Ensure all labor inspectors receive training related to the enforcement of child labor laws.	2020	
	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 2020	–
	Ensure that prior notice of unannounced inspections is not given to factory owners, that inspectors conduct thorough inspections which include talking with workers, that inspections are provided in a timely manner, and that labor laws are consistently enforced when a violation is found.	2019 2020	–
	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 for maintaining up-to-date data on the labor market.	2019 2020	–
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 2020	–
	Publish data related to labor law enforcement, including the amount of funding for the labor inspectorate.	2016 2020	–

	Establish a permanent referral mechanism between the labor inspectorate and social services, and ensure that targeted routine inspections occur, and that initial and refresher training courses are offered for labor inspectors.	2016 2020	–
	Continue to improve military oversight and monitoring of recruitment procedures to prevent the recruitment of children.	2017 2020	–
	Ensure that the penalties for the recruitment and use of children in the military are appropriate for the seriousness of the crime.	2017 2020	–
	Publish data related to criminal law enforcement, including the number of investigations conducted, the number of prosecutions initiated, and the number of convictions.	2016 2020	–
	Ensure that law enforcement officers, including non-specialized police units, receive training on how to pursue trafficking in persons cases to ease reliance on specialized police units, including the Anti-Trafficking in Persons Division.	2019 2020	–
	Ensure Department of Rehabilitation and police officers are properly trained on the National Standard Operating Procedure on Return/Repatriation, Reintegration, and Rehabilitation guidelines so they can properly screen and identify victims of human trafficking.	2020	
	Investigate and prosecute government and law enforcement officials alleged to have participated in, facilitated, or profited from human trafficking, including accepting bribes and pressuring victims not to seek legal redress against their perpetrators.	2020	
Coordination	Ensure frequent and regular communication and coordination across all government ministries related to the worst forms of child labor.	2019 2020	–
Coordination	Ensure the National Committee on Child Labor Eradication and the Township Committees of the Rights of the Child are able to carry out their intended mandates.	2020	
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 2020	–
	Publish activities undertaken to implement the Joint Action Plan with the UN to Prevent the Recruitment and Use of Children for Military Purposes, the Myanmar Sustainable Development Plan, the Myanmar Decent Work Country Program, and the Third 5-Year National Plan of Action to Combat Trafficking in Persons during the reporting period.	2020	
Social Programs	Cease the practice of using the "self-reliance" policy to compel forced labor of civilians, including children, by the national military.	2016 2020	–
	Cease the practice of recruiting, including by force and coercion, children as front line combatants by the national military and non-state armed groups in conflict areas.	2016 2020	–
	Publish the results from the 2019 survey data collected by the Ministry of Labor, Immigration, and Population, including information related to child labor.	2020	
	Remove all restrictions on Rohingya access to education in Rakhine State, including a lack of schools, school closures in conflict areas, movement restrictions, and discriminatory policies and practices, including segregated schools.	2017 2020	–
	Provide full legal status to the Rohingya, including children, to decrease their vulnerability to the worst forms of child labor and allow them the ability to attend school.	2019 2020	–
	Provide legal status to the Rohingya, including children, to decrease their vulnerability to the worst forms of child labor.	2019	
	Develop and implement education programs that reduce physical barriers for children who live long distances from schools, eliminate prohibitive expenses for attending school, and accommodate children who face language barriers, including those from ethnic communities.	2016 2020	–
	Ensure that conditions are safe in Rakhine State for the voluntary return of Rohingya refugees, including children in Bangladesh.	2018 2020	–

Establish a system to allow for ILO follow-up on cases referred to the National Complaints Mechanism for Forced Labor, address the issue of decentralization of responsibility, and ensure that the government communicates important developments to all stakeholders in a timely fashion. 2020

Develop and implement programs to address all worst forms of child labor, 2016 – including forced child labor, and the commercial sexual exploitation of children. 2020

Provide sufficient resources to improve victim assistance and reintegration services to victims of forced labor. 2020

Publish activities undertaken to implement the UNICEF and World Vision-operated hotlines for reporting suspected cases of child recruitment or use of children in armed conflict during the reporting period. 2020

Table 11. Suggested Government Actions to Eliminate Child Labor

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