

Legal Protection for Child Labour in Myanmar

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Abstract

'Child Labour' is any work undertaken by a child under the legal minimum working age that may be harmful to his or her health and social development. Child labour is a main product of poverty and the other causes of child labour are included in natural calamities, man-made disasters (civil strife) and traditional social system, in allowing children to work. Children are generally docile, obedient, hired at cheaper rates than adults, and silent as far as their rights as workers are concerned. Besides, Children are labour intensive and require laborious work for long hours or during the rights. This fact is a significant element for preferred in labour market. There are four types of Child labour that the international community has declared to be 'worst forms'; slavery; sexual exploitation; illicit activities, and hazardous work. The exploitation on child labour is prohibited by international conventions and national legislation. In Myanmar, labour legislation was originated for child labour protection during the industrialization process. The total number of child population in Myanmar between the age of (5-17) is over 12-4 million, of which more than 0.4 million are working in dangerous-environments, according to Myanmar labour force survey, published by the Ministry of labour, Immigration and Population (MOLIP), 2018. The protection of Child labour plays an important role in the state. Therefore, according to the current situation of Myanmar, laws and the legal system need to be improved with the assistance from ILO and strength ended to protect the rights and welfare of child workers.

Key words: Child labour, legal protection, exploitation, hazardous work

Introduction

A child shall not be admitted to employ in workplaces before an appropriate minimum age. According to current Myanmar labour laws, someone can work even if they are under 18. But, Child workers can only be allowed to do certain types of Jobs and must have reasonable working hours and conditions. The rights of children to protection from economic exploitation has been recognized as a fundamental and universal human right in the international community. For these reasons, the ILO has adopted a number of international labour standards related to child labour, and among them, there are two core conventions relating to the elimination of child labour and protection of adolescent workers; i.e ILO convention No.138 on Minimum Age for Admission of Children to Industrial Employment, 1973, and the ILO convention No.182 on worst forms of child labour, 1999. The United Nations has adopted a number of conventions and covenants which complement the ILO's child labour standards. The most comprehensive of these is the convention on the Rights of the Child, 1990 (CRC). The CRC provides that the child has the right to be protected from economic exploitation and from any hazardous work or work that to interfere with the child's education (Art, 32 (1)). Myanmar is a signatory to CRC ratified in 1991. It also recently ratified the ILO convention No.182 in December 2013 and expressed political commitment to eliminate worst forms of child labour. Myanmar is also a signatory to ILO forced labour convention, 1930 (No.29), which is another important international instrument relevant to eliminating child labour in its worst forms. Child labour is pervasive and takes different forms. Children are reported to work at an early age or in dangerous conditions in industries, agricultural activities, large-scale development projects and other services. Child labour is a serious challenge for Myanmar. Therefore, a strong legal framework against child labour and for the protection of young workers is crucial to respond to those current issues effectively.

Nature of Child Labour

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Child labour is not a new problem or phenomenon. It has existed in every part of the world since ancient times. In more recent history, it emerged as an issue during the industrial revolution when children were forced to work in dangerous conditions for up to 12 hours a day. In 1860, in England 50% of children between the age of 5 and 15 years were working.

In 1919, the world began to address the issue of child labour and the International Labour Organization (ILO) adopted standards to eliminate it. Throughout the 20th century, a number of legally binding agreements and international conventions were adopted but in spite of these, child labour is still today. According to the ILO, about 250 million children between the ages of 5 and 14 are working mostly in developing countries. Almost half (some 120 million) work full time every day all year round¹.

From a young age, many children help at home, running errands, or assisting their parents in the family farm or business. When they get older they take on light work or learn valuable traditional trades. In this way, children acquire the skills and attitudes they will need as future workers and useful members of the community. Light work, carefully monitored, can be an essential part of children's socialization and development process, where they learn to take responsibility, and gain pride in their own accomplishments. "**Light work**" refers to work that is not harmful to the child and does not interfere with a child's education, or her ability to benefit from education. Under Convention No.138, light work can be permitted as from 12 or 13 years of age, as an exception to the general minimum age. Therefore, not all work is child labour².

Child labour is classified as children's work which is of such a nature or intensity that it is detrimental to their schooling or harmful to their health and development. The concern is with children who work at too young an age, who work long hours for low wages, who work under conditions harmful to their health, physical and mental development, or who are deprived of education. Such child labour can create irreversible damage to the child and is in violation law and usually, national legislation.

Definition of Child Labour

'**Working children**' refers to anyone below 18 years who works-this therefore also includes young people above the minimum age who work legally. But, some times the term "children in economic activity" is used.

'**Child labour**' is defined as any work undertaken by: a) Children under the legal minimum working age; and b) children above the legal minimum age but under the age of 18 and working in activities or under the conditions in contravention of the international treaties, in particular slavery-like practices, hazardous work, or other worst forms of child labour³.

It is important to distinguish between the term "child work" which defines permissible areas of work for children (those under age of 18) and the term 'child labour' which has a specific meaning under international law and sets out prohibited working conditions. As such in Myanmar, there is no official definition on child labour yet.

The "**worst forms of child labour**" are prohibited for children above the legal minimum age of work but below 18 years old and include; (i) all forms of slavery or similar practices, trafficking, debt bondage, serfdom, forced or compulsory labour, forced or compulsory recruitment in armed conflict; (ii) child prostitution, pornography; (iii) illicit activities production and trafficking of drugs etc, and hazardous work⁴.

¹ Shanta Sinha, Ms, 'Child labour' India stop Child Labour Foundation press, 1st edit, 2018, p.5

² ILO, 'combating child labour', ILO press, 1st published 2002, p.3

³ Myanmar Centre for Responsible Business (MCRB), "Children's Rights and Business in Myanmar, (Briefing Paper), Yangon Myanmar Press, 1st edition, April 2017, p.19.

⁴ Myanmar Centre for Responsible Business (MCRB), "Children's Rights and Business in Myanmar, (Briefing Paper), Yangon Myanmar Press, 1st edition, April 2017, p.20

"Hazardous work" is prohibited for children above the legal minimum age of work but below 18 years old (except under very strict conditions). It is defined as work which, by its nature or circumstances in which it is carried out, is likely to harm jeopardize the health, safety or morals of children and includes (i) exposure to physical psychological or sexual abuse; (ii) underground, under water dangerous heights confined spaces; (iii) dangerous machinery, equipment or tools; heavy loads; (iv) unhealthy environment, hazardous substances temperatures, noise levels or vibrations damaging to health; (v) long hours, night work, other particularly difficult conditions⁵.

"The minimum age" for admission to work for children was provided in Article 1 of the ILO (International Labour Organization Convention, No.138). According to that convention, it is defined that each member for which this convention is in force undertakes to pursue a national policy designed to ensure the effective abolitions of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons⁶.

In many countries, different minimum ages stipulated according to the sector of economic activity concerned; eq, minimum age (Industry, agriculture, Mines, non-Industrial employment, sea etc). In the Union of Myanmar, in private factories, industries, shops, establishments and other private sector of economic activities, he may be admitted to work, starting from 14 years of age.

'Young workers' refers to children who are above the legal minimum working age but under the age of 18 and over working under the conditions permitted by the United Nations Convention on the rights of the Child (CRC) and ILO conventions⁷.

Causes of Child Labour

The causes of child labour are primarily rooted in poverty created by social and economic inequality as well as in insufficient educational facilities. There is a growing recognition that the main driver of child labour is household poverty, resulting in children working to support their families. Therefore, child labour is seen as an antidote to household poverty. Some studies and reports have found that Myanmar employers believe that they are helping poor families by employing their children. The findings of one report indicated that child labourers have a strong sense of obligation to work to support their families, and that poor parents think that children should contribute financially to the household⁸.

But, child labour is not a product of poverty alone and poverty does not automatically create child labour. In many cases, instead of poverty causing child labour it is, in fact, the other way around child labour causes and perpetuates poverty by keeping adults out of the workforce. Rather than merely blaming poverty as the cause of child labour, must be recognise social system, an environmental disaster occurs, man-made disasters (war and, civil strife), poor school quality and tradition play in allowing children to work.

Other causes of family poverty that commonly lead to child labour are: illness or death of a parent, parents' debts or bondage to an employer, parents' unemployment, and in agriculture, the periods between harvest. When an environmental disaster occurs, such as a flood or earthquake which disrupts a family's usual means of livelihood or, alternatively, which creates opportunities for work (for example in construction) there is frequently an upsurge in child labour, War and conflicts have a similar effect.

⁵ Ibid

⁶ Article 1, ILO convention on Minimum Age, No. (138)

⁷ Shanta Sinha, Ms, 'Child labour' India stop Child Labour Foundation press, 1st edit, 2018, p.5

⁸ International Programme on the Elimination of child Labour (IPEC), 'Rapid Assessment on 'Child Labour' in Hlaing Thar Yar Industrial Zone in Yangon, Myanmar-2015, ILO press, 1st edition, 2015, p-21

Myanmar is also prone to natural hazards such as earthquakes, nargis cyclones, floods and fires, which put children at high risk of child protection issues in the aftermath of disasters, such as family separation, trafficking, child labour and exploitation and impacts their psychosocial well-being. The country is currently affected by active armed conflict in Rakhine State and northern Shan States. Therefore, these facts and household poverty are the main causes of child labour.

Besides, hard pressed parents may not feel that the long-term returns of education outweigh the short-term economic gain and skills acquired through child-work. Education for poor children may be costly, inaccessible of low quality or seen as irrelevant. Many Myanmar families depend on a girls labour at home to enable the adults to work outside.

There is a market demand for child labour since children are generally docile, obedient, hired at cheaper rates than adults, and dispensed with easily if labour demands fluctuate. Low paid child labour may be perceived as a significant element for industries wishing to maintain a competitive edge in labour markets. Children are powerless and silent as for as their rights as workers are concerned. Children are often preferred in industries that are labour intensive, function with rudimentary technology and requires laborious work for long hours or during the night. Therefore, child labour persists because the laws that do exist are not strictly enforced and because social and political commitment is weak.

Types of Child Labour

Child labourers are involved in the following forms of work.

- i. 'In industry', doing dangerous work such as glassmaking, construction and carpet-weaving;
- ii. 'In agriculture', performing heavy work and exposed to many hazards associated with the introduction of modern machinery and chemicals;
- iii. 'At home', looking after younger siblings or helping in family farms or businesses, to the extent that this becomes their main and only activity;
- iv. 'In outright slavery', or in labour arrangements that are tantamount to it, such as bonded labour and child prostitution;
- v. 'In domestic service', carrying out arduous work under conditions of isolation, working excessively long hours and being subjected to physical and sexual abuse;

Child labour which is harmful to a child's health and development must be prevented and eliminated. Certain forms of child labour, however, put children in extreme danger and therefore must be abolished as a matter of urgency.

Based on a review of available information, Table 1 provides an overview of children's work by sector and activity⁹.

⁹ Ministry of labour, Immigration and population (MOLTP), 'Report on child labour in Myanmar, 2015, published by MOLIP, 2016

Table 1. Overview of Children's work by sector and Activity

Sector / Industry	Activity
Agriculture	Farming, including rubber, rice, sugarcane....
Industry	Fishing, Forestry, quarrying and Mining including for jade and rubies manufacturing, food processing, construction and carrying stones, producing garments.
Services	Domestic work working in teashops and Restaurants, Newspaper and journal vending, collecting garbage and recyclables, working in transportation, and Motor repair shops
Categorical Worst Forms of Child Labour	Forced labour in agriculture; Forced labour in construction and manufacturing; forced labour in domestic work, teashops, and begging, commercial sexual exploitation, sometimes as a result of human trafficking Forced recruitment of children by state and non-state armed groups for use in armed conflict.

Child labour understood as the worst forms of child labour *per se* under (Article: 3 (a)-(c) of ILO (182).

Economic activity covers all marked production and certain types of non-market production (principally the production of goods and services for own use). It includes forms of work in both the formal and informal economics. 'Informal employment' means employees as a worker in a enterprise are consider to have informal jobs of their employment relationship is, in law or in practice, not subject to national labour legislation, social protection to certain employment benefits, and generally unregistered business. In 'the formal economics sector', which includes private and state enterprises of varying sizes, children may be employed as permanent workers, daily workers with or without contracts, and children will be available social protection and benefits accordance with laws.

Consequences of Child Labour

Child labour jeopardizes children's health and safety, affects their physical and psychosocial development and can involve high risk of illness and injury, even death. Children's physical development can be impaired as a result of the work they do and long working hours in poor conditions. Long-term health problems due to working as a child labourer may not develop or become disabling until the child is an adult. There are also financial costs if a child is injured at work or a long –term illness. The costs of medical treatment and caring for a permanently disabled child can put a tremendous burden on a family, which may already be struggling financially.

A country with child labour is likely to end up with an inadequately educated work force which, in turn, may result in low rates of productivity, high levels of unemployment and a large proportion of the labour force in low skill, low wage jobs. All of these factors hinder the country's economic growth and development.

Current Situation of Child Labour in Myanmar

Working children in Myanmar most of whom are situations of child labour are visible. They work in agriculture, industries and other service jobs, factories, and in the mining, construction and tourism sectors. There is a growing recognition that the main driver of child labour is household poverty, resulting in children working to support their families. Most of

child labour is seen as an antidote to household poverty. Myanmar employers believe that they are helping poor families by employing their children and that poor parents think that children should contribute financially to the household. Children may decide to work, knowing that their family needs their income, or through the influence of their friends and peers to join them on the streets or elsewhere.

According to Myanmar Labour Force, 'child labour and school to work transition survey, 2017, found that approximately 6.5 percent of children between the age of five and seventeen years are working children. This is almost 1.3 million children 5.0 percent of children are engaged in child labour and 4.9 percent are in hazardous work. On average working children work for 52 hours per week, more than a legal or standard work week, even for adults¹⁰.

Table 2: Child labour and hazardous child labour estimate in Myanmar

Description	2017 LFS		
	Total	Male	Female
Child population (5-17 years)	12,410,000	6,157,000	6,253,000
Working Children	805,000	448,000	357,000
Child Labour	623,000	350,000	273,000
Hazardous Child Labour	608,000	343,000	265,000
Population of working children (%)	6.5	7.3	5.7
Proportion of Child Labour (%)	5.0	5.7	4.4
Proportion of hazardous child labour (%)	4.9	5.6	4.2

Source from: 'Report on child labour and school to work transition survey, 2017, published by Ministry of labour, Immigration and Population (MOLIP), 2018)

Street children and children begging in public place are visible in urban areas. While there are many working children in urban areas, 80 percent of working children live in rural areas. Children in rural areas work on farms and plantations, often together with parents have formally been hired as labour or in agricultural services, often in potentially hazardous conditions. Many children work as domestic workers or sell items in public places. These are parts of the informal economy and thus unregulated by the government. Children working in the informal sector were more exposed to hazards. These children work outdoor pushing or carrying heavy loads and reported that they were exposed to dust fumes and extreme heat, many children particular those working in teashops and smaller establishments are under 14 years, which already is classified as child labour. In addition, most of them live at the teashops far away from their families and are not able to attend school, and work 11 hours per days, receiving no pay for overtime and no regular rest day¹¹.

Many children often replace in adult labour; employers prefer them because they are cheap and docile and widespread use of child labour may result in lower wages for all workers. Child labourers are subject to economic exploitation because they can be paid at the lowest rates, and sometimes not at all.

Commercial and sexual exploitation of children is reported to occur, despite the legal restrictions. This workers reported verbal, physical, sexual and financial abuse from their clients, pimps and others as well as stigma, discrimination and verbal abuse from others in their communities, which could isolate them from social networks.

¹⁰ MOLIP: 'Myanmar Labour force; child labour and school to work transition survey, 2017; executive summary report'.

¹¹ Myanmar Centre for Responsible Business (MRCB), children Rights and Business in Myanmar (Briefing Paper), Yangon Myanmar, 1st edition, April, 2017 page 20.

Concerning human trafficking issue, Myanmar is source country for men, women and children subjected to forced labour, and they migrate for work to neighboring countries are subjected to conditions of forced labour or sex trafficking these countries. The actual number of trafficking children could be assumed to be much higher.

The involvement of children in armed conflict is another longstanding serious problem in Myanmar. During the decades of internal conflicts between the Myanmar governments and ethnic minorities, a number of children have been reported forcibly recruited into both the armed forces and the non-state armed groups. The use of forced child labour can be seen in support military operations and of non-state armed groups, in activities such as pottering and camp security fence construction, in particular in ethnic or religious minority regions (eg, Kachin, northern Shan State and Rakhine State).

Therefore, Child labour protection is important for the state. The government of Myanmar should be reformed process of labour laws in compliance with international standard.

International Standards on Child Labour Protection

Conventions are international treaties which are open to ratification by ILO (International Labour Organization) member States. When a state ratifies a convention, it is obliged to bring national legislation and practice into line with the provisions of the convention, and report to international supervisory bodies on the steps it has taken to respect its new obligations.

The following list presents international standards relevant to the child labour and young workers protection.

ILO Convention on the Minimum Age for Employment, 1973 (No.138)

It requires countries to establish a minimum age for employment not less than the age of completion of compulsory education, and which in any case, should not be less than 15 years. However, a country, whose economy and educational facilities are insufficiently developed, may initially specify a minimum age of 14 years.

The convention further specifies that hazardous work should only be permissible to workers of at least 18 years of age. This convention also leaves open the possibility that national legislations may permit individuals over 13 years of age and less than 15 years of age to carry out so-called 'light' work, as long as this does not affect their school attendance.

Myanmar has not yet ratified to ILO convention No 138 on the minimum Age. A person in Myanmar who has not attained the age of eighteen years, has no right to work at governments offices and state owned factories and industries. But in private factories, industries, shops, establish and other private sector of economic activities, he may be admitted to work starting from 14 years of age. The factories Act, 1951 as amended 2016 and Shops and Establishments law, 2016 have indeed revised the minimum age for admission to work from 13 to 14 years of age¹².

ILO Convention on Worst Forms of Child Labour, 1999 (No-182)

The worst forms of Child Labour Convention calls for the immediate prohibition of the worst forms of child labour by enacting laws, regulations and standards. Secondly, it requires ratifying states to take urgent and effective measures to eliminate these worst forms through programmes of action. It applies to all children under the age of 18, but call for special attention to girls.

¹² Section 75 (a) of the Factories Act, 1951 (Amended, 2016)
Section 13 (a) of the shops and Establishments law, 2016.

The convention itself does not define what hazardous work includes, leaving this instead to ratifying countries to do in a form a "hazardous work list". Myanmar has ratified the ILO convention No.182 in December 2013. But, Myanmar currently does not have a list of hazardous work prohibited to children under 18 years. In the determination of hazardous work list, should be consultation with organization of employers and workers concerned. In doing so, it is important that hazardous work should be prohibited to all children under 18 years.

UN Convention on the Rights of the Child, 1989

The UN convention on the Rights of the Child (CRC) was adopted in November 1989. Children, like adults, are entitled to basic human rights. But because of their special needs and vulnerability, children's rights need to be addressed with particular care and attention. The United Nations Convention on the Rights of the Child was draw up in order to enforce and safeguard children's right. These rights include; survival rights; Development rights; protection rights; Participation rights.

The convention also focuses on specific areas that are relevant to child labour;

Child labour: Children should be protected from exploitation and any work that endangers them in any way or stops them from getting an education.

Education: All children have the right to receive primary school education. Secondary school education should be promoted and encouraged.

Therefore, Myanmar has ratified most key international conventions concerning child labour, but it has not ratified the UN CRC Optional Protocol on Armed Conflict and ILO convention No-189 on Domestic Workers, 2011. Table -3)

Table-3 Ratification of International Convention on Child Labour

Convention	Ratification
ILO, C.138, Minimum Age	x
ILO, C-182, Worst Forms of Child Labour	^
UN, CRC	^
UN, CRC Optional Protocol on Armed Conflict	x
UN, CRC Optional Protocol on the Sale of Children Child Prostitution and Child Pornography	^
Palermo Protocol on Trafficking in Persons	^
ILO, C-189, Domestic Workers	x

National Legal Provisions on Child Labour Protection

In Myanmar, Legal provisions on Child labour are fragmented in different places of legislations, and are not fully, compliant with the key International standards on Child labour, respectively ILO Convention 138 (Minimum Age), ILO Convention 182 (Worst forms of child labour), ILO Convention 189 (Domestic Work) and United Nations Child Rights Conventions (UNCRC).

The main legislation covering child labour are: Child law (1993) Factories Act (1951) amended in 2016, Shops and Establishments law (2016), leave and Holidays Act (1951) amended in 2016, Payment of Wages law (2016), Oilfield (labour and Welfare) Act (1951).

Age Restriction : The child law states that children have the right to engage voluntarily in work allowed by law; including the special rights provided in respect of hours of employment, rest, and leisure¹³. However, under the labour laws, no one under 14 years old may be employed, and all workers under 18 years old ('young workers' or 'young people') may only work if a certificate of fitness for work is granted by a certifying surgeon/ medical practitioner

¹³ Section 24 of Child law, 1993

and if the certificate is kept in the custody of the manager of the factory, young workers must have a fitness certificate for work while working and employers must keep a register of all young workers in the enterprise¹⁴.

Medical Requirements: Young People (under 18 years old) who wish to work must be examined by a certifying surgeon. The doctor may issue a certificate of fitness if she/he is satisfied that the young person is at least 14 years old and is capable of production / factory work. The certificate is valid for 12 months and the doctor can limit the types of work the young person may do. A medical doctor who refuses to issue (or reissue) a certificate of fitness must state in writing the reasons for refusal. Fees for a certificate of fitness are paid by the employer, not the worker or parents¹⁵.

Prohibitions on Working by Children

Wages of children shall not be deducted just like adult workers, except for the unauthorized absence from work. Additionally, wages of children under 16 years shall not be deducted as fines¹⁶.

In factories, no children between 14 and 16 years old may work more than 4 hours in a day. They may not work during 6 p.m and 6 a.m¹⁷. In shops and establishments, working hours for children between 14 and 16 years old shall be no more than four hours. They are not allowed to work during 6 p.m and 6. a.m. They shall not work overtime¹⁸.

Workers under 18 years old may not use dangerous machinery unless they have received sufficient training or are supervised by experts. They may not fit, carry, or more any load, heavy enough to cause injury. Among the person between 16 and 18 years old, those who have completed the relevant vocational trainings, who know and abide by the directives relating to the occupational safety and health, and those who are certified by the registered medical practitioner, shall be allowed to work in the trades which are safe and which do not affect the development and moral of such persons. Workers under 18 years old shall not be required or allowed to perform the prescribed dangerous work or in the dangerous work place¹⁹.

Myanmar currently does not have a list of types of hazardous work prohibited to children under 18. Reference to hazardous work is limited. Section 65 of the child law is only refers to children under 16 years old and does not cover all types, categories, sectors or circumstances of hazardous work as required by international standards. The amended Factories Act, 1951 prohibits employment of young person to work with damages machinery employment of young person to work with damages machinery employment of children in any part of a factory and the work in the worst form like in a hazardous situation, a situation harmful to his health (or) education and in a workplace wherein he would be exploited²⁰. The daily or weekly number of working hours should apply equally to adults and young workers, but overtime and night work should be strictly prohibited for children under 16.

In Myanmar, the Labour Organization Law and the child law are the only laws applicable to child domestic work at the moment, but not by other labour laws, either explicitly or implicitly, including payment of wages law, leave and Holiday Act, etc. including

¹⁴ Section 75, 76 of the Factories Act, 1951 (Amended, 2016)

Section 13, 14 of the Shops and Establishments law, 2016.

¹⁵ Section 77 of the Factories Act (1951) amended in 2016.

¹⁶ Section 10 (e) of the Payment of Wages law (2016)

¹⁷ Section 79 of the Factories Act, 1951 (amended in 2016).

¹⁸ Section 12, 13 of the Shops and Establishments law, 2016.

¹⁹ Section, 14 (d), (e) of the Shops and Establishments law, 2016

²⁰ Section 75 (a) of the Factories Act, 1951 (Amended, 2016)
Section 29 Ibid

Payment of Wages Law, Leave and Holiday Act, etc. Therefore, the current rules and standards applicable to child labour are quite limited as follows:

- A child under the age of 16 years old who can engage in domestic work (section 24 (a)) of the Child Law. And the Ministry of labour is designated to ensure, in accordance with law, the safety of children employees at the place of work and prevention of infringement and loss of their rights. (see.24 (b)) of the Child Law;
- A child between the age of 16 and 18 can also engage in domestic work but without the protective regulations as described above.
- Child domestic workers of all ages have the right to organize (but not the right to bargain collectively) and to take strike actions against the employers (labour Organization law).

Under the current national laws, children of all ages can be engaged in child domestic work, as the child law and the existing labour laws which set the minimum age for employment of children under certain ages do not apply to domestic work, because they are applicable only to factories or shops and establishments. Therefore, it is recommended that the minimum age for employment of children domestic work be set urgently. If it has not been done so yet, section 24 (a) of the child law, which is the only legal protection available to child domestic workers at the moment.

Enforcement of labour laws to prohibit child labour and to protect young workers from exploitation is a challenge for Myanmar. This is especially the case where a large proportion of working children are found in informal economy where, in principle the protective coverage of labour laws does not reach in the first place. Therefore, the existing labour laws should be provided for extremely punitive penalties and all violations of the provisions in labour laws should be raised as criminal offences. At present, the awareness and understanding of national labour laws, as well as international labour standard is low among both employers and workers in Myanmar.

Table (4). The Existing Laws and Regulations Related to Child Labour in Myanmar

Standard	Meets International Standards. Yes / No	Age	Legislation
Minimum Age for work	No	14	- section 75 of the Factories Act, section 13 of the Shops and Establishments law
Minimum Age for Hazardous Work	Yes	18	- Section 14 (d) of the shops and Establishments law
	No	16	- Section 75-a of the Factories Act -Section 65 (a) of the Child law
Prohibition of Forced Labour	Yes		- Section 3 and 24 of the Anti-trafficking in Person law - Section 370-371 and 374 of the Penal Code, - Section 27 (a) of the Ward or Village Tracts Administrative law
Prohibition of child Trafficking	Yes		- Section 3 and 24 of the Anti trafficking in Person Law - Section 372 and 366 (a) of the Penal Code
Prohibition of commercial Sexual Exploitation of	No		- Section 372-373 of the Penal Code - Section 66 (f) of the Child law

children			
Prohibition of Using Children in illicit Activities	No		- Section 65 (b)-(C) and 66(e) of the child law - Section 20 (a) and 22 (c) of the Narcotic and Psychotropic Substance law
Prohibition of Military Recruitment	Yes	18	- 1974 Regulation for Persons subject to the Defense Services Act
Compulsory Education Age	No	10	-Section 20 (b) (i) of the Child Law - Section 4 (j) of the National Education Law.

Government Policies on Child Labour Protection

The government of Myanmar has established one policy related to child labour. Although the government has adopted a policy to end the military's recruitment and use of child soldiers, research found no evidence of a policy on other worsts forms of child labour, including hazardous work, forced child labour or commercial sexual exploitation of children. Therefore, it can be seen that Myanmar national laws and policies that are specially related to child labour are also being reviewed in compliance with international labour standards with the technical assistance from ILO.

Despite these efforts, much remains to be achieved, including (i) to amend the 1993 Child law in compliance with international standards, in particular to define and expressly prohibit child labour; (ii) to develop the list of hazardous work prohibited to children under 18, including examining inclusion of child domestic work; (iii) to prescribe prohibition on the involvement of children in armed conflict; (iv) to strengthen law enforcement and establish systematic labour inspection; (v) to increase legal awareness of the labour legislation for employers, workers, parents and children.

So according to the above mentioned recommendation, with the ongoing legal reform and awareness raising activities, adjudication will hopefully progressively be considered and used in Myanmar.

Research Finding

As mentioned above, there are numerous problems with current Myanmar laws with respect to protecting children from child labour. There is no uniform minimum age for employment of children, instead there is a patchwork of laws with different ages. Some sectors are not covered by existing labour laws. There is no general minimum age of work specified outside of factories, shops and establishments. This means that working children are not covered by any legal protection in certain areas. Myanmar currently does not have a list of 'hazardous work' prohibited to children under 18 years of age. The Minimum Wage Law does not include any specific reference to young workers. However, The Factories Act, and Shops and Establishments Law raised the minimum working age from 13 to 14 years of age to young workers in the manufacturing sector and in shops and establishments, they do not cover all working children, such as agriculture, domestic workers and others working in the informal sector. Moreover, the labour inspectorate in the Ministry of labour does not have the mandate to inspect farms and the informal sector, where there are many labourers. Law enforcement to prevent child labour is weak for a number of reasons, including the prevalence of work in the informal economy, general lack of legal awareness by employers, workers and lack of monitoring mechanisms. So, the existing labour laws need to review and revise as to emerge the full protective laws for the child labour.

Conclusion

Child labour is a serious challenge for Myanmar and eradicating the problem must be done for the sake of country's future. The youth and child's development sectors are important in determining the future of a country and are valuable resources for the country. The youth and children who support the production resources are used in most of the developing countries. Therefore, the government of Myanmar has been implementing a number of important national policies and legislative measures for child labour protection. Laws and legal system need to be improved and strengthened to protect the rights and welfare of child workers. The labour laws must be provide rules and regulations to ensure proper working conditions and treatment for children and young workers of working age including wages, working hours and occupational safety and health. This is particularly important considering in eliminating child labour and protecting young workers in Myanmar. To conquer them, all stakeholder in the operation need to cooperate efficiently with ILO and UNICEF.

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