



**EXPLORING THE GOVERNMENT AND LEGAL FRAMEWORKS  
FOR ADDRESSING CHILD LABOR RIGHTS IN MYANMAR  
(CASE STUDY IN YANGON)**

**BY:**

**AYE CHAN THAR**

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS  
(ASIA-PACIFIC STUDIES)**

**THAMMASAT INSTITUTE OF AREA STUDIES**

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THESIS

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ENTITLED

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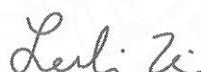
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## ABSTRACT

This study examines the government and legal frameworks concerning child labor rights in Yangon, Myanmar. It aims to assess the effectiveness of existing policies in preventing children from working before adulthood and ensuring their rights to education and a safe work environment. Utilizing qualitative methods, including in-depth interviews with four child laborers, two NGOs, UNICEF, and two government officials, alongside narrative analysis, the research uncovers critical insights into the challenges and opportunities in addressing child labor.

Key findings reveal significant gaps in the implementation of legal protections, which are exacerbated by socio-economic factors perpetuating child labor across Myanmar. Governmental efforts, constrained by political instability and limited resources, struggle to enforce child labor laws effectively. The study underscores the pivotal role of improving educational opportunities as a primary strategy to combat child labor.

NGOs and international organizations like UNICEF fill critical gaps left by governmental limitations but face challenges in resource allocation and operational effectiveness. Addressing these issues requires a multifaceted approach involving robust policy reforms, enhanced governmental commitment, and strengthened partnerships among governmental bodies, NGOs, and international stakeholders.

By addressing these challenges comprehensively, Myanmar can advance in safeguarding children's rights, ensuring access to education, and promoting their holistic development and future well-being.

**Keywords:** child labor, education, government, legal framework, poverty and income



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## LIST OF ABBREVIATIONS

<b>Symbols</b>	<b>Terms</b>
INGO	International Non-Governmental Organization
ILO	International Labor Organization
NAP	National Action Plan
NGO	Non-Governmental Organizations
UNCRC	The United Nation's Convention on the Rights of the Child
UNICEF	United Nations International Children's Emergency Fu

## CHAPTER 1

### INTRODUCTION

Children represent a vital asset for the future of any community. Consequently, children must be provided with security and rights that ensure their protection within a safe environment as they develop. Child labor is a widespread global issue that is deeply linked to legal systems, economic growth, and essential human rights (Basu & Tzannatos, 2003). This connection is a key factor driving the increase in child labor in Myanmar.

As a developing country, Myanmar faces significant challenges related to child labor. Children from poorer families are often forced into work that endangers their health and hinders their development. This situation is driven by the acute financial struggles of many households, which make it necessary for children to contribute to the family income. Such practices violate international standards designed to protect children's rights. Both the International Labor Organization (ILO) and the United Nations have put in place measures to address child labor. Myanmar's Child Rights Law, which was introduced in 2019, stipulates that children must remain in school until they turn 14. Therefore, employing children below this age is illegal (MOLA, 2019).

The 2017-2018 report from the Myanmar National Action Plan on Child Labor (2019-2023) presents a troubling picture of child labor within the country. The data within the report offers a detailed view of the widespread nature of this problem, highlighting the precarious situation of many children affected by it.

Table (1.1)

Table showing the count of children and the proportions of child labor

Designation	2017 Child Labour Survey			2018 Child Labour Survey (First Report)			2018 Child Labour Survey (Second Report)		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Number of Children (5-17 years old) (in millions)	6.16	6.25	12.41	6.15	6.25	12.40	6.14	6.24	12.38
Working Children (in millions)	0.36	0.28	0.64	0.33	0.28	0.61	0.28	0.16	0.44
Working Children (percentage)	5.8	4.5	5.2	5.4	4.4	4.9	4.6	2.6	3.6
Child Labour (in millions)	0.24	0.18	0.42	0.24	0.18	0.42	0.22	0.12	0.34
Child Labour (percentage)	4.0	2.9	3.4	3.9	2.9	3.4	3.6	2.0	2.8
Child Labour in hazardous workplaces (in millions)	0.23	0.17	0.40	0.23	0.17	0.40	0.20	0.11	0.31
Child Labour in hazardous workplaces (percentage)	3.7	2.7	3.2	3.7	2.7	3.2	3.3	1.7	2.5

Sources: *Report of Myanmar National Action Plan (NAP) (2019-2023)*

The recorded number of child laborers in Myanmar reveals a complex situation where children, rather than attending school and experiencing their childhood, are compelled to engage in different types of work. This enumeration underscores the pressing necessity for comprehensive measures to tackle the underlying issues of child labor and to protect the rights and welfare of Myanmar's young population.

Not every instance of child labor requires elimination solely based on the involvement of children. Work done by children or teenagers who are above the legally allowed employment age is typically seen as positive, as long as it doesn't damage their health, impede their personal growth, or disrupt their education. Examples of such activities could be helping out in a family business or working part-time during school breaks to earn some extra money. These types of labor can support children's development and family well-being by providing them with valuable skills and experiences, thus helping prepare them for constructive adult roles in society (ILO, March 7, 2021).

This research aims to assess how well Myanmar's government and legal systems protect the rights of child laborers. By thoroughly examining these frameworks, the study seeks to pinpoint their strengths and weaknesses, offering insights into potential improvements. Additionally, the research endeavors to delve into the intricate socio-economic dynamics underlying child labor practices in Myanmar, aiming to provide a comprehensive understanding of the factors perpetuating this phenomenon.

## 1.1 Background of the Study

The International Labor Organization (ILO) views the eradication of child labor as a core principle. During the Industrial Revolution, labor regulations were established to combat the exploitation of children and safeguard their well-being at work. Consequently, since its founding, the ILO has introduced numerous international labor standards aimed at protecting children (ILO, 2010).

Children globally often engage in various types of work, both paid and unpaid, that do not pose harm to them. Nevertheless, they are considered child laborers if they are either too young to work or involved in activities that could negatively affect their physical, mental, social, or educational development. In the least developed countries, just over 25% of children aged 5 to 17 are involved in labor that is detrimental to their health and growth.

The issue of child labor is governed by three key international conventions: the International Labor Organization (ILO) Convention No. 138, which sets the minimum age for employment, along with Recommendation No. 146 (1973); ILO Convention No. 182, which focuses on eliminating the worst forms of child labor and includes Recommendation No. 190 (1999); and the United Nations Convention on the Rights of the Child. These international agreements establish a framework that underpins the child labor laws implemented by countries that have ratified them (UNICEF, June, 2023).

In Myanmar, child labor remains a pressing concern despite the nation's commitment to the United Nations Convention on the Rights of the Child (UNCRC). Children are employed across various sectors, such as agriculture, domestic work, informal urban labor, and hazardous industries like mining and quarrying (ILO, 2011). Many children are engaged in labor within the agricultural sector, involved in tasks such as farming, fishing, and tending to livestock. In urban areas, children frequently work in restaurants and teashops, where they perform duties such as dishwashing, cleaning, and serving food (Nyein, 2013). Domestic work primarily performed by girls exposes children to significant exploitation and abuse. Employment of children in industrial sectors encompasses roles in manufacturing units, construction sites, and garment factories (ILO, 2013).

The UNCRC offers a framework to combat child labor in Myanmar by promoting the protection and development of all children. Nonetheless, the effective implementation of these principles necessitates strong enforcement mechanisms and comprehensive socio-economic measures to eradicate child labor and safeguard children's rights.

In 1991, Myanmar ratified the United Nations Convention on the Rights of the Child (CRC), signaling its dedication to protecting children's rights. According to Article 32 of the CRC, the government is required to protect children from economic exploitation, dangerous work, and any employment that hinders their education. Additionally, Article 34 of the CRC mandates that the government must prevent all forms

of sexual exploitation and abuse, including prostitution and pornography. Moreover, Article 38 demands protection against the forced or compulsory recruitment of children into armed conflicts (IPEC, 2015).

Until December 2020, the Government focused on enhancing the regulatory framework to better address child labor and protect young workers from harsh working conditions. This effort led to the enactment of several key laws, including the Child Rights Law of 2019, which replaced the Child Law of 1993. Additionally, the Factories Act was amended in 2016, and the New Shops and Establishments Law of 2016 was introduced, replacing the Shops and Establishment Act of 1951.

Children end up doing all sorts of jobs, like working on farms, in factories, or as domestic helpers. They sometimes have to work long hours in unsafe conditions, which is bad for their health and development (Augustus, 2022). Despite ongoing efforts, significant challenges persist, including poverty, limited access to education, insufficient awareness of children's rights, and inadequate legal protections from the government. The cycle of poverty often leads to child labor, which in turn exacerbates the lack of education and perpetuates poverty.

These interconnected issues make it difficult to eradicate child labor in Myanmar. More comprehensive actions are needed to ensure that every child can grow up in a safe and healthy environment, free from exploitation. Addressing these problems requires Myanmar to intensify its efforts to combat poverty, enhance educational opportunities, and raise awareness about children's rights and legal protections. By implementing these measures, children can be provided with the opportunity to flourish in a secure and nurturing environment, free from the demands of labor.

## 1.2 Research Problem

Children in Myanmar are pushed into child labor due to contributing factors: familial poverty, cost of education, government laws and policies, culture, and many more. Among them, the researcher will examine government laws and policies. The problem faced by child laborers in Myanmar is to understand how the government and legal systems in Myanmar are working to address child labor and protect the rights of children. Domestic legislation and policies in Myanmar perpetuate the use of child labor. However, international condemnation of child labor has pressured Myanmar to establish regulations aimed at protecting working children (Augustus, 2022). However, legal systems continue to use children as labor instead of defending their rights.

The current regulations in Myanmar that protect children from child labor have several issues. They are disregarding international policies, inadequate legal protections, and insufficient enforcement of national policies.

Firstly, International labor standards are not met by Myanmar's present laws and practices regarding child labor. The most hazardous types of child labor, minimum age

requirements, and ILO-mandated domestic work regulations are not managed in Myanmar (Augustus, 2022). Additionally, unlike most other countries, child labor is not explicitly prohibited by law in Myanmar. Although domestic laws try to implement international standards, they do not do so effectively (W. T. Aung, 2019). There is no single, standardized minimum age for child labor; instead, various laws set different age requirements. Some industries are not addressed by current labor regulations. Outside of workplaces such as factories, shops, and other establishments, there is no overarching minimum age requirement. Consequently, the legal protections available in specific areas do not extend to all working children.

Secondly, as a result, Myanmar labor regulations are unclear, and provisions are dispersed throughout many areas of legislation, making it difficult to determine which policies exist. Policies may even encourage child labor, such as the requirement that children attend school only until the age of ten (La, FEBRUARY 9, 2020). The Child Rights Law of 2019 is Myanmar's most recent update to its child labor rules. This law indicates that a person must be 14 years old to begin working and that 14–16-year-olds can work a maximum of four hours each day (MOLA, 2019). This law only affects manufacturing factories, shops, or establishments and ignores the informal economy, which employs roughly 60% of all child laborers. Children working in the fishery, forestry, animal husbandry, and domestic industries are not protected by any legislation (International Labour Organization, 2018).

Lastly, Myanmar's workers and employers are not completely informed of domestic and international labor regulations. Although the law provides that violating employers will result in penalties such as fines and jail time of up to six months, the government fails to hand out these sanctions (State, March 30, 2021). There is weak law enforcement to prevent child labor. Both the employee and the employer are unaware of violations when labor regulations are not easily accessible and it will also be difficult to combat child labor. Therefore, for the above three situations, this study will determine whether the government, laws, and policies on child labor in Myanmar are completely protected by law.

### 1.3 Research Objective

The goal of this research is to assess the effectiveness of legal protections and government policies aimed at preventing child labor in Yangon, Myanmar. The study will examine whether these measures are successful in keeping children out of the workforce until they reach adulthood. It will also investigate the challenges faced by children and how well their rights such as the right to education and a safe working environment are being protected. Additionally, the research will explore the socio-economic factors that drive child labor, both in Yangon and across Myanmar.

## **1.4 Research Question**

- (1) What is the effectiveness of the government and legal framework in Myanmar in addressing child labor rights?
- (2) How do socio-economic factors impact the prevalence of child labor?

## **1.5 Hypothesis**

The research of this hypothesis is that if the government implements suitable strategies and establishes a robust legal framework, it will lead to a substantial reduction in child labor occurrences in Myanmar. The research will aim to test the validity of these hypotheses through a thorough analysis of government policies, legal frameworks, and provisions, and their impact on child labor elimination in the context of Myanmar.

## **1.6 Organization of the Research**

This study consists of five chapters. Chapter (1) discusses the background of the study, research problem, objective of the study, research questions, and organization of the research. Chapter (2) reports the literature review concerning with child labor, including child labor in Myanmar, the definition of child labor, the historical context of child labor in Myanmar, causes of child labor, case studies of child labor, legal frameworks, government policies and initiatives, the convention on the rights of the child and ILO Instruments, and theoretical framework. Chapter (3) presents the methodology of the study which includes the data analysis, how to collect the data collection, and the research procedures. Chapter (4) shows the results of the interview study. Chapter (5) describes the overall findings, conclusion, discussion, appendixes, and suggestions of the research.

## Chapter 2

### Literature Review

#### 2.1 Introduction

This section will delve into three main areas. It starts with an overview of child labor, including its definition, historical context in Myanmar, and the different forms it takes. Next, it examines the underlying factors contributing to child labor in Myanmar. The final part presents a comprehensive case study on the current situation of child labor in Myanmar, divided into six distinct subsections.

#### 2.2 Definition of Child Labor

##### 2.2.1 Definition of Child and Child Labor

The term "juvenile" refers to a young person who has not yet reached adulthood, according to the Collins English Dictionary (Dictionary, 2023). It describes behaviors or activities associated with individuals who are still minors. Generally, "juvenile" or "child" denotes anyone under the age of 18. This definition aligns with the Child Rights Law of 2019, Article 1 of the United Nations Convention on the Rights of the Child (CRC), and Article 2 of ILO Convention No. 182 (International Labour Organization, 1999), all of which classify individuals under 18 as children, following international standards ratified by Myanmar.

In Myanmar, the definition of a child varies across different laws. According to the Children Law (MOLA, 1993) and the Anti-Trafficking in Persons Law, a child is defined as someone under 16 years old, with youth being those aged 16 to 18. However, the Factories Act (MOLA, 2005), defines a child as someone under 15. (MOLA, 1951), Child means a person who is not yet fifteen years old. The 1951 Factories Act also permits children aged 13 to 15 to work up to four hours a day but prohibits work from 6 p.m. to 6 a.m. It requires a medical certificate confirming the child's health and fitness for work. To ensure consistency, it would be advisable to standardize the definition of a child as anyone under 18 across all legal frameworks.

Not all jobs done by kids are considered child labor which needs to be stopped. When children or teenagers older than the minimum age for working do tasks that don't harm their health, personal growth, or schooling, it is usually seen as something good. This might involve helping out in a family business or making some money after school and during breaks. These activities help kids grow and support their families. They learn skills, gain experience, and get ready to be helpful members of society when they grow up.

Child labor refers to work that harms a child's physical and mental development, deprives them of educational opportunities, and poses risks to their well-being in various ways mentally, physically, socially, or morally (ILO, March 7, 2021). Also, it depends on the child's age, type of work, and working hours. Child labor is when children do work that hurts their bodies or minds (Kennedy, 2019). This kind of work stops kids from having a normal childhood, reaching their full potential, and their dignity.

In 1973, the International Labor Organization established the Minimum Age Convention to regulate employment standards. It says that the youngest age to work is 15 years in most places. But, for some countries that are still growing, kids as young as 14 can do light work. The Convention says that the minimum age to do risky jobs is 18. Risky jobs mean jobs where there are bad conditions that could cause an accident. These bad conditions are really important in starting the accident (International Labour Organization, 1976).

### 2.3 The Historical Context of Child Labor in Myanmar

The integration of child labor into Myanmar's economy during the Industrial Revolution brought about significant changes. Under British governance, the possibility of child labor being imported from more industrialized nations, like Britain, to its colonies, including Myanmar, emerged.

Ever since Myanmar embraced the Industrial Revolution in the 1800s, the integration of child labor into the country's economic framework became prevalent (Roberts, 2015). During this period, Myanmar was governed by British authorities, leading to the supposition that child labor might have been transposed from industrialized nations such as Britain to their colonies. Although specific statistical evidence regarding child labor in the 19th century remains scarce, scholars have inferred a progressive deterioration in the situation, particularly attributable to children's involvement in Myanmar's armed forces.

While this brief does not center on delineating child military service as a facet of contemporary child labor globally, it is imperative to acknowledge that since 1948 (Arendshorst, 2009), child labor has manifested in the guise of military enlistment. Following Myanmar's attainment of independence, there was a surge in children joining the workforce, predominantly as child soldiers, prompted by rigorous recruitment criteria that coerced youngsters into these roles. Consequently, these occurrences embedded a

culture of bias against children within Myanmar, permeating its societal, economic, and political spheres.

Child labor in Myanmar is a pressing issue, with around 1.1 million children between the ages of 5 and 17 involved in different types of work. This situation is closely tied to domestic demand, family poverty, deficiencies in the country's education system, and the effectiveness of current government policies (Augustus, 2022).

In summary, such factors collectively contribute to the perpetuation of child labor practices within the country. Children involved in labor frequently encounter a range of difficulties, such as detrimental impacts on their physical well-being and a heightened risk of leaving school early. These longstanding issues have deepened prejudices against children in Myanmar, influencing the country's social, economic, and political spheres.

## 2.4 Causes of Child Labor in Myanmar

Child labor remains a significant problem in Myanmar, driven by various socioeconomic factors. Poverty, inadequate educational opportunities, cultural traditions, and migration from rural to urban areas all play critical roles. In many cases, impoverished families depend on the income generated by their children to meet basic needs, as limited access to education curtails future prospects for these children. Families moving from rural areas to cities in pursuit of better economic prospects frequently end up depending more on child labor to help with household expenses. Cultural norms that value labor over education further entrench this practice, perpetuating the cycle of child labor across the country.

### 2.4.1 Lack of Household Incomes

Child labor often stems from poverty, which is exacerbated by social and economic inequalities and a lack of access to educational opportunities. These economic and social disparities push families to involve their children in work to help make ends meet. Additionally, the lack of educational facilities intensifies this issue, limiting children's opportunities to acquire the knowledge and skills necessary to escape the cycle of poverty and exploitation. In Myanmar, the majority of families face financial hardships, making it difficult to meet basic needs. This financial struggle often necessitates that children work to support their families. Consequently, children often

sacrifice their education and leisure time to support their families financially. The pervasive poverty forces children into laborious jobs, which detracts from their ability to enjoy a normal childhood and receive a proper education.

Poverty is a big problem in Myanmar, and this makes child labor more common. Lots of families don't make enough money to afford the things they need, so they count on their kids to earn extra money. It is tough for these families to manage without the help of their children. This situation leads to children working instead of going to school or playing like other kids. Many children in Myanmar are forced to work due to these financial struggles about 1 in 5 children aged 5 to 17 are involved in child labor according to UNICEF (Diao & Mahrt, 2020; Lancini, 2017).

Poverty serves as the primary catalyst for child labor, giving rise to numerous interconnected issues. It leads to a myriad of problems, including but not limited to child labor, prostitution, corruption, increased unemployment, and deteriorating living conditions. Individuals grappling with poverty often confront inadequate access to fundamental necessities such as clothing, food, and healthcare. This economic hardship severely hampers children's growth and development, resulting in high dropout rates from schools, a prevalence of child labor, limited access to healthcare services, and heightened susceptibility to exploitation.

In Myanmar's rural communities, the vulnerability amplifies due to extreme weather conditions like Cyclone Nargis, which wreaked havoc on the country in 2008. Such calamities adversely impact the locals' ability to generate economic value for themselves and their surroundings. Consequently, the amalgamation of these circumstances creates formidable obstacles for the populace to engage in value-adding activities (K. T. M. AUNG, 2019). A primary contributor to child labor is the financial strain experienced within households, with an estimated one-third of households in Myanmar grappling with poverty as a major cause.

#### **2.4.2 Education**

In Myanmar, the issue of child labor persists as a consequence of insufficient access to educational resources. The absence of educational opportunities significantly contributes to driving children into the labor force. When children lack

access to education, they are often compelled to engage in labor activities, perpetuating a cycle of poverty in their lives. This absence of education deprives them of the necessary skills and knowledge to break free from the confines of poverty, further entrenching them in socio-economic hardships. The prevalence of child labor in developing nations like Myanmar is intricately linked to the inability of parents to afford their children's education. This stark reality is exacerbated by the escalating costs associated with schooling, rendering it unattainable for numerous families.

Many children in Myanmar are unable to enroll in schools due to the financial burden placed upon their families. However, investing in education stands as one of the most effective long-term solutions to combat the scourge of child labor. Providing avenues for children to access education not only offers immediate relief but also presents a viable means of reducing the number of child laborers (Win & Siriawato, 2022). Education catalyzes development and holds the potential to generate far-reaching benefits that extend beyond the individual, positively impacting communities and society as a whole.

One primary cause of taking on substantial loans was poverty. However, the escalating costs of food have pushed numerous individuals towards depending on exploitative loan sharks just to meet their fundamental daily needs. This circumstance highlights that half of the children opt to leave school by the time they reach 13 years old. Despite education being officially free in Myanmar, the additional expenses for snacks, notebooks, and informal tuition fees become overwhelming for families already grappling with overwhelming debts (Arnold, 2017).

In examining economic factors, several discoveries emerge regarding the financial struggles faced by families. These challenges often arise due to the inadequate education of parents, their employment in unskilled labor, and the involvement of children in labor activities, all stemming from the family's enduring battle against economic hardships. Consequently, some children opt to drop out of schooling, feeling a profound sense of responsibility to contribute to their family's financial needs (Win & Siriawato, 2022). Consequently, this familial predicament intensifies economic adversity, directly impacting the educational opportunities available to children.

The family's inclination towards work or education and the educational attainment of each family member are closely intertwined, creating a significant correlation between these factors. This relationship, however, yields detrimental consequences within the family dynamics. Notably, the limited educational background of parents contributes to a diminished value placed on education within the family, consequently heightening the risk of future generations being deprived of educational opportunities. These intertwined factors underscore the complex web between family circumstances, education, and economic struggles, portraying a cycle that perpetuates hardship and limited educational access for children (Win & Siriawato, 2022).

The educational level of parents significantly influences the future path of their children. Many students leave school after completing primary education to support their families. Although various international non-governmental organizations (INGOs) have offered substantial help, the support provided has often been insufficient (Maung, 2009). When parents fail to provide adequate support for their children's education and emotional needs, the children may take on significant responsibilities early in life. As a result, they are often pushed into the workforce at a young age. The prevalence of child labor frequently intertwines with these three critical situations, forming a nexus that perpetuates the cycle of poverty. These circumstances, characterized by parental neglect, limited educational opportunities, and early labor, become the cornerstone of a poverty trap ensnaring children within its confines.

### 2.4.3 Cultural Norms

In Myanmar, cultural values strongly emphasize filial piety, which increases societal expectations for children to start working at a young age. This cultural perspective underscores the importance of children showing respect, support, and care for their parents and elders. Consequently, children often feel a strong obligation to contribute to the family's financial well-being from an early age. The strong cultural value placed on filial piety influences how families and communities think, leading them to view early participation in work as not only acceptable but also as a sign of a child's dedication and respect for their family. This cultural tradition shapes the expectations of parents and society, leading children to undertake work responsibilities as a sign of

dedication to their families. As a result, they frequently sacrifice educational opportunities to meet these familial obligations.

In many cultures, while there is no explicit coercion of children into labor, there exists a strong cultural emphasis on their involvement in contributing to their families' economic well-being. This cultural perspective often positions working children as significant contributors to the household economy. Many adults, influenced by these cultural norms, perceive children's assistance to their families as a beneficial experience that fosters character development rather than viewing it as a detrimental practice. As a result, children often view employment as a way to meet family responsibilities and uphold traditional family roles. According to research by the International Labor Organization (ILO), 77% of child laborers in Myanmar chose to work on their own accord (Oh, 2016).

Initially, these children's express feelings of excitement and pride upon commencing work, deriving satisfaction from their contributions to both their family's sustenance and the country's economy. Notably, a significant majority of boys (80%) and girls (83%) express contentment with their jobs, reflecting the cultural values encouraging children to uphold their familial responsibilities, including financial support, as an integral part of their upbringing (Hong, 2021).

#### **2.4.4 Rural-Urban Migration**

Rural-urban migration has been a notable phenomenon in Myanmar, often accompanied by the issue of child labor. As families move from rural areas to urban centers in search of better economic opportunities, children are frequently drawn into the workforce to supplement household income.

Urban regions display the presence of street children and youngsters engaged in begging activities. However, despite the prevalence of working children in urban areas, a staggering 80 percent of working children reside in rural settings. Children in these rural areas commonly assist their parents in agricultural work on farms and plantations, frequently in hazardous conditions. These labor activities fall within the informal economy and consequently lack government oversight and regulation. These activities belong to the informal economy and therefore operate without government

regulation. Children working in the informal sector are subjected to heightened risks. Many of these young workers, especially those in teashops and smaller businesses, are under the age of 14, which categorizes their employment as child labor (Myanmar Centre for Responsible Business, April, 2017).

A significant proportion of children in Myanmar live in teashops located distant from their homes, encountering obstacles that impede their educational opportunities. These children are obliged to undertake lengthy shifts that can extend up to 11 hours daily, without receiving overtime pay, and they are often denied regular days off for rest.

## 2.5 Case Study in Yangon

In Yangon, Myanmar, child labor remains a prevalent issue, reflecting broader socio-economic challenges faced by the country. Despite ongoing efforts to combat child labor, a significant number of children are still involved in various types of work, frequently under dangerous conditions and with limited access to education. This case study focuses on "Moon," a child from Yangon, and provides valuable insights into the intricate factors contributing to child labor and its impact on the well-being of children in Myanmar.

On January 31st, 2024, a girl found with wounds on her face and ears, selling jasmine flowers on the street near the Shwe Gone Dine traffic light in Bahan Township was noticed by some local residents. She was 12 years old and was forced to sell jasmine flowers for 130,000 MMK daily (130,000 MMK is equal to 1300 Baht). If she could not make 130,000 MMK per day, she was beaten with a cable cord (wire) by two women (a mother and her daughter) and got injuries on her face, ears, and body. The child was rescued by the local resident nearby and temporarily kept at a restaurant according to the authorities of ward administration, Bahan Township. Then, she was kept at the Department of Social Welfare (Girl School) in Yangon. The Lawyer was informed about this case. Therefore, the lawyer is providing legal aid, medical support, and social support to the child starting from February 1, 2024. The two women, the culprits who tortured the child, were arrested on 17th February 2024. The deputy police chief of anti-trafficking in Person Division (Child Department), Yangon acted as a plaintiff and he brought the

lawsuit to Kamaryut District, Court Room. The lawyer and the legal officer are together prosecuting the case. (*Source from the UNICEF Myanmar Information*)

In Yangon, a significant number of children face entry into the labor force due to poverty and limited educational opportunities, echoing Moon's experience. This situation underscores the critical necessity for coordinated endeavors aimed at combating child labor throughout Myanmar. Effective strategies must address the underlying factors contributing to this issue, such as poverty, educational accessibility challenges, and deficiencies in social protection mechanisms. By prioritizing investments in education, poverty reduction initiatives, and rigorous enforcement of child labor legislation, Myanmar can pave the way toward a more secure and equitable future for its youth. Moon's narrative sheds light on the harsh realities encountered by numerous child laborers in Yangon, emphasizing the urgent need for initiatives to safeguard the rights and well-being of vulnerable children across the country.

### **2.5.1 Child Labor in Yangon**

Child labor in Yangon denotes the participation of underage children in economic activities, often in physically strenuous or hazardous conditions that impede their education and overall development. In Myanmar, particularly in Yangon, children are commonly employed across various sectors including agriculture, manufacturing, construction, domestic service, and street vending. The issue of child labor in Myanmar is fraught with numerous challenges. Notably, poverty emerges as a central factor compelling children to engage in work activities. Economic deprivation frequently forces families to depend on their children's labor to augment household earnings, thus perpetuating a cycle of impoverishment.

Limited access to education presents a considerable obstacle, especially impacting children in marginalized communities. Challenges include inadequate school infrastructure, significant distances to educational institutions, and economic responsibilities within families. These factors frequently force children to prioritize work over attending school. Moreover, ineffective implementation of labor laws and inadequate social support systems worsen the incidence of child labor. The absence of robust monitoring mechanisms and lenient penalties for employers who exploit child

labor contribute to perpetuating this problem. Additionally, societal norms and cultural customs may normalize child labor, thereby promoting the early involvement of children in economic endeavors.

Child labor is often accompanied by hazardous working conditions and extended work hours, which significantly hazardous the health, safety, and overall welfare of the children involved. The absence of adequate safety protocols and exposure to hazardous materials or machinery across various sectors heightens the risk of injuries, illnesses, and long-term health consequences among these young workers. According to the International Labor Organization (ILO), a substantial proportion of children aged 12 to 17 are engaged in labor for 50 to 59 hours weekly, with approximately a quarter working 60 hours or more per week (ILO, 2018). Following their shifts, these children frequently sleep in their workplaces, on uncomfortable tables in tea shops, or in shared accommodations provided by their employers.

The increase in child labor in Myanmar has paralleled the country's recent economic growth following its transition from military to democratic rule in 2011 (La, 2020). This economic transformation has spurred expansions across sectors such as industry, agriculture, and retail services. Nevertheless, the income generated by parental employment often proves inadequate, prompting children to seek work opportunities to supplement their families' finances. The availability of numerous job openings further encourages children to participate in the workforce, meeting the rising demand for labor across various sectors (Bernhardt & Hein, 2019).

Child labor in Yangon, Myanmar is shaped by a multitude of interrelated factors spanning socioeconomic circumstances, educational limitations, gaps in legal provisions, shortcomings in enforcement, and entrenched cultural practices. These elements collectively underscore the multifaceted nature of child labor challenges in the area. Addressing these challenges effectively requires comprehensive strategies that encompass educational reform efforts, initiatives to alleviate poverty, enhancements to legal frameworks, robust enforcement mechanisms, and community-led interventions aimed at upholding and safeguarding children's rights and well-being. This research focuses specifically on evaluating the existing legal safeguards and governmental policies concerning child labor in Yangon, Myanmar.

### 2.5.2 Types of Child Labor in Myanmar

Child labor in Myanmar is characterized by a wide range of exploitative practices affecting children across various sectors. In agriculture, children participate in tasks such as farming, fishing, and livestock care, reflecting a significant incidence of child labor. Urban areas witness the employment of children in informal sectors like restaurants and teashops, where they perform duties such as dishwashing, cleaning, and serving food. Domestic work, predominantly undertaken by girls, involves household chores that often expose them to exploitation and abuse. Industrial child labor involves children working in manufacturing, construction, and garment industries. Moreover, children are also found working in hazardous sectors such as mining and quarrying, where they face dangerous work conditions. Forced labor and trafficking victimize children, forcing them into exploitative situations against their will. Street begging is another form, where children are coerced or sent to beg, often for the profit of others. These multifaceted forms of child labor in Myanmar continue to deprive children of their rights, education, and a safe environment crucial for their well-being.

There exists a variety of classifications for child labor. Nevertheless, regardless of where or how children are employed, it is universally acknowledged that all types of child labor are entirely unacceptable. In Yangon specifically, child labor manifests across multiple sectors and circumstances, exploiting children in various ways. Among the prevalent types of child labor are primarily employed in the agricultural, manufacturing, mining, and service sectors, with some working twelve-hour night shifts (UNICEF, 2017). These sectors witness instances where children are engaged in work that compromises their rights, well-being, and opportunities for a proper education and healthy development.

In agriculture, many children in Myanmar are engaged in agricultural work, including farming activities such as planting, harvesting crops, and tending livestock. They often work in difficult conditions and for long hours, which can negatively impact their education and well-being. Informal Labor Markets Children, particularly in urban areas, are found working in informal sectors such as street vending, shoe shining, garbage collection, restaurants, and tea shops to support themselves or their families. Many children in the service sector are employed seven days a week, from 6

a.m. to 9 p.m. (Saberi, 2015). This type of work often involves long hours, exposes them to hazards, and affects their schooling.

Child domestic workers, especially girls, are employed in households to perform chores like cleaning, cooking, and taking care of younger children (Oh, 2016). They are vulnerable to exploitation, and abuse, and often work for extended hours with little or no pay. In industrial Labor, in some cases, children are involved in factories and industries, working in garment factories, manufacturing units, or small-scale industries. They may face hazardous conditions, long hours, and low wages. In Mining and Quarrying, in certain regions of Myanmar, children work in mines and quarries, extracting jade, rubies, and other precious stones. This work is physically demanding, and dangerous, and often exposes them to health hazards.

In Forced Labor and Trafficking, some children are victims of forced labor and trafficking, being coerced or deceived into working in exploitative conditions, sometimes in sectors like fishing, begging, or commercial sexual exploitation (UNICEF, 2017). For a long time, there have been young kids working as sex workers. The authorities must recognize this reality instead of pretending it does not happen. If they ignore it, more children might end up doing this kind of work. It is equally important for society not just to judge these children but to try to understand why they are in this situation and support them in finding a better way forward (Lin, 2015).

Numerous adults and children fall victim to trafficking, often compelled, coerced, or forced into engaging in commercial sex against their will. This grave issue persists due to a multitude of contributing factors. Primary, among these are economic hardships, where poverty serves as a breeding ground for exploitation. Additionally, corruption further exacerbates the vulnerability of individuals. Criminal networks exploit these circumstances, preying on the marginalized and disadvantaged. Additionally, societal prejudices and inequalities rooted in gender, race, class, sect, and caste contribute significantly to perpetuating this cycle of abuse and suffering (FLD, Augest, 2021). In today's world, everyone agrees that making children work is wrong. In the same way, using children for sex should never be allowed or accepted. In urban areas, the phenomenon of street begging often involves, children, either accompanied by adults or part of organized groups. This practice deprives them of their right to education and

exposes them to various risks including physical, health, exploitation and abuse, psychological, educational deprivation, and legal risks.

### **2.5.3 Legal Provisions in Myanmar related to child labor**

Myanmar's legal framework about child labor comprises a collection of antiquated laws inherited from the colonial Indo-British legal system. In Myanmar, laws regarding child labor are spread across different legislations and do not fully align with key international standards include ILO Convention 138, which addresses the minimum age for employment; ILO Convention 182, which focuses on the worst forms of child labor; ILO Convention 189, which pertains to the rights of domestic workers; and the United Nations Convention on the Rights of the Child (UNCRC). Key legislative measures to combat child labor in Myanmar include the Factories Act of 1951, which had significant amendments in 2016, the Shops and Establishments Law of 2016, and the Child Rights Law introduced in 2019. These legal frameworks constitute the primary mechanisms through which the government regulates and addresses issues related to child labor across various sectors.

These laws include specific regulations about children's rights to work, detailing rules on working hours, leave, and other entitlements. They aim to create protections for children in the workforce, ensuring they are not exploited and that their rights and well-being are maintained. However, despite these legislative efforts, challenges remain in effectively enforcing these laws and ensuring they cover all areas comprehensively. This situation calls for a thorough review of how these laws are implemented and identifies areas needing improvement to fully protect child workers in Myanmar.

In Myanmar, the employment of children is governed by several legislative frameworks, including the 1951 Factory Act, the 2016 Shops and Establishments Law, and the 2019 Child Rights Law. These regulations stipulate that children aged 14 are legally allowed to work, but their working hours are restricted to a maximum of four hours per day. However, they cannot work from 6 p.m. to 6 a.m. Additionally, for a child to be eligible to work, they need a medical certificate from a doctor. This certificate confirms that the child is healthy and capable enough to work

(MOLA, 1951). These laws emphasize the importance of ensuring that children are physically fit before they start working in any capacity. The aim is to protect children and make sure they are not overworked or put in situations that could harm their health or well-being. Therefore, it sets guidelines to ensure their safety while allowing them to gain work experience.

In Myanmar, it is recognized that every child is entitled to their right to survive, grow, be protected, and take part in societal activities. Moreover, children have inherent rights to both health and education. The Child Rights Law of 2019 in Myanmar underscores that children should not be forced into work or subjected to the most harmful forms of labor.

Key laws in Myanmar regarding child labor laws outline children's rights at work, setting rules for hours, leaves, and protections to prevent exploitation. However, challenges remain in fully enforcing and covering these laws, urging a closer look into implementation for better protection. Myanmar domestic laws recognize children's rights to survival, development, protection, participation, health, and education, emphasizing that no child should be forced into labor.

Figure 1

Myanmar National Laws

Source	Age (years)	Conditions
	<b>Minimum age: 14</b>	
<b>Factory Act (1951)</b>  <b>*revised January 2016</b>	<b>14 -18</b>	Medical certificate of fitness required. Prohibited from cleaning, lubricating, or adjusting machinery while machine is in motion Prohibited from being employed in factory where cotton opener is at work. Prohibited from lifting, carrying, or moving heavy loads likely to cause injury
	<b>14 -16</b>	Maximum of 4 hours/day. No work between 6 p.m. and 6 a.m. Only two shifts allowed; no overlap; only one factory. Work on Sundays prohibited
	<b>16-18</b>	Can work as an adult if in possession of medical certificate (conditions listed above for 14-18 still apply); if not, must also work under restrictions for those aged 14-16 Shops
	<b>Minimum age: 14</b>	
<b>Shops and Establishments Act (1951)</b>  <b>*revised January 2016</b>	<b>14-16</b>	Maximum of 4 hours/day, with 30 minutes rest each day. No work between 6 p.m. and 6 a.m. Must have at least one rest day per week, no particular day specified
	<b>14-18</b>	Prohibited from working unless in possession of a medical certificate proving fitness to do so. Not allowed to work in hazardous conditions of work which are specifically identified
<b>Child Law(1993)</b>	<b>Not defined</b>	Childhood ends at age 16 Youth defined as 16-18

Sources: *Report of Business for Social Responsibility (BSR) (2016)*

Myanmar does not currently have a specific list outlining the kinds of dangerous work that children under 18 are prohibited from doing. The updated Factories Act of 1951 forbids employing young individuals to operate damaged machinery or work in any part of a factory involving hazardous conditions that could harm their health or education, or lead to exploitation (MOLA, 1951). The rules regarding the daily or weekly working hours should be the same for both adults and young workers. However, children under 16 must not be allowed to work overtime or during night hours.

Myanmar's current legislation and regulations on child labor fall short of the international standards designed to safeguard children in the workforce. The International Labor Organization (ILO) has set guidelines on minimum working age,

hazardous child labor, and domestic work, but these are not effectively implemented in Myanmar. Unlike many other countries, Myanmar does not have a dedicated law that explicitly prohibits child labor. While local laws try to follow global standards, they are not put into practice effectively. Despite attempts to implement these international standards within the country's domestic laws, there remains a gap in their proper execution and enforcement (W. T. Aung, 2019).

Consequently, labor rules lack clarity and are scattered across various laws, posing challenges in locating existing policies. Some regulations might unintentionally encourage child labor, such as the mandate that school attendance is compulsory only until the age of ten. Once children reach this age in Myanmar, they move from primary to secondary school, creating a situation where it is easy for them to stop studying and start working (La, 2020).

The most recent update to child labor rules in Myanmar was implemented through the Child Rights Law of 2019. According to this law, individuals must reach the age of 14 before starting work, and those aged between 14 and 16 are limited to working a maximum of four hours per day. However, it is important to note that this law solely pertains to factories, shops, or formal establishments, excluding the informal economy, where approximately 60% of child laborers are employed (Jensen et al., 2021; Tun, 2016). Sectors such as fishing, forestry, animal husbandry, and domestic work are not safeguarded by any specific protective legislation. Additionally, there is a concerning gap in oversight as the Ministry of Labor lacks the authority to inspect farms and other informal settings. This gap increases the risk of unfair treatment towards child workers, leaving them vulnerable to exploitation.

#### **2.5.4 Government Policies**

In Myanmar, there has historically been a lack of political and legal structures safeguarding children from engaging in labor, but notable strides were made by 2020. This effort involved revising the Factories Act and implementing the Shops and Establishments Act in 2016. Additionally, the full enforcement of the Child Rights Law in 2019 provided broader protection to all children, addressing gaps left by previous labor regulations. Myanmar has also introduced key policies and strategies, including the

National Education Strategic Plan (2016-2021), the third five-year National Plan of Action to Combat Human Trafficking (2017-2021), and the National Action Plan on Child Labor (2019-2023) (BILA, 2021).

#### **2.5.4.1 Myanmar National Action Plan (2019-2023) for the Child Labor**

The establishment of the National Committee on the Elimination of Child Labor marks a crucial advancement in addressing child labor issues. This committee undertakes eight specific tasks and functions through eight dedicated working committees, all focused on eradicating child labor. Effective collaboration between State and Regional governments is essential for the successful execution of the National Action Plan to eliminate child labor (Ministry of Labour, 2019). Such cooperation enhances the authorities' capacity to enforce policies and develop sustainable solutions, thereby safeguarding children's rights and well-being and striving towards a future devoid of exploitative labor practices.

The Myanmar National Action Plan has established the Technical Working Group on Child Labor (TWG-CL) to combat child labor in the country. This group is led by the Director General of the Factories and General Labor Laws Inspection Department (FGLLID), with the Director of FGLLID serving as Secretary. The TWG-CL includes two representatives from each participating organization (Ministry of Labour, 2019). These representatives are detailed as follows -

No	Name of Ministry/ Organization
1	Office of the Supreme Court of the Union
2	Ministry of Home Affairs
3	Ministry of Border Affairs
4	Ministry of Information
5	Ministry of Union Government Office
6	Ministry of Agriculture, Livestock and Irrigation
7	Ministry of Labor, Immigration and Population (MOLIP)

8	Ministry of Education
9	Ministry of Health and Sports
10	Ministry of Social Welfare, Relief and Resettlement
11	Ministry of Legal Affairs
12	Naypyitaw City Development Committee
13	Yangon City Development Committee
14	Mandalay City Development Committee
15	Union of Myanmar Federation of Chambers of Commerce and Industry
16	Confederation of the Trade Unions of Myanmar
17	Myanmar Industries, Craft and Service Trade Unions Federation
18	Agriculture and Farmers Federation of Myanmar/IUF
19	Ratana Metta Organization
20	Myanmar National Committee on Women
21	Myanmar Red Cross Society
22	Association Francois-Xavier Bagnoud Myanmar
23	International Labor Organization (ILO)
24	Save the Children
25	UNICEF (United Nations Children's Emergency Funds)
26	World Vision

*Sources: Report of Myanmar National Action Plan (NAP) (2019-2023)*

The National Action Plan aims to safeguard children in Myanmar from different types of child labor, with a particular focus on the most severe forms. This initiative intends to secure the rights of working children through legal measures, aiming to eliminate hazardous working conditions (Ministry of Labour, 2019). By promoting access to decent work opportunities and vocational training, the plan endeavors to transition children out of exploitative labor situations and into environments that support their overall well-being and development.

In December 2013, Myanmar formally adopted the ILO Convention No. 182 on the Worst Forms of Child Labor, joining the initiative supported by other ASEAN nations (International Labour Organization, 2013). Currently, Myanmar

is working closely with the International Labor Organization (ILO) and the United Nations Children's Fund (UNICEF) to combat and eliminate child labor. This partnership is centered on developing and executing broad strategies and programs to address the complex problem of child labor in the country. Their joint efforts focus on increasing awareness, reinforcing legal measures, and creating support systems aimed at eradicating child labor. These collaborative endeavors highlight a united dedication to safeguarding the rights and welfare of children in Myanmar.

Despite ongoing initiatives, there remains considerable potential for further progress in upholding proper labor standards. First, a thorough review of current labor laws is essential, coupled with the implementation of specific statutes that explicitly ban child labor. It is also crucial to create a detailed list of hazardous occupations forbidden for individuals under 18. Moreover, enacting stringent prohibitions against the recruitment of children in armed conflicts is vital. Strengthening law enforcement mechanisms and conducting regular labor inspections are critical measures to ensure compliance. Additionally, it is imperative to raise awareness among employers, workers, parents, and children about relevant labor laws to promote a comprehensive understanding and adherence to the legal frameworks that govern labor practices.

In Myanmar, ongoing legal reforms aimed at addressing child labor, coupled with concerted awareness campaigns, are anticipated to foster greater recognition and utilization of adjudication. As these reforms evolve and awareness efforts continue, there is an optimistic outlook that the application of adjudication will increasingly be acknowledged and adopted within Myanmar.

### **2.5.5 International Instruments**

The Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly in 1989, is recognized as the most quickly and widely accepted human rights treaty ever. Ratified by 193 Member States, it is the first international document to comprehensively address all aspects of human rights for children, covering civil, political, economic, social, and cultural dimensions. The CRC aims to protect every child under 18 without discrimination, ensuring their rights to

survival, development, protection from harm, and participation in family, cultural, and social activities. It sets essential and legally binding standards for all children, regardless of their social or legal status, including those who are stateless or unregistered. These rights are outlined in the 54 articles of the CRC (Pais & Bissell, 2006).

Additionally, as outlined by (Pais & Bissell, 2006), In 2000, two supplementary protocols were introduced to enhance the Convention on the Rights of the Child (CRC). The first protocol deals with the sale of children, child prostitution, and child pornography, while the second addresses the involvement of children in armed conflicts. These protocols are designed to provide additional protection for children against violence, exploitation, and abuse. Although these protocols set higher standards than the original CRC, they do not automatically obligate states that have ratified the CRC. However, they are increasingly recognized as a global standard, strengthening the overall protective measures for children. While it is primarily the responsibility of governments to protect and uphold children's rights, other parties involved in children's lives, such as parents, teachers, institutions, and businesses, also share this responsibility.

The United Nations Convention on the Rights of the Child (UNCRC) acknowledges that children have the entitlement to be shielded from being used for jobs that might harm them physically, mentally, or morally, or that might get in the way of their education (Ministry of Labour, 2016). This convention underscores the importance of safeguarding children from economic exploitation or any work that could endanger their health or hinder their overall development in areas like spirituality, morality, and social growth.

The Convention on the Rights of the Child (CRC) applies to everyone under the age of 18 and ensures that all children have the right to receive an education that is based on equal opportunities. According to Article 28 (UNICEF, 1989), the CRC requires that primary education be free and compulsory for all children, secondary education be progressively made free and universally accessible, and higher education be available based on individual capacity. It mandates that states take measures to ensure school attendance and maintain discipline, encourages international cooperation to combat ignorance and illiteracy, and guarantees access to scientific and technical education. Article 29 details the objectives of education and affirms parents' right to

choose and establish educational institutions, provided they meet the minimum standards set by the state.

Myanmar has demonstrated its commitment to international labor standards by ratifying 25 out of 190 ILO Conventions, including four of the eight core conventions. For example, Myanmar ratified the Forced Labor Convention, 1930 (No. 29) in 1955 and the Worst Forms of Child Labor Convention, 1999 (No. 182) in 2013, underscoring its resolve to tackle severe child labor issues. Further reinforcing this commitment, Myanmar ratified the Minimum Age Convention, 1973 (No. 138) on June 8, 2020, with it coming into effect on June 8, 2021. The country also ratified the UN Convention on the Rights of the Child (CRC) in 1991 along with its two Optional Protocols, reflecting its ongoing dedication to enhancing and protecting children's rights and well-being across the nation (International Labour Organization, 2022).

The International Labor Organization (ILO) Convention No. 182 focuses on combating severe forms of child exploitation, including slavery, trafficking, forced labor, and the use of children in armed conflicts. It also addresses sexual exploitation, such as prostitution and pornography, along with illicit activities like drug trafficking. Additionally, the convention seeks to protect children from work that endangers their health, safety, or morals, underscoring the critical need to safeguard their well-being (International Labour Organization, 1999). The ratification of ILO Convention No. 182 represents a pivotal step by the Government of Myanmar in promoting and protecting children's rights. This ratification highlights Myanmar's commitment to complying with international labor standards and enhancing labor rights protections, thus aligning the country with global norms regarding child labor.

The International Labor Organization (ILO) Convention No. 138 sets a minimum age for employment, specifying that individuals younger than this age cannot be employed in any job, except for light work and artistic performances. Additionally, it bans hazardous work for those under 18 (International Labour Organization, 1976). Myanmar has ratified ILO Convention No. 182, reinforcing its commitment to combating child labor by protecting children from dangerous work environments and ensuring their access to education. This ratification highlights Myanmar's dedication to adhering to

international standards and taking decisive steps to eliminate the worst forms of child labor.

In summary, despite Myanmar's ratification of several key international conventions, additional efforts are required to meet global standards for protecting children's rights. Firstly, the lack of a specific law addressing child labor in Myanmar remains a major issue. Secondly, the government has not yet developed a comprehensive list of hazardous jobs that are prohibited for children under 18. Thirdly, there is a critical need to strengthen the monitoring system to effectively address child labor. Lastly, strict enforcement of existing child labor laws is essential to ensure the protection and well-being of children in Myanmar.

## 2.6 Theoretical Framework

In the theoretical framework of this study on child labor, the researcher systematically investigates the multifaceted nature of the issue. This framework incorporates three principal theories: the capability approach theory, the poverty trap theory, and the social stratification theory.

Children have often been perceived as more suitable than adults for certain types of labor due to their perceived dexterity. The notion of "nimble fingers" (FCEWM, 2015) is frequently associated with child labor in Myanmar's garment and textile industries, where intricate manual tasks demand high levels of dexterity. However, this concept extends beyond these industries and can be observed in various sectors, including the service industry. For instance, in Myanmar, children are employed in roadside tea shops, performing tasks such as preparing tea or serving customers, capitalizing on their agile hands (Nyein, 2013). Similarly, in local restaurants, children may be involved in kitchen duties, engaging in food preparation tasks that necessitate fine hand movements and dexterity.

### 2.6.1 Capability Approach Theory

Amartya Sen's Capability Approach provides valuable insights into the issue of child labor in Myanmar. This approach stresses the importance of empowering children with the ability to access education, maintain health, and achieve overall well-being, rather than perceiving them merely as smaller versions of adults. Child labor

deprives children of these essential opportunities and hinders their future potential, thereby perpetuating cycles of poverty and inequality within society. Recognizing that deficiencies in critical capabilities during childhood have far-reaching societal consequences, the Capability Approach highlights the urgent need to address child labor as a fundamental violation of children's rights and as an obstacle to sustainable development (Biggeri et al., 2006). Moreover, this approach offers a robust theoretical framework for evaluating children's well-being and effectively combating poverty in Myanmar and beyond.

Amartya Sen's Capability Approach says it is really important to give children the chance to go to school, stay healthy, and live well-rounded lives. Instead of just thinking of children as small adults, it sees them as individuals who need these opportunities to grow and succeed. When children are forced to work, like seen in Myanmar, they miss out on these important things. This not only hurts them now but also makes it harder for them to do well in the future. It keeps families stuck in poverty and creates unfairness in society.

This approach also gives us a good way to look at how well children are doing and to find ways to fight poverty not just in Myanmar but in other places too. Emphasizing children's well-being and rights facilitates more informed decision-making processes, contributing to the establishment of a more equitable society.

### **2.6.2 The Poverty Trap Theory**

The poverty trap theory, as outlined by (Walelign et al., 2021), suggests that individuals or households in extreme poverty may become ensnared in a cycle of deprivation due to limited access to essential resources and opportunities. This theory is crucial in understanding how economic hardship drives children into labor. Families with scant financial resources find it difficult to accumulate assets at the same pace as wealthier households, thereby hindering their ability to escape poverty. This asset deficiency often results in desperate measures, such as child labor, where children from impoverished households are compelled to work in arduous conditions to contribute to the family income.

For example, in low-income households where parents have poorly paid jobs with limited opportunities for advancement, the family remains in a vulnerable financial position due to their inability to accumulate assets like savings or property. In such circumstances, children might be forced to work in exploitative conditions to contribute to the family's income, perpetuating the cycle of poverty. This lack of assets also hinders the family's ability to invest in the children's education, healthcare, or skill development, further reducing their chances of escaping poverty.

### 2.6.3 Social Stratification Theory

According to Marx's social stratification theory (Marx, 1983), which is based on historical economic determinism, social inequality is perpetuated through economic structures. This theory can be applied to the context of child labor in low-income households. Families in impoverished social classes often face economic instability, compelling them to resort to child labor. For example, in a household grappling with unemployment and poverty, children may be forced to work in hazardous environments to supplement the family income. The scarcity of resources and opportunities in these low-income households drives children into labor, thus reinforcing the cycle of poverty and exploitation. Marx's theory elucidates how social stratification, grounded in economic inequality, significantly influences the prevalence of child labor in disadvantaged communities.

In the theoretical framework guiding this study on child labor in Myanmar, a structured approach has been employed to examine this multifaceted issue. This investigation integrates three primary theories such as the capability approach, poverty trap theory, and social stratification theory to offer a comprehensive comprehension of the fundamental determinants contributing to child labor in the nation. By synthesizing these theoretical perspectives, the study highlights the interrelated factors such as limited educational opportunities, economic vulnerabilities, and societal disparities that perpetuate the cycle of child labor. This theoretical framework not only enhances our understanding of the complexities surrounding child labor in Myanmar but also provides critical insights for formulating effective interventions and policies aimed at eliminating this pervasive issue and advancing the rights and welfare of children in the region.

## Chapter 3

### Research Methodology

#### 3.1 Introduction

This study adopts a qualitative methods research design, to provide a comprehensive analysis of child labor in Yangon, Myanmar. The concurrent embedded strategy is employed, where qualitative data is collected concurrently, but qualitative methods form of data is primary in informing the research questions. This research was designed in a qualitative research method, which was conducted through an approach of in-depth interview research. This chapter was organized into (1) Primary Research, (2) Secondary Research, (3) Scope of Study, and (4) Data Collection.

The primary objective of this research is to investigate the optimal structuring of government policies and frameworks to effectively eliminate or alleviate the pervasive issue of child labor in Myanmar. The central question guiding this study is, "What is the effectiveness of the government and legal framework in Myanmar in addressing child labor rights?" To delve into this inquiry, the research will meticulously focus on key stakeholders, primarily officials from the Ministry of Legal Affairs Myanmar and other pertinent government bodies directly involved in the formulation and execution of child labor policies. These individuals are crucial to the study because of their significant roles in shaping the legal framework and governmental strategies aimed at combating child labor and protecting children's fundamental rights in Myanmar.

To answer the primary research question, a qualitative approach will be utilized, focusing on a systematic structure of in-depth interviews with nine participants. This approach aims to gather detailed and meaningful insights directly from key stakeholders. Additionally, secondary research methods, including documentary and literature analysis, will be employed to extract valuable information from existing sources. By integrating these methods, the research aims to produce comprehensive findings that significantly address the research questions.

After the data collection phase, a thorough analysis of data management will be conducted. To meet the research objective of eliminating child labor in Myanmar, a

qualitative case study approach has been specifically selected. This methodology includes collecting data through interviews, analyzing relevant information, and presenting the findings in an integrated manner. To effectively address the research question, both primary and secondary research methods will be utilized. This approach involves collecting firsthand data through interviews (primary research) and reviewing existing literature and documents (secondary research) to provide a comprehensive answer to the research question.

### **3.2 Primary Research (In-Depth Interviews)**

The researcher intends to conduct comprehensive interviews with key stakeholders, employing quota sampling for participant selection during the qualitative phase. The stakeholders to be interviewed include officials from the Ministry of Legal Affairs and the Ministry of Social Welfare, Relief, and Resettlement, as well as other relevant government bodies involved in developing and implementing child labor policies in Myanmar. Additionally, interviews will be conducted with representatives from organizations such as UNICEF, Pann Tine Shin, and TTHL - Terre des Hommes Lausanne, which are actively involved in addressing child labor issues. The interviews will follow a semi-structured format, covering crucial topics related to organizational goals, assistance provided to child laborers, and support mechanisms. Moreover, the researcher plans to interview child laborers from various sectors, ensuring strict adherence to ethical guidelines and a sensitive approach. These interviews aim to facilitate open dialogue, allowing participants to share their personal experiences, working conditions, and the challenges they face in their respective work environments.

### **3.3 Secondary Research (Documentary Analysis, and Literature Analysis)**

The research utilizes data from a variety of secondary sources, including books, library documents, workshops, media publications, academic journals, public newspapers, and the Thammasat online database. Additionally, the study incorporates information obtained from reports issued by UNICEF and international non-governmental organizations such as Pann Tine Shin, and TTHL. Furthermore, official reports from governmental bodies such as the Ministry of Labor, and Ministry of Legal

Affairs, and private journal articles in the Myanmar language have been consulted and integrated into the research analysis. Secondary research will be organized in documentary analysis and literature analysis.

### **3.3.1 Documentary Analysis**

The examination of documentary analysis shows details of the characteristics and types of documents, highlights both the benefits and constraints of document analysis, and provides particular instances illustrating how documents are utilized within the research procedure (Bowen, 2009). This method employs the collection and analysis of primary research data from interviewees through an in-depth interview with a structured interview. By using this method, it aims to increase awareness and knowledge to increase basic knowledge about child labor in Myanmar, draft laws with international standards and eliminate child labor in the long term by establishing national action plans and evaluating progress.

### **3.3.2 Literature Analysis**

This section constitutes a fundamental component of my research endeavor. Initially, it establishes the groundwork for my conceptual framework, providing the essential foundation upon which the entire study is structured. Furthermore, it plays a crucial role in enhancing the understanding and contextualization of the research findings, thereby adding depth and perspective to the study's outcomes.

## **3.4 Scope of Study**

### **3.4.1 Field Selection**

Following a qualitative approach necessitates the selection of a representative population or location to yield comprehensive outcomes and data resources pertinent to the research topic. However, this may introduce the potential challenge of the findings not accurately reflecting the broader population or other locations (Sandelowski, 1995).

In Myanmar's child labor case, the researcher chooses Yangon because Yangon, as a dynamic city undergoing economic changes, presents a compelling

backdrop to explore the intricate challenges and potential solutions. Moreover, Yangon is given top priority in the National Action Plan, being a short-term project aimed at eradicating child labor. This choice enables the research to obtain specific solutions for the study's questions within this region.

Regarding the interview questions, the researcher has organized them into three main categories: child laborers, NGOs, and government officers associated with child labor in Myanmar. The questions for child laborers are further divided into Background and Personal Life, Education, Employment Details, Future Aspirations, and Open-Ended Reflection. Similarly, the interview questions for NGOs are structured into Organizational Information, Collaboration and Projects, Challenges and Activities, Awareness and Funding, Education and Advocacy, and Success Stories and Future Goals. In conclusion, the questions directed at government officials are organized into several key categories: Legal and Regulatory Framework, Challenges and Strategies, International Perspectives and NGO Involvement, Overview of the National Action Plan, Roles of Government Agencies and Implementation, International Collaboration and Enforcement, Progress and Future Goals, and Child Protection and Welfare.

### **3.4.2 Sampling Method**

In this study on child labor in Myanmar, quota sampling methods will be utilized to achieve representation across various demographic factors. Child labor is a significant global issue, affecting millions of vulnerable children around the world. To ensure that the sample accurately reflects specific demographic groups, such as age, gender, and socioeconomic background, this research will implement quota sampling (Moser, 1952).

This study will categorize participants according to age, employment status, residential location, and gender to achieve a comprehensive understanding of the issue. This approach aims to capture a diverse range of experiences and perspectives within the study population.

### **3.4.3 Participants**

For this study, a formal methodology will be adopted, involving the issuance of official letters from Thammasat University to the specified research sites. It

is crucial to systematically classify the various factors that influence expansion or reduction when employing a comprehensive research approach (Sandelowski, 1995). Accordingly, the researcher will conduct structured interviews with a varied cohort of participants. This cohort will consist of four child laborers in Yangon, key officials from the Ministry of Legal Affairs, the Ministry of Social Welfare, Relief and Resettlement, and other pertinent government agencies responsible for developing and enforcing child labor policies in Myanmar. Additionally, interviews will include a representative from UNICEF and two representatives from the NGOs Pann Tine Shin and TTHL - Terre des Hommes Lausanne in Myanmar.

The organization of Pann Tine Shin's mission is to improve the social life of children and strive to create a safe and secure life for child labor. It was established in 2012 and has been in existence for 12 years in Myanmar. TTHL - Terre des Hommes Lausanne's objectives are always to afford for child labor better protection, defend their rights, and change their lives, permanently. It was founded in 1960 and has been in operation for 64 years. It was established in Myanmar in 2009. In 2019-2020, TTHL - Terre des Hommes Lausanne contributed to the project plans related to children, neighborhood/village plans, and making Lives stories.

The researcher selected four child laborers from Yangon, Myanmar, employing the quota sampling technique (Moser, 1952). This approach was utilized to guarantee representation across different employment sectors including beauty salons, tea shops, car repair services (workshops), and domestic work, thereby facilitating a comprehensive exploration of child labor across diverse occupations in Myanmar. The researcher opted to interview a representative from UNICEF and two spokespeople from NGOs specializing in child labor to gain insights into their approaches to supporting children and to obtain diverse perspectives on the issue.

The researcher decided to conduct interviews with representatives from both the Ministry of Legal Affairs and the Ministry of Social Welfare, Relief, and Resettlement in Myanmar. This decision aimed to gain insights into the governmental and legal frameworks addressing child labor and promoting children's rights. The Ministry of Legal Affairs is tasked with offering legal support concerning child labor issues and ensuring that any legislative proposals from relevant ministries align with

international standards concerning the rights of child laborers. Therefore, the Ministry of Legal Affairs was selected for its pivotal role in these matters (Labor, 2019).

Moreover, the Ministry of Social Welfare, Relief, and Resettlement has been actively involved in developing a national mechanism for monitoring, identifying, and referring cases of child labor to appropriate authorities through its Department of Social Welfare (DSW). The ministry plays a crucial role in preventing child labor and safeguarding children's well-being, both physically and mentally (Ministry of Labour, 2019).

In conducting interviews with these officials, the researcher sought to comprehend the precise measures and policies adopted by the Ministry aimed at combating child labor. Examining the operational domains and sectors associated with efforts to eradicate child labor within the Ministry would yield valuable insights into the holistic approach adopted by the government. Moreover, selecting two spokespersons facilitates a more comprehensive viewpoint, encompassing the diverse strategies and programs employed in addressing child labor at the governmental level. This method contributes significantly to obtaining a thorough understanding of the collaborative endeavors aimed at safeguarding children's rights across different sectors within the Ministry.

This research constitutes a pivotal effort in assessing strategies for eradicating child labor. Its primary objective is to serve as a proactive measure aimed at safeguarding children's rights and securing conducive living environments for child laborers. Collaboration with stakeholders is indispensable for acquiring comprehensive perspectives on the intricate challenges involved and formulating precise policy directives conducive to achieving a robust and enduring resolution.

The thesis aims to conduct a thorough analysis to offer insights into existing strategies and challenges concerning child labor. Through this examination, it intends to propose informed policy recommendations aimed at eliminating child labor and fostering a secure and supportive environment for Myanmar's children.

### 3.5 Data Collection

During the process of data collection, researchers employed six primary methods, despite the availability of various approaches. These methods encompass documentation, archival records, interviews, direct observation, participant observation, and physical artifacts. In qualitative research, interviews assume a pivotal role as the principal method of data gathering. Researchers typically utilize a range of strategies to obtain information, guided by three fundamental principles. Firstly, they emphasize the use of multiple sources of evidence, thereby gathering data from diverse perspectives or sources. Secondly, researchers establish and maintain a structured case study database to systematically organize collected data. Lastly, ensuring a chain of evidence is maintained remains crucial, validating the reliability and credibility of the gathered information. These principles are integral to researchers, enhancing the rigor and quality of their research endeavors (Yin, 2009).

#### 3.5.1 Data Analysis

In this section, the research methodology entailed conducting interviews and engaging in dialogues with diverse stakeholders, including government officials, UNICEF Myanmar, representatives from NGOs such as Pann Tine Shin, TTHL, and child laborers, as well as other key informants. This study adopted a dual-method approach, integrating both primary and secondary sources, with a focus on comprehensive literature reviews. The analysis primarily drew upon interview findings gathered in Myanmar. The investigation aimed to assess the effectiveness of legal protections and government policies in Yangon, Myanmar, aimed at preventing child labor before children reach adulthood. It also aims to address the difficulties of children, and the rights they deserve. Through this research, the study focused on formulating legislation aligned with international standards to eradicate child labor practices.

#### 3.5.2 Analyzing Technique

In this study, a narrative analysis approach was employed for data analysis. Narrative analysis within sociolinguistic research is rooted in the seminal work of Labov and Waletzky (Labov, 1967). Their article establishes a foundational framework for the linguistic examination of personal experience narratives, delineating a structural

template prevalent across numerous stories. This template outlines a linear sequence comprising five key sections: abstract, orientation, complicating action, evaluation, and coda. Narratives serve dual purposes, fulfilling both referential and evaluative functions. The framework introduced by Labov and Waletzky has since been instrumental in exploring various traditional sociolinguistic categories, including age, gender, social class, geographic location, and ethnicity. The analysis review aimed to draw meaningful conclusions, offering a nuanced understanding of the research topic.

### **3.5.3 Structured Interviews**

Simply, when a researcher uses a qualitative approach, they do in-depth interviews. The goal is to understand the characteristics and experiences of the people being interviewed through talking to them face-to-face (Marshall & Rossman, 2014). Employing structured interviews proved beneficial for obtaining valuable results and fostering a friendly connection during in-person interactions during the interviews. So, the researcher gathered information directly by asking questions in organized structured interviews.

The primary focus of the questions lies in investigating the measures taken by the government and legal systems in Myanmar to address child labor and protect children's rights. Furthermore, the emphasis extends to understanding the impact of government policies and legal frameworks on the eradication of child labor.

## Chapter 4

### Findings and Analysis

#### 4.1 Overview

This qualitative study aimed to explore the effectiveness of government policies and legal frameworks in addressing child labor in Yangon, Myanmar. The researcher will introduce the primary research question in this chapter: “How effective are the government policies and legal frameworks in Myanmar in addressing child labor rights?” By examining these impacts, the researcher intends to highlight the implementation and efficacy of policies and legal measures concerning child labor rights.

The researcher utilized a qualitative approach to investigate the primary sectors contributing to child labor, such as socioeconomic factors, and to assess how government policies and legal frameworks are implemented in response to these causes. The study involved nine participants, including child laborers, representatives from non-governmental organizations (NGOs), government officials, and legal experts. These interviews were conducted using open-ended questions designed to elicit detailed accounts of the participants’ daily experiences, as well as their insights on relevant procedures and policies.

This chapter will outline the data collection and analysis processes, followed by a presentation of the study’s findings. The main sections included in this chapter are the research setting, demographic information of the participants, the data analysis process, the results obtained, and a summary of the key findings.

#### 4.2 Setting

The results chapter is structured into several sections: context, situation, stories, and interpretation of the stories of working children. It features narratives shared by the children, highlighting their diverse experiences. Additionally, the chapter provides comprehensive descriptions of the research context and findings, aiming to present an accurate depiction of the children’s realities. This section meticulously explains the data and its implications.

Analysis of the data revealed three primary concepts: the causes of child labor, the government's national action plan, and the strategies employed by NGOs. The section on the government elaborates on the national action plan and various policies addressing child labor. Finally, the section on NGOs discusses the strategies these organizations implement to combat child labor.

Upon receiving approval from the Master of Arts in Asia Pacific Studies (MAPS) program in December 2023, the researcher conducted data collection through semi-structured interviews with nine participants: individuals from various sectors four child laborers, three individuals from NGOs, and two government officials. Interview schedules were arranged to accommodate the participants' availability. The initial interviews were conducted with representatives from organizations including UNICEF, Pann Tine Shin, and TTHL - Terre des Hommes Lausanne. Subsequently, the researcher interviewed a 13-year-old child laborer, Ella, who works as a housemaid, facilitated by UNICEF's coordination. Following this, interviews were carried out with three additional child laborers employed in a beauty salon, a tea shop, and a car repair workshop.

The researcher conducted interviews by personally visiting participants from various sectors and circumstances, a process that proved to be challenging. The participants of child laborers included Ko Ko, Miley, Ella, and Liam. Ko Ko, a 9-year-old boy living with his parents, works at a car repair shop. Therefore, the interview with Ko Ko took place at the car workshop. Miley, a 12-year-old girl, resides with her parents and is employed at a beauty salon, where the interview was conducted during a visit for a haircut. Ella, a 13-year-old girl, lives with her parents and works as a housemaid. Liam, a 14-year-old boy, lives with his parents and works as a waiter in a tea shop, where the interview occurred during a visit to the teashop. The researcher faced difficulties and had to be clever when interviewing child laborers because most business owners in Myanmar do not like them being interviewed.

### 4.3 Demographics for Participants

All participants gave their informed consent for the use of their real names in this study. Yangon was selected as the focal area for this research on child labor in Myanmar

due to its dynamic economic changes, which provide a compelling context for examining the complex challenges and potential solutions associated with child labor. Additionally, Yangon is a priority area in the National Action Plan, which includes an initial five-year plan (2019-2023) aimed at the eradication of child labor, further justifying its selection for this study.

In this study, pseudonyms are used to ensure confidentiality and protect the identities and well-being of specific participants. By using pseudonyms instead of real names, the potential for harm or negative consequences resulting from the disclosure of personal information is mitigated. This approach helps to maintain the privacy and security of participants (Al Tajir, 2018).

No	Name	Age	Sex	Living Situation	Education	Type of Job	Work Routine
1	Ko Ko	9	Male	Parents	Never went to School	Car Repair (Workshop)	Full - time
2	Miley	12	Female	Parents	Grade - 7	Beauty Saloon	Full - time
3	Ella	13	Female	Guardian	Grade – 5	Housemaid	Full – time
4	Liam	14	Male	Parents	Grade – 6	Service Crew (waiter)	Full - time

#### *4.1 demographics of child labor in Yangon, Myanmar*

In conducting interviews with representatives from various organizations, individual discussions were held with Ms. Hnin Hnin Nwe of UNICEF, Mrs. Tin Tin Naing of Pann Tine Shin, and Mrs. Le Le Win of TTHL - Terre des Hommes Lausanne. These interviews aimed to gather insights from each organization's perspective and benefit from these representatives' expertise and experiences. In the interview, various insights were provided regarding the future objectives and challenges that specialized agency of the United Nations and non-governmental organizations (NGOs) faced. The discussion covered several key areas, including NGOs' primary roles in addressing child labor, the difficulties they encounter in their efforts, and details about specific ongoing projects. Additionally, the interview explored proposed policy changes and legal reforms

aimed at strengthening the fight against child labor, as well as the overall contribution of NGOs to the protection and welfare of exploited children.

NO	Name	Organization
1	Ms. Hnin Hnin Nwe	UNICEF
2	Ms. Tin Tin Naing	Pan Tine Shin
3	Mrs. Le Le Win	Terre des Hommes Lausanne (TTHL)

#### *4.2 demographics of NGOs in Yangon, Myanmar*

The researcher undertook a series of interviews by visiting key government officials in person. Notably, Mr. Nay Min Htet, a legal expert from the Ministry of Legal Affairs, and Mrs. Hsu Mon Soe, the Director of the Social Welfare Department, were interviewed. The primary aim of these interviews was to gather comprehensive insights from their unique perspectives and to benefit from their considerable expertise and experiences concerning the national action plan and various policies addressing child labor. The discussions delved into the proposed enhancements of governmental policies aimed at combating child labor, as well as the practical implementation of the national action plan.

NO	Name	Position	Department
1	Mr. Nay Min Htet	Legal Officer	Ministry of Legal Affairs
2	Mrs. Hsu Mon Soe	Director	Social Welfare Department

#### *4.3 demographics of government officers in Yangon, Myanmar*

At the commencement of the interviews, the researcher took deliberate steps to ensure that participants felt at ease. This included providing comprehensive information about the interview process, thereby ensuring transparency and comfort for all involved. The interview protocol consisted of 9 participants until data saturation was reached in order to confirm or corroborate results with another research.

#### **4.3.1 Rationale for Small Sample Size**

In qualitative research, the depth of understanding often takes precedence over the number of participants. This study focused on interviewing four child laborers in Yangon, Myanmar, who have experienced significant exploitation due to

socioeconomic factors. The deliberate selection of these participants was aimed at gaining in-depth insights into the specific challenges and experiences faced by child laborers in this context. Each child's unique story contributes to a comprehensive understanding of the broader issue.

The small sample size is justified by the need for detailed, rich data that can be obtained through in-depth interviews. The homogeneity of the participants, all facing similar socioeconomic challenges in the same geographical area, allows for a focused examination of how these factors influence child labor. Additionally, ethical considerations and the feasibility of conducting thorough interviews necessitated a smaller, more manageable group, ensuring the well-being of the participants.

The conclusions drawn from this study are robust due to several factors. Triangulating the interview findings with data from NGOs, UNICEF, and government officials ensures a well-rounded perspective. The iterative process of coding and analyzing the interview transcripts reveals key themes and patterns, grounding the findings in the data. The contextual relevance of the children's experiences and their firsthand accounts provide valuable insights for policymakers and practitioners. These insights are essential for proposing amendments to improve child rights and protections against labor exploitation in Myanmar.

#### **4.4 Data Analysis Process**

After receiving approval from the Master of Arts in Asia Pacific Studies (MAPS) program (approval number 67.51.1/44) in December 2023 (see Appendix B), the researcher commenced the data collection process. This process involved conducting in-depth interviews with nine participants who met the pre-established inclusion criteria, with a focus on exploring government policies and legal frameworks related to the study. The interview questions can be seen in Appendix A.

The researcher employed the quota sampling method to identify and refer potential participants who fit the study's criteria. The data collection phase spanned from February 2024 to May 2024, with the interviews being conducted specifically between March 2024 and April 2024. To ensure a structured approach, the researcher allocated distinct time slots for each group of participants: 30 minutes for interviews with child

labor representatives, 45 minutes for those from NGOs, UNICEF, and legal officers, and one hour for government officials. Using a mobile phone recorder, these recordings were securely stored on a personal drive to ensure data integrity and confidentiality. This methodological approach facilitated a comprehensive examination of the relevant policies and frameworks, providing valuable insights for the research.

The reason why the researcher needs to specify the duration time for the interviewees is while the interview with child laborers, the researcher encountered significant challenges and had to employ strategic ingenuity when conducting interviews with child laborers. There is no chance to interview child laborer's long time. While at the Beauty Saloon, the researcher interviewed Miley during a haircut appointment. Additionally, the researcher interviewed Liam at a local tea shop, taking the opportunity to do so while having tea and ordering meals. This difficulty arose primarily because many business owners in Myanmar are opposed to allowing their child employees to be interviewed.

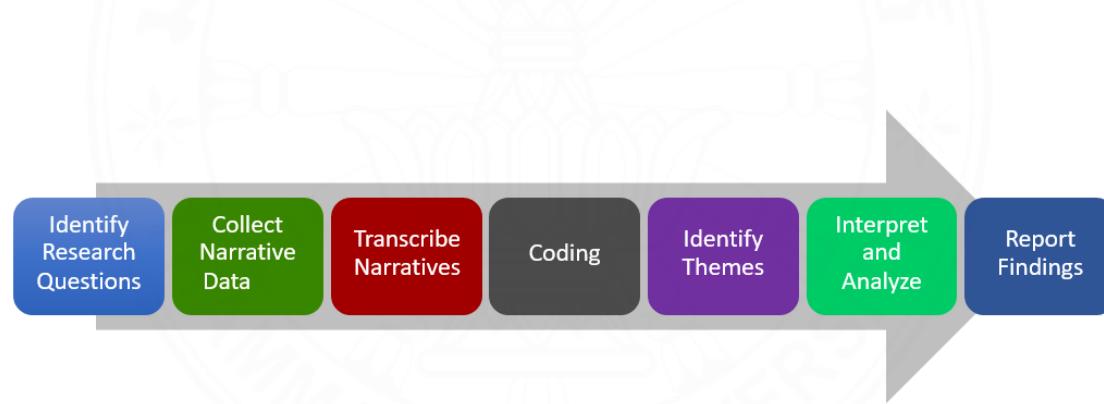
In the course of this research, representatives from NGOs, UNICEF, and legal officers were primarily interviewed via Zoom, with some meetings conducted in person. Each interview session, whether virtual or face-to-face, was allocated approximately 45 minutes, which was deemed sufficient for a comprehensive discussion. In the governmental sector, the researcher conducted an in-depth interview with the Director of the Social Welfare Department. This interview focused on examining the department's current initiatives concerning child labor, including an analysis of relevant policies, rules, and regulations. Additionally, the discussion addressed the challenges faced by the department and explored its future objectives and strategies to combat child labor. As a result of the aforementioned circumstances, the researcher conducted an hour-long interview with the government official.

This research adopts a narrative analysis approach to analyze the collected data. Rooted in the seminal contributions of Labov and Waletzky, narrative analysis within sociolinguistic research provides a comprehensive framework for understanding the intricacies of storytelling (Labov, 1967). Narratives fulfill dual functions, serving both referential and evaluative purposes, thereby offering rich insights into the social and cultural contexts in which they are situated. The analytical review undertaken in this

study is geared towards deriving meaningful conclusions, thereby contributing to a nuanced comprehension of the research topic.

The researcher acquired the audio recordings of the interviews and transcribed them into written format. Subsequently, the researcher engaged in multiple iterations of reading and re-reading these transcriptions to foster a deep understanding of the content. Through this iterative process, codes and themes gradually surfaced, driven by the researcher's immersion in the textual material (see Figure 2).

The narrative analysis undertaken in this study delineates three principal areas: (a) socioeconomic factors, (b) inadequate governmental policies and frameworks, and (c) the role of non-governmental organizations (NGOs). These identified themes serve as critical lenses through which to evaluate the efficacy of the governmental apparatus and legal infrastructure in Myanmar concerning the protection and enforcement of child labor rights.



*Figure 2 Seven steps of the narrative analysis by Bamberg, Michael. "Narrative analysis." (2012).*

## 4.5 Coding Process

Narrative analysis encompasses multiple stages, such as transcription and coding. In this study, the coding process followed an inductive approach, integrating the theoretical frameworks of social stratification theory, the capability approach, and poverty trap theory.

The interview recordings were transcribed verbatim to ensure accuracy. The initial coding phase entailed a thorough review of the transcripts, involving multiple

readings to identify key statements and recurring themes. Open coding techniques were then employed to label and categorize the various concepts and themes that emerged from the narratives.

In addition, the method of focused coding was utilized to amalgamate and distill the initial codes into more comprehensive themes. This process entailed clustering analogous codes together and discerning patterns that emerged across various narratives. Through this systematic approach, the analysis was able to reveal overarching themes and provide deeper insights into the data.

Following the familiarization phase, the researcher advanced to the initial coding stage. This involved a meticulous manual coding process, where each transcript was carefully examined on a line-by-line basis to identify segments of text pertinent to the research questions. These identified segments were then systematically assigned descriptive codes. For instance, some of the codes developed during this process included themes such as the causes of child labor, the effectiveness of government policies, and the perspectives of non-governmental organizations. This rigorous coding approach ensured a comprehensive and detailed analysis of the data, facilitating a deeper understanding of the various factors influencing child labor in Yangon, Myanmar.

The initial coding process entailed a thorough review and subsequent organization of codes into more comprehensive themes. This analytical phase involved identifying patterns and connections among the codes. For instance, codes related to “the causes of child labor” and “family struggles” were amalgamated under the broader theme of “Socioeconomic Factors.” Likewise, codes such as “the effectiveness of government policies” and “legal enforcement” were consolidated into the theme “Inadequate Governmental Policies and Frameworks.” Additionally, codes concerning “the perspectives of non-governmental organizations” and “community awareness” were grouped under “The Role of Non-Governmental Organizations.” This thematic categorization facilitated a more nuanced understanding of the data, allowing for the identification of key issues and trends in the context of child labor in Yangon.

## 4.6 Themes

The examination of the collected data unveiled three overarching themes that directly corresponded with the central inquiry of the research: (a) socioeconomic factors, (b) inadequate governmental policies and frameworks, and (c) the role of non-governmental organizations (NGOs). Each theme encapsulates crucial facets of the participants' narratives and serves to illuminate key dimensions of the phenomenon under investigation.

The first theme delves into the multifaceted dynamics contributing to the prevalence of child labor, particularly focusing on the intricate interplay of socioeconomic factors shaping this phenomenon. Subsequently, the second theme scrutinizes the efficacy and adequacy of governmental policies and legal frameworks aimed at addressing child labor within the context of Yangon, Myanmar. Lastly, the third theme underscores the indispensable contributions of NGOs in combating child labor in Yangon, Myanmar. Together, these three theme dimensions offer a comprehensive and nuanced understanding of the efficacy of strategies aimed at mitigating child labor within the specific context of Yangon, Myanmar.

### 4.6.1 Socioeconomic Factors (Theme 1)

Children express that their sense of belonging within the family goes beyond mere biological relationships, emphasizing the importance of actively contributing to family affairs and daily activities. Particularly noteworthy is the heightened sense of connection experienced by those who assist their parents in their business ventures, as their efforts are recognized and appreciated within the family dynamic. By participating in family businesses, these children view themselves as essential members, working together to overcome shared challenges. This active involvement cultivates a deeper bond and mutual support among family members. Children who live with their parents often find a profound sense of satisfaction and accomplishment through their active engagement in managing and operating the family business.

The researcher undertook a series of interviews by personally visiting participants across diverse sectors and circumstances, encountering significant

challenges throughout the process. One particularly difficult aspect involved interviewing child laborers, as many business owners in Myanmar are opposed to such interviews. This study's findings are partially based on the narratives provided by four children. These narratives were collected to investigate the children's perspectives and thoughts on working conditions. It is noteworthy that most of the children were able to express their thoughts and feelings on this topic with clarity.

During a visit to a car workshop to repair the researcher's vehicle, a child laborer was observed assisting in the exchange of automobile transmission cables and battery pots. Estimating the child's age to be between nine and eleven years old, the researcher deemed him an appropriate candidate for the study and decided to conduct an interview. However, interviewing child laborers in Myanmar presented numerous difficulties. Many children were reluctant to participate due to fear of their employers, who were also generally unwilling to allow such interactions with outsiders. Ko Ko who experiences non-exploitative work states:

Ko Ko, a nine-year-old boy residing with his parents, is employed at a car repair shop. Having never attended school, he is one of three siblings and the second son in his family. His father passed away when he was five years old, and his mother now supports the family by selling flowers. Ko Ko began working at the car repair shop at the age of eight to assist with the household income. And he said "Upon beginning my career, I encountered significant challenges due to my lack of experience with automobiles. My aspiration is to establish an automotive workshop when he grows up. Currently, my employment in a car workshop provides a steady income, enabling me to support my family. Consequently, I am reluctant to pursue further education at this time, preferring to continue in a profession that offers financial stability."

The researcher visited a beauty salon for a haircut and coincidentally met Miley who had experience from exploitative work. When recounting her experiences, the participant exhibited signs of sadness, frequently looking downward, speaking in a subdued tone, and avoiding eye contact with the researcher. Notably, although she was the youngest among the female participants, she narrated her story in the briefest span of

time. She explained that children often engage in work because "maybe the parents do not have anything." This acute financial hardship compelled her to leave her family and seek employment in a salon, from where she diligently sent remittances to her family each month.

Miley is a 12-year-old girl residing with her parents. Miley has been employed at the beauty salon since the age of 11. Despite her young age, she has completed her education up to grade 7. Her family consists of three members, and she is their only child. Her father is disabled and unable to work, while her mother makes a living as a vendor. Although her mother has discouraged her from working, Miley chooses to work voluntarily to support and care for her family. Her daily responsibilities include providing hair-washing services, performing facial exfoliation treatments, and administering foot spa sessions to customers.

Subsequently, for the next participant the researcher interviewed a 13-year-old child laborer, Ella, who works as a housemaid and experienced abuse work, facilitated by UNICEF's coordination.

Ella, currently employed as a housemaid, has completed education up to the fifth grade. Her family comprises four members, and she is the youngest daughter. Tragically, her parents passed away in an accident. Presently, she resides with her grandmother. Ella began her work as a housemaid at the age of 12. Her responsibilities include cooking, cleaning the house, washing clothes, and providing massages. The decision to become a housemaid was influenced by the financial difficulties faced by her household. Encouraged by her grandmother and motivated by a desire to contribute to the family income, she embarked on this line of work.

For the last participant, the researcher found Liam, a 14-year-old boy, who lives with his parents and works as a waiter in a tea shop and experiences violent work, where the interview occurred during a visit to the teashop.

Liam, employed as a waiter in a tea shop, has a scholastic background up to Grade 6. He belongs to a family of four, being the youngest son. His father's occupation entails masonry, while his mother engages in laundry services. Liam commenced his tenure as a tea shop waiter at the tender age of 10. His routine commenced at 4 am, encompassing tasks such as boiling the kettle, arranging the shop, sanitizing tables, and assisting in food preparation for sale. His decision to pursue this occupation results from both personal choice and parental influence.

Moreover, Mr. Nay Min Htet, a legal expert from the Ministry of Legal Affairs, explicitly highlighted that socio-economic factors are driving children into the workforce. He elaborated on this issue in the following statements.

In Myanmar, child labor manifests in two distinct forms: voluntary labor and forced labor. The children engaged in these activities often face significant living difficulties. Forced child labor is typically a consequence of several factors, including parental debt, orphanhood, and inadequate parental supervision. Additionally, cultural norms significantly contribute to the prevalence of child labor. For example, in households with limited financial resources, it is common for children to work alongside their parents, with the eldest child often bearing the primary responsibility. This phenomenon is not exclusive to Myanmar; it is widespread in other Asian countries.

The researcher identified various concepts and mindsets among the child laborers. A subset of these children, who had never attended school, expressed a lack of interest in education, citing their primary focus on earning money. Conversely, child laborers with formal education demonstrated a willingness to continue schooling. When they observe other children attending school, they experience a sense of discouragement regarding their educational opportunities. The researcher emphasized these differing perspectives, drawing attention to significant variations in attitudes toward education among the interviewees. Ko Ko, who had never attended school, stated,

“I engage in this work voluntarily and with my parents' encouragement. I have chosen not to continue my education because I prioritize earning money to support my family. Attending school would prevent me from contributing financially, so I have decided against pursuing further education.”

The statements provided by some child laborers notably differ from those of their peers. Conversely, Miley, who had attended school up to grade 7, expressed,

“I selected this occupation of my own volition due to my family's financial hardship. I had previously attended school up to grade 7. My aspiration is to establish a beauty salon. I wish to continue my education because furthering my studies will enhance my knowledge and expertise in my chosen career field.”

Ella, the participant, expressed her emotions vividly.

“Due to my grandmother's financial difficulties, I have taken on the role of a housemaid. Following the passing of my parents, I currently reside with my grandmother. My aspiration is to pursue a career in nursing, which motivates my desire to continue my education.”

In the course of the interview, Liam explicitly conveyed his thoughts to the researcher, articulating his perspectives in the following manner:

“I started working because my family did not have enough money. My big brother works with my dad in construction. I want to be a successful business owner. But first, I need to go to school to learn more about business.”

#### **4.6.2 Inadequate governmental policies and frameworks (Theme 2)**

The researcher interviewed government officials, specifically Mr. Nay Min Htet, a legal expert from the Ministry of Legal Affairs, and Mrs. Hsu Mon Soe, Director of the Social Welfare Department. Initially, Mr. Nay Min Htet provided his insights, articulating his perspectives in detail.

Mr. Nay Min Htet, a Law Officer at the Ministry of Legal Affairs, is an expert on Myanmar's Child Rights Law of 2019. In Myanmar, 200,000 children, or 1 in 10, are engaged in child labor, categorized into those who work voluntarily and those coerced due to factors like parental debt, orphanhood, and inadequate supervision. These challenges are exacerbated by internal conflicts, economic downturns from the COVID-19 pandemic, and limited public awareness due to the government's confidentiality on the National Action Plan (NAP). Although the Child Rights Law of 2019 grants children the right to live with both parents, enforcement is weak, and children are often forced into labor by their parents. Strengthening compulsory education beyond the primary level is suggested to reduce child labor vulnerability. While Myanmar's child labor laws align with international standards, their implementation remains ineffective, particularly in industries regulated by the 2016 Shops

and Establishments Law and the Child Rights Law of 2019, which aim to protect children's rights in various sectors.

Mr. Nay Min Htet, a legal expert from the Ministry of Legal Affairs, provided strategic advice to the government on successfully combating child labor in Myanmar. He elaborated on this issue in the following statements.

Eliminating child labor in Myanmar requires more than just legislative measures. Organizations dedicated to this cause should focus on raising public awareness about the issue. Additionally, if the government were to extend compulsory education to include secondary schooling rather than just primary education, it could significantly reduce the prevalence of child labor.

Furthermore, Mrs. Hsu Mon Soe, in her capacity as Director of the Social Welfare Department, delineated a comprehensive strategy within the National Action Plan (NAP) aimed at the eradication of child labor. Within the discourse, she highlighted the imperative significance of governmental involvement in the mitigation of child labor issues within the context of Myanmar.

The National Action Plan (NAP) for the Elimination of Child Labor in Myanmar addresses the significant demographic challenge posed by a population of over 53 million, with 33.83 percent under 18 years old, predominantly in rural areas where poverty is acute. Key priorities include safeguarding children from economic exploitation, ensuring education, improving working conditions, promoting skills development, and regulating migration. Myanmar ratified the ILO Convention 182 in 2013 and, under the Child Rights Act 2019, has established measures to combat hazardous child labor. The Department of Social Welfare, in collaboration with other agencies, conducts ongoing inspections and interventions, including financial assistance and rehabilitation programs. The first five-year plan (2019-2023) addressed severe child labor cases, while the upcoming phase (2024-2028) aims for a more comprehensive approach in high-risk sectors like restaurants, manufacturing, retail, and construction.

Mrs. Hsu Mon Soe, as the Director of the Social Welfare Department, advised the governmental efforts aimed at effectively addressing the pervasive challenge of child labor within the context of Myanmar. Her insights and expertise were instrumental in formulating and implementing comprehensive strategies.

The primary cause of child labor is often linked to familial economic necessity. In cases where child abuse is evident, prioritizing the identification and prosecution of perpetrators becomes imperative, addressing the socio-economic challenges within the child's family. Consequently, relevant authorities must act in the child's best interests. Additionally, the Department of Social Welfare is set to launch the second phase of a five-year action plan (2024-2028) aimed at eradicating child labor in Myanmar, outlining specific responsibilities to achieve this goal. Myanmar's initial five-year plan (2019-2023) prioritizes two key sectors: industry and manufacturing, and commerce and trade. Despite this prioritization, government investigations have focused exclusively on the industry and manufacturing sectors. As a result, there has been a lack of scrutiny in the commerce and trade sectors, including areas such as restaurants, retail, and construction. This oversight suggests a potential gap in the comprehensive evaluation and development of the prioritized sectors within the plan.

#### **4.6.3 The Role of non-governmental organizations (NGOs) (Theme 3)**

The researcher conducted interviews with representatives from agency of the UN and non-governmental organizations (NGOs) actively engaged in efforts to eliminate child labor. The involvement of NGOs is particularly significant in the context of Yangon, Myanmar, where they play a pivotal role in addressing this issue. Notably, the researcher interviewed Ms. Hnin Hnin Nwe, a child protection officer at UNICEF Myanmar, to gain deeper insights into the organization's strategies and initiatives against child labor. Established in 1946, the organization has been delivering services in

Myanmar for 77 years. Among its key activities, UNICEF addresses child labor in Myanmar by focusing on issues such as child abuse and maltreatment.

UNICEF is actively engaged in delivering essential humanitarian assistance to the most vulnerable children impacted by the conflict in Myanmar. This includes providing quality legal aid and psychosocial services to children affected by arbitrary detention and violence. Recognizing the significant educational disruptions faced by millions of children, UNICEF is also offering alternative learning opportunities to ensure continued access to education. Furthermore, UNICEF's initiatives in maternal and child health, nutrition, water, sanitation, and hygiene (WASH) are crucial in saving lives and promoting overall well-being. Ms. Hnin Hnin Nwe, a child protection officer at UNICEF states:

“Following the 2021 coup in Myanmar, cooperation between the government and organizations like UNICEF has significantly declined, leading to the suspension of technical and financial support for awareness services. NGOs now face severe restrictions, including a ban on gatherings of more than five people, hindering their efforts to combat child labor. Despite these challenges, UNICEF continues to advocate for Myanmar's child labor issues internationally and has been instrumental in the signing of ILO Conventions 138 and 182. In response to the current limitations, UNICEF has shifted its public awareness campaigns to social media platforms such as Viber (Thuta Sagar Wine) and Facebook (the Law Talking Show).”

Child labor has increased in Myanmar due to public sector inefficiencies and political conflicts. UNICEF is actively addressing the issue through a Case Management Systems strategy, providing education, health, and legal support to rescue and rehabilitate child laborers. NGOs contribute by offering social and legal protection services. Before the coup, UNICEF collaborated with lawyers, NGOs, the ILO, and child laborers to propose new laws to parliament. However, the coup has weakened the effectiveness of these legal efforts.

The researcher conducted an interview with Mrs. Lei Lei Win, who serves as the Project Officer at TTHL (Terre des Hommes Lausanne). During the interview, Mrs. Lei Lei Win provided detailed insights into the discussed topics, elucidating on pertinent issues.

“Our primary objectives prioritize enhanced protection, advocacy for children's rights, and facilitating transformative changes in their lives. Established in 1960 and operational in Myanmar since 2009, the organization has a 64-year legacy of engagement. From 2019 to 2020, it functioned as a Tenure Track and High-Level (TTHL) entity, focusing on children's welfare, community development, and documenting impactful life stories. Despite a decrease in collaborative efforts following political upheaval, the NGO Child Rights Working Group (NCRWG) remains actively engaged with World Vision, Save the Children, and UNICEF to address child labor and effect meaningful change.

The TTHL Organization operates under a distinct Project Orientation framework, employing innovative 3D methodologies encompassing dimensions of "Dirty," "Dangerous," and "Dignity." Collaboration with esteemed entities including the European Union and UNICEF fortifies our endeavors. Despite earnest efforts to enact transformative strategies aimed at ameliorating the plight of child laborers, practical implementation remains a challenge. For instance, initiatives such as subsidizing children into vocational paths sans consideration of their interests often result in recidivism, reverting them to their initial disengaged state. Before the recent political upheaval, fruitful partnerships with organizations like the NCRWG were instrumental. Legislative milestones, such as the amendment and parliamentary discourse surrounding the Children's Law of 1993, paved the way for the inception of the new Child Rights Law in 2019. Noteworthy achievements include the successful resettlement of three orphaned children residing beneath the Ba Yint Naung Bridge in Yangon, entrusted to nurturing families akin to foster parents. To safeguard and promote the rights and well-being of vulnerable children subjected to exploitation, collaborative efforts have been initiated with legal aid organizations such as Candlelight and Samadhi.

The final participant from the NGO sector, Mrs. Tin Tin Naing (Pann Tine Shin), who serves as the Director, explicitly emphasized the critical importance of NGOs' role. She provided a detailed elaboration on this issue, as demonstrated in the following statements.

"Since its establishment in 2012, our organization has focused on enhancing the social well-being of children and ensuring their safety and security, with support from the Save the Children Organization. Committed to eradicating exploitative child labor and combating discrimination, we collaborate with government entities like the Myanmar Police and the Ministry of Health to provide necessary interventions for child laborers facing psychological and physical harm. Partnering with local governments, we foster child development in various wards and villages through awareness-raising initiatives, financial support, and food provision. Despite challenges such as parental unawareness and insufficient governmental action, especially during the COVID-19 pandemic, our educational programs for children aged 12 to 18 address both working children involved in family businesses and child laborers deprived of education and proper nutrition.

The organization actively engages child laborers to understand the root causes of child labor and supports them in accessing assistance during hazardous situations. Save the Children supports these efforts. Collaborating with None for Education (NFE), the organization promotes educational opportunities tailored to children's career interests. Additionally, Pann Tine Shin advocates for specific legislation on child labor, endorsing safety and equal rights for all child workers. However, political disruptions have hindered the formalization of Child Rights Rules and Regulations, delaying their implementation despite ongoing efforts."

Mr. Nay Min Htet, a legal officer from the Ministry of Legal Affairs, emphasized the critical role played by non-governmental organizations (NGOs) in combating child labor in Yangon, Myanmar.

“UNICEF, Save the Children, Child Dreams Myanmar, Child Funds Myanmar, and World Vision Myanmar are dedicated to eradicating child labor. These NGOs and international organizations play a crucial role in safeguarding the protection and well-being of children in Myanmar. The involvement of such organizations is vital in the fight against child labor in the country.”

Ms. Ella, a housemaid who received various forms of assistance from the organization, including medical support and legal aid, expressed the following statement:

"I received support from the Pann Tine Shin Organization. By sharing my experiences with my grandmother, she could contact the Pann Tine Shin non-governmental organizations (NGOs). Upon encountering this incident, I experienced fear and shyness, and I was uncertain about whom to report the case to. However, I was fortunate to receive assistance from the Pann Tine Shin NGO. This organization provided me with essential protection and welfare services, including necessary medical and legal assistance under the Candlelight program. The individual responsible for the sexual abuse was mandated to provide a compensation payment of 10,000,000 kyats to the local police station. This NGO served as the best support and negotiator for my suffering abuse."

#### 4.7 Findings

This qualitative study aims to examine the governmental and legal frameworks addressing child labor rights in Myanmar. By employing a qualitative approach, the study investigates government policies and legal structures concerning child rights. It integrates theories such as the capability approach, poverty trap theory, and social stratification theory to elucidate the mechanisms through which these frameworks operate.

Through the synthesis of these theoretical perspectives, the research highlights the interrelated factors including lack of access to education, economic vulnerabilities, and societal inequalities that sustain the cycle of child labor. This comprehensive theoretical framework enhances our understanding of the multifaceted nature of child labor in Myanmar. Moreover, it provides crucial insights for the development of effective

interventions and policies aimed at eliminating this widespread issue and advancing the rights and welfare of children in the region.

The study was structured around the following research questions, which were formulated to guide the investigation and achieve the research objectives:

1. What is the effectiveness of the government and legal framework in Myanmar in addressing child labor rights?
2. How do socio-economic factors impact the prevalence of child labor?

The results of the research were grounded in three key themes that emerged from the data analysis: (a) socioeconomic factors, (b) inadequate governmental policies and frameworks, and (c) the role of non-governmental organizations (NGOs).

The recurring themes identified in the participant's responses to the interview questions highlight several critical issues, including the causes of child labor, the insufficiencies in government policies addressing child labor, and the effectiveness of non-governmental organizations (NGOs) in combating this problem. Upon synthesizing the key findings from these interviews, the researcher concluded that there is a significant inadequacy in the implementation of government policies and legal frameworks designed to address child labor.

#### **4.8 Findings related to the literature**

In this study, parallels were drawn with the findings of previous researchers, notably (see Win & Siriwato, 2022). These researchers highlighted a significant barrier to education in Myanmar: the financial burden that prevents many children from enrolling in school. Their work elucidates how economic constraints force some children to abandon their education prematurely in order to contribute financially to their families. This phenomenon exacerbates the cycle of poverty, as the lack of educational opportunities further limits these children's potential for future economic advancement. The current study reaffirms these findings, underscoring the persistent challenge of educational access in economically disadvantaged communities and the compounding effect of financial hardship on children's education in Myanmar.

This study's findings are consistent with previous research conducted by (see Diao & Mahrt, 2020 and Lancini, 2017). The pervasive issue of poverty in Myanmar significantly contributes to the prevalence of child labor. A considerable number of families face severe economic hardships, which compel them to rely on their children's income to meet basic needs. The financial instability within these households makes it nearly impossible for them to sustain themselves without the supplementary earnings provided by their children. Consequently, children are often diverted from educational pursuits and recreational activities, which are crucial for their development, to engage in laborious tasks. According to UNICEF, approximately one in five children aged 5 to 17 in Myanmar is engaged in child labor, underscoring the gravity of this socio-economic predicament. This confluence of poverty and child labor perpetuates a cycle of deprivation, hindering both the immediate well-being and prospects of these children.

The present study reveals the same with earlier research conducted (see Oh, 2016), shedding light on the cultural dynamics influencing child labor practices in Myanmar. Cultural norms in Myanmar place significant emphasis on familial duties, prompting children to engage in economic activities at a young age to support their families financially. While these cultural imperatives do not explicitly endorse child labor, they imbue children with a profound sense of responsibility toward contributing to their family's economic welfare. Consequently, working children assume pivotal roles in bolstering household finances. Interview data underscore the enduring influence of traditional cultural norms in Myanmar society, particularly concerning the expectations placed upon children to assist their parents. This cultural paradigm fosters a milieu wherein children forego formal education in favor of joining the workforce, thus perpetuating the cycle of child labor. The findings elucidate the intricate interplay between cultural values, familial expectations, and child labor practices, underscoring the need for nuanced interventions to address this complex issue effectively.

The regulation of child labor in Myanmar is structured around several key legislative acts, namely the 1951 Factory Act, the 2016 Shops and Establishments Law, and the 2019 Child Rights Law (see MOLA, 1951). These statutes collectively stipulate that children aged 14 are permitted to work a maximum of four hours per day and are prohibited from working between the hours of 6 p.m to 6 a.m. Despite legal protections,

recent interviews reveal a significant gap between statutory provisions and the realities faced by child laborers in Myanmar. Many children work beyond the legal four-hour daily limit and lack sufficient rest periods, leading to exploitation. This discrepancy underscores the need for more effective implementation and monitoring to protect their rights and well-being.

The findings of this study present a nuanced perspective compared to prior research conducted by (see Win. T. Aung, 2019). Win's study posits that Myanmar's existing legal framework concerning child labor falls short of international standards designed to protect children in the workplace. Mr. Nay Min Htet, a legal officer from the Ministry of Legal Affairs, elucidated that while Myanmar's legal framework aligns with international standards, the implementation process remains deficient. Notably, this has led to the introduction of the Child Rights Law of 2019, which aims to harmonize Myanmar's legal framework with global standards and norms concerning child labor.

This study's findings exhibit some variations from the previous research conducted by (see Jensen et al., 2021 and Tun, 2016). These conclusions have been further elucidated by Mr. Nay Min Htet, highlighting significant regulatory frameworks. According to Mr. Nay Min Htet, violations in manufacturing factories, shops, or buildings fall under the purview of the Shops and Establishments Act, 2016, which governs the prosecution of such offenses. Furthermore, the protection of children working in specific sectors such as the fishing industry, animal husbandry, and cottage industries is enshrined in the 2019, Child Rights Act. This act is pivotal in safeguarding their rights and welfare.

#### **4.8.1 Literature Gaps**

The regulation of child labor in Myanmar is structured around several key legislative acts, namely the 1951 Factory Act, the 2016 Shops and Establishments Law, and the 2019 Child Rights Law (see MOLA, 1951). These statutes collectively stipulate that children aged 14 are permitted to work a maximum of four hours per day and are prohibited from working between the hours of 6 p.m to 6 a.m. However, significant gaps exist between these regulations and their implementation. For instance, all child labor

participants in my interviews reported working over 12 hours per day, indicating a clear violation of the stipulated work hours.

Additionally, Myanmar's education system mandates compulsory school attendance only up to the primary level, which inadequately addresses the root causes of child labor. Increasing compulsory schooling to include secondary education could significantly reduce child labor. Despite this policy, many children, like Ko Ko, are unable to attend even primary school due to economic hardships and familial responsibilities. These gaps highlight the urgent need for stronger enforcement of existing laws and comprehensive education reforms to effectively combat child labor in Myanmar.

#### **4.9 Findings Related to the Theories**

Amartya Sen's Capability Approach provides valuable insights into the issue of child labor in Myanmar by emphasizing the importance of empowering children with access to education, health, and overall well-being. This perspective is evident in the experiences of children like Ko Ko, Miley, Ella, and Liam, whose opportunities for education and personal development are severely constrained by their need to contribute to household income. Child labor deprives them of essential opportunities, hindering their future potential and perpetuating cycles of poverty and inequality.

The poverty trap theory, as outlined by Walelign et al. (2021), suggests that families in extreme poverty struggle to escape deprivation due to limited access to essential resources and opportunities. This is illustrated by the interview data, where financial hardship drives children like Ko Ko, who works at a car repair shop, and Ella, who works as a housemaid, into labor. These children support their families out of necessity, reinforcing the cycle of poverty.

Marx's social stratification theory (Marx, 1983) explains how economic structures perpetuate social inequality. In the context of child labor, families in impoverished social classes, such as those of Ko Ko, Miley, Ella, and Liam, face economic instability, compelling them to resort to child labor. These children's stories demonstrate how economic hardship and social class perpetuate the need for child labor, reinforcing the stratification within society.

By relating these theories to the interview data, it becomes evident that child labor in Myanmar is a multifaceted issue deeply rooted in economic hardship and social inequality, requiring a comprehensive approach to address and break these cycles.

#### 4.10 Conclusion

The study reveals critical insights into the support needed from government bodies and NGOs to address child labor in Myanmar. It highlights the necessity for enhanced aid and intervention strategies to ensure the survival and welfare of child laborers, who often lack awareness of their rights and face extended working hours, insufficient wages, and various forms of exploitation. The study identifies deficiencies in the implementation of government roles, legal frameworks, and policies aimed at protecting child laborers, indicating that current measures are inadequate.

Theme one explores the diverse motivations and circumstances influencing child labor in Myanmar. It underscores the interplay between familial economic pressures and personal aspirations, revealing how children like Ko Ko, Miley, Ella, and Liam navigate their work and education to support their families and improve their future prospects. The study suggests that addressing low wages is essential for improving their conditions.

Theme two underscores Myanmar's multifaceted approach to tackling child labor through insights from key officials. Despite legislative efforts like the Child Rights Law of 2019, enforcement remains inadequate. The National Action Plan prioritizes safeguarding children from economic exploitation, with recommendations for enhancing public awareness and extending compulsory education.

Theme three highlights the efforts of NGOs and international organizations, including UNICEF and Terre des Hommes Lausanne, in combating child labor. Despite challenges from political instability and limited resources, these organizations focus on legal protection, educational programs, and advocacy to safeguard vulnerable children. The study emphasizes a significant gap between government policies and practical measures, calling for substantial improvements in both the formulation and execution of regulations to combat child labor effectively.

## Chapter 5

### CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Conclusions of the study

The prevalence of child labor in Myanmar is primarily driven by poverty, although other significant factors also contribute. These include inadequate access to education, political instability, and entrenched cultural norms. Together, these factors create a challenging environment for addressing child labor. As a result, efforts by ASEAN and the international community to combat child labor in Myanmar have stagnated. The persistent political instability in the country further exacerbates the situation, causing delays in the implementation of crucial initiatives and programs designed to reduce child labor. This ongoing instability hinders progress and undermines the effectiveness of both local and international efforts aimed at protecting vulnerable children.

Effectively addressing child labor demands a collaborative approach, as government efforts alone are insufficient. The success of initiatives in this area depends on the active involvement of the government, non-governmental organizations (NGOs), international non-governmental organizations (INGOs), and the children affected by labor practices. Before 2021, these groups cooperated closely, mutually reinforcing their efforts to combat child labor. However, in recent years, the contributions of NGOs and INGOs have significantly decreased, and their collaboration with the government has weakened. This decline has been exacerbated by various challenges, such as difficulties in organizing community outreach programs, limited resource sharing, and restrictions like night curfews imposed by current political policies. These obstacles have considerably hindered their capacity to provide effective assistance to child laborers.

In certain regions of Myanmar, civil conflict with ethnic armed organizations (EAOs) disrupts children's access to education. The ongoing political instability, coupled with domestic currency inflation and rising commodity prices, exacerbates the situation. Many children face food insecurity, making it impossible for them to attend school. As a

result, even those child laborers who previously managed to balance work and education are compelled to return to their former jobs. Although public education is technically free, the increased costs associated with food and school-related expenses deter parents from sending their children to school.

Cultural attitudes that prioritize work over education contribute significantly to the persistence of child labor throughout Myanmar. These norms reinforce and perpetuate the cycle of child labor across various communities and regions of the country. Children are often compelled or expected to contribute to household incomes or community needs from a young age, foregoing educational opportunities that could offer them a pathway out of poverty and exploitation. This cultural mindset not only normalizes child labor but also impedes efforts aimed at promoting universal education and breaking the cycle of poverty that perpetuates child labor practices. Thus, addressing these entrenched cultural beliefs is crucial in effectively combating child labor in Myanmar.

## 5.2 Discussion

According to the research, the researcher discussed with representatives from the agency of the UN and non-governmental organizations (NGOs) in response to governmental legal and policy shifts. Currently, policy implementation in Myanmar faces significant obstacles, highlighting the necessity for improved policies. Moreover, enhancing the education sector is crucial for the government to effectively address societal challenges. Non-governmental organizations (NGOs) operating in Myanmar face significant challenges due to constrained resources exacerbated by ongoing political instability. These conditions hinder their ability to effectively achieve their intended objectives and desired outcomes in their initiatives and programs.

In addressing child labor in Myanmar, it is evident that legislative measures alone are insufficient without active government involvement. While socio-economic factors predominantly drive children into labor, effective governance is crucial in safeguarding their rights. Government officials play a pivotal role in ensuring the well-being of child laborers, yet comprehensive strategies that encompass both legislative frameworks and proactive enforcement are essential for meaningful progress.

According to the research findings, discussions with UN agency representatives and NGOs underscored the challenges posed by governmental legal and policy shifts in Myanmar. The current obstacles in policy implementation emphasize the urgent need for enhanced policies to address societal issues effectively, particularly through improvements in the education sector. NGOs operating in Myanmar also face significant challenges due to limited resources exacerbated by ongoing political instability, hindering their ability to achieve desired outcomes in combating child labor and other initiatives. Effective governance, involving both legislative measures and proactive enforcement, is crucial in mitigating the socio-economic factors driving children into labor and ensuring the well-being of child laborers in Myanmar.

### **5.3 Policy Recommendations**

Based on the findings and results of this research on exploring government and legal frameworks for addressing child labor rights in Myanmar, the following policy recommendations are proposed.

Firstly, the Myanmar government should strengthen legislative frameworks aimed at combating child labor by enhancing the enforcement of existing laws and regulations. This includes regular reviews and updates of child labor laws to ensure they are comprehensive and effective in protecting children's rights across all sectors, with a particular focus on sectors such as agriculture, manufacturing, service sector, and domestic work where child labor is prevalent.

Secondly, there is a critical need for the government to allocate sufficient resources and funding to support initiatives aimed at preventing and eliminating child labor. This includes increasing budget allocations for monitoring, enforcement, and victim support services. Moreover, investing in education infrastructure, particularly in rural areas and marginalized communities, is essential to ensure that children have access to quality education as a viable alternative to entering the labor force prematurely.

Thirdly, partnerships and collaboration between the government, non-governmental organizations (NGOs), international agencies, and civil society organizations should be strengthened. This includes establishing formal mechanisms for

coordination and cooperation to streamline efforts, share resources, and leverage expertise in addressing child labor issues effectively.

Additionally, public awareness campaigns should be intensified to educate communities, parents, and employers about the detrimental effects of child labor and the importance of respecting children's rights to education, health, and protection from exploitation. These campaigns should emphasize changing societal norms and attitudes towards child labor and promoting a culture that values and prioritizes children's well-being and development.

Furthermore, monitoring and data collection mechanisms should be improved to enhance the understanding of the prevalence and root causes of child labor in Myanmar. This includes developing robust data systems and conducting regular surveys and assessments to track progress, identify emerging trends, and inform evidence-based policymaking.

In conclusion, addressing child labor in Myanmar requires a multifaceted approach that combines legislative reforms, resource allocation, stakeholder collaboration, public awareness campaigns, and improved monitoring mechanisms. By implementing these policy recommendations, Myanmar can move towards a future where all children are protected from exploitation and have the opportunity to fulfill their potential through education and safe environments.

#### **5.4 Conclusion**

Based on the objectives of this study, which aimed to evaluate the legal frameworks and governmental policies addressing child labor rights in Yangon, Myanmar, several key findings have emerged.

The research identified significant challenges in the implementation of these frameworks, exacerbated by socio-economic factors that perpetuate child labor practices across the country. Governmental efforts, while pivotal, face obstacles due to political instability and resource constraints, impacting the effective enforcement of child labor laws. Moreover, the study underscored the critical importance of enhancing educational opportunities for children as a fundamental strategy in combating child labor.

UNICEF and non-governmental organizations (NGOs) operating in Yangon and beyond play a crucial role in filling gaps left by governmental limitations, yet they too face challenges in resource allocation and operational effectiveness. Moving forward, addressing these issues requires a multi-faceted approach that integrates robust policy reform, enhanced governmental commitment, and strengthened partnerships between governmental bodies, NGOs, and international stakeholders.

By addressing these challenges comprehensively, Myanmar can progress towards safeguarding the rights of its children, ensuring they have access to education and opportunities that are essential for their development and future well-being.

## 5.5 Recommendations for Further Research

In exploring the government and legal frameworks for addressing child labor rights in Myanmar, this research has identified several avenues for further investigation.

Firstly, future studies could delve deeper into the actual implementation and enforcement of existing child labor laws at both national and regional levels beyond Yangon. This would provide a comprehensive understanding of how effectively these laws protect children in different contexts across Myanmar. Secondly, studying how international agreements and treaties that Myanmar has agreed to affect its laws and practices on child labor would show how global ideas influence local rules.

Additionally, research focusing on the socio-economic factors influencing child labor, particularly in urban and rural settings outside Yangon, could enrich our understanding of the root causes and variations in child labor practices across different regions of Myanmar. Lastly, exploring the perspectives and experiences of key stakeholders, including government officials, NGOs, and community leaders, in implementing child labor policies would contribute to identifying practical challenges and effective strategies for combating child labor comprehensively. These recommendations aim to guide future research efforts towards enhancing the effectiveness of policies and interventions aimed at safeguarding child labor rights in Myanmar.

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## APPENDIX A: INTERVIEW QUESTIONS

Guidance: By consenting to participate in this interview and affirming your comprehension of the informed consent process, please be informed that you have the right to withdraw from the interview at any point without facing any repercussions. Additionally, you retain the right to refuse to answer any questions that make you feel uncomfortable. Should you choose to participate in this study, I would greatly appreciate the opportunity to commence the interview.

May I get your approval to audio record this interview? Thank you for your cooperation. We will commence shortly.

### **Interview Questions to NGOs are as follows:**

#### **Ms. Hnin Hnin New (UNICEF)**

1. What is your name and position in this Organization?

Ms. Hnin Hnin Nwe (Unicef) Child Protection Officer.

2. What are the characteristics of your NGO?

- UNICEF is working to reach the most vulnerable children, affected by conflict in Myanmar with critical humanitarian assistance.
- We support children affected by arbitrary detention and violence with quality legal aid and psychosocial services.
- We are providing alternative learning opportunities as millions of children continue to miss out on education.
- Our support for maternal and child health and nutrition, and water, sanitation, and hygiene, saves lives.

3. How long has your NGO been running?

It has been established since 1946 and has been (77) years of service.

4. What are the key factors contributing to child labor in Myanmar?

Child abuse and maltreatment.

5. How do NGOs in Myanmar collaborate with government agencies and other stakeholders to address child labor?

There was cooperation before the coup, and now there is no cooperation.

6. What specific projects or programs do NGOs in Myanmar implement to rescue and rehabilitate children engaged in child labor?

Social services (medical support, mental health support, and social security support) and legal protection services are provided.

7. What are the challenges and obstacles that NGOs face in their efforts to combat child labor in Myanmar?

NGOs are facing challenges and obstacles in combating child labor because of the military coup. After that, child labor has been increased in Myanmar, and due to Public Sectors and Political Conflicts.

8. Are there specific geographic areas or industries where NGOs are particularly active in addressing child labor?

We handled every aspect of child labor is addressed.

9. How do NGOs in Myanmar raise awareness about child labor and its consequences within local communities?

Currently, UNICEF is facing many difficulties in carrying out public awareness outside, so it distributes awareness programs about child labor through social networks (Viber – Thuta Sagar Wine, Facebook – Law talking show).

10. What funding sources support the work of NGOs in Myanmar focused on eliminating child labor?

We have granted from international donor organizations such as the UN Funds, EU, and Canada.

11. What strategies do NGOs employ to provide education and vocational training for children who have been rescued from child labor situations?

Case Management Systems strategy is used. For example, rescue abused child laborers and provide transfer to necessary roles and vocational training schools based on their needs such as education, health, and legal support.

12. How do NGOs in Myanmar advocate for policy changes and legal reforms to strengthen the fight against child labor?

Before the coup, we consulted with lawyers, NGOs, ILO, and child labor. After that, we submitted a solution to the parliament and tried to come out with a new law. After the coup, it would be weak in terms of legal effectiveness because it would only be done by a minority.

13. What success stories or best practices can be attributed to the work of NGOs in Myanmar in addressing child labor?

In Myanmar, UNICEF was able to reach an agreement to sign ILO Conventions 138 and 182. UNICEF and ILO worked together to develop the Child Rights Law and National Action Plan.

14. What role do NGOs play in ensuring the protection and welfare of children vulnerable to exploitation in Myanmar?

If there are any legal or policy changes on the part of the government, UNICEF has supported technical, financial, and local NGOs to provide awareness services, but now this assistance is suspended. In addition, UNICEF presents the problems of child labor occurring in Myanmar at international meetings and ASEAN meetings and provides advocacy to receive support.

15. What are the future goals and challenges for NGOs working on child labor issues in Myanmar?

The current policies in Myanmar are stalled in the implementation phase and there is a need for better policies. In addition, the government needs to implement a better education service sector. As for NGOs in Myanmar, due to the current political situation, they are doing the best with a small force, so they are less likely to achieve success as expected.

### **Mrs. Lei Lei Win (TTHL- Terre des Hommes Lausanne)**

1. What is your name and position in this Organization?

Mrs. Lei Lei Win (TTHL- Terre des Hommes Lausanne) | Project Officer

2. What are the characteristics of your NGO?

Our objectives are always to afford them better protection, defend their rights and change their lives, permanently.

3. How long has your NGO been running?

It was founded in 1960 and has been in operation for 64 years. It was established in Myanmar in 2009.

4. What are the key factors contributing to child labor in Myanmar?

In 2019-2020, project plans related to children, neighborhood/village plans, and making Lives stories.

5. How do NGOs in Myanmar collaborate with government agencies and other stakeholders to address child labor?

There was cooperation before the coup, and now there is no cooperation. Currently, NCRWG - NGOs Child Rights Working Group members are working with organizations such as World Vision, Save the Children, and UNICEF to deal with issues related to child labor.

6. What specific projects or programs do NGOs in Myanmar implement to rescue and rehabilitate children engaged in child labor?

Awareness raising activities (funding, awareness raising, providing food).

7. What are the challenges and obstacles that NGOs face in their efforts to combat child labor in Myanmar?

The conditions that improved before the previous coup 2021 went backwards after the coup and everything went downhill. (For example, street children were taught relevant vocational skills, but after the coup, due to the political situation, these children returned to the street)

8. Are there specific geographic areas or industries where NGOs are particularly active in addressing child labor?

Every aspect of child labor is addressed.

9. How do NGOs in Myanmar raise awareness about child labor and its consequences within local communities?

We work following Project Orientation with 3D methods such as Dirty, Dangerous, and Dignity.

10. What funding sources support the work of NGOs in Myanmar focused on eliminating child labor?

We receive support from different organizations such as the EU and UNICEF.

11. What strategies do NGOs employ to provide education and vocational training for children who have been rescued from child labor situations?

Although the organization has implemented case strategies to change the lives of child laborers, these strategies are still weak in practice. (For example, by subsidizing children into a suitable career without asking them what they are interested in, the child laborers return to their original state of having no interest in that career.)

12. How do NGOs in Myanmar advocate for policy changes and legal reforms to strengthen the fight against child labor?

Before the previous seizure of power, in collaboration with organizations such as the NCRWG. The Children's Law of 1993 was amended and discussed in the Parliament for the emergence of a new law on Child Rights Law in 2019.

13. What success stories or best practices can be attributed to the work of NGOs in Myanmar in addressing child labor?

We have achieved successes such as being able to send (3) orphaned children who live in Bayintnaung Bridge, Yangon, to a family that can take care of them like Foster Parents.

14. What role do NGOs play in ensuring the protection and welfare of children vulnerable to exploitation in Myanmar?

For the protection and welfare of exploited children, we have been working with legal aid organizations such as Candlelight and Samadhi to provide legal aid.

15. What are the future goals and challenges for NGOs working on child labor issues in Myanmar?

Lack of public awareness, parents forcing their children to work instead of going to school without any investment in education, and Myanmar's poverty also pose many challenges for NGOs.



### **Mrs. Tin Tin Naing (Pann Tine Shin)**

1. What is your name and position in this Organization?

Mrs. Tin Tin Naing (Pann Tine Shin) | Director

2. What are the characteristics of your NGO?

The organization's mission is to improve the social life of children and strive to create a safe and secure life for them.

3. How long has your NGO been running?

It was established in 2012 and has been in existence for 12 years.

4. What are the key factors contributing to child labor in Myanmar?

Exploited child labor and discriminated children

5. How do NGOs in Myanmar collaborate with government agencies and other stakeholders to address child labor?

Collaborating with the government for the development of children in the ward/village, taking action in cooperation with the Myanmar Police and the Ministry of Health, which are government organizations, for child laborers who are psychologically and physically harmed.

6. What specific projects or programs do NGOs in Myanmar implement to rescue and rehabilitate children engaged in child labor?

Awareness-raising activities (funding, and providing food)

7. What are the challenges and obstacles that NGOs face in their efforts to combat child labor in Myanmar?

Lack of parental knowledge (for example, sending children to work due to rising prices and low wages during the COVID-19 period), weak government action against child labor.

8. Are there specific geographic areas or industries where NGOs are particularly active in addressing child labor?

Every aspect of child labor is addressed.

9. How do NGOs in Myanmar raise awareness about child labor and its consequences within local communities?

Under the title of child development, education for children from 12 to 18 years of age is carried out, and this education includes (2) sectors. They are working child (a child who works in a family business and has the right to study and has full time

to sleep and eat) and child labor (a child who works separated from his parents and does not have the right to study and have full time to sleep and eat). In addition, receiving feedback from child laborers on the causes of child labor occurrences, and guiding child laborers to contact the relevant organizations and ask for help if they encounter dangerous situations.

10. What funding sources support the work of NGOs in Myanmar focused on eliminating child labor?

We were granted the support by Save the Children Organization.

11. What strategies do NGOs employ to provide education and vocational training for children who have been rescued from child labor situations?

As an organization, we use strategies such as connecting child laborers with the NFE – None for Education organization in terms of education and teaching subjects of interest to children in terms of careers.

12. How do NGOs in Myanmar advocate for policy changes and legal reforms to strengthen the fight against child labor?

We support issues such as the emergence of a specific law related to child labor and welcome and support organizations working on child labor issues and to provide full safety, and give equal rights to all child workers without discrimination.

13. What success stories or best practices can be attributed to the work of NGOs in Myanmar in addressing child labor?

While efforts were being made to issue a 2019 Child Rights Law, it has not yet been released due to the coup.

14. What role do NGOs play in ensuring the protection and welfare of children vulnerable to exploitation in Myanmar?

Assists in roles such as mediating between shopkeepers and child laborers for the protection and welfare of exploited children.

15. What are the future goals and challenges for NGOs working on child labor issues in Myanmar?

If the political situation is stable, NGOs will be able to work on the issue of eliminating child labor with better plans.

## Interview Questions to Child Laborers are as follows:

### Ko Ko (Child Labor-1)

1. Can you tell me a little bit about yourself and your daily life?

Ko Ko, 9 years old, works as assist in a car workshop.

2. What is the maximum year of the education?

I have no education.

3. How many members are there in your family?

I have four family members and I am the 2<sup>nd</sup> Son. My father passed away when I was 5 and my mother was selling flowers at the morning market.

4. What do you do for a living? When did you start working?

I started working in the car workshop when I was about 8 years old.

5. Can you describe your daily tasks and responsibilities?

I am engaged in the exchange of automobile transmission cables and assisting in the exchange of battery pots.

6. Were you forced or coerced into this job, or did you choose it voluntarily?

I work because my parents asked me to work, and I also want to work for my family income.

7. How much you are earning?

Monthly income (MMK 80,000). It is equal to 800 Baht.

8. How many hours do you work?

7:00 Am to 6:00 Pm

9. Do you get any bonus from your Boss/Employer?

My boss sometimes gives me some incentives.

10. Have you ever faced any exploitation or abuse at work?

I have not experienced it.

11. Have you experienced any difficulties or challenges while working?

When I first started working, I faced difficulties because I had no experience with cars.

12. Did someone or an organization assist or aid you?

No.

13. What do you dream of doing in the future? Do you want to study?

I would like to open a car workshop. Because now, working in a car workshop, I can earn money and support my family, so I don't want to go to school. I just want to continue working in a job that earns money.

14. Is there anything else you would like to share about your experiences or challenges?

I have not.

15. Do you have to work on public holidays? If so, please let me know.

Not closed on Saturdays and Sundays. Closed only on public holidays.

### **Miley (Child Labor-2)**

1. Can you tell me a little bit about yourself and your daily life?

Miley, 12 years old, Beauty Salon

2. What is the maximum year of the education?

I have attended up to grade 7.

3. How many members are there in your family?

I have three family members and I am only one child. The father is disabled and unable to work. Mother is a vendor.

4. What do you do for a living? When did you start working?

I started working in a beauty salon when I was about 11 years old.

5. Can you describe your daily tasks and responsibilities?

Washing hair, exfoliating face, and Foot Spa

6. Were you forced or coerced into this job, or did you choose it voluntarily?

It is working according to my will.

7. How much you are earning?

The monthly income of the internship is (MMK 20,000). Its equal to Baht (200)

8. How many hours do you work?

6:00 Am to 7:30 Pm

9. Do you get any bonus from your Boss/Employer?

He did not pay anything.

10. Have you ever faced any exploitation or abuse at work?

There has exploitation. These are about (30,000 MMK) without full payment of the total monthly income (80,000 MMK) that I get from washing my customers' hair in a month. When I am sick, my boss does not allow me to stay at home and comes to the shop.

11. Have you experienced any difficulties or challenges while working?

The salon owner sometimes scolds the employees if few people are coming to the salon.

12. Did someone or an organization assist or aid you?

No.

13. What do you dream of doing in the future? Do you want to study?

I would like to open a beauty salon in the future and also want to go to school.

14. Is there anything else you would like to share about your experiences or challenges?

I have not.

15. Do you have to work on public holidays? If so, please let me know.

Not closed on Saturdays and Sundays. Closed only on public holidays.

### **Ella (Child Labor-3)**

1. Can you tell me a little bit about yourself and your daily life?

Ella, 13 years old, Housemaid

2. What is the maximum year of the education?

Grade 5

3. How many members are there in your family?

There are four family members in my family and I'm the youngest daughter. My parents passed away when I was 10. Now, I'm living with my grandmother.

4. What do you do for a living? When did you start working?

I started working as a housemaid when I was about 11 years old.

5. Can you describe your daily tasks and responsibilities?

Cooking, cleaning the house, washing clothes, and massaging

6. Were you forced or coerced into this job, or did you choose it voluntarily?

I work because my parents asked me to work, and I also want to work for my family income.

7. How much you are earning?

Monthly income (MMK 100,000). It is equal to 1000 Baht.

8. How many hours do you work?

5:30 Am to 8:00 Pm

9. Do you get any bonus from your Boss/Employer?

My boss did not pay anything.

10. Have you ever faced any exploitation or abuse at work?

Beating by my boss's wife for breaking dishes, deducting compensation from my salary for this. Sometimes I was forced to work overtime (for example, to give massages), without being asked to take a break even when I was sick. In addition, I experienced sexual harassment from my boss.

11. Have you experienced any difficulties or challenges while working?

As a child, there is not enough time to rest and non-stop working. I have experienced being sexually harassed and being threatened with silence by the boss not to tell anyone about the sexual harassment.

12. Did someone or an organization assist or aid you?

Yes, I have. By telling my grandmother about what I had experienced, my grandmother connected with the Pann Tine Shin NGOs and received the necessary medical and legal assistance from these NGOs.

13. What do you dream of doing in the future? Do you want to study?

I want to be a nurse and go to school.

14. Is there anything else you would like to share about your experiences or challenges?

I have not.

15. Do you have to work on public holidays? If so, please let me know.

One (1) day off per month is allowed to go home. Also closed public holidays.

### **Liam (Child Labor-4)**

1. Can you tell me a little bit about yourself and your daily life?

Liam, 14 years old, Tea Shop Waiter

2. What is the maximum year of the education?

Grade 6

3. How many members are there in your family?

I have four family members and I'm the eldest one. My father is working as a mason, and my mother is a washerwoman or laundress.

4. What do you do for a living? When did you start working?

I started working as a waiter in a tea shop when I was about 10 years old.

5. Can you describe your daily tasks and responsibilities?

I started at 4 Am and I have to boil the kettle, set up the shop, clean the tables, and help with the food to be sold.

6. Were you forced or coerced into this job, or did you choose it voluntarily?

I work because my parents asked me to work, and I also want to work for my family income.

7. How much you are earning?

Monthly income (MMK 80,000). It is equal to 800 Baht.

8. How many hours do you work?

4:00 Am to 10:00 Pm

9. Do you get any bonus from your Boss/Employer?

My boss did not pay anything.

10. Have you ever faced any exploitation or abuse at work?

Screaming and beating the shopkeeper in front of the customers for breaking dishes. Food was also limited, and health support was not provided (for example, not being sent to the clinic if I was sick).

11. Have you experienced any difficulties or challenges while working?

As a child, not getting enough time to sleep and rest, having to live together in a small storage room, not having enough food, working overtime but not getting overtime pay.

12. Did someone or an organization assist or aid you?

No.

13. What do you dream of doing in the future? Do you want to study?

I would like to do a small business in the future and also want to go to school.

14. Is there anything else you would like to share about your experiences or challenges?

I have not.

15. Do you have to work on public holidays? If so, please let me know.

One (1) day off per month is allowed to go home. Also closed public holidays.

## Interview Questions for Ministry of Legal Affairs are as follows:

### Mr. Nay Min Htet (Law Officer)

1. What is your name and position in this Organization?

Mr. Nay Min Htet, Law Officer, Ministry of Legal Affairs

2. What is the extent of child labor in Myanmar and how has it changed over the years?

There are nearly 200,000 child laborers in Myanmar, and 1 in 10 children are child laborers.

3. What laws and regulations exist to deal with child labor in Yangon, and how effective are they in practice?

2009, Child Right Law

4. What are the challenges and obstacles to eliminating child labor in Myanmar?

In Myanmar, there are (2) types of child laborers who work voluntarily and child laborers who are forced to work. Some of them have difficulties in living, children are forced to work due to debt from their parents, being orphans, and bad parental supervision, etc. These are challenges and obstacles in eliminating child labor.

5. How does the international community view and respond to child labor in Myanmar?

Myanmar is a developing country and civil war is happening in some regions and in addition, becoming unemployed due to Covid-19. In such situations, international organizations have not been as successful as expected due to the conditions mentioned above in their efforts to eliminate child labor.

6. Are there any organizations or NGOs actively working to eliminate child labor in Myanmar? What is their approach?

There are UNICEF, Save the Children, Child Dreams Myanmar, Child Funds Myanmar, and World Vision Myanmar and their approach is to eliminate child labor.

7. Do you know the National Action Plan (NAP) in Myanmar to eliminate child labor? Please tell me as much as you know about NAP.

I don't know because it is Government Confidential.

8. I would like you to tell me about the advantages and disadvantages of the laws that are practically applied to child laborers in Myanmar. In particular, Child Rights Law (2019); Labor Law, Shops and Establishment Law (2016)

Even though, Section (19)(c) of Child Rights Law (2019) stipulates that if both parents or one of them are alive, children have the right to live and grow up with their parents. In practice, both parents are forcing children to work, and if such working children are kept in temporary care centers by social workers, their parents are called back and forced to continue working. This is the weakness of the law.

9. Myanmar has a compulsory schooling requirement for children up to the primary level, and does the requirement to attend school until the age of 10 encourage child labor to occur?

If, instead of the mandatory requirement to go to school up to the primary level, it would be increased to the secondary level, it would reduce the incidence of child labor.

10. It is learned that the 2019 Child Rights Law only applies to manufacturing plants, shops, or buildings. Do you have something would like to say about any laws that do not protect children working in fisheries, forestry, animal husbandry, and cottage industries?

In the above situation, there can be able to take action with Child Rights Law, 2019.

11. I would like you to tell me something about whether or not the government will take action against the entrepreneurs who use child labor in Myanmar and violate the law on children's rights.(Not paying full wages, exploitation, forcing underage children, forcing them to work more than the prescribed hours, no days off for child laborers on public holidays)

The government will punish with the Child Right Law, 2019 to the entrepreneurs who use child labor in Myanmar if they violate on child rights. Actions can be taken against children's rights legislation, and at present there is minimal action was taken.

12. Are existing child labor laws and regulations in Myanmar consistent with established international standards for the protection of children in the workplace?

Compliance with established international standards for the protection of children. The Child Rights Law, of 2019 in Myanmar was enacted following the standards of the international convention, but it is weak to be implemented in practice.

13. As a legal expert, if there is anything you would like to add/advise about child labor in Myanmar, please let me know.

Working to eliminate child labor in Myanmar cannot be achieved with legislation alone. Organizations working to eliminate children should raise awareness among the public, and if the government were to increase the compulsory schooling to the secondary level instead of the primary level, it would reduce the incidence of child labor.

## Interview Questions for Department of Social Welfare are as follows:

**Mrs. Hsu Mon Soe (Director), Children/Youth Division; Social Welfare Department**

1. What is the extent of child labor in Myanmar and how has it changed over the years?

According to Myanmar's National Action Plan for the Elimination of Child Labor NAP, Myanmar is one of the developing countries in Southeast Asia with a population of more than 53 million people, with about 30 percent living in urban areas. About 70 percent of them live in rural areas. The population under the age of 18 is about 33.83 percent of the country's population, with 8.85 percent in urban areas. With 24.98 percent in rural areas, the country has a large number of children. As 70 percent of the country's population lives in rural areas, poverty and its consequences are most felt by children under the age of 18, such as being exploited economically, dropping out of school early, and working in dangerous jobs. Therefore, to protect children and young people, promoting skills and employment, investing in education, focusing on youth employment, and safe migration are set as policy and socio-economic priorities.

2. What laws and regulations exist to deal with child labor and how effective are they in practice?

Laws related to child labor in Myanmar:

- Child Rights Law (2019)
- Factories Act (1951)
- Shops and Establishment Act (2016)

3. What are the challenges and obstacles to eliminating the worst forms of forced child labor in Myanmar?

In general, child labor is caused by economic hardship, low wages, migration, and lack of education. Therefore, by fulfilling these needs, we will be able to work towards the elimination of child labor.

4. According to ILO Convention No. (182), Article (1) states that every country that agrees to this Convention shall promptly and effectively prevent the worst forms of child labor. Therefore, after ratifying the Convention, is Myanmar taking any measures to eliminate children working in dangerous situations?

In Child Rights Law (2019), Section 3(t) states that worst forms of child labor includes any of the following acts:

- (i) sale of children, slavery, servitude, serfdom, trafficking, debt bondage, forced or compulsory labor including forced or compulsory recruitment of a child for use in armed conflict,
- (ii) inducing, procuring, use or offering of a child for prostitution, production and distribution of child pornography or pornographic performances,
- (iii) inducing, procuring, use or offering of a child for illegal activities of drugs including the production and smuggling of drugs, and
- (iv) work which, by its nature or circumstance in which it is carried out, is detrimental to the health, safety or moral of a child.

Child labor in hazardous work means that children are engaged in work that harms their physical and mental health, social and moral virtues, and causes children to do work that is harmful, including long-term and intense work. According to the laws and regulations issued by the Ministry of Labor, measures are being taken to eliminate children working in dangerous conditions.

5. According to Article (3) and (4), are there any types of work designated as the worst form in Myanmar? If so, please let me know.

It is also mentioned in Child Rights Law (2019), Section 3(t).

6. Does Myanmar have special teams to inspect workplaces to ensure child labor is not exploited? What strategies are being implemented? If so, please let me know. The Department of Social Welfare has established Help Line 1566 to address various social issues, including child labor and violations of children's rights. They are proactive in enforcing the Children's Rights Act (2019), with measures taken against any infringements. Collaboratively, with the Ministry of Home Affairs and other relevant departments, a task force has been formed to investigate and combat child labor, with ongoing inspections and actions being carried out by various concerned agencies.
7. Does Myanmar impose fines or other penalties on businesses that employ children illegally? If so, please let me know.

- If anyone violates the provisions of Section 101(b) of the Child Rights Law (2019), will be sentenced to imprisonment from (5) months to (2) years, a fine of 500,000 to (10,000) kyats, or both.
- Violation of any provision of the Factories Act of 1951 shall be punishable by imprisonment of not more than (3) months or a fine of not less than 20 hundred thousand Kyats, or both, according to Section (85).
- Section (27) of the Shops and Establishment Law, 2016, if any employer violates any of the provisions of Sections (13) and (14), he shall be sentenced to imprisonment for not more than (6) months, or a fine of at least 50,000 kyats to a maximum of 100,000,000 kyats or both.

8. Please tell me about the advantages and disadvantages of the laws that are practically applied to child laborers in Myanmar?

The occurrence of child labor stems from challenging socio-economic circumstances, including poverty and limited awareness, necessitating enhanced awareness initiatives. Moreover, reinforcing the enforcement of Myanmar's National Action Plan for the Elimination of Child Labor (NAP) is imperative. Further emphasis should be placed on identifying instances of child labor and working children.

9. How has the implementation of the National Action Plan (NAP) progressed? What are the future goals and challenges?

In Myanmar's initial five-year plan (2019-2023) aimed at eradicating child labor, the Department of Social Welfare conducted interventions using social incident management methods, addressing 53 cases of children engaged in the most severe forms of forced labor across various regions/states. Additionally, financial assistance totaling 4,880,000 kyats was provided for court-related and living expenses, along with initiatives such as referrals to pertinent agencies, implementation of child labor elimination courses, rehabilitation efforts for affected children and their families, and support for their reintegration into society. Looking ahead to the second phase of the five-year plan (2024-2028), there is an acknowledgment of the need for a more comprehensive approach to addressing child labor, particularly in sectors like restaurants, manufacturing, retail, and construction.

10. If you have anything to add about child labor in Myanmar, please let me know.

The primary cause of child labor is often linked to familial economic necessity. In cases where child abuse is evident, prioritizing the identification and prosecution of perpetrators becomes imperative, addressing the socio-economic challenges within the child's family. Consequently, relevant authorities must act in the child's best interests. Additionally, the Department of Social Welfare is set to launch the second phase of a five-year action plan (2024-2028) aimed at eradicating child labor in Myanmar, outlining specific responsibilities to achieve this goal. Myanmar's initial five-year plan (2019-2023) prioritizes two key sectors: industry and manufacturing, and commerce and trade. Despite this prioritization, government investigations have focused exclusively on the industry and manufacturing sectors. As a result, there has been a lack of scrutiny in the commerce and trade sectors, including areas such as restaurants, retail, and construction. This oversight suggests a potential gap in the comprehensive evaluation and development of the prioritized sectors within the plan.

## Appendix B: APPROVAL LETTER FROM MAPS PROGRAM


  
 Office of the Director  
 No.67.51.1/44

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22 December 2023

To whom it may concern,

Dear Sir/Madam,

**Subject:** Requesting for Data on “Addressing Child Labor in Myanmar: Government and Legal Framework for Child Rights (Case Study in Yangon).”

This letter is to certify that Mr. Aye Chan Thar is enrolled as a full-time student pursuing a master's degree program in the Master of Arts in Asia-Pacific Studies (MAPS) Program at Thammasat University. He is currently in good standing and is in the thesis stage of his studies.

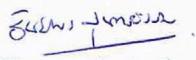
Mr. Aye Chan Thar is now in the process of data collection for his graduate thesis entitled Thesis topic on “Addressing Child Labor in Myanmar: Government and Legal Framework for Child Rights (Case Study in Yangon).”

To collect valuable data for this study, Mr. Aye Chan Thar has employed an Interview method through in person. Your input is crucial to the success of this research, and he specifically invited interviewees from Myanmar to contribute their perspectives.

Such information will help his research greatly. Therefore, the Master of Arts in Asia-Pacific Studies Program requests your respected institution's cooperation in providing data to facilitate his study. We hope this letter will stand on our behalf to facilitate the process and forward this letter to the related concern in central and local authorities.

To that end, we would like to express our appreciation for your cooperation. If you encounter any problems, do not hesitate to contact us at Tel. (66)2 -656-6605, Mobile, (66)-81-487-3334, or email us at [maps.thammasat@gmail.com](mailto:maps.thammasat@gmail.com) Your kind assistance in this matter is greatly appreciated.

Sincerely Yours,

  
 Dr. Thanyaporn Soontornthum  
 Director  
 Master of Arts in Asia-Pacific Studies Program  
 Thammasat Institute of Area Studies (TIARA), Thammasat University  
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## BIOGRAPHY

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