
Union of Myanmar

**Third and fourth national report on the
implementation of the Convention on the Rights of
the Child**

(2001–2006)

Contents

	<i>Page</i>
Abbreviations.....	4
Chapter 1. Introduction.....	5
Chapter 2. General measures of implementation.....	6
Implementation on the rights.....	6
Chapter 3. Definition of “child”.....	9
Chapter 4. General principles.....	9
Non-discrimination.....	9
Best interests for the child.....	11
Survival and development of the child.....	11
Respect for the children to express his/her own views.....	12
Chapter 5. Civil right and freedoms.....	12
Name and nationality.....	12
Preservation of national identity.....	13
Freedom of expressions.....	14
Freedom of thought, conscience and religion.....	14
Freedom of association.....	16
Protection against privacy.....	16
Access to relevant information.....	17
Abuse, torture and deprivation of liberty.....	17
Chapter 6. Family care and alternative care.....	19
Parental guidance and the child’s evolving capacities.....	19
Responsibility of parents or guardians.....	20
Separation from parents.....	21
Family reunification.....	22
Illegal transfer and forbidding the return.....	23
Standard of living.....	23
Protection of children deprived of family environment.....	23
Adoption.....	24
Periodic review of placement.....	24
Chapter 7. Basic health and social support.....	25
Health and health services.....	25
Children with disabilities.....	35
Social security.....	36

Living standard.....	37
Chapter 8. Education, leisure, recreation and cultural activities.....	37
Education, vocational education, guidance and our vision and educational objectives.....	37
Leisure, recreation and cultural activities.....	37
Chapter 9. Children in need of special protection.....	46
Children in difficult circumstances.....	46
Children in armed conflict.....	46
Children in conflict with the law.....	47
Drug abuse.....	48
Protection from abuse and neglect.....	49
Sale, trafficking and abduction of children.....	51
Working children.....	55
Exploited children.....	56
Rehabilitation of children in need of special protection.....	56
Ethnic children.....	57
Chapter 10. Conclusion.....	59

Abbreviation

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DOH	Department of Health
HA	Health Assistance
IAWG	Inter-Agency Working Group
IEC	Information, Education and Communication
IMCI	Integrated Maternal and Childhood Illness
MWAF	Myanmar Women's Affairs Federation
MWAOs	Myanmar Women's Affairs Organizations
NPA	National Plan of Action
PMCT	Prevention of Mother to Child Transmission
PTA	Parents and Teachers Association
SHAPE	Shape-based Healthy Living and HIV/AIDS Prevention Education Programme

Chapter 1

Introduction

1. The Union of Myanmar shares borders with Bangladesh, India, the People's Republic of China, Laos PDR and Thailand. It cooperates with neighbouring countries as a good neighbour based on friendship and mutual understanding in political, economic, social and security matters. Moreover, it has been cooperating with neighbouring countries based on mutual understanding in various issues, such as the prevention of trafficking in persons, eradication of drug abuse and migrant workers, and also seriously on regional peace, stability and development. Myanmar's population according to 2006 estimates is 56.5 million, 28.1 million of which is male and 28.4 million is female. The population under 18 years of age is 21.4 million, 37.87 per cent of the total population.
2. The Government has been making relentless efforts systematically in all spheres for the emergence of a peaceful, modern and developed nation. Twenty-four special development regions, the development plan for the border areas, and the rural areas development project have been laid down to build the economic foundations which were actually needed, the basic fundamentals for human resources and all-round development of the State, and have been consistently realized with high aspirations.
3. The agricultural sector is the mainstay of Myanmar's economy and constituted 40.2 per cent of the national economy in 2005–2006, the last year of the third five-year short-term plan. Two hundred and four dams, 305 river pumping projects, and 7,569 wells and 1,023 tanks have been built. In 1988 irrigated area was 1.487 million areas but now increased up to 4.9 million areas. The cultivation capacity in 1988 was only 121 per cent, but now it is 161.8 per cent. The Government has been endeavouring for all-round development of all sectors, agricultural sector as the base while development of the industrial sector is encouraged with the objective to become a modernized and wealthy country. The industrial sector constituted 15.4 per cent of the total GDP in 2005–2006 and is the second largest of the productive sectors. In order to promote the development of industries, 18 industrial zones have been opened and assisted private industries to progress. Seven hundred and ninety-one Government factories and 101,000 private factories have been established.
4. As an infrastructure development is crucial for economic development, necessary development works are being carried out for the infrastructure development in every region of the State. Hence, the Government has accorded high priority to infrastructure development projects, such as construction of irrigation networks, roads, bridges, railway lines, port facilities, airports, electrical power and communication facilities. In education sector, 156 universities and colleges have been opened up to now. Such progresses in education, health, transportation and communication not only benefit directly to human resources development but also support the reduction of poverty. Moreover, the development of national races has been enhanced.
5. For the emergence of a peaceful, developed and disciplined democratic nation and the perpetuation of the Union, relentless efforts have been made in momentum to lay strong foundations for the prevalence of peace and tranquility in the country, uplifting the dynamism of the Union spirit, a strong national economy, widening the scope of knowledge of the people and narrowing development gap among the States and Divisions. The Government is endeavouring for the community peace and prevalence of law and order throughout the country, including border areas.

6. The Government is implementing the seven-step Road Map based on national objectives in order to build an enduring State that is consistent with Myanmar's prevailing history, traditions, customs and cultures. The State is implementing the nation development tasks with momentum in accordance with 12 political, economic and social objectives. The Ministry of Social Welfare, Relief and Resettlement undertakes the activities of social welfare and development according to social objectives. In doing so, disabled persons and older people are being taken care of through preventive, protective and rehabilitative measures by using social methods to reintegrate into the society.

7. Myanmar regards children as leaders of the future and, therefore, the Myanmar National Plan of Action for Children (2006–2015) in conformity with the provisions of the CRC, the Child Law, the Millennium Development Goals (MDGs), A World Fit for Children (WFFC) and various regional plans of action has been adopted and being implemented.

Chapter 2

General measures of implementation

Measures to make national laws and policy in line with the provisions of the CRC

8. The Myanmar National Committee on the Rights of the Child set up a 10-member Task Force on 20 May 1999 to review the Child Law, 1993. The Task Force reviewed whether the provisions of the Child Law are in conformity with the provisions of the Convention on the Rights of the Child.

9. The recommendations of the Task Force that some provisions of the Child Law be amended to bring them in line with the CRC were forwarded to the Ministry of Social Welfare, Relief and Resettlement and the Office of the Attorney General. Following respective review processes and consultations, these two bodies have decided to make as many amendments as possible in the Rules relating to the Child Law.

10. In the exercise of the authority vested with in accordance with section 74 (a) of the Child Law, the Ministry of Social Welfare, Relief and Resettlement adopted the Rules relating to the Child Law (the Rules) on 21 December 2001. The Rules contain 17 Chapters, 109 Rules and 36 Standardized Forms covering all aspects of the rights of the child.

11. The following are some provisions of the Rules that give better effect to the Child Law:

(a) Rules 16, 17 and 18 of the Rules have established a mechanism by which complaint of acts committed against the child can be pursued by the relevant Rights of the Child Committee;

(b) Rule 79 of the Rules provides clarification mentioned below on child imprisonment under section 46 of the Child Law, which stipulates that a child shall only in extraordinary cases be imprisoned:

“(1) A child shall not ordinarily be sentenced to imprisonment;

(2) Only if the Juvenile Court is satisfied that the child has committed an offence which is punishable with death or transportation for life under any existing law and that the child is of so unruly or depraved a character or absolutely uncontrollable, he shall be sentenced to imprisonment;

(3) Such sentence of imprisonment shall not exceed a term of 7 years;”

(c) Rules 75 and 98 of the Rules relating to the Child Law provide that the Office of the Attorney General and the respective law offices shall appoint a lawyer at the expense of the government to defend an indigent child accused of an offence punishable with the death sentence.

12. In order to review the Child Law and other relevant laws, the Supreme Court has been cooperating with other related departments, such as the Office of the Attorney General, the Department of General Affairs, the Department of Social Welfare (DSW), Myanmar Police Force (MPF), the Prison Department and the Department of Health (DOH).

Measures taken to reinforce administration

13. Rule 3 of the Rules relating to the Child Law provides the duties and powers of the National Committee on the Rights of the Child, and section 74 (b) of the Child Law stipulates that relevant ministries, departments and government organizations may issue orders and directives as may be necessary. Rule 5 provides the duties of the Working Committee and Subcommittee, Rule 7 provides the duties and functions of the State and Divisional Committees on the Rights of the Child, Rule 9 the duties of the District Committees and Rule 11 sets out duties and functions of the Township Committees.

Mobilization of the community

14. The Deputy Minister for Social Welfare, Relief and Resettlement, Chairman of the Working Committee on the Rights of the Child, gave educative talks on the prevention of recruitment of under-age children, the provisions of the CRC, CL and child protection, particularly child abuse, neglect and exploitation, at the following workshops:

- (a) Child Protection Workshop, Ayeyawaddy Division;
- (b) Child Protection Workshop, Tanintharyi Division;
- (c) Child Protection Workshop, Kayin State;
- (d) Child Protection Workshop, Mon State.

15. The Secretary of the National Committee on the Rights of the Child and Director-General of the Department of Social Welfare provides advocacy on the CRC at the following workshops:

- (a) Child Protection Workshop, Seikphyu Township, Magway Division;
- (b) Child Protection Workshop, Wundwin, Nahtogyi, Taungtha, Tatkone Townships, Mandalay Division;
- (c) Child Protection Workshop Mawlamyaing Township, Mon State;
- (d) Child Protection Workshop, Pa-an Township, Kayin State.

16. In order to give widest possible public awareness of child rights and for the children to enable them to enjoy their rights best, the National Committee on the Rights of the Child reprinted copies of the Child Law both in Myanmar and English languages with the support of UNICEF and distributed at the related training courses and workshops. Furthermore, pamphlets on the CRC and the Child Law and posters are also distributed.

17. Lectures on the CRC and the Child Law are being given at the social welfare training courses which are conducted at the Social Welfare Training School under the Department of Social Welfare.

18. The Department of Social Welfare is the focal point for the implementation of the Convention on the Rights of the Child and has been implementing the tasks of the National Committee on the Rights of the Child. Hence, in order to raise public awareness of the provisions of the CRC, particularly among members of the CRC, and for the effective implementation of the CRC, workshops on child protection and on child abuse, neglect and exploitation are being conducted under the Myanmar-UNICEF Country Programme (2000–2005). The objectives of the workshops are as follows:

- (a) To generally realize the Convention on the Rights of the Child;
- (b) To raise awareness on child protection among community leaders;
- (c) To identify ways and means to eradicate child abuse, neglect and exploitation in the community.

19. Under the leadership of the Department of Social Welfare, training course manuals are written, mobile teams consisting of staffs from the Department of Social Welfare, Myanmar Literacy Resource Centre and members of the Myanmar Red Cross Society have been formed and training courses for the trainers have been conducted. Such mobile teams have been conducting awareness-raising workshops in 16 States and Divisions, 24 Districts and 127 Townships since 2002 with the collaboration of UNICEF.

20. In doing so, they also travelled to remote areas in the Kachin, Kayah, Chin, Shan (North), Shan (East) and Rakhine States. These remote areas include Putao and Machanbaw in Kachin State, Demoso in Kayah State, Konlone in Shan State (North), Mongyan and Mongkhat in Shan State (East), Kanpetlet and Tonzan in Chin State and Man-aung in Rakhine State.

21. Target groups of the workshops are the CRC members, community leaders, representatives from non-governmental organizations and local authorities. The workshops raise awareness among local people of the prevention, protection and rehabilitation services, which leads to mobilization of social forces in the community concerned and effective implementation of family-based and community-based programmes.

22. In these workshops, pamphlets on the CRC and the Child Law and posters, comics and notes are distributed with the support of UNICEF. After attending workshops, the participants conduct multiplier courses among their families and within the community concerned and coordinate with the Divisional Social Welfare Offices and the Township CRC members regarding children in need of protection in their communities.

23. The workshops provide interactive discussions on child protection; definitions of types and impact of abuse, neglect and exploitation; corporal punishment; prevention of trafficking in persons and the recruitment of under-age children into military service. In doing so, interactive discussions, role play and case studies are also carried out.

24. In order for the children to understand the child rights themselves, human rights educational lessons are included in the moral and civics subject taught in the Basic Education Schools from Grades 5 to 9.

25. Under the human rights knowledge programme, the right to stay with both parents, the right to freely express their thoughts, the right to play freely, the right to participate and the right to be protected, the right of school-age children to get access to education, the facts concerning the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Myanmar's activities relating to CEDAW are taught in Grades 5 to 9.

26. In Grade 8 and Grade 9, the concepts and special characteristics of human rights enshrined in the Universal Declaration of Human Rights, economic, social and cultural rights, and the right of every country to participate freely in accordance with its own traditions and the International Covenant on Economic, Social and Cultural Rights are being taught. In giving human rights education, brainstorming, group discussion, discussion within the class and assessments are carried out, practising participatory discussion method.

27. Furthermore, programmes which facilitate the expression of child's wishes are included in the songs, videos and movies produced under registration.

Chapter 3

Definition of “child” (CRC art. 1)

Definition of child (CRC art. 1)

28. The definitions of child and youth in accordance with section 2 of the Child Law were mentioned in the second national report. In July 2006, the National Committee on the Rights of the Child recommended the amendment of the Child Law, 1993, and preparation to amend the age of a child to be 18 years is under way.

29. Regarding exemption from the penal action, preparation is being made to amend the age of a child from 7 years to 10 years in section 28 (a) and to amend the range of age of a child from 7 to 12 years to 10 to 12 years in section 28 (b) of the Child Law as a child under 10 years of age is considered not to have sufficient knowledge and maturity to be able to make sound judgement of the nature and consequences of his conduct.

30. In order to protect child employees in accordance with the Child Law, preparation is also being made to amend section 24 (a) (3) that only a child who has attained the age of 15 years can be employed with the exception for those who work in income-generating business of the family concerned.

Chapter 4

General principles

Non-discrimination (CRC art. 2)

Relevancy with the law

31. Measures relating to equal enjoyment of the child rights were mentioned in the second national report.

Implementation

32. The State has been energetically carrying out five rural development tasks — smooth transportation, clean water supply, education development, health care and economic growth — in order to narrow the gap between hilly regions and lowlands and between rural and urban areas.

33. In Myanmar, every citizen has the right to freedom of religion, freedom of thinking and freedom of belief. All national groups have the privilege of adorning their respective traditional costumes, vernacular languages, and practising their respective customs and traditions.

34. The National Health Committee, in providing comprehensive health-care services, has adopted the National Health Policies giving emphasis on both rural and border areas has been providing health care in border areas. Nursing training courses are conducted, volunteer health workers are given training and basic health-care courses are conducted at regional hospitals.

35. The Rural Health Development Plan (2001–2006) for the rural areas where the majority of the people reside has been adopted under the guidance of the Head of State and primary health-care services are provided to children of the rural communities, including border areas. The National Plan for Border Area Health Development has also been developed and implemented for the promotion of health status of communities in border areas. New clinics and hospitals have been opened in rural and border areas, basic health staffs are appointed and medicines and medical apparatus are supplied to these clinics and hospitals.

36. The Ministry of Education has been endeavouring for all citizens to have access to basic education. Children from rural to urban areas as well as in border areas are provided with opportunities to learn preschool education to high school education. The last week of May is designated as a School Enrolment Week during which enrolment for school-age children is carried out throughout the country as a national movement. In these activities, personnel concerned from the Ministry of Education, local authorities, members of the Union Solidarity and Development Association (USDA), members of the Myanmar Women's Affairs Federation and members of the Myanmar Maternal and Child Welfare Association participated actively. Well-wishers and social organizations donate various educational materials. Such enrolment activities resulted in 97.84 per cent enrolment in 2006.

37. Disabled children have been given education under the inclusive education programme. Twenty one thousand five hundred and twenty disabled children are studying under the programme. The children who cannot attend formal schools for various reasons can learn through the non-formal education programme.

38. Mobile schools have been opened for children who have to accompany their parents who move from time to time because of the nature of their work as they are employed with forest projects, or at project sites and construction sites. Altogether 43 mobile schools have been opened and 58 teachers have been appointed providing education to 1,603 students in 15 townships. All students from border areas, rural areas and urban areas have equal access to education.

39. In the education sector, the border area development programme in collaboration with the Ministry of Education constructed 85 primary schools, 90 middle schools and 92 high schools. Moreover, INGOs, partners of this project have provided school buildings and books. The students whose parents have abandoned poppy growing have been provided with rice and learning materials under the "Food for Education" programme carried out with the collaboration of UNDP. In addition, the Department of Education and Training under the Ministry of Progress of Border Areas and National Races and Development Affairs has established 27 training schools along border areas for poor children from various national groups who have been deprived of opportunities to receive formal education.

40. The Ministry of Progress of Border Areas and National Races and Development Affairs has conducted vocational domestic training and income generating and public awareness courses in collaboration with relevant ministries and local authorities.

Best interests for the child (CRC art. 3)

Relevancy with the law

41. For the best interest of children, the 1993 Child Law and the 2001 Rules related to the Child Law have been promulgated. It was described in details in the second national report.

Implementation

42. Myanmar delegates to the 27th United Nations General Assembly Special Session on Children held a meeting on 31 May 2002, to share experience regarding the Special Session. In accordance with the decision of the meeting to draft a National Plan of Action to implement “A World Fit for Children” Declaration under the guidance of the Minister for Social Welfare, Relief and Resettlement, drafting of a national plan of action (NPA) for children has been undertaken. The task force to draft the NPA consisting 17 members under the leadership of the Director General, Department of Social Welfare was formed.

43. The Myanmar National Plan of Action for Children includes four sections: Health and Nutrition, Water and Sanitation, Education and Early Childhood Development and Child Protection.

44. Each section has seven subtitles: Justification, Objective, Strategies, Plan of Action, Resource requirements, International cooperation and collaboration, Monitoring, Evaluation and Expected Outcome.

45. The status of implementation, achievements, challenges and needs are included in the Justification. In line with “A World Fit for Children” and with the targets of the MDGs and decisions of regional meetings, objectives and strategies until 2015 have been formulated based on the accomplishments in 2004.

46. The implementing programme is drafted, taking into consideration the programmes which are suitable for the country, practicable procedures and fixed time frame in order to achieve the goals.

47. In the section of resource mobilization and international cooperation, the requirements of funds, technology, manpower and resources are to be met through increased State budget, cooperation of international organizations and internal and external donors.

48. Monitoring and evaluation are to be carried out through information and data collection, regular reports, field studies, and assessments on effectiveness and adaptability of the plans, projects and programmes.

49. To improve the standard of child’s health; to prevent diseases that occur due to unsafe water and poor sanitation, to improve access to quality education and to improve a protective system for the children in need of protection and prevention and rehabilitation programmes are the objectives of expected outcome. Family-based and community-based child protection measures are more emphasized and indicators for respective sections are provided.

Survival and development of the child (CRC art. 6)

Implementation

50. Measures for survival and development of children have been mentioned particularly in paragraphs 24, 28, 29 and 31 of the CRC.

Respect for the children to express his/her own views (CRC art. 12)

Relevancy with the law

51. It was mentioned in the previous national report that section 13 (a), (b), and (c) of the Child Law clearly allows children to express their views, section 33 (c) (iv) of the Law allows to listen to explanations by children, section 35 (b) of the Law allows to respect wishes of children and section 36 (d) and (e) of the Law allow to provide help to children in solving their personal problems.

Implementation

52. Section 21 (f) of the Rules relating to the Child Law prescribes that poem reciting competitions, song competitions, storytelling competitions, round-table talks, and impromptu debates are held occasionally, section 21 (g) provides training for children to learn poem composition and essay writing skills, and section 21 (h) provides arrangements for singing, music and dancing programmes performed by children themselves.

53. The Ministry of Education and other related ministries have been working in accordance with the rules mentioned above to place emphasis on the opinions of children. Competitions for extempore talks, essays, reciting poems, composition of songs, short stories, painting and puzzle games are held in commemoration of significant anniversaries, national and international events.

54. Starting from 1998/99 academic year, a day of the first week of January is designated as School Family Day on which students, teachers and parents meetings are held. Children's physical, intellectual, and moral capacity and all-round development, as well as children's opinions are expressed on that occasion. During the ninth School Family Day held on 6 January 2006, over 300,000 personnel, including teachers, school heads, parents, community members, well-wishers and 7.8 million students participated by conducting students' capacity shows, competitions, funfairs and prize distributions for outstanding students.

Chapter 5 Civil rights and freedoms

Name and nationality (CRC art. 7)

Relevancy with the law

55. The Myanmar Citizenship law stipulates as follows:

“Section 9 – A person born in the State shall have his birth registered either by the parent or the guardian in the prescribed manner, within one year from the date he completes the age of ten years, at the organizations prescribed by the Ministry of Immigration and Population.

Section 10 – A person born outside the State shall have his birth registered either by the parent or the guardian in the prescribed manner, within one year from the date of birth at the Myanmar Embassy or Consulate or organizations prescribed by the Ministry of Immigration and Population.”

Implementation

56. In Myanmar, every child has the right to have his or her own name and there is no restriction in giving names.
57. When a child is born, parents or guardians must notify his birth to the Ward Peace and Development Council concerned to obtain a birth registration certificate. The Ward Peace and Development Council compiles the list of the birth registration certificates issued and sends them to the Township Immigration Office on a monthly basis.
58. The Township Immigration Office includes the name of the new born in the Household List of the parents on application by the parents or guardians enclosing a copy of the Birth Registration Certificate, the Household List, name of the newborn, the application with the name of the newborn and identification cards of the parents within seven days from the date a child was born.
59. A person born of parents of nationals and ethnic groups residing in the State and of citizens on the date this law comes into force and their offspring qualified to be a citizen under this Law are issued the Citizenship Scrutinization Card on reaching the age of 10 and 18 years.
60. Midwives (MW) from the Sub Rural Health Centres are primarily responsible for collection of data on births under their jurisdiction and for reporting to the Health Assistant (HA) at the Rural Health Centres (RHC). The HAs at the RHCs are responsible for sending the data to township medical officer (TMO). The draft entries coming from RHCs and urban wards compiled by the TMO office are sent to the CSO directly or through the respective State and Divisional Health Office. The incoming forms are checked, coded, processed and tabulated by the Central Statistical Organization (CSO). Data related to vital statistics are annually published by the CSO in collaboration with DOH.
61. The Modified Vital Registration System (MVRS) using revised eight different VRS Forms was successfully pilot tested in four townships in four States and Divisions in 1999 with the assistance of UNICEF. The MRVS has been implemented nationwide under the 2001–2005 Myanmar-UNICEF country programme. The implementation of MVRS to Urban and Rural Areas of the entire country was completely done in April, 2006.
62. The Inter-Agency Birth Registration Working Group was formed and a monthly meeting was held to discuss ways to undertake in order to strengthen VRS. For the rapid assessment, the three groups of IAWG members toured nine States and Divisions to monitor and supervise. Having rapidly assessed and analysed the operational gaps, weaknesses and constraints, the IAWG group held a seminar together with TMOs from all townships in respective States and Divisions including one HA and one midwife from RHC and sub RHC of each different township that the team visited. At the seminar, the team clarified the procedure for children under 1, under 5 and above 5 years of age to get birth certificates. Moreover, the team encouraged those who attended the seminar to give multiplier training to all basic health staffs at their respective townships.

Preservation of national identity (CRC art. 8)

Relevancy with the law

63. It was mentioned in the previous national report that sections 8 and 9 of the Child Law stipulates that the State recognizes the rights of children and a child is recognized as a citizen in accordance with the Citizenship Law.

Implementation

64. Section 24 of the Rules relating to the Child Law prescribes that parents/guardians must carry out registration of a child at the time of his/her birth, 10 years and 18 years of age. Section 25 prescribes that a child must have the right to become a citizen or associate citizen in accordance with the Citizenship Law.

65. About 89.37 per cent of the population profess Buddhism. Most of Myanmar children are nurtured under the teachings of Theravada Buddhism, and receive guidance from elders, parents and teachers.

66. One of the significant characteristics of Myanmar society is to relay from generations to generations teaching for self-restraint, loving and cherishing national prestige and integrity, ethics and family values of that heritage.

67. Unique characteristics of Myanmar children who inherited such good heritage is looking after old parents and grandparents.

68. They possess good national prestige and integrity and national characteristics such as patience, tolerance, and forgiveness.

Freedom of expressions (CRC art. 13)**Relevancy with the law**

69. Article 15 (a) of the Child Law stipulates that every child has the right to freedom of speech and expression in accordance with the law.

Implementation

70. In Myanmar, not only parents or guardians but also local authorities and stakeholders always encourage children to freely express their views and ideas. Competitions of extempore talks, poem reciting, song singing, song composition are held in schools at Township, District, Division and State levels. Nowadays, Myanmar children use Information Technology (IT) widely and they communicate freely through the Internet with children all over the world.

71. The Myanmar media carries the programmes, such as *Chit Sa Ya AYWai Kasagyamai* (Let's Play Lovely Kids) and 38 Blessings (The 38 rules for a successful life) to express or bring out children's wishes. The *Shwe Thway*, *Paloke Toke* and Child journals for children are published.

Freedom of thought, conscience and religion (CRC art. 14)**Relevancy with the law**

72. It was mentioned comprehensively in the previous national report.

Implementation

73. All Myanmar citizens enjoy the freedom of belief and worship. Children, with the guidance of their parents and by abiding by the rules and regulations of the State, are encouraged to think, believe and worship freely.

74. Every citizen, in accordance with each one's respective traditional culture and belief, enjoys fundamental rights by law. As Myanmar's specific national characteristics are forgiveness, sympathy, loving-kindness and tender-heartedness, there has never been any suppression or discrimination among them based on race, nationality, religion, belief or gender throughout Myanmar history.

75. In the Union of Myanmar, the Ministry of Religious Affairs has been constituted. Buddhism is professed by the majority of Myanmar people. Buddhism, Christianity, Islam, Hinduism and Animism are officially recognized by the State. The Ministry of Religious Affairs gives necessary assistance to all the religious followers for the development of their respective religion.

76. Buddhism is professed by the majority of Myanmar people. Twelve monthly celebrations and Buddha Pujaniya festivals are celebrated throughout the country. Peoples from different walks of life irrespective of race and religion participate in the Thingyan Festival, the merry event which ushers in a new year. The specific holy days of Buddha, Dhamma and Sangha Order are Public Holidays. Adults as well as children participate in these festivals. Pilgrimage to the Budhgaya of India, where Lord Buddha attained Nirvana, is arranged by the State in coordination with respective countries.

77. Muslim mosques can be found in different parts of Myanmar. Praying in these mosques by Muslim families or individuals, participating in masses, worshipping and fasting are freely allowed. Bakkari Idd, the birthday anniversary of Prophet Mohammed, is also a Public Holiday. Haj pilgrimage for Muslims to Mecca is arranged by the State, in cooperation with other respective Islamic countries. The Minister, the Deputy Minister and the Director-General of the Ministry of Religious Affairs usually grace with their presence at Muslim celebrations and ceremonies.

78. Christmas, which falls on 25 December every year, is also a Public Holiday. Missionary works by native priests and of foreign missions in Myanmar and their foreign visits are officially allowed and are arranged in accordance with the existing rules and regulations of the State. Also Free Pass is provided to eminent Christian leaders for domestic trips. Annual Christian celebrations and special occasions of the four eminent Christian Associations are officially recognized by the State and officials from the Ministry of Religious Affairs participate in these events.

79. The Hindu Religious Special Events, such as Dipavali Festival, Lighting Festival, Mother Lashmi Puja, etc. annually held by Hindus are allowed to be performed in accordance with the existing rules and regulations. Responsible personnel from the Ministry of Religious Affairs attend the special religious and social occasions held by the eminent Hindu Associations. Dipavali Day is also a Public Holiday.

80. Permission of publication and distribution of religious literary works concerning Buddhism, Christianity, Islam, and Hinduism is given in conformity with the rules and regulations of the Literary Supervision Board of the Government.

81. The State freely allows its citizens to enjoy the freedoms of belief and worship. The indigenous races also enjoy the freedom of worship. They freely practise their respective traditional customs and cultures. On special religious occasions, religious talks and discourses are broadcast on the television and radio. The children as guided by their parents have the privilege to go to monasteries or mosques or churches or temples and learn and practise what their religious mentors and instructors teach them.

Freedom of association (CRC art. 15)

Relevancy with the law

82. According to section 15 (c) of the Child Law, every child has the right to participate in organizations relating to children, social organizations or religious organizations permitted under the Law.

Implementation

83. Children take part freely in social organizations or religious organizations permitted under the law, such as art associations, swimming clubs, Myanmar traditional dance clubs, *Mingalar Byu Har* Association (religious association), Sunday Alms Donation Teams, the Union Solidarity and Development Association (USDA), Myanmar Women's Affairs Federation, Myanmar Maternal and Child Welfare Association, the Auxiliary Fire Services and the Myanmar Red Cross Society to promote the interests of the people, the community and the State.

Protection against privacy (CRC art. 16)

Relevancy with the law

84. With regard to convicted children, it is mentioned in section 42 of the Child Law as follows:

“Section 42: The juvenile court shall abide by the following in trying juvenile cases:

(a) Shall try the case in a separate court or a separate building or if there is no separate court or building, in a building or room other than in which the ordinary sittings of the court are held;

(b) No person other than the parents, guardians, staff of the court, Law Officers, members of the People's Police Force on duty and not in uniform, persons directly concerned with the case and persons who have been granted permission by the juvenile court shall be present at the place of trial.”

85. In addition, the Supreme Court issued the Directive Number 1/2004 on 7 October 2004 as follows:

(a) If there is no separate court or building, Township Court shall try the juvenile cases in a building or room other than the one in which the ordinary sittings of the court are held;

(b) Hold a signboard of ‘Juvenile Court’ at the room where juvenile cases are tried;

(c) Section 42 (b), (c), (d) and (e) shall be abided where juvenile cases are tried;

(d) Juvenile Court shall abide by the provisions laid down under the sections 43, 44, 45, 46, 47, 48 and 49 in trying juvenile cases;

(e) Arrange a separate register book for juvenile cases and collect the data and prepare separate reports in order to submit to the superior courts respectively.

Implementation

86. Proceedings for cases tried under the Child Law are held in a specific building. At the place of trial only staff members of the Court, law officers, members of the People's

Police Force on duty in plain clothes, persons directly concerned with the case and persons who have been granted permission by the Court are allowed to access the trial. Juvenile cases are handled in a family spirit. Personal data of the child offender is kept confidential.

87. Personal history and the situation of the family concerned of children in need of protection who are taken care of in institutions are kept systematically and confidentially.

Access to relevant information (CRC art. 17)

Relevancy with the law

88. It was mentioned in detail in the second national report.

Implementation

89. The Ministry of Information broadcasts children's programmes extracting from newspapers and journals in which child education, protection and prevention are included. Moreover, mass media channels are used for the interest of children in social and cultural sectors.

90. The Printing and Publishing Enterprise, *Sarpay Beikman* and the *Myawady* Press have been publishing weekly journals as well as books and periodicals from time to time aiming at knowledge enhancement of children. Children's literature, such as cartoons, stories and *Mingalar Maung Mei*, etc. are made available in children's reading rooms at 377 libraries of the Information and Public Relations Department. Moreover, for knowledge enhancement for children, children's literature awards are presented at the Myanmar National Literature Award Competition and the *Sarpay Beikman* Manuscript Award Competition.

91. The Myanmar Radio and Television, the Printing and Publishing Enterprise and the News and Periodicals Enterprise have planned to produce and broadcast more children's literature, children's programmes and TV programmes.

Abuse, torture and deprivation of liberty (CRC art. 37)

Relevancy with the law

92. The legal right to prevent torture and deprivation of liberty is provided in the Penal Code, the Narcotic Drugs and Psychotropic Substances Law, 1993; the Control of Money Laundering Law, 2002; and the Anti-Trafficking in Persons Law, 2005.

93. It is provided in section 361 of the Penal Code that taking away or enticing any minor male under 14 years of age or minor female under 16 years of age or any person of unsound mind from his or her lawful guardian without the consent of the guardian is considered abduction.

94. It is provided in section 363 of the Penal Code that whoever kidnaps any person from the Union of Myanmar or from a lawful guardian shall be punished with imprisonment of either description for a term which may extend to 7 years, and shall also be liable to a fine.

95. It is provided in section 369 of the Penal Code that whoever kidnaps or abducts any child under the age of 10 years, with the intention of taking dishonestly any movable property from the person of the child, shall be punished with imprisonment of up to 7 years, and shall also be liable to a fine.

96. It is provided in section 372 of the Penal Code that whoever sells, lets for hires, or sells off any person under the age of 18 years with an intention that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing that such person will at any age likely be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to a fine.

97. It is provided in section 373 of the Penal Code that whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to a fine.

98. Moreover, it is provided in subsection (c), section 22 of the Narcotic Drugs and Psychotropic Substances Law that if any of the acts provided in sections 16 to 21 is committed by making use of the child who has not completed the age of 16 years in the commission of the offence, the offender shall be liable to a maximum punishment provided for such offence.

99. Moreover, it is provided in clause (2), subsection (a), section 5 of the Control of Money Laundering Law, 2003 that this law shall apply to the offences of illegally converting, transferring, concealing, obliterating or disguising of money and property obtained from the commission of trafficking in and smuggling of women and children.

100. Under subsection (a), section 26 of the Anti-Trafficking in Persons Law, 2005, whoever is guilty of adopting or marrying fraudulently any person for the purpose of committing trafficking in persons shall, on conviction, be punished with imprisonment for a term which may extend from 3 years to 7 years and may also be liable to a fine.

101. Similarly, it is provided in section 27 that whoever is guilty of making use or arranging with a trafficked victim for the purpose of pornography shall, on conviction, be punished with imprisonment for a term which may extend from 5 years to 10 years and may also be liable to a fine.

102. Furthermore, it is provided in subsection (a), section 11 of the Anti-trafficking in Persons Law that in order not to adversely affect the dignity of the trafficked victims, if the trafficked victims are women, children and youth, the relevant court shall, in conducting the trial of offences of trafficking in persons, do so not in open court but in camera for the protection of their dignity, physical and mental security.

103. It is provided in section 12 of such Law that the Central Body shall, if the trafficked victims are women, children and youth, make necessary arrangements for the protection of their dignity, physical and mental security.

104. It is provided in section 16 that the Central Body and relevant working groups shall, with respect to the trafficked victims who are women, children and youth:

(a) Provide special protection of their dignity and identification and necessary security and assistance;

(b) Carry out to send them back to their parents or guardian if after scrutiny it is found that it is the best condition for them.

Implementation

105. Measures with regard to torture and deprivation of liberty are mentioned in detail under the CRC article 19, 34 and 35.

Chapter 6

Family care and alternative care

Parental guidance and the child's evolving capacities (CRC art. 5)**Relevancy with the law**

106. Section 30 of the Child Law prescribes that every child shall abide by ethics and discipline, corresponding to his age.

107. Likewise, section 31 of the Child Law states that parents, teachers and guardians shall give children guidance to ensure that the practice of abiding by the ethics and discipline mentioned in section 30 is infused into children.

108. Chapter 9 of the Rules relating to the Child Law provides for the establishment of pre-primary schools and voluntary day-care centres in the implementation of ECCD systematically and widely. Rule 50 of the rules relating to the Child Law prescribes in detail the objective, rules, disciplines, monitoring mechanism and technical matters on the establishment of private pre-primary schools and voluntary day-care centres.

Implementation

109. Myanmar customs and traditions are deeply rooted. Children are regarded as jewels of the family and cherished. In line with the traditions, customs and religious teachings, children are nurtured to become good citizens in order for them to become a new generation of the twenty-first century for the nation. Myanmar society is characterized by enduring family preservation of fine traditions and customs which contribute significantly to the stable and peaceful society. Myanmar people value and take pride in high family values and family spirit in this regard. It can be found that most Myanmar people live in an extended family. According to the 2001 and 2002 statistics, an average household size is 5.2.

110. In accordance with the Myanmar saying "parents are the very first mentors of children", it is the duty of parents not only to nurture their children to be healthy, intelligent, wise and polite but also to educate them to be able to differentiate between right and wrong and good and bad. In Myanmar tradition, culture and religion, the duties of parents and children have been prescribed traditionally and practised since long ago, which are the guiding norms of Myanmar customs and traditions. Every parent wishes that their children become well-established and well-to-do, a Myanmar saying in this sense is "riding elephants besieged by horses". As there is a Myanmar proverb which says that "parents are responsible for misconduct of their child", parents give children guidance relating to high moral values. Relatives and family friends also contribute in this aspect.

111. The Government, in collaboration with UNICEF, has been accelerating the momentum of ECCD programmes through centre-based, family-based and community-based methods in order to nurture children as early as possible for their all-round development.



Celebrating sport competition for all-round development of children.

112. In order to have access to quality basic education by all children, the Child Friendly School Project was started in 2001 by the Ministry of Education in collaboration with UNICEF. The Child Friendly School Project has been implemented in 94 project townships up to 2007. In so doing, it is mainly focused on the completion of primary education by out-of-school children, especially girls; exemption from school entrance fees and monthly tuition fees for poor children and bringing school-age children in rural areas to school.

Responsibility of parents or guardians (CRC art. 18)

Relevancy with the law

113. It was mentioned in the previous national reports that section 11 (a) and (b) of the Child Law stipulate responsibilities of parents or guardians.

Implementation

114. In Myanmar tradition, culture and religion, duties of parents and children have been prescribed since long ago.

115. The following are the duties of parents, which have been preserved and carried out till today:

- (a) Prevent children from misconduct;
- (b) Teach children good conduct;
- (c) Make children learn arts and science;
- (d) Give children inheritance at an appropriate time;
- (e) Marriage to suitable person.

Separation from parents (CRC art. 9)

Relevancy with the law

116. It was mentioned in the previous national report that parents and children are usually not separated as the bonds between them are very strong.

Implementation

117. The causes of children's separation from parents are death of both parents or divorce between parents or inability of both parents to take care of their child or unmanageable or uncontrollable condition of children or law violation, and such children are taken care of by the DSW and also by voluntary organizations, which is encouraged by the State.

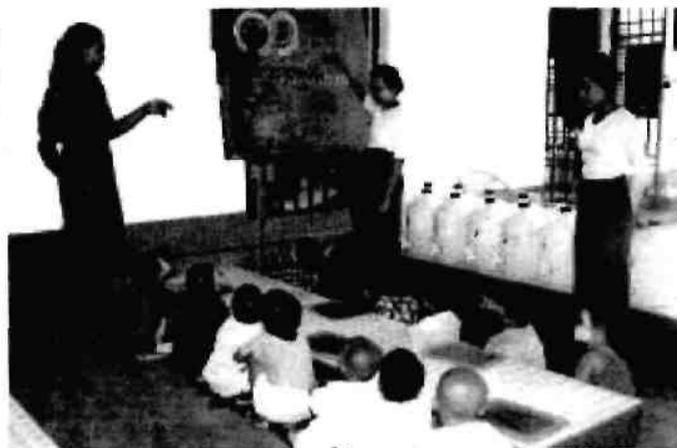
118. Children at the institutions of the DSW and voluntary homes are provided with conditions which contribute to personal hygiene, necessary immunization and nutritious food. They are given education as well as vocational training, taught good and polite manners and to behave well in accordance with Myanmar culture, which contribute to both physical and mental development. Nine thousand two hundred and seventy-six children at the institutions were given training courses on cultivation, livestock breeding, mechanics and others in 2001–2006. One thousand six hundred and seventy-eight children at similar institutions were assisted to obtain jobs at farms and factories and in the civil service and other services.

119. A convicted mother serving a prison sentence is allowed to keep her child with her. This was mentioned in the previous national report. The Prisons Manual allows female prisoner, if she so desires to keep her accompanying child with her if there is no one outside to take care of the child, to keep her child until the child reaches 4 years of age normally and 6 years of age, if necessary. Pre-primary schools are established in the prisons for such children and they are taught poems and basic language. Necessary facilities are being provided for children who are born from pregnant women by Myanmar Maternal and Child Welfare Association. The Department of Social Welfare is looking after 25 such children.



Food and necessary facilities are being provided for children who are born from pregnant women in prison.

Education learning opportunities are given to pre-school children.



Family reunification (CRC art. 10)

Relevancy with the law

120. Regarding family reunification, section 35 (c) of the Child Law states as follows: “to entrust the child to the care of the parents or guardian, with or without execution of a bond, in the case of a child who is found, on scrutiny to have complied with the arrangement for at least one year and whose moral character has improved”.

121. In accordance with section 10 of the Anti-trafficking in Persons Law, the functions and duties of Repatriation, Reintegration and Rehabilitation of Trafficked Victims are as follows: it prescribed that “coordinating and cooperating with relevant government departments, organizations and non-governmental organizations for the repatriation of the trafficked victims to their native place, enquiring the circumstances of the relevant family, medical examination of trafficked victims with their consent, consolation and education and other necessary assistance”.

Implementation

122. Repatriation, rehabilitation and follow-up programmes for trafficked children have been systematically carried out. There were nine trafficked children under 6 years of age in 2006. After systematic coordination with the country concerned, they were repatriated to Myanmar and reintegrated with their parents/guardians. In this regard, the Department of Social Welfare has been cooperating with other organizations, such as the Myanmar

Women's Affairs Federation (MWAF), the World Vision (Myanmar) and Save the Children (Myanmar).

123. In line with the Child Law, 1993, the Department of Social Welfare is taking care of children who are in need of protection and have violated the law through institution-based and community-based programmes.

124. Children who are in need of special protection, such as orphans, street children, abused children, working children and handicapped children, are provided with essential social care and protection by the Department of Social Welfare in line with the Child Law and the Rules related to the Child Law.

125. Reintegration of children who have been taken care of in the institutions into their families is the most important part of the institution-based programmes. For the children who have completed one year and behaved well during the period, probation officers make field visits to wards, townships, families and relatives of the children and reintegration process for them is carried out.

Illegal transfer and forbidding the return (CRC art. 11)

Relevancy with the law

Implementation

126. It is mentioned in details in the report under article 35 of the Convention on the Rights of the Child.

Standard of living (CRC art. 27, para. 4)

Relevancy with the law

127. It is provided in section 11 (b) of the Child Law, 1993 that a child shall be entitled to a monthly allowance from parents who fail or refuse to support him.

128. It is provided in section 13 (c) of the Child Law that a child shall have the right to make complaint, hearing and defend at relevant Government department, organization or court either personally or through a representative in accordance with the law, in respect of his rights.

129. It is provided in section 25 (c) of the Child Law that every child has the right to sue and be sued in accordance with the law.

Implementation

130. Sub-article (4), article 27 of the Convention on the Rights of the Child provides that the rights mentioned in the domestic law are to be enjoyed in respect of child maintenance allowance.

Protection of children deprived of family environment (CRC art. 20)

Relevancy with the law

131. It was mentioned in the second national report that section 32 of the Child Law provides for protection and care for children who do not have parents or family.

Implementation

132. For street children who do not have, or are separated from, parents or guardians, probation officers conduct investigation and contact parents, if they are located, and educate them. Then the child is reintegrated with the family concerned. Children who are in need of protection and care are sent to respective institutions. Nine hundred and seventy-six children in residential nurseries, 3,985 children in boys training schools, 630 children in training schools for girls, 1,041 girls in vocational training schools for women, altogether 6,632 children were looked after in 2002–2006. The list of children who were with such institutions until 2001 was provided with the second national report.

Adoption (CRC art. 21)**Relevancy with the law**

133. The provisions and regulations of the Myanmar Adoption Law were mentioned in the first and second national reports and in the clarifications thereafter.

Implementation

134. In accordance with the Child Law and the Rules relating to the Child Law, orphans who are taken care of in residential nurseries under the Department of Social Welfare are allowed to be adopted for their best interests. From 2001 to 2006, a total number of 48 orphans were adopted. Similarly, the Department of Health permitted adoption of 44 orphans in accordance with the rules and regulations. Adoption is also undertaken by local authorities legally in the community. The data relating to adoption will be provided in the next report.

Periodic review of placement (CRC art. 25)**Relevancy with the law**

135. Section 35 (c) of the Child Law provides that if a child sent to a training school of the Department of Social Welfare in accordance with section 34 (a) of the Child Law improves and behaves well after completion of one year at the school can be entrusted to the parents or guardians.

136. Similarly, section 48 (b) of the Child Law provides that juvenile courts may issue an amending order to entrust the convicted child, who has improved and behaved well after completion of one year at the training school of the Department of Social Welfare, to his/her parents or guardians.

Implementation

137. Data on children reintegrated with parents or guardians after completion of one year at the institutions is as follows.

<i>No.</i>	<i>Year</i>	<i>No. of children</i>
1.	2001	336
2.	2002	464
3.	2003	548

<i>No.</i>	<i>Year</i>	<i>No. of children</i>
4.	2004	421
5.	2005	246
6.	2006	168
Total		2 183

Chapter 7

Basic health and social support

Health and health services (CRC art. 24)

Relevancy with the law

138. There are a number of legislations regarding health polices and health development plans in Myanmar to provide effective health-care services to the entire population.

139. In order to promote and protect public health rights, the following policies, laws and regulations have been adopted:

- Public Health Law
- Myanmar Maternal and Child Welfare Association Law
- Prevention and Control of Communicable Disease Law
- National Food Law
- National Health Policy
- Myanmar Reproductive Health Policy
- Myanmar Health Vision (2030)
- National Health Plan
- National Plan of Action for Food and Nutrition
- Rural Health Development Plan (2001–2006)
- Five-Year Strategic Plan for Child Health (2005–2009)
- Five-Year Strategic Plan for Reproductive Health (2004–2008)
- Five-Year Strategic Plan for HIV/AIDS (2001–2006)

Implementation

Health-care system

140. The Ministry of Health is a major provider of comprehensive health care covering prevention, cure, rehabilitation and promotion. Public as well as private sector involved in allocation of funds and giving health services to the population. The Department of Health, under the Ministry of Health, plays a major role in providing comprehensive health care throughout the country, including remote and hard-to-reach border areas.

141. The Ministries of Defense, Railways, Mines, Industry (1), Industry (2), Energy, Home and Transport are providing health care, mainly curative, for their employees and their families.

142. The private sector is mainly providing ambulatory care by provision of institutional care in Yangon, Mandalay and some large cities and is expanding in recent years. The General Practitioners' Section of the Myanmar Medical Association through its branches in townships provides links between private practitioners and their counterparts in public sector so that private practitioners can also participate in public health-care activities.

143. One unique and important feature of Myanmar health system is the existence of traditional medicine along with allopathic medicine. Traditional medicine hospitals and clinics have been set up all over the country. There are quite a number of private traditional practitioners and they are licenced and regulated in accordance with the provisions of related laws.

144. In line with the National Health Policy, NGOs such as the Myanmar Maternal and Child Welfare Association (MMCWA) and the Myanmar Red Cross Society (MRCS) are also taking part in service provision which contributes to more effective health-care services.

145. Recognizing the growing need for involvement of all relevant entities and the community at all administrative levels, health committees have been established in various administrative levels down to the wards and village tracts. These committees are headed by chairman or responsible person of the local organs of power concerned and the members include heads of related government departments and representatives from social organizations.

146. The Ministry of Health has been working closely with WHO, UNICEF, UNFPA and other United Nations agencies, international organizations, 34 international NGOs and domestic NGOs.

Child Health

147. Child Health, including newborn care, has been accorded priority aiming at reducing maternal, newborn, infant and children morbidity and the Ministry of Health has put emphasis on achieving the MDGs by 2015 with its own available resources. Efforts by the Ministry of Health and partner agencies have increased effective interventions such as regular vitamin A supplementation, national nutrition week and increased immunization coverage and thus increase an access to Primary Health Care. IMCI strategy has been adopted and applied since 1998 with the addition of maternal portion and it has been implemented as Integrated Management of Maternal and Childhood Illness (IMCI) project in 322 townships. For sustainability and wider coverage, IMCI strategy has been integrated into pre-service curriculum of Medical, Paramedical, Nursing and Midwifery Schools in 2002. Then from 2001 onward, in line with innovative life cycle approach, Women and Child Health Development project was launched by the Department of Health. A five-year strategic plan (2005–2009) for child health has been formulated by DOH with technical inputs from different stakeholders aiming to intensify the already implemented interventions for child health for reduction of mortality according to the MDGs.

148. Although vital rates vary with study design, method and coverage applied, all sources show that the child mortality rate is lowering. According to the nationwide cause-specific under five mortality surveys (1994–1995 and 2002–2003) by DOH, U5MR declined from 82.4/1,000 LB in 1995 to 66.1/1,000 LB in 2003. However, infant mortality rate was not significantly changed and it was 49.7/1,000 LB in 2003. Mortality among infants contributed to 73 per cent of under-five deaths and 87 per cent of deaths occurred in rural areas. Leading causes were ARI 25 per cent, brain infections 14 per cent, diarrhoea

13.4 per cent septicaemia 10.5 per cent, malaria 5.7 per cent, and beri-beri 5.5 per cent. Major causes of neonatal deaths are prematurity 30.9 per cent, sepsis 25.5 per cent and birth asphyxia 24.5 per cent.

149. The main gaps are neonatal health, rural health development and some key family practices. DOH planned to strengthen these areas in coming years. New formula ORS and Zinc supplementation also has been introduced and introduction of Hepatitis B vaccine to routine EPI schedule will be considered. Continuum care of maternal, newborn and child health approach will be implemented in coming national health plan period (2007–2011) to obtain more cost effective benefit.

Expanded programme of immunization

150. Expanded programme of immunization was launched in May 1978 with the commencement of 1st People's Health Plan (1978–1982), implemented in 104 townships. By 1997 EPI covered the whole country. From 1998 onwards, installation of solar-powered refrigerators and conducting crash programme for the hard to reach and remote border areas during favourable season made the EPI operationally cover the whole country (total 325 townships).

151. Morbidity and mortality from six vaccine preventable diseases is visibly declining, and targets for Polio Eradication and Neonatal Tetanus Elimination were set in 2000.

152. As Myanmar EPI Programme is accelerating OPV immunization activities in risk areas with mopping up OPV immunizations, Myanmar was certified polio-free in 2003 and achieved the regional certification in 2005.

153. Although Myanmar is free from wild Polio Virus, the processing of reintroduction of wild virus as well as Vaccine derived Polio Virus are continuously alarming, and the Acute Flaccid Paralysis (AFP) Surveillance System and the system is being strengthened with setting increased target for active case search among under 15-year-old children.

154. From 2003, Mass Measles Campaign was conducted throughout the country in a phased manner for three consecutive years, immunizing children aged between 9 months and 5 years.



Immunization activity for infants in mountainous region.

155. Hepatitis B vaccine had been introduced in National Immunization Programme in 2003 in a phased manner, totalling vaccine preventable diseases to seven.



Immunization activity for infants in far remote area.

Neonatal care

156. According to the nationwide cause-specific under-five mortality surveys (2002–2003), neonatal death contributes 25 per cent of under-five deaths. Without implementing special interventions for essential newborn care at all levels it may not be possible to reach the MDGs Goal 4 to reduce child mortality. Both five-year strategic plan for child health (2005–2009) and five-year strategic plan for reproductive health emphasize the essential package for newborn babies and it planned to implement as phased-manner approach based on availability of resources.

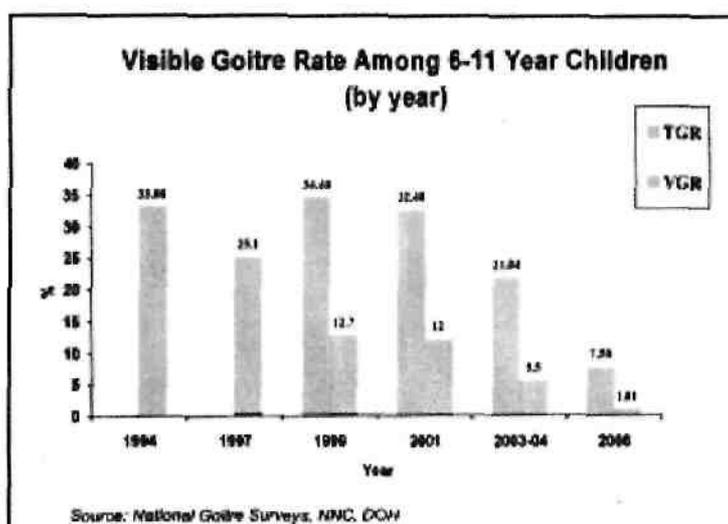


Immunization activity for infants in Delta region.

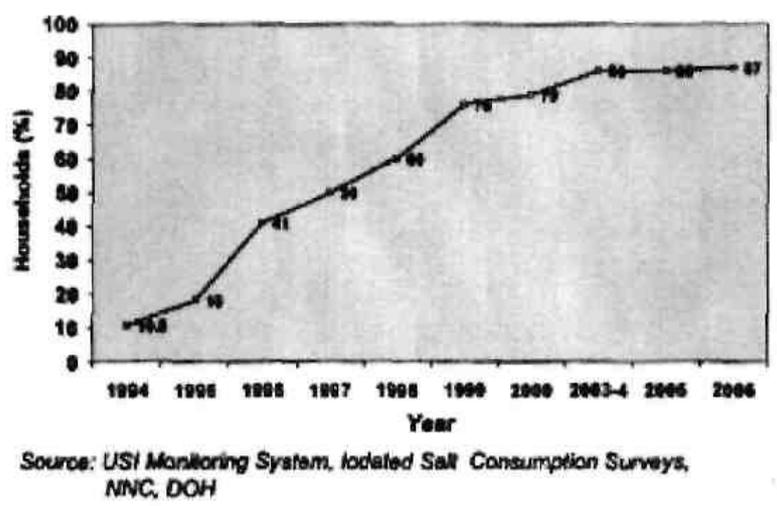
Child and maternal nutrition

157. Myanmar has identified protein energy malnutrition (PEM) and micronutrient deficiencies (iron deficiency anaemia, iodine deficiency disorders, and vitamin A deficiency) as its major nutritional problems.

- Prevalence of under-weight among children below 5 years of age declined from 35.3 in 2000 to 31.5 per cent in 2003. (MICS Surveys, Dept. of Health Planning); MDGs goal for under-weight prevalence is 19.3 per cent by 2015.
- Visible Goitre Rate among (6–11) year old schoolchildren dropped from 12 per cent in 2000 to 5.5 per cent in 2003–2004. (Target < 5 per cent)



- Proportion of household consumption of iodated salt was 86 per cent in 2003. (Target > 90 per cent) Median urinary iodine excretion for the whole country was 236 ug/l in 2003–2004 (Target > 100 ug/l).

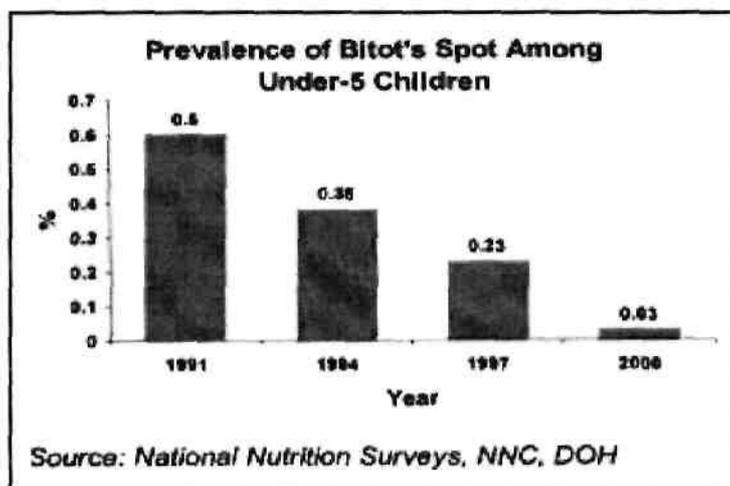


Iodized salt consumption rate (yearly).

- Prevalence of Bitots spot (ocular sign of vitamin A deficiency) among children under 5 years decreased from 0.23 per cent in 1997 to 0.03 per cent in 2000

Prevalence of Vitamin A deficiency rate among children under 5 years (Bitot's Spot rate)

- Prevalence of Iron Deficiency Anaemia was 45 per cent in reproductive aged non-pregnant women (2001); 26.4 per cent in adolescent schoolgirls (2002) and 51 per cent in pregnant women residing in the hilly region (2003)



158. According to the findings of under-five mortality survey, one of the main causes of death in children aged 28 days and above is Beri Beri, a disease due to a deficient vitamin B1 in food. Therefore, vitamin B1 deficiency Surveillance System was launched in 2005. Multivitamin tablets containing vitamin B1 were distributed to the risked groups, especially to lactating mothers.

159. Growth monitoring and promotion (GM/P) for under-3 children is the major control activity for PEM that takes place throughout the country. There are also nutrition rehabilitation activities in some selected areas, community nutrition centres in urban and village food banks in rural areas. Iron supplementation is the nationwide programme against anaemia during pregnancy while supplementation for under-5 children and adolescent schoolgirls is implemented in some selected areas.

160. Universal salt iodization has been adopted for sustained elimination of iodine deficiency disorders while biannual supplementation with high potency vitamin A capsules forms the major intervention against vitamin A deficiency.

161. In Myanmar, breastfeeding practices is 93.4 per cent, mixed feeding is 5.7 per cent, initiation of breastfeeding within one hour is 83.9 per cent, colostrums feeding is 96.4 per cent, and exclusive breastfeeding under 6 months is 16 per cent (NNC, 2003).

162. Under guidance of the breastfeeding policy, Baby-Friendly Hospital Initiative (BFHI) was launched in 1995, and by the end of 2005 it is projected nearly all hospitals and health centres. The number of facilities designated as "Baby Friendly" increases and the outstanding hospitals and health centres are awarded every year.

163. Although "International Code of Marketing of Breast-milk Substitutes Law" is still under processing, awareness training for advocates has been given in 12 States and Divisions since 2005.

164. During the 2nd National Immunization Day in 2001, high potency vitamin A was given to children between 6 months and 5 years of age after oral polio vaccination. Nutrition promotion week campaign was launched since 2003. During the campaign,

various nutrition promotion activities are carried out. Vitamin A capsules are distributed to children between 6 months and 5 years of age; iron tablets are distributed to the pregnant women; and iodine content of salt is testing at the markets and houses. Various nutrition education programmes are broadcast and telecast. Testing of iodine in salt is demonstrated for the schoolchildren and essay competitions for schoolchildren and cooking competitions for mothers are held. During the campaign, activities are conducted with major partners, such as Myanmar Salt Enterprise of the Ministry of Mines, the Department of Basic Education, the Ministry of Information, and the Department of General Administration.

Maternal health

165. As in most developing countries, complications due to pregnancy and childbirth are the leading causes of death for women aged 15–49 years.

166. The chance that a woman will die due to pregnancy-related causes is 1 in 33 in Myanmar. Skilled attendants at births are present at only 60 per cent of deliveries nationwide and only just over 20 per cent of deliveries take place in a hospital or health centre. Most deliveries take place in homes.

167. In order to reduce maternal and neonatal morbidity and mortality, safe motherhood initiatives have been expanded into a national movement. Continuum of quality care for maternal and newborn health has then been focused as a priority in preventing maternal and newborn deaths and morbidities. In response to this challenge, the essential package of reproductive health interventions emphasize emergency obstetric care and neonatal care. Emphasis is also given to improvement of safe obstetric practices and reduction of the occurrence of harmful traditional practices.

168. Myanmar Reproductive Health Policy was formulated in 2002 and implemented at the country level. The five-year reproductive health strategic plan (2004–2008) was developed and implemented with support and contribution from many sectors.

169. Birth spacing services were provided in 1991 with the assistance of a number of international agencies. At the end of 2006, this programme provides services in 112 townships as a component of reproductive health package.

170. Antenatal care service emphasizes in giving anti-tetanus vaccine to pregnant mothers and more than 75 per cent were immunized against tetanus for two times during pregnancy.

171. Maternal and child health services were given in cooperation and collaboration with WHO, UNICEF, UNFPA, international non-governmental organizations and local organizations such as MMCWA and MWAF.

School health

172. Since 1998, a health promoting school programme has been implemented with the objective of promoting the health standard of students with the support of WHO. By 2006, all schools in the country were covered by a health promoting school programme.

173. Myanmar commenced its school deworming programme in 2002. A baseline survey was conducted in the delta area which is one of the four major ecological zones in the country and the survey showed a level of high prevalence and a high intensity of soil-transmitted helminthiasis (STH) among school-age children, which requires regular deworming two times a year. The findings lead to training of schoolteachers in the area on giving health education and treatment for STH to the school-age children.

174. During December 2005, 4.8 million school-age children and 2.1 million preschool age children from all over the country were dewormed as an integrated approach with the support of WHO and UNICEF. New IEC materials were developed and distributed to all schools. Advocacy meetings on integrated deworming programmes were held in all States and Divisions.

175. Myanmar school-based STH control programme is gaining momentum with active involvement of related health projects such as School Health Project, Nutrition project, Maternal and Child Health Project and Lymphatic Filariasis elimination programme and Ministry of Education as well as WHO and UNICEF.

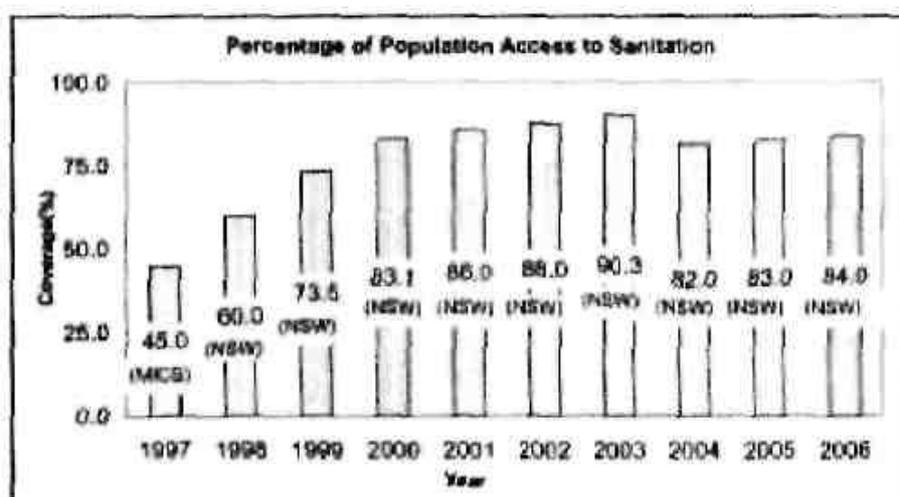
Safe drinking water and sanitation

176. Improved water supply and improved sanitation are among the development indicators directly related to health.

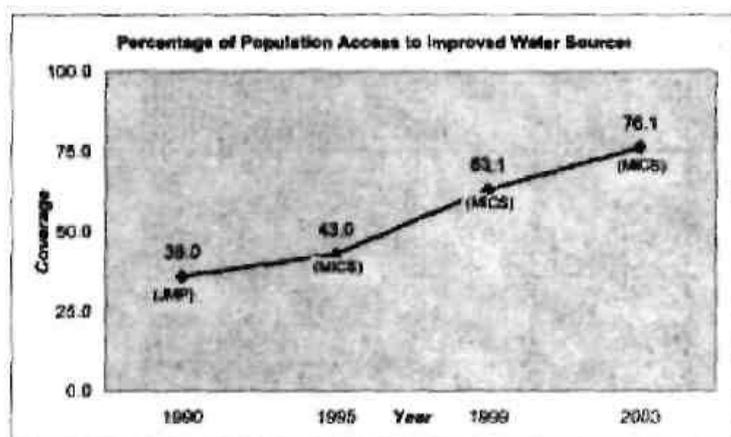
177. Although many agencies involved in carrying out improved water supply, rural water supply was taken care of by the Department of Development Affairs.

178. The Environmental Sanitation Division (ESD) has carried out water supply and sanitation for health centres in rural areas and maternal and child health centres in urban areas and for some township and station hospitals. Awareness promotion and building the capacity of the community through training, workshops, and I.E.C materials are priority activities for all the projects.

179. National Sanitation Week was initiated in 1998 which is the most effective advocacy campaigns and it brings about great success in boosting community awareness and consequent increasing sanitation coverage. In 2006, the proportion of people with access to improved sanitation is 81 per cent in rural areas, 88 per cent in urban and 84 per cent for the whole country.



180. According to progress report, population access to safe water supply was also increased from 63.1 per cent in 1999 to 76.1 per cent in 2003.



HIV/AIDS prevention

181. AIDS is the disease of national concern and it is one of the priority diseases of the National Health Plan of Myanmar. The National AIDS Programme (NAP) includes HIV/AIDS prevention and care activities in coordination with related Ministries and NGOs, both national and international, and United Nations agencies.

182. Health education is one of the fundamental activities for raising awareness about HIV/AIDS and has been implemented aiming at the general as well as targeted population, including youth and women, as high-risk populations. Different types and forms of mass media, including folk media, print media, have been used with the assistance of the Ministry of Health, non-governmental organizations (NGOs), United Nations agencies, private sector, and related public organizations for increased perception of HIV/AIDS.

183. For students, adolescents and youth, School-based Healthy Living and HIV/AIDS Prevention Education Programme (SHAPE) has been implemented in collaboration with the National AIDS Programme and School and Adolescent Health Project under the Department of Health, Department of Education Planning and Training and UNICEF, since 1998 to 1999. Beginning with 30 townships, it has now been expanded to 137 townships. Based on SHAPE, National Life skills Curriculum was also introduced in 1998 and has now been expanded to the whole nation.

184. For out-of-school adolescents and youths, community-based HIV/AIDS and drug abuse prevention and education activities as well as peer education programmes are being implemented in coordination with national NGOs, such as the Myanmar Red Cross Society, Myanmar Maternal of Churches, Pyinnya Tazaung and international NGOs, such as Medecins du Monde, World Vision International and Save the Children.

Prevention of mother to child transmission (PMCT)

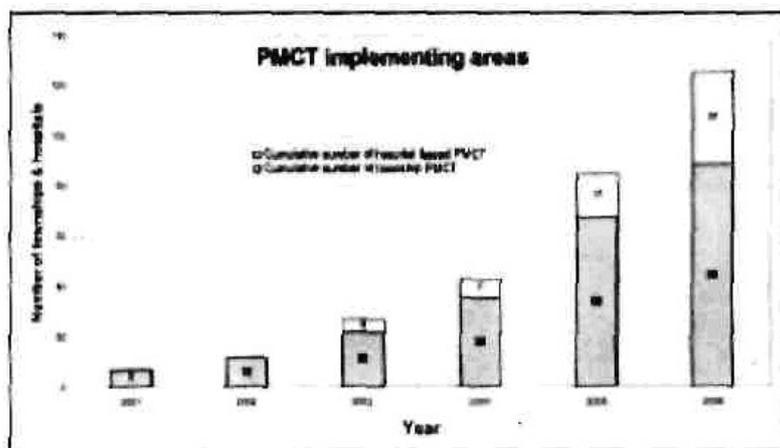
185. The Ministry of Health in partnership with UNFPA and UNICEF, has embarked on the Prevention of Mother to Child Transmission of HIV (PMCT) Programme by administering Nevirapine to HIV-infected pregnant women since 2000 in Myanmar.

186. After conducting initial assessments and taking into account of the fact that 70 per cent of the country's population resides in rural areas, community based PMCT programme has been introduced. Currently, there are a total of 89 townships with ongoing PMCT activities.

187. Institutional based PMCT services were made available to those women receiving AN care at these institutions since 2003, and currently there are a total of 37 hospitals with ongoing institutional based PMCT programme.

188. During 2005 alone, 69,440 pregnant women did HIV testing and 629 HIV positive mother-baby pairs received Nevirapine.

189. Several NGOs, including Myanmar Maternal and Child Welfare Association (MMCWA), the Myanmar Red Cross Society (MRCS), CARE, Save the Children-US, Save the Children-UK, World Vision, Marie Stopes International (MSI), and Medicins du Monde (MdM), have been implementing programmes with adolescent health components in a number of townships. Aedes free school programme and health promoting school programme with the aim to establish model schools in various townships in all States and divisions.



Programmes implemented by Myanmar Maternal and Child Welfare Association (MMCWA)

190. The Myanmar Maternal and Child Welfare Association (MMCWA) has been providing health-care services to expectant mothers under Safe Motherhood Initiative programme at the 112 maternity clinics owned by the association. It is also providing immunization services, distributing iron and folate supplementation and iodized salt and also conduct health talks on nutrition promotion and cooking demonstration on nutritious food.

191. The Myanmar Maternal and Child Welfare Association (MMCWA) has operated construction and staffing of maternity waiting homes in five selected townships and collaboration with UNFPA in 2006 to allow rural women greater access for safer and timely delivery. These are planned to extend these activities to cover more townships in 2007. Auxiliary midwife training is being conducted for a six months course. These are being conducted in all States and divisions under the guidance of MMCWA.

192. To prevent prenatal mother to child HIV transmission (PMCT), MMCWA endeavours to increase access to prevention of mother to child transmission (PMCT) through its maternity homes in collaboration with National AIDs programme of MOH. In 2006, PMCT projects have been launched in five selected townships and one PMCT centre at the central MMCWA. The agreement has been made to extend this programme to cover more townships in 2007.

193. MMCWA members have been oriented and trained to participate in services for immunization of children against six major childhood diseases. A growth monitoring

programme for children under 3 has been carried out in community based nutrition centres and village food banks for supplementary feeding. One thousand six hundred and fifty six preschools, including MMCWA centre, are being established for overall development. In this programme, the activities are medical examination at the beginning of the school years, provision of care, treatment and referral, preventive and educative talks to parents and guardians, training for healthy life style practices and training for the preservation of cultural norms.



Immunization children for mass measles campaign.

194. MMCWA is actively participating in the implementation of school health programmes in cooperation with the Ministry of Health. Their endeavours are in the implementation of tobacco-and narcotics-free school programme, Aedes free school programme and health promoting school programme with the aim to establish model schools and healthy children in various townships in all States and divisions.

Children with disabilities (CRC art. 23)

Relevancy with the law

195. Facts relating to the provision of the law were mentioned in the first national report.

Implementation

196. The Department of Social Welfare provides special school-based and community-based rehabilitation services for the physically disabled, visually impaired, hearing impaired and intellectually disabled children and is trying to raise awareness among the general public on disability issues in community-based rehabilitation.

197. Regarding the special school-based service, there are 5 Government schools and 10 NGO schools providing educational and rehabilitation services.

198. For educational rehabilitation of disabled children, such as blind, deaf and intellectually disabled children, primary level education is given in their schools and secondary level education is given under the Education for All system in basic education schools.

199. For vocational rehabilitation, pre-vocational training such as handicraft, baking are provided. Massaging, cane weaving, and wool knitting skills and computer training are provided for visually impaired persons. For hearing impaired and physically disabled persons, tailoring, embroidery, computer and silk screen printing training are provided.

200. At the schools for all deaf run by Government and NGOs, sign language training is given to the teachers from the Basic Education Department every year. Sign Language Dictionary volumes I and II have been published with the approval of the Myanmar Education Committee.

201. Regarding Community-Based Rehabilitation (CBR), vocational training for the hearing impaired persons is provided. The CBR programmes for physically disabled persons include home-based rehabilitation, such as physiotherapy exercises, formal education, and non-formal education. Moreover, income generating for the family, providing nutrition, medical treatment and necessary facilities are also being carried out.

202. For PWDs' participation in sports competitions, the Myanmar Sports Federation for Disabled Persons has been established and is conducting annual local sports competitions for the disabled. The International Day of Disabled Persons which falls on 3 December has been celebrated yearly as a national level ceremony and outstanding PWDs are honoured.

203. The Department of Social Welfare is providing rehabilitation services for disabled children in cooperation with NGOs schools for disabled. With the collaboration of INGOs, such as Japan International Cooperation Agencies (JICA), Asia-Pacific Centre of Disability (APCD), Enfants du Monde-Droits de L'Homme (EMDH), New Humanity FOCSIV (Myanmar), the Department has provided rehabilitation services for disabled children. In collaboration with JICA, a three-year project will be implemented to enhance the capacity of the deaf community and awareness-raising among the general public. With the collaboration of the Department of Social Welfare and JICA, the three-year projects which are to promote social participation of the deaf community and to implement the Standardized Sign Language. This project is a great support for the deaf community, families, sign language interpreters, school for the deaf and deaf associations.

Social security (CRC art. 26)

Relevancy with the law

204. The rights of children that can be enjoyed according to the Social Security Regulation article 52 (1) (d) is provided as follows:

(a) "Paediatric care for newly born child of an insured woman for a period of not more than six months after birth";

(b) It is defined that in Myanmar Social Security Regulation article 141 (1) provides that "In case of death of an insured person resulting from an employment injury, survivors' pensions shall be paid to the following members of his family". In Myanmar Social Security Regulation article 141 (1) (b) provides that "his legitimate or illegitimate unmarried children legally adopted before the injury occurred, until they have completed 13 years of age, or 16 years if they continue a course of education considered satisfactory by the Board (Orphan's pension)".

Implementation

205. Insured women workers registered under the Social Security Board have the right to enjoy medical care during confinement, and paediatric care for newborn children of insured women is given for a period of not more than six months after birth. If necessary, newly born children are referred to children's hospital where the cost of treatment is borne and the cost of diapers is reimbursed by the Board.

206. According to article 141 (b) of the Myanmar Social Security Regulation, in the case of death of an insured worker resulting from injuries sustained while working, pension may

be paid to his/her child/children until they have reached 13 years of age, or 16 years of age if they are continuing their education.

Living standard (CRC art. 27)

Relevancy with the law

207. The Law for Development of Border Areas and National Races (1993) and the law amending the Law for Development of Border Areas and National Races (2006) have been enacted and implemented in order for all regions in Myanmar to develop proportionately.

Implementation

208. To raise the living standards of national races, the Ministry for Progress of Border Areas and National Races and Development Affairs has set the following objectives and implemented them:

- (a) Ensuring smooth and better transportation in the rural areas;
- (b) Securing water in the rural areas;
- (c) Uplift of the education standard of the rural people;
- (d) Uplift of health-care system for the rural people;
- (e) Development of the economy in the rural regions.

209. Moreover, 24 special development regions spanning 14 States and divisions have been designated and developmental works have been carried out. These works include reparation of roads and bridges, construction of roads connecting districts to districts and urban water supply projects to provide safe drinking water to rural people.

210. Apart from providing basic needs, such as road transportation and safe drinking water, construction of suitable accommodation for rural people, upgrading of small towns into big towns, etc. have been systematically carried out for the improvement of health, education, social and economic conditions of rural people. Moreover, model village projects and housing complex projects are being systematically implemented for the development of rural people.

211. The Ministry for Progress of Border Areas and National Races and Development Affairs, in collaboration with the United Nations agencies, international organizations, non-governmental organizations, and neighbouring countries, has also been working for the eradication of poppy cultivation and substitute-crops cultivation and providing assistance to families who have abandoned poppy cultivation.

Chapter 8 Education, leisure, recreation and cultural activities (CRC arts. 28, 29 and 31)

Education, vocational education and guidance (CRC art. 28) and our vision and educational objectives (CRC art. 29)

Relevancy with the law

212. It was mentioned comprehensively in the first national report.

Implementation

Our vision and educational objectives

213. The Ministry of Education has been endeavouring for the educational development effectively in line with Our Vision of Education and Educational Objectives for the Development of Education in the Basic Education Subsector as well as in the Higher Education Subsector.

Our vision

To create an education system that can generate a learning society capable of facing the challenges of the Knowledge Age.

Educational objectives

1. To ensure accessibility to education for all school-age children and young people.
2. To promote quality of Myanmar education standard.

The long-term education development plan

214. Since 2001–2002 FY, the Thirty-Year Long-Term Basic Education Development Plan consisting of six five-year medium-term plans has been implemented with the following 10 broad programmes:

- (a) Emergence of an education system for modernization and development;
- (b) Completion of basic education by all citizens;
- (c) Improvement of the quality of basic education;
- (d) Opportunity for pre-vocational and vocational education at all levels of basic education;
- (e) Providing facilities for e-education and ICTs;
- (f) Producing all-round developed citizens;
- (g) Capacity-building for educational management;
- (h) Broader participation of the community in education;
- (i) Expansion of non-formal education;
- (j) Development of educational research.

215. The target goals for completion of basic education for all citizens have been laid down and implemented in the long-term plan. The expected targets are as follows:

- (a) To ensure universal primary education by 2005–2006;
- (b) To ensure universal lower secondary education by 2015–2016;
- (c) To ensure universal upper secondary education by 2030–2031.

Education for all

216. In line with the long-term education development plan and the framework of the Dakar EFA Goals and working to achieve the Millennium Development Goals (MDGs), the Myanmar Education for All National Action Plan (EFA-NAP) 2003–2015 has been formulated and implemented with the following six goals:

- (a) Ensuring that significant progress is achieved so that all school-age children have **access** to and complete free and compulsory basic education of good quality by 2015;
- (b) Improving all aspects of the **quality** of basic education – teachers, education personnel and curriculum;
- (c) Achieving significant improvement in the levels of functional **literacy** and continuing education for all by 2015;
- (d) Ensuring that the learning needs of the young people and adults are met through non-formal education, **life skills** and preventive education programmes;
- (e) Expanding and improving comprehensive **early childhood care** and education;
- (f) Strengthening education management and **EMIS**.

Ensuring more accessibility to education

217. **Expansion of basic education schools:** More basic education schools have been opened nationwide in order to provide better and easier access to basic education for all school-age children. The total number of basic education schools between 1988 and 2006 is as follows:

<i>No.</i>	<i>Opened schools</i>	<i>1988</i>	<i>2006</i>	<i>Increase %</i>
1.	High school	722	2 047	183.5
2.	Middle school	1 696	2 605	53.6
3.	Primary school	31 329	35 896	14.6
Total		33 747	40 548	20.1

Therefore, three out of five villages have basic education schools and there is one basic education school within 1.4 miles in distance.

218. **Education in border areas:** Measures to provide educational opportunities to children of national races in border areas have been taken since 1989–1990. As a result, 185,552 children are now studying in 1,034 schools.

219. **Post-primary schools:** Beginning from the 2001–2002, suitable primary schools have been upgraded to post-primary schools enabling to provide education up to Grade 8 to students who have completed primary education to pursue middle school education. The number of post-primary schools and students attending these schools are as follows:

<i>No.</i>	<i>Academic year</i>	<i>Post-primary school</i>	<i>Students</i>
1.	2001/02	696	31 881
2.	2002/03	2 401	134 711
3.	2003/04	3 829	238 814
4.	2004/05	4 736	303 171
5.	2005/06	5 545	359 088
6.	2006/07	5 935	419 387

220. As a result of upgrading post-primary schools, the transition rate from the primary school level to the middle school level was 68.5 per cent in 2000/01 and increased to 78.35 per cent in 2006/07.

221. **Expansion of affiliated schools and branch schools:** To enable students to attend higher classes in their existing schools and to increase the transition rates, schools have been upgraded to higher level as affiliated schools or branch schools. As a result, students have the opportunity to continue education of higher level at their existing schools.

222. **Preschool Education:** Since 1948, the Department of Social Welfare has been given responsibility as a focal department for the development of children aged 3 to 5 years. There are 65 preschools at present and 9,750 children are being nurtured in these schools. These schools have been given technical support and monitored by the DSW. There are 813 self-help preschools, run by volunteer organizations, and being attended by 40,650 children. The measures taken by the DSW are as follows:

- Implementing of integrated Early Childhood and Development Project in collaboration with the related departments, NGOs and UNICEF
- Attending training workshops to collaborate and exchange experience and techniques in the region
- Developing ECCD curriculum and manuals for using the whole nation and formulating guidelines for caring of children under 3 years old
- Developing rules and regulations for registration of day-care centres and preschools

Starting from 2007, the DSW has been carrying out the community-based ECCD activities according to the parental education programme. There are 50 mother cycles looking after 500 children under 5 years old at five townships in Bago (West), Sagaing, Magwe and Yangon division.



A lovely dance of pre-primary schoolchildren's participation in art competition.

223. In 1998, the Ministry of Education developed the ECCD curriculum and Teachers' Manual in line with the Education Promotion Programme and opened pre-primary classes in suitable basic education schools. Up to now, there are 1,772 basic education schools with pre-primary classes attended by 36,235 children. The Department of Educational Planning and Training in collaboration with Pyin Nyar Ta Zaung, a non-governmental organization, is implementing ECCD project by opening mother circles with the assistance of UNICEF. In 2006, 1,000 mother circles are nurturing 10,000 children. The Ministry of Education and UNICEF has been jointly implementing ECD projects in 109 townships up to now 2001.



Participation of pre-primary schoolchildren at poem reciting competition.

224. **Activities carried out by non-governmental organizations:** The ECCD activities are also carried out by local NGOs and INGOs. The Myanmar Maternal and Child Welfare Association has been establishing preschools countrywide and nurturing children. There were 821 preschools nurturing 30,476 children in 2001, but there were 1,656 preschools and 62,440 children in 2006. Therefore, a total of 290,069 children have been nurtured. The MMCWA is also carrying out activities for all-round development of children under 5 years of age, including nutritional programmes, vitamin A capsule distribution, immunization, deworming and personal hygiene activities.

225. The *Pyin Nya Tazaung*, a local non-governmental organization, in collaboration with the Ministry of Education and UNICEF is carrying out the ECD Network Project by forming mother circles, publishing and distributing the IEC materials, such as illustrated books and magazines for education of Early Childhood Care and Development.

226. The international non-governmental organizations, such as Save the Children (Myanmar) and World Vision (Myanmar), are also carrying out the community-based and family-based ECCD programmes in cooperation and collaboration with the government departments, local NGOs and INGOs. From 1999 to 2005, community-based ECCD programmes were implemented by Save the Children (UK) at 46 villages in 11 project townships and by Save the Children (US) also at 49 villages in 2 project townships. Between 2006 to 2009, three years short-term projects were implemented by Save the Children (Myanmar) in collaboration with the Department of Social Welfare and the ECCD centres are opened in remote and hard to reach areas for the poor children (age under 5). In order to get access to Early Childhood Care and Education for under 5-year-old poor children in these areas, 184 ECCD Centres are opened with 6,000 (age under 5) who are poor children in 9 townships. In addition to that, Save the Children (Myanmar) is providing training for the community ECCD committee, carrying out parental education, giving practice to ECCD management committees to enable them to take responsibility for ECCD activities.

227. World Vision (Myanmar) also implements the ECCD activities by giving trainings for volunteers and interested persons from villages, conducting awareness-raising workshops for ECCD at 22 townships in 10 states and divisions. There are 122 ECCD centres run by World Vision (Myanmar) and 4,943 children are being nurtured in these centres.

228. Furthermore, faith-based organizations, social service organizations, monasteries, Christian churches from urban areas and private schools are also implementing the ECCD activities by opening 2,634 preschools with 145,153 children attending. Totally, there are 8,124 preschools nurturing 316,849 children. In carrying out the ECCD activities, out of over 7 million under 5 year-old children in the entire country, the percentage of children who have access to preschool education has increased from 10 per cent in 2002 to over

12.95 per cent in 2006. The extension and expansion of the Early Childhood Care and Education programme will be continued in the whole country.

229. **All school-age children in school programme:** Beginning from 1999/2000, the last week of May is designated as a Whole-Township-Enrolment Week and enrolment activities have been conducted in collaboration with the authorities concerned, education personnel, the Union Solidarity and Development Association, Myanmar Women's Affairs Federation, Myanmar Maternal and Child Welfares Association, well-wishers and Local Community as a National Mass Movement. As a result, the enrolment rate of 5-year-old children in grade 1 increased from 91 per cent in 1999/2000 to 97.84 per cent in 2006/07. The rate of completion of primary education increased from 43.5 per cent in 1999/2000 to 70.68 per cent in 2006/07.



Enrolment week activity.

230. **Collaboration with parents, well-wishers and social organizations:** In accordance with the All School-age Children-in-School Project, the Ministry of Education, social welfare organizations, local communities and well-wishers made donation of textbooks, exercise books, stationery, school uniforms and cash for the needy children to attend the schools at the Enrolment Day Ceremonies as well as during the academic year. From 2002/03 to 2006/07, the value of cash and kind is 3116.334 million kyats in total.



Social organizations donate various educational materials.

231. To enable all school-age children to go to school, the Maternal and Child Welfare Association made donations of textbooks, stationery, school uniforms and cash to needy children and students to attend pre-primary schools, basic education schools and universities from states and divisions. From 2001 to 2006, 876.06 million kyats worth of cash and in kind donation have been made to 1,255,963.



Myanmar Maternal and Child Welfare Association donates textbooks for children with disabilities.

232. More benches and chairs were needed because of the increasing number of students. Therefore, the benches and chairs were provided to middle schools and high schools by the Ministry of Education totalling cash value of 144.91 million kyats and to primary schools by the Union Solidarity and Development Association totalling cash value of 407,972 million kyats.

233. **Inclusive education:** To enable every citizen to complete basic education, the inclusive education programme was initiated in basic education schools for those with intellectual disabilities, physical handicaps, visual impairment and hearing impairment those having difficulty school, those who are members of socially excluded families, and those children who dropped out before completing primary education in accordance with this programme, learning centres under the non-formal education have been opened for them. During 2006/07, by the Inclusive Education programme, 11,080 children were enrolled in formal schools, 873 children were enrolled in the special schools for the blind and deaf, 9,567 children were attending non-formal learning circles, totalling 21,520. Among these children, 40.7 per cent of girls have access to inclusive education.



A child with a disability attends the school according to inclusive education.

234. **Opening mobile schools:** Local authorities and social organizations are collaborating for the realization of the Mobile Schools programmes under which teachers accompany migrant workers to provide education to their children. During 2006/07, there were 43 mobile schools with 1,603 students in 15 townships.



A teaching view at mobile schools

235. **Special programme for over-aged children:** With the aim to ensure that all school-age children are in school, a special programme for over-aged children is being implemented in 2003/04 at the basic education schools. The accelerated programme enables children of age 7 plus or 8 plus years to complete primary education in three years and those of age 9 plus years to complete primary education in two years. Between 2003/04 and 2006/07, 119,555 over-aged children have had the opportunity to learn primary education.

236. **Monastic education:** The role of monastic education is also important for all school-age children to go to school. The children who did not attend schools for various reasons have been attending monastic schools where teaching is carried out in accordance with the curriculum of basic education. In 2006/07, 184,749 children including novices and nuns are studying at 1,291 monastic schools for basic education.

237. **Voluntary night schools:** For out of schoolchildren and youths, communities opened the voluntary night schools under the supervision of DSW. In 2006/07, 87 voluntary night schools have been opened with 6,066 primary students also under the supervision of MWAF and MMCWA, the voluntary night schools are opened. In 2006, the number of voluntary night schools run by state and division WAOs are 222 and 12,535 students had access to basic education in those schools.

238. **Non-formal education:** In order to access Basic Education for All, it is being implemented not only by the formal education sector but also the non-formal education sector. The Department of Myanmar Education Research is implementing non-formal education activities such as basic literacy and continuing education for out of schoolchildren, youths and adults by carrying out and opening the literacy circles and community learning centres. The youth 15 to 24 literacy rate in 1990 was 80.9 per cent and it is increased to 96.8 per cent in 2005. MMCWA is also implementing non-formal education activities by opening basic literacy learning circles, reading circles, libraries, community learning centres. In 2001, there were 3,177 basic literacy learning circles, 2,733 reading circles, 553 libraries and 25 community learning centres. However, in 2006, there were 6,467 basic literacy circles, 6,747 reading circles, 20,484 libraries and 927 community learning centres. Thus, from 2001 to 2006, 496,278 illiterates became literates who got basic literacy skills.

Ensuring quality of basic education

239. **Upgrading curricula and syllabuses:** To upgrade the curricula and syllabuses of the basic education, curricula and syllabuses have been modified and also taught from the beginning of 1998/99. In order to revise and upgrade to that of international level, a seminar on upgrading of the curricula and syllabuses for upper secondary level was held in 2006, and according to the decision of that seminar, the upper secondary level syllabuses and contents are revised and upgraded. The revised syllabuses and contents were discussed at the Basic Education Seminar (2007) and are being finalized to be introduced in 2008/09.

240. **Extension of teaching life skills subjects:** In order to get skills for solving the problems faced in human society and for right decision-making, the Life Skills Subjects were introduced to teach in primary level in 1998/99, and in secondary level in 2000/01. In this Life Skills Subject, there are five key areas such as Healthy Body Prevention of Diseases, Skills needed for life, Mental Health and Preservation of the Environment. In line with the modernization, the primary Life skills curriculum is reviewed and revised by the Department of Educational Planning and Training in collaboration with UNICEF in 2004. In 2006, the Life Skills Education was implemented by using revised curriculum in 144 townships. Yearly, the new townships will be identified to implement with new revised curriculum to be covered by the whole nation.

241. **The teaching of human rights education lessons:** To understand the right to get based on their age level and responsibilities related to those rights by the students and to practice them, the Human Rights Education Lessons have been taught as a portion of Moral and Civic Subject in lower and upper secondary level starting 2004/05. The Human Rights Education Lessons are developed focusing on the five key areas: (a) Knowledge about rights; (b) Values and attitudes for individual, development for respect to rights; (c) Civic responsibilities; (d) Legal framework; (e) Peace Education. By learning the Human Rights Education Lessons the students can have the right to express their thinking, opinions, concepts, to ask each other, to discuss in groups, to present, to participate, to solve the problems and to learn by doing freely. The teaching method is mainly focused on using 5 senses as well as child centre approach.

242. **Change of teaching and assessment methods:** In order to promote children's initiative, creativity, analytical skills, critical thinking and problem-solving skills, Child-centred Approach has been adopted since 2004/05. Moreover, at the beginning of 1992, the Continuous Assessment and Progression System was conducted instead of the examination-centred system to promote the quality of education.

243. **Upgrading teachers' quality:** Before 1998, there were only in-service trainings for teachers who were uncertified in service. Starting from 1998, all training colleges and schools for teachers have been upgraded to Education Colleges introducing pre-service teacher training courses, in-service teacher training courses and refresher courses to ensure high teacher qualities. Besides, senior teachers are produced as well-trained teachers, and Master's and Ph. D courses are provided at the three institutes of education.

244. To narrow the teaching quality gap between the teachers of urban and rural schools, refresher courses for senior assistant teachers of English, mathematics and physics were conducted in summer 2006 at the 30 universities and degree colleges and all together, 6,857 teachers were trained to become well-qualified teachers. And then, refresher courses for teachers of chemistry, biology and economics was conducted in summer 2007 at 34 universities and degree colleges, training 5,374.

245. To improve teaching and learning quality of primary teachers and junior teachers in the whole nation, from January to August 2007, central level instructors training courses, refresher courses and multiplier courses were conducted. By these courses 171,587 primary teachers and 57,558 junior teachers have been trained well. Thus, the quality of almost all of Basic Education Teachers has been improved.

246. **Child-Friendly Schools Project (CFS):** To have access to quality basic education to all school-aged children and complete basic education by all children, the Child-Friendly School Project is being implemented by the Ministry of Education in collaboration with UNICEF. Starting from 2001, the Child-Friendly School Project was implemented in 19 townships and then yearly extended to implement in 21 townships each in 2002 and 2003, 13 townships in 2005 and 20 townships in 2007. Totally, the Child-Friendly School Project has been implemented in 94 townships up to now. To become Child-Friendly Schools, the

project is conducted by focusing on five key dimensions such as, inclusiveness, effectiveness, health, safety and protective environment, gender sensitiveness and responsiveness and participation. For the implementation of the Child-Friendly Schools Project the various trainings concerned with CFS for primary teachers from the project townships, the capacity-building training for instructors, Townships Education Officers, PTA Members and Community Members are being conducted. The provision of teaching and learning materials for students, distribution of training manuals and handouts, the renovation of classrooms in border area child friendly schools are also carried out by the project.

247. **Strengthening morale and discipline:** Since 1999/2000, the union spirit and patriotic spirit and to obey laws, rules and regulations, lessons on physical education, sports and aesthetic education (arts and music) have been taught to enhance awareness and follow discipline and morale.

Chapter 9

Children in need of special protection

Children in difficult circumstances (art. 22)

248. There are no refugee children in Myanmar.

Children in armed conflict (CRC art. 38)

Relevancy with the law

249. Myanmar Tatmadaw is an organization of those who have joined on a voluntary basis. The rules and regulations for the recruitment of new soldiers have been in place since 1947, and at present the Military Orders with respect to the recruitment of new soldiers, such as the War Office Council Directives No. 13/73, 8/74 and 8/75 are followed. It is strictly restricted to accept the following as new recruits:

- (a) Must be a Myanmar citizen;
- (b) Must attain 18 years old and beyond 25 years old;
- (c) Must be healthy according to the regulations of military service;
- (d) Must be qualification of education.

250. Moreover, the Committee for the Prevention of Military Recruitment of Under-age Children consisting of 10 members was established on 5 January 2004 with the Secretary 1 of the State Peace and Development Council and the Adjutant General as its chairman, and adopted the three objectives, which are as follows:

- (a) To prevent forced recruitment of under-age children as soldiers;
- (b) To protect the interests of under-age children;
- (c) To ensure strict compliance with the orders and instructions with respect to the protection of under-age children.

Implementation

251. In order to implement the above objectives, a task force comprising four cabinet ministers has been formed and a plan of action has been formulated. A Working Committee

for the Prevention of Military Recruitment of Under-age Children was also formed on 10/2/2007 for more effective implementation. The eight-member Working Committee is headed by the Director of the Directorate of Military Strength of the Ministry of Defence.

252. Since its inception in 2004 and until 2006, the Committee has handed over to respective parents/guardians 122 under-age, 268 ineligible and 177 medical unfit, totalling 567 who were already attending basic military trainings.

253. Actions have been taken against perpetrators of ineligible recruitments – 17 including one Warrant Officer in 2002, 4 including one Sergeant in 2003 and 5 soldiers including one Major in 2006, totalling 27 officers and other ranks.

254. The Committee has also cooperated with United Nations Agencies, including UNICEF, as follows:

- Observation visit and briefing sessions each at No. 1 and No. 2 Military Recruitment Centres in 2004
- Observation visit and briefing sessions on the issuance of national registration cards at Sitpin Kwin village and Myaing Tharyar model village at Thanlyin Township, Yangon Division in 2005
- Briefing sessions for foreign military attachés at Military Guest-house, No. 20 Inya Road, followed by an observation visit to No. 1 Basic Military Training Camp and No. 1 Military Recruitment Centre
- Observation visit and briefing session at No. 2 Military Recruitment Centre in 2006

255. The Chairman of the Committee and Secretary 1 of the State Peace and Development Council explained to the ambassadors, resident representatives of United Nations agencies and responsible officials from INGOs about the activities of the Committee at the Tatmadaw Guest-house, No. 20, Inya Road on 6 February 2007, followed by a visit to the Recruitment Centre No. 1 and Basic Military Training Camp No. 1.

Children in conflict with the law (CRC art. 40)

Relevancy with the law

256. The rights of children who have violated the law were mentioned in the first national report and matters concerning court proceedings for legal action against children were mentioned in the second national report.

Implementation

257. In order to implement the Convention on the Rights of the Child, the Child Law was promulgated in 1993. In accordance with Section 3 (f) of the Child Law, juvenile offences are tried separately with the objective of reforming the character of such children. Juvenile courts have been established in Yangon and Mandalay, and the judges in other townships have been entrusted with special powers to try juvenile cases, proceedings of which are to be conducted in a separate building. In Myanmar, the number of cases tried by juvenile courts up to 2001–2006 are as follows:

<i>Sr. No.</i>	<i>Year</i>	<i>Number of cases</i>	<i>Number of offenders</i>	<i>Male</i>	<i>Female</i>
1	2001	1 137	1 237	983	254
2	2002	1 347	1 446	1 157	289
3	2003	1 142	1 389	1 103	286

<i>Sr. No.</i>	<i>Year</i>	<i>Number of cases</i>	<i>Number of offenders</i>	<i>Male</i>	<i>Female</i>
4	2004	1 096	1 233	1 015	218
5	2005	1 094	1 225	1 011	214
6	2006	1 130	1 120	938	182
Total		6 946	7 650	6 207	1 443

258. A national level juvenile justice workshop was conducted with the collaboration of UNICEF on 12–13 July 2004, and was attended by relevant departments, INGOs and NGOs related to juvenile justice. As a result of the workshop, the Juvenile Justice Inter-Agency Working Group was formed and monthly meetings of it have been held regularly. Furthermore, training courses on child protection and juvenile justice were provided to personnel from relevant departments, including judges, police, prison officers and officers from the Social Welfare Department. From 2005 to 2006, 4 training courses for the police, 6 for the general administrative staff, 1 for the municipal staff and 1 for the staff of various departments were conducted, totalling 12 training courses.

259. In accordance with section 40 (a) of the Child Law, the Supreme Court has established one special Juvenile Court each for Yangon metropolitan area covering 20 townships and Mandalay metropolitan area covering 5 townships. For other townships, in accordance with the Section 40 (b), the Supreme Court issued the Notification Number 25/93 on 29/7/1993 by which the township judges are vested with the power to try juvenile cases. Arrangements have been made for separate court buildings and places for juvenile cases.

260. Before court proceedings can be started, the child concerned is looked after by the training school and, where there is no training school, the child is looked after by the Child Protection Sub-Committee or Township Organization for Women's Affairs or a police officer of lieutenant rank the lowest.

261. As township judges have attended advance training courses conducted by the Supreme Court, workshops and symposiums on Child Law, they are well trained in the fields of the Juvenile Justice System and awareness programmes relating to the child's rights. Moreover, they have been attending regularly in-service training courses according to the Judge Education Norms. These training courses cover the Juvenile Justice System and the Convention on the Rights of the Child, Beijing Rules, Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL). The Supreme Court also successfully organized a National Workshop on Juvenile Justice and Child Protection jointly with UNICEF from 12 to 13 July 2004 at the Sedona Hotel, Yangon.

Drug abuse (CRC art. 33)

Relevancy with the law

262. Section 32 (g) of the Child Law prescribes that a child who uses narcotic drugs or psychotropic substances shall be considered a child in need of protection and care. Section 33 (a) also prescribes that whoever is of the opinion that the State should provide protection and care to a certain child who uses narcotic drugs or psychotropic substances and is in need of protection and care may intimate the relevant social welfare officer stating the facts of the case.

Implementation

263. The Central Committee for Drug Abuse Control has been carrying out measures to prevent children from drug abuse. During the reporting period, although children who are of a perverted character and also in conflict with the Narcotic Drugs and Psychotropic Substances Law are being sentenced to death or transportation for life, sentence of imprisonment shall not exceed a term of 7 years according to the Child Law. However, with the aim of the best interests of the child, children are being sent to any training school for youths under the Department of Social Welfare to reform their character.

264. Myanmar has been implementing a 15-year Drug Eradication Plan (1999 to 2014). The New Destiny Project, part of the 15-year Drug Eradication Plan, was started in April 2002. The target of this plan is to totally eradicate poppy cultivation by 2004 and crop substitution. It is estimated to spend 117.28 million kyats and the crop substitution has been done in 92.48 per cent of an estimated area of 10,581 hectares.

265. UNODC's 2005 annual report mentions that poppy cultivation in Myanmar declined 60 per cent during 2001 to 2005. narcotics. The United Nations Counter Narcotics and Crime (CNC) also reported that both poppy cultivation and opium production declined 80 per cent during 1996 to 2004. These reports testify that Myanmar's drug eradication efforts have resulted in significant success.

266. Moreover, Special Region 4 of Monglar, Kokant and northern Shan State, special region of Wa were announced drug-free regions in 1997, 2003 and 2005 respectively.

267. Since 1998, confiscated narcotic drugs have been burned yearly. The total value of destroyed narcotics till 2006 is US\$ 436 million in current price.

Protection from abuse and neglect (CRC art. 19)

Relevancy with the law

268. Regarding the protection of children from abuse and neglect, section 13 (c) of the Child Law prescribes that, a child shall be given the opportunity to make a complaint, be heard and defend himself or herself in the relevant government department, organization or court either personally or through a representative in accordance with the Law in respect of his rights.

269. To protect the child from abuse and torture, section 32 (d) of the Child Law specifically prescribes that a child in need of protection and care is one who is in the custody of cruel or wicked parents or guardian.

270. Penalties for offences regarding the abuse and torture of children are prescribed in section 65 (a) of the Child Law, "Whoever commits any of the following acts shall on conviction be punished with imprisonment for a term which may extend to 6 months or with a fine which may extend to kyats 1,000, or with both." "employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child's moral character".

271. Section 66 (d) of the Child Law prescribes that wilful maltreatment of a child, with the exception of a kind of admonition by a parent, teacher or person having the right to control the child for the good of the child, shall be punished with imprisonment for a term which may extend to 2 years or with a fine which may extend to kyats 10,000, or with both.

Necessary measures have now been taken to amend this provision, wilfully maltreating a child, physical abuse, sexual abuse, exploitation by parent, teacher (or) guardian.

Implementation

272. In Myanmar, regarding abuse and neglect on children, not only provisions are enacted in Child Law but also practices are being taken. Awareness training courses on prohibition of all kinds of child abuse for the staffs of the institutions and those who are involved in taking care of children have been conducted.

273. The Ministry of Education issued instructions in 2000 to the Departments of Basic Education and Township Education Officers in order to prevent children from physical and emotional abuse and corporal punishment. All Basic Education Schools have been following the instructions since then.

274. The personnel concerned working for child protection were sent to the East Asia and Pacific Regional Consultation on Violence against Children held on 14–16 June 2005, in Bangkok, Thailand. Besides the Ministry of Social Welfare, Relief and Resettlement, in collaboration with UNICEF, a workshop on violence against children was conducted on 19–20 October 2006, in Yangon, Myanmar. The Government organizations, NGOs, INGOs and other relevant persons attended the workshop.

Sexual exploitation and sexual abuse of children (CRC art. 34)

Relevancy with the law

275. In this regard, Child Law, 1993, prescribes the following:

- | | |
|-----------------|--|
| “Section 66 (a) | Neglecting knowingly that a girl under his guardianship, who has not attained the age of 16 is earning a livelihood by prostitution, |
| Section 66 (b) | Permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution, |
| Section 66 (f) | Using the child in pornographic cinema, video, television or photography, whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 2 years or with fine which may extend to kyats 10,000 or with both.” |

276. Furthermore, the Anti-Trafficking in Persons Law prescribes the following:

- | | |
|-------------|---|
| “Section 26 | Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 3 years to a maximum of 7 years and may also be liable to a fine. |
| (a) | Adopting or marrying fraudulently for the purpose of committing trafficking in persons; |
| (b) | Causing obtaining unlawfully the necessary documentary evidence documents or seal for enabling a trafficked victim to depart from the country or enter into the country. |
| Section 27 | Whoever is guilty of making use arranging with a trafficked victim the purpose of pornography shall, on conviction be punished with imprisonment for a term which may extend from |

a minimum of 5 years to a maximum of 10 years and may also be liable to a fine.”

Implementation

277. Sexual exploitation of children has been given special attention. Measures have been taken to protect children in accordance with the Child Law 1993. Concerning child protection, police officials have been trained and assigned to different states and divisions to surveillance tourists from abusing and exploiting children and tourism related crimes while ensuring their safety.

278. Relating to sexual exploitation and abuse of children, the Ministry of Hotels and Tourism, in cooperation with the Australia-based Child Wise Tourism Organization, has conducted five workshops for the staff of relevant ministries. Similarly, the Ministry of Home Affairs since 2005 has conducted two workshops in cooperation with the British Criminal Investigation Department and six workshops in cooperation with UNICEF to enhance their knowledge and capacities on suppressing trafficking.

279. Under the leadership of the Ministry of Home Affairs, an international seminar on the Rights of the Child was held four times; twice at the Sedona Hotel, Yangon, in November 2001 and in July 2002, once each in Mawlamyaing and in Myitkyina in February 2003.

280. In collaboration with the Ministry of Home Affairs and the Ministry of Hotels and Tourism, IEC materials were disseminated as part of the prevention of sexual abuse on children. In this regard, the directory of ASEAN Tourism, posters, pamphlets and stories have been published. In 2006, the Ministry of Home Affairs conducted research training on studying the situation of sexual abuse on children. Technical workshops were held for the National Plan on sexual abuse of children.

281. Through the public awareness workshops on the Child Law, child abuse, neglect and exploitation conducted in cooperation between the Department of Social Welfare and UNICEF in states/divisions, districts and townships, members of the CRC and the social organizations have been educated. From 2002 to 2006, these workshops were held in 16 states/divisions, 24 districts and 127 townships.

282. In 2004, a workshop on commercial sexual exploitation and trafficking was held in Yangon. The attendants were representatives from governmental organizations, NGOs, United Nations agencies, such as UNICEF, UNIAP and INGOs and programmes related to prevention, protection and rehabilitation were laid down.

283. Social rehabilitation services are provided for sexually abused children being looked after at the institutions under the Department of Social Welfare.

Sale, trafficking and abduction of children (CRC art. 35)

Relevancy with the law

284. In order to combat trafficking in persons in Greater Mekong Sub-region (GMS), countries comprising Cambodia, China, Laos PDR, Myanmar, Thailand and Viet Nam the Memorandum on “Coordinated Mekong Ministerial Initiative against Trafficking – COMMIT” was signed on 24 October 2004 in Yangon, Myanmar and measures on anti-trafficking have been implemented. Myanmar has become a member country signing on United Nations Convention against Transnational Organized Crime — UNCTOC on 30 March 2004, Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children — TIP Protocol against smuggling of Migrants by Land, Sea and Air

– Som Protocol to effectively combat and take action on the offences of trafficking in Persons, the Anti-Trafficking in Persons Law was enacted on 13 September 2005 focusing on combating trafficking.

285. This Law provides in detail for the formation of a Central Body and its functions and duties; of working groups; the protection of the rights of a trafficked victim; the special protection of trafficked victims, women, children and youth; repatriation, reintegration and rehabilitation; establishment of the fund; and penalties for offences. With respect to the trafficked women and children, it states as follows:

- | | |
|-------------|--|
| “Section 24 | Whoever is guilty of trafficking in person especially women, children and youth shall on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum imprisonment for life and may also be liable a fine. |
| Section 25 | Whoever is guilty of trafficking in persons other than women, children and youth shall on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine.” |

286. In accordance with the TIP Law, trafficking is identified as a serious crime and a maximum penalty is the death sentence. Moreover, protection, assistance, compensation for trafficked victims and establishment of the fund are prescribed in the law.

287. Myanmar has enacted the Control of Money Laundering Law in 2002 and the Mutual Assistance in Criminal Matters Law in 2004 for cooperation in judicial matters in the region, which are related to the Anti-Trafficking in Persons Law.

Implementation

288. To cooperate in the activities of Anti-Trafficking in Persons in all its aspects, Myanmar has laid down a five-year National Plan of Action based on five technical strategies, such as policy and cooperation, prevention, prosecution, protection, rehabilitation and capacity-building.

289. As trafficking in persons has a negative impact on Myanmar values, prestige and integrity, combating trafficking has been designated as a national task. As most of the trafficked victims are from vulnerable groups, particularly women and children, education programmes were carried out throughout the country in 2001 in order to prevent illegal travels abroad. Repatriation centres have been set up to receive trafficked victims and measures relating to repatriation and rehabilitation are carried out. After replacing the illegal migrants from foreign countries, the Anti-Trafficking Task Force has identified whether trafficked victims or not and carried out the follow-up services if they are victims.

290. The Trafficking in Persons Prevention Committee was formed in 2002 to take more effective legal measures against trafficking in persons. Similar committees have been formed at the state/division, district, township and ward/village track levels.

291. To effectively implement the Anti-Trafficking in Persons Law, the Central Body for Suppression of Trafficking in Persons was formed on 11 February, 2006. It is chaired by the Minister for Home Affairs and comprises of the Deputy Attorney General as Deputy Chairman, the Deputy Minister of Home Affairs, the Deputy Minister of Social Welfare, Relief and Resettlement, the Director General of Myanmar Police Force as Secretary and heads of relevant Government Departments and Organizations, representatives from the Non-Governmental Organizations and relevant experts as members.

292. Protocol between the Ministry of Home Affairs of the Union of Myanmar and the Ministry of Public Security of the People's Republic of China on Cooperation in Border Areas was signed on 12 December 2001. Summary of the important facts from this protocol that are being carried out has been noted down at the First Ministerial Meeting of two countries. An Agreement on Myanmar – China Transnational Crime and Peace and Tranquility in Cross-border was signed on 15 January 2005 and the two countries have been cooperating in this regard.

293. In order to undertake comprehensive measures for the overall development and personal safety of women, the Myanmar Women's Affairs Federation (MWAF) was formed on 20 December 2003 and, since then, it has been working towards prevention of women and children from being trafficked.

294. The Department of Social Welfare is undertaking physical and mental rehabilitation programmes for trafficked women and children who are transferred back from foreign countries. In so doing, victims are provided with necessary health care, social counselling, formal education and vocational training.

295. A total number of 34 children, consisting of a boy and 33 girls under 18 years of age, were repatriated between 2004 to 2006 and 29 of them have been sent back home. Five girls, whose families were unable to take care of them, were accepted by the Department of Social Welfare. Four of these girls are being provided with formal education at the Training School for Girls (Yangon) and the other one has been looked after and given 3Rs and vocational training at the Vocational Training Center for Women, Yangon.

296. As part of preventive measures, information on the nature and modes of human trafficking are being disseminated widely and discussions and educational sessions together with counselling teams have been conducted. Rehabilitation-related activities for returnees, including providing advice, rehabilitation programmes, health care and sending the returnees back to their families, follow-up programmes are in close cooperation with other NGOs and INGOs.

297. In order to emphasize trafficking in persons, the Department against Transnational Crimes (DTC) of the Myanmar Police Force, in collaboration with ARCPPT Project implemented under the agreement signed between the Governments of Australia and Myanmar, formed a strong anti-trafficking unit in 2004 with police officials. Similarly, members of the task force trained by internationally recognized experts are assigned to nine major and border towns like Muse, Tachileik, Myawaddy, Mawlamyaing, Kawthoung, Bhamo, Kalaay, Mandalay and Yangon and high-risk areas to suppress trafficking.

298. The Department of Social Welfare has been carrying out programmes on repatriation and rehabilitation in collaboration with the Myanmar Women's Affairs Federation, United Nations agencies such as UNICEF and UNIAP, INGOs such as World Vision (Myanmar) and SC (UK). Trafficked women and children are being brought back by contacting the cooperation of the foreign countries concerned. For repatriation and rehabilitation purposes, education, counselling and vocational training are also being provided, and returnees are reintegrated into the society. In addition, trainings are being given to the staff from the Department of Social Welfare to repatriate the trafficked women and children systematically. Twenty-one education programmes were conducted under the sponsorship of the Myanmar Women's Affairs Federation from 2001 to 2006. The Department of Social Welfare conducted four training courses with the collaboration of UNIAP.

299. During 2006, there were altogether 32 trafficked victims, including 9 children under 6 years and 23 children under 18 years of age, 5 under 6 years and 23 under 18 years of which were transferred back to Myanmar. Trafficked children under 6 years of age are 8

from China and 2 from Thailand and under 18 years are 14 from China and 9 from Thailand.

300. The Ministry of Home Affairs has planned to organize a special police force for child protection under the Myanmar Police Force in collaboration with UNICEF:

- (a) To assist protection of child rights in accordance with the Convention on the Rights of the Child and Child Law;
- (b) To protect violence, abuse, neglect and exploitation of children;
- (c) To protect children in conflict with the law in line with the Child Law;
- (d) To provide assistance for the correction of delinquent and street children.

301. Myanmar has been striving for the advancement of women, including the girl child, by establishing the Myanmar National Committee for Women's Affairs in 1996 and the Myanmar Women's Affairs Federation in 2003.

302. All-round development of the girl child adopted at the Fourth World Conference on Women held in Beijing, has been carried out as a specific area of the said activities.

303. Although violence against women including the girl child is not a big issue in Myanmar, research work as well as preventive measures for violence against women in society and family, sexual exploitation, physical and mental violence have been undertaken by the Myanmar Women's Affairs Federation as follows:

- (a) Since girls are constituted as the strength for the future of Myanmar, in order to achieve the true vision, right ideas and concept, in order to be protected against various forms of violence and its consequences which will hinder their advancement as well as in order to develop the physical, mental and moral character, workshops and educational talks are being carried out continuously;



Myanmar Women's Affairs Federation holds an advocacy talk.

- (b) In the light of trafficking in women and children the problem is constituted as the global issue, to prevent Myanmar women against this process, Myanmar Women's Affairs Federation is carrying out the preventive measures such as awareness-raising from the media, convening talks on the nature of trafficking, raising the morality so as to resist against the persuasion of the traffickers and the consequences of trafficking. Additionally the Myanmar Women's Affairs Federation is providing physical and mental rehabilitation of the victims, reintegration of the victims to the family providing health care, counselling,

vocational training, providing funds for investment, seeking jobs and reunification of the victims with their families and the follow-up services.



Holding educational talk for anti-trafficking.

Working children (CRC art. 32)

Relevancy with the law

304. It was already mentioned in the 2nd National Report relating to the implementation of the United Nations Convention on the Rights of the Child regarding the protection of working children in Myanmar.

305. Working Children are protected according to the provisions of the existing labour laws such as the Factories Act, 1951 and the Leave and Holidays Act, 1951.

306. Legal provisions of the Factories Act, 1951 are as follows:

- | | |
|-----------------|--|
| “Section 36 (1) | No woman, adolescent or child shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause injury. |
| Section 52 (a) | Specify the operation and declare it to be dangerous. |
| Section 52 (b) | Prohibit or restrict the employment of women, adolescents or children in the operation. |
| Section 75 | No child who has not completed his required or allowed to work in any factory. |
| Section 79 (1) | No child shall be employed or permitted to work in any factory: |
| | (a) For more than four hours in any day; and |
| | (b) Between the hours of 6 p.m. and 6 a.m.” |

307. Legal provisions of the Shops and Establishments Act, 1951 are as follows:

- | | |
|----------------|--|
| “Section 8 (1) | No young person who has not attained the age of 13 years shall be required or permitted to work in any shop, commercial establishment or establishment for public entertainment. |
|----------------|--|

Section 8 (2) The President may fix an hour beyond which young persons who have not attained the age of 18 years shall be allowed to work in any shop, commercial establishment or establishment for public entertainment.”

Implementation

308. Working hours, leave of absence, holidays and other entitlements for working children in Myanmar are mentioned in the Factories Act and the Shops and Establishments Act. Relating to minimum working age, children under 13 years of age are restricted to be employed in factories. Children from 13 to 15 years of age must obtain a certificate of fitness from a certifying surgeon to work in a factory. No child shall be permitted to work in factories between 6 p.m. and 6 a.m. and for more than four hours a day. The Ministry of Labour has been monitoring the compliance of these restrictions. Furthermore, it is also monitoring that children under 18 years of age are not allowed for labour registration and submission for appointment in accordance with the procedure under the Employment and Training Act, 1950, and the Employment Restriction Act, 1959.

309. As in other societies, children in Myanmar usually take part in their family household business although the types of work and their roles may differ, such as cleaning, cooking, babysitting, helping at farms and contributing in family businesses.

310. By participating in family household business, they learn various skills and sense of responsibility and dignity of work. Parents can also teach their children such skills. There is a difference between child workers and the above such children. Some of the children have occasionally participated in shops, factories and services for family-income generating if necessary.

Exploited children (CRC art. 36)

Relevancy with the law

311. To prevent other kinds of exploitation regardless of CRC 32, 33, 34, and 35, section 16 (a) of the Child Law prescribes that “In order that every child shall not be subjected to arbitrary infringement of his honour, personal freedom and security, relevant Government departments and organizations shall provide protection and care in accordance with the Law.”

Implementation

312. Some children have to work to help or earn for their families, mostly in farms and not in dangerous worksites. They are protected from exploitation and abuse in accordance with the Child Law.

313. Therefore, children learn skills and a sense of responsibility. Some work in shops, worksites and factories. They are protected by the Labour Act, 1951, the Factories Act, 1951, and the Leave and Holiday Act, 1936.

Rehabilitation of children in need of special protection (CRC art. 39)

Relevancy with the law

314. In order that children may fully and equally enjoy their rights, section 26 of the Child Law provides as follows:

“(a) The Government departments and organizations shall perform their respective functions as far as possible;

(b) Voluntary social workers or non-governmental organizations also may carry out measures as far as possible, in accordance with the Law.”



The girl children are learning vocational education at Training School for Girls under DSW.

Implementation

315. For abused and exploited children who are in need of protection from the Government, the Department of Social Welfare has established eight training schools for boys and girls to provide physical and mental rehabilitation services and reintegration programmes. One thousand two hundred and ninety-eight children are being taken care for all-round development. In doing so, they are given formal education and vocational education and returned to parents/guardians and reintegration programmes are implemented. In addition, 13,836 children are being looked after in 158 Youth Development Centres.

316. The Department of Social Welfare is also focusing on rehabilitation for persons with disabilities. For the rehabilitation, specialized training schools have been established for the physically handicapped, visually handicapped, hearing handicapped and mentally retarded – two schools for the blind, a school for the deaf, a vocational training school for the disabled adults and a school for disabled children.

317. Twenty-seven youth development training schools have been established for the children in border areas to enable them to have access to education. Thirty-four women vocational training schools have also been set up to provide vocational training to girl children. The Nationalities Youth Technical Schools have been established for the youths from national races in border areas.

Ethnic children (CRC art. 30)

Relevancy with the law

318. The Ministry of Progress for Border Areas and National Races and Development Affairs has been implementing the following objectives in accordance with section 3 of the Development of Border Areas and National Races Law:

(a) To develop the economic and social works and roads and communication of the national races at the border areas, in accordance with the aims which non-disintegration

of the Union, non-disintegration of the national solidarity and perpetuation of the sovereignty of the State;

- (b) To cherish and preserve the culture, literature and customs of the national races;
- (c) To strengthen the amity among the national races;
- (d) To eradicate totally the cultivation of poppy plants by establishing economic enterprises;
- (e) To preserve and maintain the security, prevalence of law and order and regional peace and tranquility of the border areas.”

Implementation

319. In the education sector, essential for the capacity-building of youths from national races in border areas, 852 primary schools, 90 middle schools, and 92 high schools have been built for which 461,377 million kyats have been spent up to 2006/07. In Shan state, 82 schools have been built by the Nippon Foundation from Japan.

320. Twenty-seven training schools have also been built for poor youths from national races in border areas who had no access to education before.

321. In these training schools, primary, middle, and high school education are provided. There are 18 boys-only schools, one girls-only and 8 mixed schools. In the 2006/07 academic year, there are 2,083 schoolboys and 458 schoolgirls, altogether 2,541 students. From 1999 to 2006, a total of 13,289 students have attended. Mosquito nets, pillows and pillow cases, quilts, bed sheets, mats, towels, school uniforms, sweaters, exercise books, ball point pens, pencils, textbooks, entrance fees, scholarship, medical treatments and special lesson books for matriculation students have also been supplemented.

322. The Ministry of Progress of Border Areas and National Races and Development Affairs has been working with UNCIEF for the students in border areas to get free school books. In the Golden Triangle area where drug elimination measures are being carried out, the Ministry is cooperating with WFP (Food for Education Programme) in providing rice and aid to children whose parents have abandoned poppy cultivation, which contributes to an increased school entrance rate in border areas. While there were only about 1,000 students previously, there are now 185,552 students in the 2006/07 academic year.

323. Since 2000, two Nationalities Youth Resource Development Degree Colleges have been opened in Yangon and Mandalay to provide higher education. Then employment opportunities for 783 youths from national races have been given at different ministries concerned.

324. Youths from national groups who will be working in health and education sectors for the development of national groups in border areas are assisted to be able to study at the University for the Development of the National Races, Institute of Nursing and Nursing Training Schools.

325. Health-care services are provided not only in rural areas but also in the border areas in accordance with the national health policy. While there were only 8 hospitals and 6 dispensaries in 1988, there are now 79 hospitals, 105 dispensaries, 58 rural health centres, and 140 sub-rural health centres, the cost for which in total is 1,766.02 million Kyats. Besides, 200 bedded hospitals have been set up in each special development area.

326. In accordance with section 8 (h) of the Development of Border Areas and National Races Law, which provides for the establishment of schools for giving vocational education for the future of the youths of the national races in the development areas, 34 Vocational

Domestic Training Schools for women have been set up, and young women from national groups have been given training courses to enable them to earn their living with the expense of the Ministry of Progress of Border Areas and National Races and Development Affairs. The training courses include basic sewing, advanced sewing, wool knitting, gems cutting and mother of pearl art, hand-loom weaving, cookery, and wickerwork (cane/bamboo). 19,359 persons have been given training up to 2006. After they have completed the course, sewing machines are sold to them in instalments to make their living. So far, 681 sewing machines have been sold to them for reasonable prices.

327. In 2006, the Nationalities Youth Technical Training Schools were set up at Lauck Kai, Mong Lar, Pan Sang (near the Thai border) and Sittwe (in Rakhine) to give vocational training courses on carpentry, masonry, engine repair and welding for the youths of national races.

328. To raise the living standards of youths from national races, suitable brick buildings with a good water supply system and electricity have been constructed. They are given physical and sports trainings, fed with available nourishing food and necessary health care. For moral and personality development and upgrading, youths are given trainings on leadership, union spirit and cultural studies.

329. At the training schools, friendship and understanding of cultures among youths from different national races are nurtured. Emphasis is given to the preservation of their cultures, traditions, good customs and practices and national heritages. Freedom of religion is enjoyed by them. Students from small ethnic groups not only practice theirs but also learn about religions, cultural traditions, and customs of other groups, which is made possible by the objectives of these schools.

Chapter 10

Conclusion

330. The relevant ministries have been implementing measures relating to child rights, such as protection, survival, development and participation of children in accordance with the Child Law.

331. In line with the Myanmar National Plan of Action for Children (2006–2015), concerted efforts for survival, development, protection and participation of children are being made by relevant ministries, non-governmental organizations and regional organizations.

332. The implementation of the National Plan of Action for Children will contribute to the achievement of the objectives of A World Fit for Children and the Millennium Development Goals, as well as to the implementation of the provisions of the UNCRC, the Child Law of Myanmar and the Rules and Regulations related to the Child Law.
