

**Presentation on the concluding observations on the Third and Fourth National  
Report on the Implementation of the Convention on the Rights of the Child  
(The Republic of the Union of Myanmar)**

**Part I**

**1. Please indicate whether the State party has amended its 1993 Child Law to be fully in conformity with the CRC, and in particular whether the State party:**

- (a) has raised the age of majority of a child;
- (b) has raised the minimum age of criminal responsibility;
- (c) has raised the minimum age at which the child is allowed to work;
- (d) has established a minimum age for marriage of boys; and
- (e) has increased the minimum age for marriage of girls (14 years with parental consent)

**Ans: 1. In order to fulfill CRC, 1993 Myanmar Child Law is being reviewed and updated:**

- (a) 1993 Child Law is currently reviewed for amendment and with regard to the upgrade of the age and definition of Child is being discussed.
- (b) The minimum age of children exemption from penal action in 1993 Child Law is also being discussed.
- (c) The permission to work, a child is above the age of 13 years.
- (d) There is no description of age limit for boys to enter into marriage hood.
- (e) In Myanmar Customary Law, the girl under 20 years of age needs to get the permission of parents or guardians to get marriage.

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workers and non-governmental organizations relating to a child;  
reviewing from time to time the progress made;

- (d) Obtaining assistance and co-operation of the United Nations organizations, international organizations, voluntary social workers or non-governmental organizations for the interest of the child;

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- (e) Giving guidance and supervision in obtaining donations and property from local and foreign voluntary donors and to enable effective utilization of such donations and property in the interests of children;
- (f) Laying down and carrying out work programmes in order to take preventive measures against occurrence of juvenile crimes;
- (g) Collecting from relevant government departments and organizations and compiling the required reports and statistics;
- (h) Reporting to the Government from time to time on the activities of the Committee;
- (i) Carrying out functions and duties on respect of the child, as are assigned by the Government.

To ensure the Rights of CRC and to implement the activities country wide, working committee and (9) Sub-committees have been reformed again on 15 August 2011 such as Legal affairs, Health, Education, Protection, Information, Awareness, Funding and Finance, Sport and Monitoring and Evaluation Sub-Committees.

Education sub-committee is implementing such activities; making ensured that all the children enjoying the right to compulsory primary education; training the children to get practice of following the respective ethics and disciplines; nurturing the children to get practice of their own language, literature, culture, and belief system and tradition;

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2. Please clarify the composition, role and mandate of the National Committee on the Rights of the Child. Please describe its activities in all sectors related to the Convention since 2008, indicate whether these activities cover the whole country, and specify the Committee's mandate and activities in the sectors of education, health and social welfare. Please also indicate whether the Committee has the authority and necessary resources to coordinate the activities related to the implementation of the Convention.

Ans: 2. With the notification of the Republic of the Union of Myanmar 13/2011, (27 May 2011), National Committee on the Rights of the Child has been formed with (16) members, chaired by Union Minister for the Ministry of Social Welfare, Relief and Resettlement.

The Duties and Roles of the Committee are enacted in the Child Law section 5;

- (a) Protecting and safeguarding the rights of the child;
- (b) Giving guidance as may be necessary in order that the relevant government departments and organizations may implement effectively and successfully the provisions of the law;
- (c) Co-operating and coordinating as may be necessary activities of government departments and organizations, voluntary social workers and non-governmental organizations relating to a child; reviewing from time to time the progress made;
- (d) Obtaining assistance and co-operation of the United Nations organizations, international organizations, voluntary social workers or non-governmental organizations for the interest of the child;

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making ensured that all the children are enjoying the right to participation in sports and cultural activities; promoting school enrollment rate and reducing the school drop-out rate;

providing non formal education opportunities as a primary level for the children who had dropped out; prevention the children from psychotropic substance and drug abuse and gambling; the activities given by the working committee timely; health sub-committee is carrying out the following activities planned systematically; project on immunization, treatment, lactation, nutrition, iodination, school health, family health, reproductive health;

project of reducing the traditional practices which are hazardous to health; project of reducing the child mortality rate; project of healthy child; mother and Child health care;

project of Anti-narcotic Drug and HIV/AIDS; collaboration between the respective organizations for nurturing the healthy practice; the Activities given by the working committee timely.

Protection sub-committee is working to prevent the beggar children, working children, street children, and the children facing the family problem from committing crimes. Moreover, the following activities are implemented by the protection committee;

survey to get the statistics of the children in need of protection and care in the townships;

promoting income generation for those families facing hardship; discussions with the parents and gardener; group discussion and job placement for those children whose parents are not in the situation to care them; sending the

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children to the institutions in case other alternative cares are not available; providing temporary care for those children who are in conflict with the law in the townships in which temporary care stations are not available; facilitating the discussions between the working children and their employers; providing assistance to and collaboration with the training centers for children, shelter homes, youth homes; child counseling; providing assistances to the voluntary organizations in establishing the children homes; awareness raising and educating the parents and gardeners regarding the provisions prescribed in the Child Law; identifying and providing systematic care to the vulnerable children and their mothers; the activities given by the working committee timely.

In implementing to fully achieve the rights of the children, National Committee on the Rights of the Child joins hand in hand with the concerned GOS, NGOs, UN Agencies, INGOs and Social Welfare Organizations.

The Amyotha Hluttaw has established the National Committee on the Rights of Children and Women on 22<sup>nd</sup> of August 2011 under its Article 24 and Rules 79. On 5<sup>th</sup> of September, 2011, the Pyithu Hluttaw pursued and formed the National Committee for protection on the women and Children with 15 members under its Article (24) and (25).

3. Please indicate steps taken towards decentralization, in particular regarding health and social services, that would allow local authorities to respond better to local needs.

Ans: 3. The Ministers for Social Affairs have been assigned at the respective Regions and States through the First Meeting of Pyithu Hluttaw as the

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authorization in their hand. These Ministers take the responsibilities of the Chairmen of Regions/States Committee on the Rights of the Child and also take measures on the child rights in their respective Regions/States. Moreover, the Ministers have been independently carrying out the measures on prevention, protection and rehabilitation by using their local resources.

The District, Township Committees on the Rights of the Child are being continually formed under the management of the States/Regions Ministers for Social Affairs. According to para 7,9,11 of the Rules related to the Child Law, the mandates and responsibilities of the Committees at all levels are enacted.

The mandates and responsibilities of the Committees are; to protect and implement the rights of the child, cooperating and coordinating as may be necessary activities of government departments and organizations, voluntary social workers and non governmental organizations relating to a child, laying down and carrying out work programmes in respective Regions and States in order to take preventive measures against occurrence of juvenile crimes, obtaining assistance and cooperation of voluntary social workers and non governmental organizations for the interests of the child.

Regarding health sector, health departments have set up at state and regional level, district level and township level up to village level since the outset of health system development and mesoplan and microplan have been formulated based on the local needs to implement health activities. Now, there are state and regional health minister and they have led the implementation of health activities within jurisdiction.



4. Please provide further information on the human, technical and financial resources allocated for the implementation of the National Plan of Action for Children (2006-2015). Please indicate whether a mechanism has been established to monitor its implementation at national and sub-national level.

Ans: 4. The four sectors; health and nutrition, water and sanitation, education and early childhood care and development and child protection prescribed in the Myanmar National Plan of Action for Children (2006-2015) have been implementing by the Union Justice Supreme Court, Union Attorney Office, Ministry of Home Affairs, Ministry of Social Welfare, Relief and Resettlement, Ministry of Health, Ministry of Education, Ministry of Border Affairs, Ministry of Labour, Myanmar Police Force through the state budget. Such measures are also being contributed with resources including manpower, technical and financial assistance by UN agencies, INGOs and NGOs.

The Department of Social Welfare in cooperation with UNICEF has conducted awareness raising workshops on CRC through mobile teams since 2007 covering 17 Regions and States, 38 Districts and 178 Townships. The respective Committees on CRC have the mandates and responsibilities in implementing the promotion and protection of the rights of the child using available resources of the country.

In implementing the rights of the child, the Monitoring and Evaluation Committee has carried out the assessment of the accomplishment of the activities. It is coordination with the government departments and non government departments to take necessary information, matrix and data and then reporting to the National Committee on the Rights of the Child.

5. Please indicate which measures the State party intends to take to ensure that appropriate funding is provided to health and education and to monitor activities in these sectors.

Ans: 5 In conformity with the National Health Policy, Developing Alternative Financing Mechanisms for Health Programme is developed in Health System Programme Area of National Health Plan (2006-2011) to explore alternative means for financing health in looking for National Health Development.

The Government will be annually rising budgetary allocation and exploring and developing alternatives available to attain universal coverage. Feasibility Study on Township-Based Micro Health Protection is planned to do for Social Health Protection. Depending on the results of these projects, Township-Based Health Protection Scheme will be commenced in one pilot township not only with the contribution from national and international donors but also with the regular investment of every household with the objective of poverty reduction due to medical care.

Moreover, according to the result from Feasibility Study on Maternal and Child health Voucher Scheme: Demand Side Financing, this voucher scheme will not only enable more investment for health but also support the fulfillment of Millennium Development Goals of reducing maternal mortality and child mortality. The Government has allocated the following amount of budget yearly; (47214.9) million Kyats for financial year 2006-2007, (48747.3) million Kyats for 2007-2008, (51443.4) million Kyats for 2008-2009, (64001.2) million Kyats for 2009-2010, (77394.7) million Kyats for 2010-2011.

In higher education sector, there are 161 Universities and colleges in Myanmar. Out of them, 64 colleges and universities are under the Ministry of Education and other 97 colleges and universities are under 12 concerned Ministries. In Basic Education sector, 41272 Basic education Schools are under the supervision of the Ministry of Education, in 2009-10 FY, total education expenditure is 352584 million Kyats which is 4.42 % of total government expenditure. In Education sector, the education budget has increased yearly.

In 2011, the new government adopted 10 points education policy. The education expenditure will be used significantly more than before. In accordance with the education policy, free, compulsory primary education system is being initiated in 2011-12 AY. By the implementation of free, compulsory primary education system, the government provided text books worth 2087 million to all primary school students in free of charge.

In 2012-13 AY programme for provision of scholarships, stipends and awards for both locally and internationally will be implemented. The programme budget is 1089.9 million Kyats for scholarships and stipends both basic and higher education sectors.

The participation and contribution of private sector in education services is under process by submission of the private school registration law ( bill) to the Hluttaw for scrutinizing. Arrangements are being made for undertaking 13 points education tasks in rural region in line with 8 tasks of rural development and poverty alleviation.

6. Please indicate the measures taken to combat discrimination towards girls and vulnerable children such as children from ethnic and religious minority groups ( including Rohingya children), children from remote and border areas, internally displaced children, children in street situations, children affected by HIV/AIDS, children with disabilities, orphans and poor children.

Ans: 6. The Constitution of the Republic of the Union of Myanmar (2008) states that the Union shall care for mothers and children, orphans, fallen Defense services personnels' children, the aged and the disabled. The protection activities have been carried out in accordance with these provisions.

According to the section 16 (a), relevant Government departments and organizations shall provide protection and care in accordance with law in order that every child shall not be subjected to arbitrary infringement of his honour, personal freedom and security. Furthermore, persons having responsibility in respect of the affairs of children shall have as their objective the best interest of children under the principle 'First call for Children' regarding protection and care of every child by the community in accordance with the section 27 of the Child Law and in line with CRC.

The section 18(a) states that children with disabilities shall have the right to acquire education and vocational education and also section 18 (b) states that children with disabilities may participate with dignity in the community, stand on their own feet and promote self-reliance. The Ministry of education establishes Inclusive Education Programme for the accomplishment of learning education of persons with disabilities.

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The National Plan of Action on Disabilities (2010-2012) has been implemented in order to have equal rights with others. Moreover, the new Disability Law has also been developed in line with the Convention on the Rights of Persons with Disabilities.

Community based child protection activities and awareness raising on child protection based upon families and households are being carried out by Township Committees on the Rights of the Child (TCRC). With the aim to set up the environment that reinforces all round development of children, capacity building trainings for the staff from government departments and staff from voluntary child care organizations. Drop in Center, non-formal education, community based vocational trainings and life skill trainings are being conducted.

(29) trainings Schools for Progress of National Races and Border Region have been opened in border areas so that children from remote area can pursue education and can contribute human resource development.

From 1999-2000 up to 2010-2011 academic year, (21,605) students have been trained by these schools and (776) have completed high school level. Students those who passed high school level are sent to respective Universities and assigned in government departments and organizations. Moreover, (39) Home Science Schools have been set up for low income families and women in border areas so that they can create more job opportunity and earn for their living. From 1992 to until now (40,083) women attended the trainings conducted by these schools and (5308) women can apply in their career.

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The Department of Social Welfare together with the Department of Health has conducted trainings and workshops on preventive measures and to reduce relative children issues living with HIV affected parents and to the members of township/district level Child rights Committee.

7. Please also provide information on which measures have been taken to raise awareness of children about the dangers of landmines and to locate and clear landmines.

Ans: 7. Community awareness programmes including children are being carried out for the protection and safety of life in high risk region.

8. Please provide further information on the concrete measures taken to ensure full birth registration in accordance with the Convention and to ensure that children are provided with birth certificates, especially children belonging to ethnic groups and children living in rural and remote areas.

Ans: 8. Myanmar became a signatory to the CRC in 1991. According to Article 7 – Right to have a name from birth and to be granted a nationality and Article 8- State's obligation to protect and if necessary re-establish the basic aspects of a child's identity, the following measures are taken to ensure full birth registration and provision of birth certificates to all children.

Central Statistical Office and Department of Health are working together for the registration of birth and death. The Department of Health takes responsibility for registering and issuing birth and death certificates. The Central Statistical Office distributes the birth and death registration forms and collecting and recording the data based on the forms send back from the

Department of Health. Besides, it provides occasionally trainings for basic health workers.

In Myanmar, Township Health Department is responsible for birth registration and Basic Health Staff are implementers for collection and registration of every birth in cooperation with local authority and voluntary health workers. After that birth certificates are signed by Township Medical Officers and provided to the respective family by Basic Health Staff. Myanmar has already established birth registration system and it covers the whole country including ethnic groups, rural and remote areas. To achieve full birth registration, information on importance as well as process of birth registration to community is done by education and provision of IEC materials like posters and pamphlets.

9. Please indicate which measures have been taken to ensure that children enjoy their right to freedom of expression and assembly, as well as their right to access to appropriate information.

Ans: 9. In the section 15, 1993 The Child Law. it states that every child has the right to freedom of speech and expression, to freedom of thought and conscience and to freely profess any religion, has the right to participate in organizations relating to the child, social organizations or religious organizations permitted under the law.

The Ministry of Information has produced the child programmes through the media such as newspaper, journal, television, radio with the aim of knowing the information. In such programme, the social and cultural programme is included. Moreover, the printing and publishing Enterprise, the House of

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Literature and Myawaddy Printing house have published not only the weekly journal but also the child literature through the books and magazines to improve the knowledge of children. The Child Literature award is included in the National Literature award and the House of Literature Award.

The Information and public Relation Department has been not only cooperating at all levels of the Child Rights' Committee but also opening the over 30000 child reading rooms and village self-help library at the (407) townships and sub-township offices. The Child literature and the Child Rights' book is put into place at the place.

With regard to freedom of speech and expression, the gatherings of victims were conducted two times in 2010 and one time in 2011 at Yangon and Mawlamyine with the contribution of the Department of social Welfare, UN agencies and INGOs. By doing so, the trafficked children get the chance to share the information and their current situation with each other.

Moreover, Myanmar trafficked children have got the chance to exchange their experiences with the children victims from the Mekong countries such as China, Cambodia, Laos, Vietnam and Thailand by attending the Mekong youth forum which was held in 2008 and 2010 at Bangkok, Thailand. In 2010, Myanmar children shared their experience through participating in Youth Forum held at Brunei.

In primary education level, the concepts of Human Rights are integrated into the Moral and Civics, Myanmar Language and Social Studies as the core subjects.



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In order to promote children's creativity, analytical skills, critical thinking, and problem-solving skills, Child Centered Approach-CCA is used in teaching learning process especially in primary level. In UNICEF assisted education program right based child friendly school concept and child center approach have been practiced in all schools in project townships. In addition to that JICA assisted strengthening Child Centered Approach-2 (SCCA-2) project is also being implemented in 40 project townships. One of the strategies of EFA National Action Plan is developing and expanding Child Friendly Schools.

Utilization of Child Centered Approach and Child Friendly School concepts as well as teaching of human rights education lessons in basic education sector ensure that children enjoy their rights to freedom of expression, assembly and right to access to appropriate information.

10. Please comment on the information that children have been arrested for political reasons and have been subjected to torture in detention. Please indicate recent steps taken to ensure that the system of juvenile justice is in conformity with the Convention. Please also provide information on the steps taken to ensure the enforcement of the laws providing that a child should not be punished by death.

Ans: 10. No child shall be detained for the purpose of political concern. One of the aims of the Child Law laid down in the Chapter 2 as "to enable a separate trial of a juvenile offence and to carry out measures with the objective of reforming the character of the child who has committed an offence. There are also provisions relating to the trial of Juvenile cases in Chapter 10 of the

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Child Law and section 42 specifically mention the procedures to abide by the Juvenile court in trying juvenile cases.

In accordance with the Section 40 (a) of the Child Law, the Supreme Court of the Union has established two separate Juvenile Courts in Yangon and Mandalay to try juvenile cases. Juvenile Court (Yangon) has been constituted to try juvenile cases occurring at 20 townships in Yangon City Development Area. Juvenile Court (Mandalay) has been constituted to try juvenile cases occurring at 5 Townships in Mandalay City Development Area. For other Townships, Supreme Court of the Union issued the Notification Number 25/1993 on 29.7.1993 to confer the power of juvenile Judge on the township Judges to try juvenile offences in accord with the Child law.

Child shall be presumed innocent until proven guilty according to law. According to the Section 42(c) of the Child Law, if the child of his parents of guarding cannot or do not wish to engage a lawyer and makes an application to be defended with the assistance of any appropriate person, the court shall grant to do so. Juvenile Court shall arrange to provide an interpreter, if necessary, section 42 (e) mentions that Juvenile Court shall dispose of the case speedily. Under the Section 49 (a) of Child law, there shall be right of appeal or right of revision against the order or decision passed under this law by the Juvenile court in accordance with the provisions of the Criminal Procedure Code.

To strengthen juvenile justice, the Department of Social Welfare in collaboration with UNICEF has assigned township social welfare officers in (15) townships. While the court has to examine the child in conflict with the law or

witnessed child, the report submitted by the probation officer shall offer to the Department of Social Welfare. The probation officer makes field visit to the child's home and surroundings and investigates the character of the child, the condition of his or her parents and environment and then submits the report to the court with comprehensive documents. The report of the probation officer is contributing to the right justice.

In considering the amount of sentence, section 45 of the Child Law provides that notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child.

11. Please indicate the steps taken to assess the scope, nature and causes of violence against children. Please also indicate whether measures have been taken to eradicate all forms of violence against children including abuses and corporal punishment in schools, Residential Care facilities and within the family.

Ans: 11. According to Child Law section 32(d) enacted that a child in need of protection and care who is in this custody of a cruel or wicked parents or guardian. And whoever commits a child any of abuse, violence shall be punished by Child Law section 66. To protect for those children who are abused, violence and neglect in the states and regions, community based child protection system has been established not only in collaboration with Unicef, World Vision, Save the Children but also Convention on the Rights of the Child awareness raising are conducting in the Basic Education Schools. Child protection groups have been organized in cooperation with parents and ward elder in accord with community based child protection system. Domestic

violence are also being protected by using child protection discussions, providing systematic guardianship with these groups. Besides, Child Rights issues, Labour Law, rules and regulations are also being discussed.

With the influence of the Buddhism in the society, in general, there is no teacher who gives corporal punishment as well as humiliating punishment to the children. There are 5 fundamental duties for teachers. One of the 5 fundamental duties for the teachers is to protect pupils from dangers.

Human Rights Education lessons have been taught in all basic education schools. One of the 33 process indicators of child friendly schools program is stated that "teachers must practice the positive, non-aggressive and alternative discipline". Therefore, corporal punishment as well as humiliating punishment is strictly prohibited in basic education schools in Myanmar.

**12. Please provide information on the legal basis for separating children from their parents and placing them in Residential care Facilities. Please also indicate the legal provisions applicable to the functioning and monitoring of public and private Residential Care Facilities for children deprived of a family environment and the measures in place to reunify children with their families.**

Ans: 12. For those children who parted from parents and having care in the constitution are protected by the enacted Child Law 1993 section 32, 33, 35, 36, 46, 48 (b), 55, 57, 58(b)(3), 59, 60, 61, 62, 63, 64 and 73. Children who living poor with families are also accepted and taken care in the government and volunteer institutions. Minimum Standard of Child Protection and Child Care (2009), Regulations of training schools for boys and girls (2003), subsidized rules

for volunteer organizations, recognition for volunteer organizations have been promulgated.

The family reintegration programmes are First Intake, Identification and Documentation, Assessment, registration, Family Tracing, Family Assessment, Verification and Reunification, Reintegration, Referral Systems and Coordination Mechanism and Follow-up. Probation Officers are being provided trainings enable to undertake reintegration of children to their families.

13. Please indicate the steps taken to protect children and their families from the effects of large scale development projects resulting, among others, in forced eviction of people from their homes and communities as well as in health and environmental negative impact. Please also indicate whether such measures will be taken in the case of the hydroelectric projects presently being studied on Salween River and in Kachin State, the gas pipeline projects from Sittue into China and into India, the Dawer Deep Sea Project.

Ans: Thanlwin river hydropower project, Dawel Deep Sea Project in Tanintharyi Region and the Gas Pipelines project from Kyaukphyu, Rakhine Region into China have been planned and evaluated. In order to implement those development plans, housing and farm lands in the respective project area have been removed. The current Government halts Myitson Dam Project.

In the implementing of those development plans, the respective ministries in collaboration with the team including authorities concerned, personnel concerned from the villages and towns and representative of implementing company are making field visits and analysis and coordinating to use required land area at least.

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Proper listing for different kinds of lands and crops and their maturity are been carried out before the respective owners. They also collected the supporting evidences for map form and updated prices for lands and crops. Then payment for compensation has been computed as per proper land and crop compensation formula. Prior to get require land area for pipeline route and along the pipeline avoiding the towns villages, pagodas, religious buildings, historic buildings and cemeteries has been performed since they started survey along the pipeline route. Furthermore, health, education and socio-economic programs for local people has been providing. Socio-economic team has been formed and focusing on poor development villages and townships.

14. Please provide information on the impact of armed conflict on children in the State party and the steps taken to reach national reconciliation. Please provide information on measures taken to remove obstacles placed on Un agencies to access children in conflict affected areas.

Ans:14. The Government of Myanmar cooperates with the Country Task Force on Monitoring and Reviewing to develop Plan of Action for the children in armed conflict situation. It includes to get information and to reduce restriction that UN organizations could not access to conflict areas. National Reconsolidation is carried out by forming National Reconsolidation Commission in the Hluttaw and respective State and Regional Governments as well.

15. Please provide information on the impact of recent efforts made by the State party to prevent and halt the recruitment and use of child soldiers in the military forces. Please indicate the steps taken to systematize disciplinary

processes against military personnel and civilians involved in child recruitment. Please also indicate steps taken to prevent and halt the recruitment and use of child soldiers in Non-state armed groups.

Ans: 15. Prevention on the Military Recruitment of Under- aged Children Committee was reformed again in 23<sup>rd</sup> May 2011 by notification (50/2011) by the President's Office. This Committee consists of 8 members and chaired by the Union Minister for Ministry of Defense. From 2004 up to 2011, the Committee Meetings have been held for 12 times. The monitoring and reporting group was formed in 6<sup>th</sup> October 2010 including 7 members.

This Monitoring and Reporting group cooperate with UNICEF have developed a draft action plan of prevention on the military recruitment of under-aged children, and it was submitted to get information. The Department of Social Welfare together with UNICEF conducted (14) awareness raising trainings on prevention of military recruitment of under-aged children to (519) officers from the military from 2007 to 2011.

In 2010, military officers made awareness discussion to (14541) officers of military, (108819) other ranks and (74683) of their family members, total (198043) persons are participated. Preventive measures on military recruitment of under-aged children concerning with other arm group are still unsettled.

Representatives from Un agencies paid visits to military recruitment units for 7 times from 2004 to 2011. From 2004 to 2011, officials and (155) military personnel from Military Recruitment Units who disobeyed the rule were taken into action and (520) under-aged children were set removal from Tatmadaw.



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16. Please indicate whether the State party has developed a comprehensive national plan of action or taken recent measures to prevent and combat all forms of economic exploitation of children, including forced labour.

Ans: 16. The rights, working time, rest time, payment of wages system and respective provisions in the following labour laws enacted in the Republic of the Union of Myanmar protect and provide fully enjoyment of the rights of the child;

- 1951, Factories Act
- 1951, Leave and Holidays Act
- 1951, Shops and Establishment Act
- 1951, Oilfield Labour and Welfare Act
- 2011, Labour Organization Law

The Ministry of Labour has been cooperating with concerned government departments, the UNICEF and other organizations under the United Nations and with the NGOs for enjoying the rights of employment for the children under the provision provided in section 24 (a) and (b) of the Child Law, for occupational safety and health of working children and for not having grievances for them as provided that the Ministry of Labour has to protect for them under the Law.

The provision for the working children provided under the Factories Act, Shops and Establishments Act, leave and Holidays Act are being enforced by the Factories and General Labour Laws Inspection departments under the Ministry of labour. In doing so, the inspection the shops and establishments, taking action for the establishments which are not in line with the existing labour laws, education the shops and establishments by cooperation with the

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laws, education the shops and establishments by cooperation with the concerned departments and organizations are being implemented by drawing the Plan of Action in order to lessing and elimination of working children and having the decent working conditions for the youth of being legal age.

The Anti Trafficking in persons law was enacted in 2005 and the Law states that whoever is guilty of trafficking in persons 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 of imprisonment for life and may also be liable to a fine.

17. Please provide information on the measures taken since 2006 to combat all forms of trafficking.

Ans:17. For the effective implementation of combating trafficking in persons, the Anti Trafficking in persons Law was promulgated in Myanmar in 2005. The Preventive measures are being implemented in accordance with 2005 Anti Trafficking in Persons Law. The five year National Plan of Action on Combating trafficking in Persons was adopted in 2007 and Annual Work plan is laid down and carried out. To combat trafficking in persons, Myanmar signed MOU with Thailand in 24<sup>th</sup> April 2009 and signed MOU with China in November 2009.

The investigation trainings on trafficking in persons were provided to the police officers from Myanmar Police Forces. For preventive measures, (23) anti trafficking task forces in states and regions and one anti trafficking unit in Myanmar Police force were formed with trained personals to implement the prevention activities. Now, there are altogether (170) Myanmar Police Force

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members who are implementing the measures on combating trafficking in persons as key sources. There are (641) cases taken action after promulgating 2005 Anti Trafficking in Persons Law. A total of (1813) traffickers were prosecuted and (1450) victims were rescued.

From 2006 and 2011, the Department of Social Welfare provided return, repatriation, reintegration and rehabilitation programmes for (1307) trafficking survivors.

18. Please indicate whether there are children among the Rohingya communities who were arrested to March-April 2011 and detained for having attempted to leave the State party. If so, please indicate the charges under which the children are being held, and what steps have been taken to release them.

Ans: 18. There is no Rohingya national in the Republic of the Union of Myanmar. Any Bangali child in the northern Rakhine Region has not been detained.

19. Please indicate the steps taken to make statistical data on children available, published, accessible and used.

Myanmar Central Statistical Organization publish Statistical Year Book and CD rom annually to provide data on children. Moreover, Statistical profile of Children and Women has been published once a three year and it could be bought at the Sarpaybaikman bookstore and Central Statistical Organization.

## Part II

20. Please indicate whether the new government plans to ratify international human rights instruments, in particular the protocols to the Convention on the Rights of the Child, as well as other international Convention.

Ans: 20. The Government is now preparing to sign the following international human rights instruments;

- (1) International Covenant on economic, Social and Cultural rights (ICESCR),
- (2) United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),
- (3) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, child Prostitution and child pornography (CRC-OP-SC)

## Part III

Data, statistical and other information, if available;

21. Please provide statistical data on the number of children with disabilities in the State party disaggregated, inter alia, by age, sex, type of disability and origin, and on the percentage of children with disabilities attending regular education.

According to the First Myanmar Basic Disability Survey (2008-2009) was conducted in 2009 in 120 townships and states 2.32% of total population are the Persons with Disabilities. 24.75% is the children with disabilities (under 16 years).

The cause of disability to less than 5 years of age is 0.6% affected by birth, 0.06% caused by accident, and 0.2% infected by disease. For the cause of

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disability to 6-15 years of age, 1.2% is existed from birth and 0.2% is by accident, and 0.2% is due to illness. With regard to the Persons with Disabilities who are affected by birth, 0.9% is male and 0.8% is female while 0.6% is male and 0.3% is female related to the Persons with Disabilities who are affected by accident. It is also found that 1% each for male and female with disabilities that are affected by disease.

The Republic of the Union of Myanmar implements Inclusive Education and the children with disabilities, children (who have) difficulties to attend the schools, abandoned children are provided such measures as supporting informal education and basic education. In 2010-2011 Academic year, 6 persons with disabilities in Master Degree Course, 30 in Universities and Colleges, 1450 children with visual and hearing impairments in special schools, and 801 children with disabilities in basic schools pursue their education.

22. Please provide statistical data and research findings for 2008, 2009 and 2010, if available, on the number of cases of child abuse. In particular, please provide data (disaggregated by age, sex, ethnic background and geographical location) on the number of;

- (a) Child victims of sexual exploitation, including prostitution and pornography;
- (b) Child victims of trafficking;
- (c) Child victims of sexual abuse;
- (d) Child victims of violence;
- (e) Children who were provide access to recovery and social reintegration services, specifying the type of services; and

- (f) Trials against the perpetrators of such offences and the outcomes of those proceedings.

Ans: 22. There was no case in Child prostitution and Child Pornography during 2008-2010. But, there were some cases related to sexual harassment. From 2008 to 2010, the trafficked children especially for the purpose of sale for adoption and forced labour were repatriated and protected.

Children in need of social care are provided education, vocational training, and rehabilitation services in training schools and community centers which are run by the Department of Social Welfare, Relief and Resettlement. Besides, community based child protection systems are developed to protect those populations with a view to reintegrate them into their society.

Crimes against children are protected with relevant sections under existing laws and punishments are made for the offender not to commit such crime again. Penalties are made with the special emphasis for the prevention of children and youth, concerning with trafficking against children and youth in the Anti-Trafficking in Persons Law Chapter (9) "Offence and Penalties" section 24 "Whoever is guilty of trafficking in persons especially women, children and youth shall, on conviction be punished with imprisonment for a term which any extend from a minimum of 10 years to a maximum of imprisonment for life and may also be liable to a fine.

23. Please provide, if available, statistical data (disaggregated by nationality, age, sex, ethnic origin, geographic location, and socio-economic status) for the period 2008 -2011 on:

- (a) The number of children detained on the territory of the State party;

(b) The number of children sentenced by the courts and the average length of imprisonment;

(c) The number of children sentenced to death; and

(d) Reported cases of abuse or ill-treatment of children that occurred during arrest or detention of children in conflict with the law.

Ans: 23. Children sent by Juvenile Courts are taking care in the schools run by the Department of Social Welfare. (226) children are kept in Hynet Aw Son Boy's Training School, (1) is in Mawlamyaing Boys' Training School and (80) children are in Mandalay Boys' Training School. Those children are sent to the institutions to keep them a minimum of two years and a maximum of their age obtained 18 year. Training Schools provide them health care, formal education, non formal education and vocational trainings and rights to rest and leisure. Myanmar Child Law, section 45 prohibits a death sentence to any child. There are also no complaint letter concerning with abuse and maltreating to detained children.

24. Please provide, if available, statistical data (disaggregated by nationality, age, sex, ethnic origin, geographic location, socio-economic status and type of economic activity) on the number of children involved in child labour.

Ans: 24. Labour registration is permitted to the people obtained 18 years of age by labour officer under the Ministry of Labour, the permitting to work in factories and industries within the country.

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25. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

Ans: 25. The priority areas with regard to the implementation of the Convention are as follows:

- (a) Violence against children;
- (b) Education particularly early care childhood care and development;
- (c) Trafficked children;
- (d) Children infected and affected by HIV/AIDS;
- (e) Children with disabilities;
- (f) The right of children to participate in all affairs that affect them.