

# CHILD LABOR IN RESTAURANTS IN YANGON, MYANMAR

Ms. Ne Chye Thwin

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บทคัดย่อและแฟ้มข้อมูลฉบับเต็มของวิทยานิพนธ์ตั้งแต่ปีการศึกษา 2554 ที่ให้บริการในคลังปัญญาจุฬาฯ (CUIR)  
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Thesis Title           CHILD LABOR IN RESTAURANTS IN YANGON,  
MYANMAR

By                        Ms. Ne Chye Thwin

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Thesis Advisor        Associate Professor Chantana Banpasirichote Wungeao, Ph.D.

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Accepted by the Faculty of Political Science, Chulalongkorn University in  
Partial Fulfillment of the Requirements for the Master's Degree.

.....Dean of the Faculty of Political Science  
(Professor Supachai Yavaprabhas, Ph.D.)

#### THESIS COMMITTEE

.....Chairperson  
(Assistant Professor Pavika Sriratanaban, Ph.D.)

..... Thesis Advisor  
(Associate Professor Chantana Banpasirichote Wungeao, Ph.D.)

..... External Examiner  
(Associate Professor Kitipat Nontapattamadul, Ph.D.)

เน เซ เวน: แรงงานเด็กในร้านอาหารในเมืองย่างกุ้ง ประเทศเมียนมาร์ (CHILD LABOR IN RESTAURANTS IN YANGON, MYANMAR) อ.ที่ปรึกษาวิทยานิพนธ์หลัก:  
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เป้าหมายหลักของงานวิจัยนี้คือเพื่อศึกษาว่าการจ้างงานเด็กนั้นมีการคำนึงถึงสิทธิเด็กอย่างไร อันเป็นวิธีทางเพื่อไปสู่การพัฒนาภาคแรงงานเด็ก งานวิจัยได้มุ่งเน้นไปที่กิจการร้านอาหารและร้านน้ำชาในเขตเมืองในรูปแบบเศรษฐกิจนอกระบบ ซึ่งสามารถพบการใช้แรงงานเด็กได้อย่างเปิดเผย งานวิจัยชิ้นนี้ประยุกต์ใช้ระเบียบวิธีวิจัยเชิงคุณภาพ ซึ่งมีการสัมภาษณ์เชิงลึกและกึ่งโครงสร้างกับเหล่าแรงงานเด็ก ผู้ปกครองเด็ก นายจ้าง องค์กรสังคมที่เกี่ยวข้อง รวมถึงหน่วยงานภาครัฐ ประเภทของการใช้งานนั้น อาจไม่นับว่าเป็นอันตรายต่อเด็ก แต่สภาวะการทำงานยังนับว่ามีการเอารัดเอาเปรียบ ด้านรัฐบาลเองก็ไม่มีนโยบายที่ชัดเจนในแง่ของการปกป้องสิทธิแรงงานเด็ก เมื่อมองจากการรับรู้ของเด็ก ผู้ปกครอง และนายจ้าง งานวิจัยนี้พบว่าสิทธิแรงงานเด็กในร้านน้ำชาและร้านอาหารคือการให้พวกเขาได้รับการศึกษาและทำงานไปพร้อมกัน ทางเลือกที่พบได้คือการจัดการอบรมด้านวิชาชีพ ซึ่งองค์กรพัฒนาเอกชนสามารถเป็นแรงขับเคลื่อนให้ได้ รวมทั้งการจัดตั้งโครงสร้างแนวทางฝึกฝีมือเฉพาะทาง แต่กระนั้นอุปสรรคที่มีคือความสามารถอันจำกัดขององค์กรพัฒนาเอกชน ความใส่ใจของนายจ้างที่อยู่ในระดับน้อย และการร่วมมือจากภาครัฐที่ไม่แข็งแกร่งเท่าไรนัก

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# #5381031424: MAJOR INTERNATIONAL DEVELOPMENT STUDIES  
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The main objective of the research is to study how the best interests of the child are considered in the employment of children in order to ensure the development of children who have to work. This study focused only on restaurants and teashops in the urban informal economic sector in which more child labor are found openly. Qualitative methodology is used, including in-depth and semi-structured interviews with child laborers and parents, employers, the concerned civil society organizations and government agencies. The type of work is not hazardous but the conditions of their work are still exploitative. The government has not a clear policy on and the concern for child labor protection and welfare; and the existing laws for child protection are not enforced effectively. Based on the perception of the children, their parents, and employers, the study finds that the best interest of child labor in teashops and restaurants is for them to have education and work. An alternative is seen in the provision of vocational trainings which non-government organizations can be a driving force, or initiating a model of apprenticeship. However, the challenges are the limited capability of NGOs, the less interest of employers and weak coordination from government agencies.

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## LIST OF ABBREVIATIONS

AFXB	Association Francois-Xavier Bagnoud
CRC	Convention on the Rights of the Child
DIC	Drop-in-center
DOL	Department of Labor
DTVE	Department of Technical and Vocational Education
EFA	Education For All
ILO	International Labor Organization
IPEC	International Program on the Elimination of Child Labor
MDGs	Millennium Development Goals
MMCWA	Myanmar Maternal and Child Welfare Association
MOE	Ministry of Education
MOL	Ministry of Labor
NCRC/TCRC	National/Township Committee on the Rights of the Child
NFE	Non-formal education
NGO	Non-governmental organization
SPDC	State Peace and Development Council
UNICEF	The United Nation Children's Fund
WVM	World Vision Myanmar
YCDC	Yangon City Development Committee
YWCA	Young Women's Christian Association

# CHAPTER I

## INTRODUCTION

### 1.1 Statement of the Problem

Myanmar children have to help with the household chores by tradition and sometimes, with family businesses in their free time, which does not hamper their education. Working children are defined as children who work for added income for their families. Children in rural areas generally have to help their parents with the farms and fishing business, as 70 percent of the population lives in rural areas where farming, raising livestock and fishing are the people's main livelihoods. In urban areas, children are usually involved in shops and other small family businesses. However, the incidence of child labor in which children work outside the family business and are deprived of their basic rights has increased unexpectedly in recent decades in Myanmar. There are a number of reasons for the prevalence of child labor in Myanmar, but severe poverty and inadequate educational facilities are the two main factors. This creates a vicious cycle and often pushes children into the labor force prematurely.

The catastrophic economic situation and the lack of social services, resulting from the policies of decades of successive military governments<sup>1</sup>, is forcing the vast majority of parents to rely on their children's labor (thus neglecting the children's development) in order to solve immediate financial problems. The worst forms of child labor, whether in the army, the construction industry, domestic work or mining, are present throughout Myanmar.

In Myanmar, outdated statistics are a very common problem. There is no updated and relevant national child labor survey in the present decade. The most

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<sup>1</sup> The period of command and socialist economy under military rule (1962-1988) and the period of market-oriented economy under military rule(1988-2008)

recent available survey on the labor force was conducted by the Department of Labor in 1990. Due to the lack of accessible and reliable data, the exact numbers on child labor in the formal and informal economy sectors in Myanmar is unidentified at the present. As a result, it is difficult to identify priority areas on which to take immediate action.

According to the estimated data by the Global March Against Child Labor, the number of children in the informal urban sector, including teashops, food processing, street vending, refuse collecting, and light manufacturing, was alarmingly high at over one million in 2005 (Bernstein, 2010). Moreover, non-governmental organizations concerned with children reported that the incident of child laborers in a diverse range of work from agricultural and fishing work to day laborers and factory workers, is increasing (ACFID, 2010).

Though the foreign media (Asia Times), the Global March Against Child Labor and various NGOs raised this issue and the city dwellers became aware of the increased numbers of child labor, there is relatively low attention paid to this issue by the government or other concerned parties nationwide. Myanmar signed the Convention on the Rights of the Child (CRC) in 1991<sup>2</sup>, and even though it is obliged to meet standards of the Convention, it has thus far denied and violated the basic rights of children. The high drop-out rate before the completion of primary education and under-age recruitment in the armed forces are prominent examples of the violation of children's rights in Myanmar. Additionally, despite the rise in the employment of children in the formal and informal sectors of the economy, the rights of children are neglected in the workplace.

Regarding the policy measures for protection of child laborers and the prevention of child labor, there are still areas that need improvement. Laws requiring the protection of children in the workplace should be enforced, and compulsory and

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<sup>2</sup> United Nations Treaty collection, DATABASES [Online]. 2 June, 2011. Source [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en)

quality education should be accessible for all children in order to prevent incidences of child labor. The national legislation related to child labor is outdated and is not in line with international standards. In addition, the policies developed for children do not take child labor issues into account.

While the state pays no attention to the increased numbers of incidences of child labor, other stakeholders also still lack consideration for the development of children in work. Children are denied their basic rights and their future is sacrificed for the short-term benefit of their families. In this disastrous condition, a solution for the best alternative for underprivileged children in the labor force and how it should be provided must be found.

The first step in solving this complex problem is to understand the characteristics and working conditions of child laborers in a specific sector. Then, programs and policies to combat or eliminate child labor can be developed. The nature of child labor in different sectors is diverse, hence the intervention should be relevant to the needs and challenges of child labor in specific sectors (ILO-IPEC, 2005).

This research, therefore, studied the current situation regarding child labor in restaurants, particularly small restaurants and teashops, in Yangon, and sought to identify how the best interests of children can be taken into consideration in order to improve the working conditions of child laborers.

Teashops are important and integral part of life in Myanmar. They can be seen on every corner of the streets in urban areas and everywhere in Myanmar. As Yangon is a metropolitan city in Myanmar, small restaurants, which often serve alcohol, can be seen on every street. Child laborers in these shops are more visible in public areas. Additionally, these shops are owner-operated service establishments, which are part of the informal sector of the economy and most heavily utilize child laborers.

For that reason, this research attempts to understand the nature of children working in restaurants. It explores the characteristics and the working conditions of child laborers and subsequently assesses the best interests of the child in the employment of children through the current practices of the concerned parties. In addition, it identifies policy gaps and possible measures that the government and non-governmental organizations may take relating to the promotion, protection and development of programs on child labor that are in line with the best interests of the child.

It is hoped that this will be utilized as a tool for advocacy in improving policy measures on the employment of children in Myanmar. In addition, this paper will be a first step to further research on child labor in other industries, particularly on industries that require hazardous work.

## **1.2 Research Question**

How can the best interests of the child be taken into consideration in the improvement of working conditions for child laborers working in restaurants?

## **1.3 Objectives of the Research**

- ❖ To describe the characteristics and working conditions of child labor in restaurants
- ❖ To assess the perceptions on the best interests of child laborers and policy responses from the government, non-government and private sector
- ❖ To identify policy gaps and possible measures to improve the working conditions of child laborers



## **1.4 Hypothesis**

The best interest of the child is the most important factor in achieving the development of children. While child labor cannot be completely eliminated or prohibited in the current situation, practical approaches to promoting child development in the workplace should be identified and pursued. In this particular case, education and work might be the area that concerned parties can agree upon as in the best interest of children. Alternative policies that may be more feasible should focus on vocational education, since this also serves the interests of other parties and will be best for the physical, mental and social development of children while they are working for their survival.

## **1.5 Research Methodology**

The research applied qualitative methodology and conducted a combination of documentary research and primary data collection in the field sites. For documentary research, books, research reports, academic articles, internet websites and other relevant documents were reviewed and analyzed. The research applied the information and data from the reports, publications, and websites of United Nations organizations, non-governmental organizations and foreign departments, as well as articles on child labor from the foreign and exiled media. For analyzing policy implementation, research papers from IPEC/ILO were reviewed.

The study was conducted in Yangon, which, as one of Myanmar's major economic centers, is home to a great numbers of tea shops and restaurants. Interviews with child laborers and some employers were conducted with the assistance of a friend. The non-governmental organizations were chosen purposefully, on the basis of those currently implementing programs related to child labor. .

UNICEF is the main agency focusing on child issues; it takes a leading role in the protection of children through collaboration with government agencies and other civil society groups. World Vision Myanmar is an international non-governmental

organization that is currently implementing a child protection program. The Yangon branch of the Young Women's Christian Association (YWCA) is a non-governmental organization that is operates programs of service provision to street children and working children in Yangon.

This researcher conducted in-depth interviews with five UN staff members and employees from INGOs that are particularly concerned for children, as well as five parents of child laborers, three employers of child laborers. Additionally, this researcher conducted semi-structured interviews with seventeen child laborers. Government officials from concerned departments, for example, the Department of Social Welfare, were also personally interviewed. Observations of the workplaces and their working conditions were performed throughout the field research.

Table 1 List of interviewees from Government Agency and INGO/LNGO

No.	Gender	Position of Interviewees	Organization
1.	Male	Administrative and Technical Staff	Department of Social Welfare, Government Agency
2.	Male	Senior Staff	Child Focus International Non-governmental organization
3.	Female	Technical Staff	World Vision
4.	Female	Management Staff	YWCA
5.	Female	Technical Staff	UNICEF

Table 2 List of Employers' interviewees

No.	Gender/Age	Type of shop	No. of child labor at the shop	Township
1.	Male /45 yr	Teashop	55	Tamwe
2.	Female/ 34 yr	Teashop	13	Hlaingtharyar
3.	Male/ 33 yr	Restaurant	30	Latha

Table 3 List of Parents' interviewees

No.	Gender/Age	Occupation	No. of children in the family	Township
1.	Female/ 41	-	3	Hlaingtharyar
2.	Female/ 45	Casual Labor	1	Hlaingtharyar
3.	Female/ 48	Street Vendor	3	North Okkalarpa
4.	Female/ 40	-	9	North Okkalarpa
5.	Male/39	Trishaw driver	6	North Okkalarpa

Table 4 List of interviewees of Child Laborers

Type of shop	Male	Female	Total
1. Teashop	11	-	11
2. Restaurant	2	4	6
<b>Total</b>			<b>17</b>

### **Data Collection**

The townships, which have a great numbers of teashops and restaurants, were selected in the administrative areas of YCDC; downtown areas as well as the satellite townships were purposefully included. In every township, observations of the shops were done as a first step. The busiest time of the shops and the number of the child employees and the attitude of employers were thoroughly observed. After that, the researcher approached employers through a pleasant introduction and explained the objectives of research. If the employers were willing to allow their child employees to be interviewed, the interview process was done within thirty minutes at the shops. If there were many employees, it was convenient to conduct interview without time constraints. However, if some shops have two or five employees, it was difficult to take enough time since the children were needed to do their duties. The process was done quite successfully even though a few shop owners denied the researcher's request. The researcher was denied from these shops because the shop only had one or two child laborers, because the children were not able to answer the questions well, or because the employer with the authority to decide was unavailable.

The researcher managed to interview three employers of child labor through advocacy as well as personal contact. They were willing to provide their experiences of employing children and what they are doing to support their child employees.

The parents' interviews were contacted through the assistance of a personal contact of the researcher. The planned numbers of parents were managed and the interviews were conducted in their houses and monastic school nearby their houses.

The approvals of interviewees of UNICEF, World Vision and YWCA were requested through mail and telephone from Bangkok and Yangon through the researcher's personal contact. The personal interview with government official was managed, and even though the interviewee was not a policy maker, he provided the information about the current activities of the Department of Social Welfare and National/Township Child Rights Committees.

The interview with technical staff from World Vision from the Child Protection Program was conducted, and she provided information about activities concerned with child labor including child rights awareness-raising, protection and non-formal education projects. The researcher contacted a senior staff member from YWCA, an organization that has been mainly working on the Street and Working Children programs since 1996, and found out that the organization is working with employers from local small-scale enterprises in their project areas to create apprentice programs. The researcher managed to interview a technical staff member from the Child Protection Section of UNICEF. UNICEF has many programs related to children, including Education, Health and Nutrition, and Child Protection. In the present, the agency is developing the Minimum Standards on the Protection of Working Children in cooperation with Ministry of Social Welfare, the Ministry of Labor, and other stakeholders, including employers. It has been developed as a draft, and they are continuing to advocate for finalization and endorsement of these Minimum Standards.

## 1.6 Background information on the study sites

Yangon, also known as Rangoon, literally meaning "End of Strife," is the former capital of Myanmar and the capital of Yangon Region (formerly Yangon Division)<sup>3</sup>. Yangon is located in Lower Myanmar at the convergence of the Yangon and Bago Rivers about 19 miles (30 km) away from the Gulf of Martaban. It is bordered by Bago Region to the north and the east, the Gulf of Martaban to the south and Irrawaddy Region to the West. Yangon is the most densely populated city in Myanmar, with a population of 4.259 million<sup>4</sup> and it continues to be the country's largest city and the most important commercial centre.

Yangon Region is the most developed region in the country, as well as Lower Myanmar's main trading hub for all kinds of merchandise – from basic food stuffs to used cars. Yangon is the country's main centre for trade, industry, real estate, media, entertainment and tourism, as well as the main domestic and international hub for air, rail, and ground transportation. In addition, 14 light industrial zones have been established since 1995, and there are over 4,300 factories in Yangon's industrial zones with over 150,000 workers are being employed in these factories<sup>5</sup>.

The area of Yangon city expanded after the construction of the satellite towns of North Okkalapa, South Okkalapa, and Thaketa in the 1950s and East Dagon, North Dagon and South Dagon in the 1990s. It should be noted that the establishment of three new towns by the ruling State Law and Order Restoration Council (SLORC) in the late 1980s increased the city's area to more than twice its previous area. At

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<sup>3</sup> The regions were called divisions prior to August 2010, SPDC government announced the changes of terminology which is in line with the 2008 Constitution. (in Burmese) [Online], 23 September 2011. Source [http://www.news-eleven.com/index.php?option=com\\_content&view=article&id=4375:2010-08-20-12-39-51&catid=42:2009-11-10-07-36-59&Itemid=112](http://www.news-eleven.com/index.php?option=com_content&view=article&id=4375:2010-08-20-12-39-51&catid=42:2009-11-10-07-36-59&Itemid=112)

<sup>4</sup> CIA -The World Fact Book: East and South East Asia- Burma(2009)

<sup>5</sup> “[Yangon industrial zones functioning with over 4,300 factories, facilitate 150,000 workers](#)” [Online], 23 September 2011. Source [http://eversion.news-eleven.com/index.php?option=com\\_content&view=article&id=432%3Ayangon-industrial-zones-functioning-with-over-4300-factories-facilitate-150000-workers&Itemid=109](http://eversion.news-eleven.com/index.php?option=com_content&view=article&id=432%3Ayangon-industrial-zones-functioning-with-over-4300-factories-facilitate-150000-workers&Itemid=109)

present, there are four districts, Western district, Eastern district, Southern district and Northern district, in Yangon; they are comprised of 33 townships in total, and are administered by the Yangon City Development Committee (YCDC).

Along with these townships, the study sites involved Kyeemyindine and Latha, which are in the Western District; North Okkalapa, which is in the Eastern District; Tamwe Township, which is in the Southern district, and Hlaing, Hlaingtharyar and Kamaryut Townships, which are in the Northern District. The data provided in this section are current data from YCDC.

**Kyeemyindine Township** : Kyeemyindine Township is located in the western part of Yangon. The area of township comprises of 2.160 square miles and the population is 72,986 people. The township has 67 teashops and 55 restaurants.

**Latha Township** : Latha Township is located in the central part of Yangon city. It is about two miles north of the sea. The township area is 0.314 square miles, and its population is 27,546 people. It is famous for 19th Street in Chinatown, which is lined with many small restaurants that are crowded during Yangon's evenings. .

**North Okkalapa Township** : The Township is located in the eastern part of Yangon and is one of the satellite towns established in 1959. The total area of township is 10.91 square miles with a population of 242,522. The main livelihoods in the township are factory work, casual labor and employment as civil servants, as well as small to large-size business.

**Tarmwe Township** : The Township belongs to Yangon South District, and is located in the east-central area of Yangon. The total area is 17.02 square miles and the population is 108,965 people. It is the busiest township in Yangon, with modern shopping malls and local small- and medium-sized enterprises.

**Hlaing Township** : Hlaing Township is situated in the northern part of Yangon with a total area of 5.29 square miles and a population of 125,473. International

schools and private companies operate in this township, since it is a twenty minute drive from downtown Yangon.

**Hlaingthayar Township** : This Township is located in the western part of Yangon and is the most developed of the new satellite towns that were founded in the 1980s. Hlaingthayar Industrial Zone, consisting of mostly garment and other light industry, is one of the largest industrial parks in the country. The area of township is 26.01 square miles, and its population is 191,999 people. The common livelihoods are factory work, casual labor and employment as civil servants, as well as small to medium-sized business.

**Kamaryut Township** : Kamaryut Township is located in the north-central part of Yangon and well-known as the "college town" of Yangon. The area is 2.40 square miles and has a population of 72,705. Yangon University, the oldest and most well-known university in Myanmar, is located in the township. Hence, the township area is always busy with students and office staff. High numbers of teashops and restaurants can be found throughout the township. According to data from the YCDC (2010/2011), 39 teashops and 30 restaurants are currently open in this township.

## **1.7 The nature of Teashops and Restaurants in Yangon**

In the late 1980s, Myanmar began to transition to a market economy, announcing and implementing new market liberalization policies. Due to the liberalization of private enterprise activities, international trade activities, and foreign direct investment (FDI), the growth of the agricultural sector, as well as of the trade and service sectors, increased rapidly (Khaing & Fujuta, 2009 p.304). In addition, the increase in FDI inflow made the boom of the manufacturing sector, and consequently of the non-manufacturing sectors such as construction, tourism, and the hotel industry were fueled at the same speed. The recovery of the economy brought caused urban areas to flourish and a rapid growth of the urban informal economy.

The urban informal economy in Myanmar cannot be defined clearly while there are no updated labor statistics to reflect the current economic conditions of

Myanmar. However, it refers those sectors that have low productivity and a low income and are unregistered one (Khaing & Fujuta, 2009 p.304). Additionally, according to the operational definition in a DOL/UNCIEF (1997) study, the informal economy in Myanmar is defined as small-scale, private, and largely unregulated by labor laws. The nature of the informal economy is highly labor intensive with little capital, generally employing low-skilled and low-paid laborers. Examples of businesses involved in the informal sector are various street-trading/vending activities, market or domestic work, food processing, light manufacturing, and restaurants and teashops. Since the study is focused on restaurants, which commonly utilize child labor, the nature of this industry is explained in the following section.

Restaurants can be defined as the practice or business of making, transporting, and serving or dispensing of prepared foods, as in a restaurant or commissary<sup>6</sup>, however, this paper is focused specifically on the teashops and small restaurants which commonly serve the urban people in Yangon.

## **Teashops**

It is impossible to know exactly when the culture of teashops started in Myanmar, but it is said that colonization by the British brought the culture of drinking tea<sup>7</sup>. Teashops were mainly operated by Indian and Chinese people in the Colonial Era, and Myanmar people have preferred sitting in teashops since that time. Nowadays, teashops are ubiquitous in Myanmar, found on footpaths in towns and cities as well as under shady trees in the countryside; they are always busy with people from all walks of life: the old and the young, the rich and the poor. Teashops are an integral part of life in Myanmar. They act as venues where people can meet to chat and relax, as well as quench their thirst and enjoy simple snacks. For urban

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<sup>6</sup> The Free dictionary [Online]

<sup>7</sup> The Voice Weekly Vol.07/No.40 ,“Focus on the Mandalay’s Teashops”, (Burmese Version)[Online], 23 September 2011 Source <http://www.vwkly.com/the-voice-weekly/book/79-myanmar-burma-news-vol07-no40-sep-2011/2-the-voice-weekly.html>



people, teashops are not only important places to meet friends and relax, but also to do business.

Many styles of teashops can be seen; however, the most popular one is the roadside teashop. Small low tables are laid down on the pavement on the side of the road, the customers sit on small stools, and nice tea is usually served with a few snacks. These days, there are a few franchised teashops, which are well-constructed buildings with uniformed waiters. They serve not only tea and snacks, but also a variety of choices of meals, including rice and curry, for the whole day.

In the past decade, many people were of the attitude that “*sitting at a teashop*” is a waste of time<sup>8</sup> and parents in particular preferred that their children did not go to sit at teashops, since they believed that it is a bad behavior and wasted time. However, the attitude is currently changing, and people are seeing teashops as providing places to meet with friends and to make business appointments after ordering just a cup of tea, after which much plain tea is provided free of charge. In addition, a new trend among city dwellers in Yangon is to have the first meal of the day at a tea shop since many teashops serve not only nice tea, but also a selection of snacks such as *mohinga*, coconut noodle, fried rice, samosa (a kind of Indian snack), spring rolls, and some other snacks<sup>9</sup>. Another reason for sitting in teashops is that it costs a small amount of money to have a cup of tea and a snack, on average 250 kyats and 800 kyats respectively; thus even low income people and young people enjoy sitting in teashops. Some teashops attract customers by screening satellite television broadcasts of football games and other popular programs, so it becomes a recreational activity for city dwellers as well.

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<sup>8</sup> Today in Myanmar, [Teashops in Myanmar](http://www.myanmar2day.com/myanmar-life/2008/12/teashops-in-myanmar/) [Online], 12 September 2011. Source <http://www.myanmar2day.com/myanmar-life/2008/12/teashops-in-myanmar/>

<sup>9</sup> The Myanmar Times, Volume 18, No. 353, “[Teashops are a way of life in Myanmar](http://www.mmtimes.com/feature/fb2007/fb004.htm)” [Online], 22 September 2011. Source <http://www.mmtimes.com/feature/fb2007/fb004.htm>

Initially the main customers of teashops were dominated by men, but it is becoming more common to see women who enjoy sitting in teashops. The busiest times at teashops depend on their location and popularity. As mentioned above, the morning is a common busy time for some teashops, while others are crowded in the evenings. The numbers of waiters working for a teashop depends on the size of the shop. There are commonly two to five waiters in a small shop, and more than thirty waiters in a large establishment.

The large teashop in the study has three franchised shops in Yangon, and each shop has about fifty employees. It is open from five o'clock in the morning to five-thirty in the evening. It is busy all day and most of the customers are business people and staff members from private companies.

A small teashop in a satellite town in the study has five employees, and its hours are five o'clock in the morning to eleven o'clock in the evening. The busiest times for the shop are the mornings and the late evenings since most of the customers are office workers and wage laborers in the surrounding areas, who go to work downtown. They sit and have breakfast in the morning and then come again in the evening for recreation.

## **Restaurants**

Restaurants are also quite widespread in the townships administered by YCDC. There are a few restaurants featuring foreign cuisine such as European, Thai, Japanese and Korean, while Chinese and Burmese style restaurants are very common. However, the paper is focused on the restaurants in informal sector which serves city dwellers in general. The restaurants that serve Burmese cuisine can be seen commonly on every street, and are open in the afternoon and the evening. The restaurants that serve Shan noodles and Chinese foods are street-based and mostly open from early evening to night. After the opening of the economy in 1988, a number of beer brands are locally produced and beer culture is becoming popular in

Myanmar<sup>10</sup>; as a result, the numbers of restaurants that can often get beer are increasing in the city of Yangon, and are scattered across Yangon's townships. Those shops open in the afternoon until midnight, and most of the customers are young adults or middle aged men.

## **1.8 Ethical Issues**

Ethical issues were carefully considered throughout the process of this research due to the sensitive political situation in Myanmar. The objectives of the research were explained to all interviewees. The in-depth interviews with employees of UN, INGOs, and Local NGOs, parents of child labor, employers, and government officials were conducted in accordance with their agreement, enthusiasm to participate, and freedom of withdrawal; their names were kept confidential and their identities anonymous. The semi-structured interviews with children were also performed only with their agreement of participation; their rights were respected, and they were clearly and adequately informed about the study objectives and the right to decline to participate and to withdraw from the research at any time throughout the study. All of their personal information was kept confidential and their identities anonymous.

## **1.9 Research Scope**

This study discovers the current situation of child labor in restaurants in Yangon, Myanmar. As there is no proper academic research about child labor in Myanmar and no updated national labor survey in Myanmar, the main problems in the research process were accessing documents and updated information related to child labor. The documentary research relied on the reports and publications from government agencies, UN agencies and foreign departments.

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<sup>10</sup> Today in Myanmar: [Beer culture in Myanmar](http://www.myanmar2day.com/myanmar-life/2009/01/beer-culture-in-myanmar/) [Online], 12 September 2011. Source <http://www.myanmar2day.com/myanmar-life/2009/01/beer-culture-in-myanmar/>

The study was only able to cover the child labor in restaurants in the major urban city. At the present day, Yangon is comprised of total 33 townships<sup>11</sup>; the Kamaryut Township, Kyeemyindine Township, Hlaing Township, Hlaingtharyar Township, Latha Township, Tamwe Township and North Okkalapa Township were selected as the study sites.

### **1.10 Significance of the Research**

This research addresses the characteristics and working conditions of child labor in restaurants in Yangon, and aims to encourage taking consideration of the best interests of child in the employment of children. It also studies the policy responses of the government and non-governmental organizations to child labor. Additionally, it identifies policy gaps and possible measures to improve the working conditions of child laborers. The ultimate aim of the research is to contribute to strengthening the government's and NGOs' policy implementation mechanisms on child labor protection and development. The research findings will also be a useful advocacy tool for parties and policy makers concerned with child labor issues, and as a support for further thorough studies of child labor in other sectors of the economy.

### **1.11 Constraints and limitations on the research**

-The literature review revealed that there was limited documentation and research done on child labor in Myanmar.

-Due to the sensitivity of the issue, the researcher faced difficulty in accessing the exact planned numbers of child laborers, since employers of children are often not willing to allow their workers to be interviewed. The researcher was denied access to interview workers by three teashop owners and two restaurant owners. While attempting to get an interview with the planned numbers of child laborers, a case of physical violence against a child laborer by the employer on 25<sup>th</sup> July, 2011 in

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<sup>11</sup> Yangon City, Map and Townships Data [Online], 15 September 2011. Source <http://www.yangoncity.com.mm/maps/townships.asp>

Hinthata Town, Irrawaddy Region, was publicized through the printed media; as a result, employers of children were more reluctant to allow their workers to be interviewed.

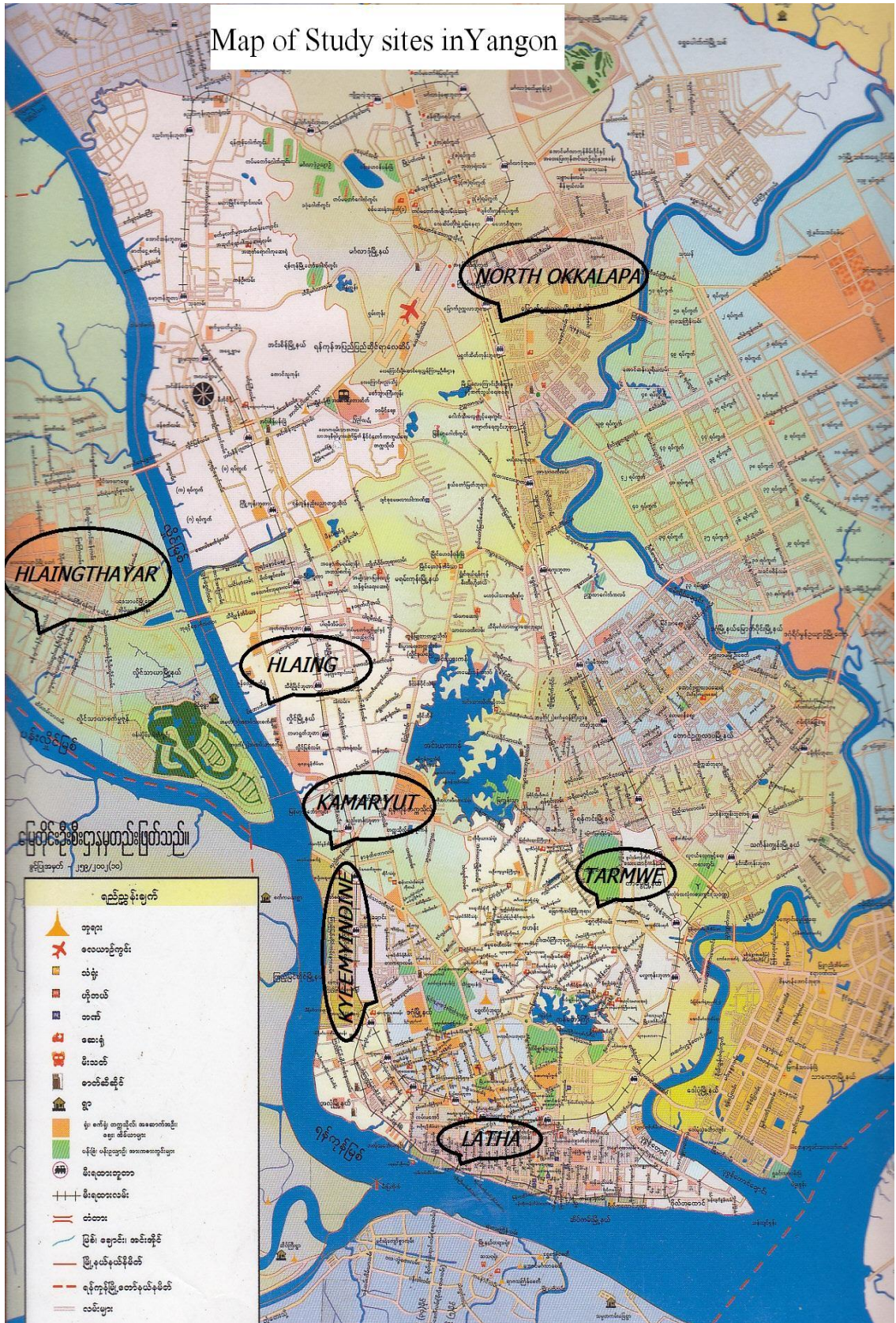
-All of the interviews were conducted in children's workplaces, consequently they were distracted more or less throughout the interview process. For example, other co-workers, supervisors, or adult workers came and listened to the interviewees, and there was often noise from yelling and music.

-Time limitation in interview sessions was common, since the researcher asked employers for only thirty minutes to interview the children. .

-Due to the limited time period of field research, it was not possible to interview a set of children with a broad diversity of age and working experiences, since it was more important to interview the planned numbers in order to reach the objectives of research.

-The best interests of child principle is relatively indeterminate; nevertheless, the right to education will be the main focus in this research.

Map of Study sites in Yangon



## **CHAPTER II**

### **LITERATURE REVIEW**

#### **2.1 Definition of Child labor**

IPEC (2011) states that not all work done by children should be classified as child labor, as long as the work does not affect the children's health and personal development or interfere with their schooling. Some activities, such as helping their parents at home, assisting with a family business, or working in a shop during school holidays, provides them with skills and experiences and to contribute as productive members in society.

IPEC defines the term "child labor" as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development<sup>12</sup>.

It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by:
  - depriving them of the opportunity to attend school;
  - obliging them to leave school prematurely; or
  - requiring them to attempt to combine school attendance with excessively long and heavy work.

The definition of "child labor" depends on the age of a child, the type and hours of work performed, the conditions under which it is performed, and the objectives pursued by individual countries. Children who are enslaved, separated from their families, exposed to serious hazards and illnesses, and/or left to fend for themselves on the streets of large cities are defined as an extreme cases of child labor.

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<sup>12</sup> IPEC: Home

Scholars claim that there are a variety of definitions of child labor. The following are some different definitions of child labor. The definition of child labor conventionally includes all 'economically active' children between the ages of 5-14 years. A person is treated as economically active or gainfully employed if s/he works on a regular basis and receives remuneration for it. According to ILO definition, the children who work on a regular basis and for several hours in a day, whether working outside the home or in family household activities identified as child labor. However, the World Bank claims that child work that does not involve an exploitative relationship should be distinguished from child labor, and some work can even support the development of the children (Burra, 2005).

In Myanmar, the state seems to have a preference to use the term “Working Children” rather than “Child Labor”. The national report of the CRC mentioned the different meanings of working children and the children who occasionally participate in family household businesses. It defined working children as “those who have to work to help or earn for their families, mostly on farms and not on dangerous worksites” (Union of Myanmar, undated); however, it did not specify whether those children are deprived of schooling or not.

Those children who are working in restaurants can be defined child laborers because their work complies with the IPEC's definition, as they are working for excessively long hours and are deprived of their right to education. In addition, they are separated from their family environment and live in their workplaces' compounds.

## **2.2 The best interests for child laborers**

The Convention on the Rights of the Child ensures the best interests of the child, including working children, and Article 3(1) stipulates that "in all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration;" and consequently Article 32(1) recognizes "the right of the child to be protected from economic exploitation and from



performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development."

Additionally, Article 32(2) says that "States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article." The state's primary responsibility is to take appropriate measures in the protection of the children, as well as to put in place mechanisms which will ensure consideration of the best interests of the child in all actions. Regarding parents, Article 18(1) states that "Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern."

There are debates about whether the best interest principle is a universally applicable standard or is inevitably relative to each individual society (Alston, 1994 p.2). Children in industrialized countries may be best served by policies that emphasize autonomy and individuality to the greatest possible extent. However, in traditional societies where strong links to family and the local community is most important for children, the principle need is to reconcile with the interests of the family or even the extended family, since their interests may influence an individual child's preferences (Alston, 1994: 5).

Some critics point out that international human rights standards are likely to remain superficial and ineffective unless they are related to or promoted through local cultures, religions, and other traditional communities. The paradox is that on the one hand, international human rights norms must be sufficiently clear, comprehensive and inflexible in order to provide the international community with some basis on which it might seek to constrain a government that undermines human dignity. On the other hand, different cultural perspectives and contexts should be taken into consideration through a certain degree of flexibility and adaptability (Alston, 1994: 8-9).

In the present rapidly-changing world, the common dilemma related to child labor is a choice between the right to education and the right to survival. While the Convention of the Rights of the Child promotes and requires State Parties to provide free and compulsory education for every child, according to the ILO-IPEC (2005 p. iii), the number of child laborers is currently 246 million, and 171 million of them have fallen into the most hazardous and worst forms of child labor. This figure shows that children are being denied their basic rights and face difficulty in securing their immediate and long term survival. Children might prioritize their survival over their education especially in societies in which poverty, social ills, inequity, and unfair economic and social norms are perpetually present.

The Global March Against Child Labor (2004)<sup>13</sup> proposed that quality education is the non-negotiable birthright of every child. Additionally, it said that states should not tolerate the current parallel systems of informal education or vocational education, since this differentiates the rights of children of poor families from those of privileged ones in the name of survival. Those working children or child laborers should be provided with quality education, not deprived of it. .

On the other hand, the International Save the Children Alliance<sup>14</sup> (2003) argues that while the removal of children from harmful work is sometimes an imperative, the removal of children from work without considering the impact on their survival and development is not always in their best interest. It cited that the best interests of children can only be determined through consultation with children and their families. In addition, while the removal of children from work would be in line with international standards and should be desirable in the long term, abrupt dismissals without better alternative educational opportunities cannot be in the best interests of the children. In some cases, strategies that combine work with education might be in the best interests of child laborers while their survival is the primary concern.

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<sup>13</sup> The Global March is one of the largest worldwide networks in protection of children's rights to education and in the fight against child labor.

<sup>14</sup> The International Save the Children Alliance is the world's leading independent children's rights organization, with members in 29 countries and operational programs in more than 100.

At this point, the question raised is whether this international norm can be applied as universal standard or it should consider the specific context and cultural perspective, as discussed above.

Though quality education might be the best interests of the child for the international community, the integration of work and education can be the best interest of the child in countries that are currently politically and socioeconomically unstable and economically deprived. The interpretation and application of the best interests of the child concept will be influenced by the social, political and economic conditions of the individual state (Rwezaura, 1994). Even though the international community shares a common desire to create a new and better world for all children, it should take into consideration the diversity of states in terms of political, social and economical context.

Though Global March declared that education can empower people economically and socially through helping them to acquire knowledge and skills, some countries still lack of the capacity and political commitment to provide quality education for their children. At the same time, society and parents are not able to provide choices for their children in a given situation. Rwezaura (1994) stated the factors that influence parents' decisions concerning best interest of their children. In states in Africa, for example, economic factors play a major role in whether children are sent school or not; social and welfare service provisions of the state and existing laws also play a role in that decision as well. Due to the states' allocation of scarce resources without consideration of the development of children, families take complete responsibility for their children. Consequently, the decisions made by parents for the future of children rely on the above factors as well as the parents' perception of what is best for the child.

While children may choose to work for their own and their families' survival under the pressure of family's deprived economic condition, it cannot be the interests of children since children are not provided options at the time of their decision. John Eekelarr (1994), discussed the theory of Joseph Raz in his paper entitled "Interests of

the Child and the Child's Wishes", the better or best interests of a child cannot be determined by comparing one possible outcome against another (being a lawyer or being a musician). Selecting between certain life goals very much relies on individual values. The paper argues that providing a reasonably wide range of available goals for children and enhancing their capability of choosing better outcomes is the responsibility of state, private, and public institutions.

However, when the states failed to provide variety of choices for their children and appropriate measures to assist parents, others responsible for children are capable of carrying out the development of children. As parents or legal guardian are decision makers, they will look for appropriate solutions with the most positive or least negative impact on the children that are within their capacity.

As children are subjects of rights, their participation in the process of decision making that affects their lives must be considered. The principle of the best interests of the child recognizes the right of children to express the opinions in all matters affecting their lives. "The child's interests, however, must be the subject of active consideration; it needs to be demonstrated that children's interests have been explored and taken into account as a primary consideration" (Zermatten, 2010:12). In this regard, the interests of the child can assist decision-makers in finding the most appropriate solution. The aims of the application of the best interest principle do not merely consider a short-term solution, but take into account the interests of the child's future (Zermatten, 2010).

The best interests of the child concern the ultimate safety and wellbeing of the child, there are number of determining factors to be considered which are related to the situation of children and the situation and capacity of caregivers (Child Welfare Information Gateway, 2010: 2). To be specific, there are factors determining the best interests of the child include the following: (a) the capacity of the parents to provide a safe home and adequate food, clothing, and medical care (b) the mental and physical development of the child, (c) legal protection from abuse and exploitation, (d) the

importance of maintaining sibling and other close family bonds and (e) the child's perspective of future prospect (Child Welfare Information Gateway, 2010: 3-4).

### **2.3 Work and Education**

The Convention on the Rights of the Child ensures the right to education, the Millennium Development Goals (MDGs) and Education For All (EFA) goals reaffirm the right to universal primary education for all children. However, primary education in most countries is not completely free and parents need to provide direct and indirect costs for schooling. Therefore, access to and quality education especially in most developing countries is not in fact guaranteed to all children. In order to reach the commitment to universal education for all children promised by the international community, financial and technical support to develop and implement policy in these developing countries is needed. As child labor is a major obstacle to achieving EFA goals, specific measures are needed to include disadvantaged and marginalized children (ILO-IPEC, undated).

Informal or transitional education programs are provided to working children or child laborers under the IPEC in order for them to enjoy their basic rights of education since they are never enrolled or dropped out of school. Informal or transitional education programs are provided for former child workers to reach an academic level at which they can enroll in the formal education (ILO-IPEC, undated). These programs are needed to provide a link with the formal education system to ensure opportunities for further education and employment.

The combination of work and vocational education is an alternative approach to education, helping children gain practical skills and preparing them to access skilled jobs in the labor market (ILO-IPEC, undated). Offering vocational education that is designed to correspond to the needs of local labor markets to child laborers not only equips them with education and vocational skills, but also prevents their exclusion from the labor market as adults. In addition, it can protect children from being taken advantage of by their employers and ensures that they are not marginalized from society and have opportunities for normal physical, mental and social development

(ILO-IPEC, undated). In a politically and economically challenging context, this will be the most pragmatic approach, as it considers of the best interests of the child principle in a flexible manner.

In general, vocational education and skills training are implemented through the institutions of the state and follow state curricula for specified trades, through private institutions which may or may not use state curricula, and through private enterprises in the formal and informal sectors of the economy, using a practical, hands-on approach, whereby trainees are taught in a work environment.

ILO-IPEC operates and supports the vocational and skills development training programs through partnerships with employers' and workers' organizations, other international and government agencies, private businesses, community-based organizations, and even through the involvement of the children and their families (ILO-IPEC, undated). The following programs are the best practices of vocational education and skills training programs assisted by ILO-IPEC.

Vocational and skills trainings are important in overcoming social exclusion for marginalized working children or children who cannot access quality education by providing them with marketable skills; in addition, children are kept out of exploitative working conditions (ILO-IPEC, undated). These training programs are designed to provide practical skills for children who are above the legal minimum age of employment; sometimes functional literacy and numeric skills are prerequisites to these trainings. Moreover, the trainings respond to the demand of local labor markets so that children can access jobs after the completion of the trainings. The types of training programs that are implemented in many countries involve a combination of skills and employment, apprenticeship schemes with small local business enterprises, and skills training with support services for self-employment (ILO-IPEC, undated).

The basic minimum criteria in vocational and skills training programs as laid out by the IPEC includes a detailed assessment of what skills are needed and can be absorbed in the local labor market, training locations that are easily accessible to

children in the local area, and a modular with a duration of six to 12 months with a flexible curriculum that suits local needs and individual needs of children involved. In addition, the quality of trainings is ensured through provisions of effective infrastructure. The strong co-operation of employers' organizations and local enterprises are built up in order to provide opportunities for employment after the trainings as well as opportunities for apprenticeship.

As discussed above, education plays an important role in empowering children to choose the better outcomes for their lives. While it is difficult to reach universal consensus on the right to education that ensures the fullest participation in quality education for every child, especially for those children who are already involved in the labor force, the above approach that ILO-IPEC has applied in promoting education for working children or child laborers can be an effective tool. This approach can mediate the international norms and local context as it can align with the interests of different actors and the children themselves; it also ensures short-term and long-term benefits for the development of those children.

#### **2.4 Lessons on intervention in child labor**

"No single actor will be able to solve the complex child labor problem alone, nor is there a single clearly defined means of achieving lasting results" claimed by the Prime Minister of Norway in the International Conference on Child Labor Oslo, 1997.

#### **ILO-IPEC**

Because child labor is a complex and widespread phenomenon, the ILO's International Programme on the Elimination of Child Labor (IPEC) was established. It attempts to combat child labor through partnerships with different stakeholders. From the global to the regional level, campaigns and programs aiming for the elimination of child labor have been launched, and 88 countries are collaborating through country-based programs which promote policy reform and the ratification of the ILO Child

Labor Convention to end Child Labor under the International Programme on the Elimination of Child Labor.<sup>15</sup>

IPEC provides assistance to mainstream child labor concerns into government policies, strategies, plans and budgets. In addition, it works for capacity building, advocacy, and awareness-raising to assist countries in implementing their own prevention and elimination of child labor programs. ILO-IPEC develops and implements a variety of approaches that use education as a means of combating and preventing child labor in many different countries. The approaches are, however, contextual and adaptable for different settings.

Child labor is widespread and seemingly entrenched in the Asia-Pacific region, where, according to the ILO, the largest number of child laborers, 127 million, in the 5-14 age group can be seen in this region, with 62 million engaged in hazardous work (ILO-IPEC, 2005). However, the region initiates successful programs to combat this problem with the assistance of ILO-IPEC. Some countries in the region, such as Cambodia, Indonesia, Nepal and Pakistan, have added child labor issues in their national Poverty Reduction Strategy Papers<sup>16</sup> and seven countries have set time-bound targets, now being implemented, to end selected worst forms of child labor.

### **Thailand**

In 1992, Thailand intensified its policies and actions in combating child labor problems with the collaboration with the ILO-IPEC. It reviewed the policies and enforced the laws effectively. Additionally, they developed responses to tackle the problem of child labor. The government recognized child labor problems and indicated a development of the state's position on child labor in the National

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<sup>15</sup> "The Programme": IPEC-ILO. Viewed 15 September 2011, <<http://www.ilo.org/ipec/programme/lang--en/index.htm>>

<sup>16</sup> "Asia and the Pacific": IPEC-ILO. Viewed 15 September 2011, <<http://www.ilo.org/ipec/Regionsandcountries/Asia/lang--en/index.htm>>



Economic and Social Development Plan. 27 policy measures were approved by the Cabinet in 1988 and 15 measures were approved in 1993 (Chantana, 1996).

These measures included comprehensive long-term and short-term measures, including legal protection, protection from exploitation, education on laws and regulations, skill development, and the extension of the compulsory education to nine years. NGOs attempted to link their activities through a coordination meeting with the National Council for Child and Youth Development. Through the collaboration, while the government sector strengthened the existing legal protection, NGOs raised the awareness of child rights and provided information about the current situation of children and the basic services that children needed.

### **Cambodia**

Cambodia is one of the countries that set a time-bound NPA on the elimination of the worst forms of child labor in partnership with different stakeholders. One of the projects focused on three hazardous sectors: salt production, rubber plantations, and the fishing/shrimp industry. This four-year project was able to reach its targets through direct action programs working in tandem with representatives from all child labor-concerned ministries, employers, trade unions, and NGOs (ILO-IPEC, 2005). Community Learning Centers (CLCs) were established to provide educational opportunities, including literacy and numeracy, life skills, health and reproductive health education, pre-vocational subjects, and child rights. In addition, labor inspection ensured that children between six and 17 years of age completed the six to eight month course to re-enter school or to move into vocational training for older children.

Through the involvement of provincial government-owned vocational training centers, local small business owners, and master craftspeople, the ILO-IPEC in Cambodia organized skills trainings as apprenticeships in the fishing communities in Sihanouk Ville and Kampot. This strategy, which proved to be particularly effective, prepared the children for entry into gainful and skilled employment. Recruiting local

small businesses as training providers is an innovative way to link children to the world of work and is most relevant to the needs of the local labor market. Furthermore, children can learn skills necessary to run a business such as negotiating prices, dealing with clients, and so on.

### **Bangladesh**

Bangladesh pioneered the strategy of combining vocational training and employment through its innovation approach (ILO-IPEC, 2005). Since 1995, various skill training programs have been set up in Bangladesh in order to provide better future employment and life options to former working children in the garment sector. Due to the difficult situation in the job market in Bangladesh, post-training job placement was provided as part of the training package. This strategy has proven very successful, and consequently these programs in Bangladesh can support children in making a decent living through their own income-generating activities without falling back into hazardous working conditions.

Apart from job placement support, these skills training programs were always accompanied by some other support services or facilities. In Bangladesh, the Singer Company combined skills training and promotion of self-employment in its programs. After the provision of skills training in tailoring and embroidery to the target children, it assisted interested children in purchasing Singer sewing machines with special discounts. Some of the children had saved their transportation allowance to purchase their own sewing machines, giving them the opportunity to become self-employed after the completion of the training. Singer's approach was an effective alternative in a country of scarce job opportunities. The strategy has been replicated in other countries as a good practice to combat worst forms of child labor.

## **2.5 Social and Economic Development of Myanmar**

Agriculture is the primary sector of Myanmar's economy, providing employment to 70 percent of the work force in 2001 (Economy Watch, 2010). The main product is rice; Myanmar also produces other agricultural products such as beans, pulses, sugarcane, and groundnut. The secondary sector of Myanmar's economy is manufacturing, though the growth rate is slow and comprised of 0.2 percent of the economy in 2009. It employs a small number of the country's workforce, about 7 percent in 2001 (Economy Watch, 2010). While the service sector, including the tourism industry, showed sluggish growth due to political unrest and poor infrastructure (including poor transportation, fluctuating supplies of electricity, limited access to capital, unstable exchange rates and uncertain business conditions), 23 percent of the workforce was engaged in this sector in 2001 (Economy Watch, 2010).

As Myanmar is abundant in natural resources, the country's main source of foreign income comes from the mineral industry, including oil and natural gas, gemstones, gold, nickel, copper, lead, zinc, chromium, coal and tin (Economy Watch, 2010). Even though the revenue from mineral industry has increased, the country's economy lags behind other ASEAN countries due to corruption and mismanagement of macroeconomic policies. According to data from Economy Watch (2010), the country's unemployment rates were at 4 percent in 2009.

Myanmar is a least developed country with the most deteriorated economic condition in the region as a result of poor government planning, inefficient economic policies, minimal foreign investment, a trade deficit, and internal unrest. In terms of social protection, the budgetary allocation for the education and health sectors are relatively low, particularly when compared to military expenses, which make up 23.7 percent of the total budget, while only 4.3 percent of the budget is spent on education and only 1.3 percent on healthcare (Economic Intelligence Unit, 2011). While 32.7 percent of the population lives below the poverty line (Economy Watch, 2010), rising consumer prices every year causes poor people to be unable to meet their daily basic

needs. Because the direct and indirect costs of basic education are expensive and education lacks quality because it makes up an inappropriate allocation of the national budget, the drop-out rate before the completion of compulsory primary education is high. With regards to the health care system, the high cost of health care services causes poor people to be unable to access even basic health care services.

In Myanmar, the consumer price inflation is rising from an estimated 7.9 percent in 2010 to an annual average of 16.2 percent in 2011 (Economist Intelligence Unit, 2011). At present, the average wages of an unskilled worker is 2,500 kyats per day (USD 3.125) while daily food for a person per day is 1,800 kyats (USD 2.25)<sup>17</sup>. The wages of unskilled parents make it rather difficult to meet basic needs of family on daily basis. In these situations, if one member of family is suddenly hospitalized or the family's breadwinner is suddenly unemployed, they have to borrow money through informal channels at exorbitant interest rates since they are not qualified to access to the formal credit program. The common informal channels require paying daily interest as the money has been borrowed without collateral, or paying monthly interest when families can pawn an item as a basis of borrowing money.

Because of these socioeconomic factors and the traditional duty of children to parents, the incidence of child labor is increasing. According to the International Trade Union Confederation report (2009), the sectors which children work in Myanmar are agriculture and fishing, working in teashops and catering, street work (e.g selling, rubbish collection, and begging), prostitution, small businesses, domestic work, small scale industry, and craft and mine construction.

The culture and tradition of Myanmar society are based on Buddhism, and children are highly valued as precious jewels in family. Looking after the welfare of children is the duty of parents, and parents are the first mentors of a child. Myanmar

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<sup>17</sup> The official currency exchange rate for [Myanmar kyat](#) is about 6.50 kyats per 1 US dollar, in the free market or black markets, Myanmar kyat appreciated to an estimated average of Kt970 per US dollar in 2010, however, it was strong due to the political economic changes in 2011. Exchange rate: 1 USD = 800 Myanmar Kyats: Viewed on <http://www.all-channel.com/ac/money/Money.aspx> on 7th October 2011

families are closely related by their duties and responsibilities. The extended family, including grandparents and other relatives, also take part in nurturing children.

*“The duties of parents are to prevent their children from misbehaving, to show them the way to good conduct, to make them learn arts and sciences, to give them in marriage to suitable persons and to give them their inheritance at the proper time.”*

(Myanmar, 2003)

In return, children have five duties to their parents, which are: *“to attend closely to their parents in order to provide them with all the requisites in life, to carry out the social affairs of the business matters of their parents, to maintain their parents’ properties and culture, to obey their parents and, on their parents’ death, to do good deeds in dedication to them and to share the merits with them.”* (Myanmar, 2003)

Children are nurtured and raised by these traditional customs. They are taught that fulfilling these five duties to parents is important to become a clever son or daughter in their community. Fulfilling these duties provides them with a sense of pride as well. Therefore, helping parents with household chores and family businesses is a tradition in Myanmar society. It provides children opportunities to learn skills as well as to develop a sense of responsibility. However, currently, some children are deprived of their basic rights and must work outside the families’ businesses, feeling a sense of duty to their parents due to their parents’ hardship. Children must both be an important part of their family and society because it provides them with a sense of pride and self-esteem, while at the same time they must find a way to survive.

Child laborers in the formal and informal economic sectors are neglected by the state and exploited by their employers while the children and their parents are facing in economic hardships and struggling for survival. Though there are competing interests among different stakeholders, these interests must be reconciled in order to provide alternative choices for children. As proposed in previous sections, a feasible solution is needed to address and identify the existing resources and the capacities of concerned parties.

## **2.6 The Framework for the best interests of the child for child labor**

Article 3 of Convention on the Rights of the child (CRC) stated that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” In this regard, the best interest principle is indeterminacy to define specific meaning and CRC does not mention it clearly as well. According to Alston (1994), it should be taken into consideration the different cultural perspectives and contexts through a certain degree of flexibility and adaptability.

Although there is no common standard definition of the best interests of the child principle, the services, actions and policy which best serve the child and who is the best suited to take care of a child are generally considered as an operational definition of the principle (Child Welfare information Gateway, 2011: 2). In the case of child labor, those children are far denied the access to the social services for their development. As education can provide the all-round development of a child, the lack of access to education affects the child’s mental and full capacity development. According to IPEC, providing education to child laborers through non-formal education programs is the effective mean to ensure the development of children in work as well as to eliminate child labor problem. However, the Global March Against Child Labor (2004) argued that non-formal education or vocational education should not be acceptable and it leads inequality of the rights of the children. In order to reach the standard acceptance of the best interests of the child, the difference is needed to reconcile through considering different cultural perspectives and context of individual state.

In order to reach the objectives of the research, the best interests of the child will be determined by taking into consideration of the perspectives of child labor and concerned parties. The best interests can be seen from the choices available for child labor. The concern is if the child has a choice and if there is acceptable reasons for it, and if it is based on protection by concerned parties. The capacity of concerned parties

and the policy and action of government and concerned non-governmental organizations to fulfill the child laborers' options and its consequences will also be analyzed in the current context of Myanmar.

To understand the best interests of the child for child labor in Myanmar context, the following framework can assist to explain. First of all, it is needed to identify the available choices which serve the best interests for those disadvantaged and marginalized children. Then, the responsibilities and capacity of concerned parties can be assessed in order to ensure the best interests for child labor within their existing resources. It is assumed that choices opted by child labor and perhaps with their family, are based on other factors than the child welfare including the emotional relationship with their families, legal protection and the child's perspective for their future.

## 1. Determining Child Labor's Best Interests

### (a) Available choices

The net enrollment for primary level in 2005/2006 was 82.17 % and the dropout rates remained 6.9 % at primary level (Ministry of Education, 2007: 77-78). The choices to be identified in the following are meant to apply for those who fall into the group that cannot have full education.

Table 5 Relevant variables

<u>Available choices</u>	Justification of available choices
<u>Best choice</u> : Light Work without interfering education	If it is possible, most children want to attend school. In case the family cannot afford schooling for every child, there should be a chance that the child can support their own education without affecting too much their normal schooling. Light work seems to be the desirable choice.
<u>The Second best choice</u>	

<p>Reintegrate to formal education</p>	<p>Some children have to drop out of school in order to share the family’s economic burden, therefore after releasing the economic burden, going back to school will be the best choice for them. This means they will work only for a shorter period of time than other child laborers or if possible they can work at the same time, pursue non-formal education. This means their option is limited.</p>
<p>Non-formal Education “work and opportunity for skill development”</p>	<p>Some children have no chance to go to school or enter into labor force at their young age, they don’t have any literacy skills. As for them, this choice is preferable since it provides basic literacy and numeracy skills and the programs cost less than formal education and have flexible criteria for admission and flexible time. This means they can access basic education while they are working.</p>
<p>Vocational Education (Vocational training or Apprenticeship)</p>	<p>Some children need to work for the survival of family and themselves, but no opportunities for or interest in formal education anymore, this will serve the best for them if they are accessible to it. Since it provides the opportunity to learn vocational skills and to get the working experiences at the same time while it secures their survival.</p>
<p><u>The Worst choice</u> Work without any leaning opportunities</p>	<p>Children who need to work for the family and their survival and those who don’t have any skills or experiences will choose this choice. Even though, there is no learning opportunity for their development, they can earn money and get experiences in their workplace. This means they almost have no choice.</p>
<p>Hazardous Work</p>	<p>Children who have no choice except this work will choose to work in hazardous forms of work which are harmful to their physical and mental development. This is the only option for their survival.</p>



(b) Responsibilities of concerned parties

As providing choices are the responsibilities of private and public institution as well as parents for the best of children, it is needed to address and identify their responsibilities to ensure the right to education for child labor.

- Provision of social services and ensuring appropriate legal measures by the state,
- Providing personal development of their own children by parents,
- Contribution of employers in personal development of child employees
- Providing opportunities to access education and social services to children by NGOs and UN agencies

(c) The conditions of family and community in which the child belong to:

Poor economic conditions:

- unmet basic needs, indebted, unexpected problems

Cultural perspectives:

- the link between parents and children with traditional duties
- the family bond

(d) Legal protection for child labor

(e) The compromise made by stakeholders:

- The enforcement of labor laws by the state
- The assistance and involvement of parents
- The contribution from employers
- The capability and capacity of implementing the programs by NGOs

(f) The child's perspective for future prospect:

- Education
- Vocational Education
- Work and Education
- Self-employer

## **2. Policy Gaps and possible alternatives**

A) Assess policy and measures against CRC, commitment of EFA goals and the principles of the ILO conventions on Child Labor

B) Alternative Approaches:

- Perspectives of concerned parties,
- lessons on the interventions of child labor in neighboring countries,
- existing good practices of ILO-IPEC

The above factors are needed to take into account in assessing the feasibility of alternative approach which is in line with the best interests of the child for child labor in Myanmar ensuring the short-term solution and personal development for children in the long-term.

## **CHAPTER III**

### **Characteristics and Working Conditions of Child Labor in Restaurants**

#### **3.1 Demographic characteristics of child labor in restaurants**

The informal sector of the economy utilizes children extensively. Because teashops and restaurants fall into the informal economy, child laborers are commonly seen in the enterprises.

##### **Employment age**

Most of the child respondents are 15 years old or younger. The youngest child respondent is 12 years old and the eldest is 18 years old. The age of first employment ranges from nine years old to 17 years old; the majority of respondents began working under the age of 15 years old. The child laborers were mostly under the legal age for employment when the interviews were conducted, and their age of first employment is not considered. Some children mentioned that they used to work as seasonal laborers in the paddy fields or fishing businesses in their village before working in the present jobs; however, this research does not take this into account.

##### **Place of origin**

The majority of child laborers come from rural areas, especially from the dry areas and cyclone-affected areas. They come to work without families in the city. A few children are from the new satellite townships of Yangon.

“The parents who are landless laborers and small farmers in the dry area like Magwe Region can earn their living for only six months because of drought and unfavorable weather. As a result parents rely on the income of their children for the rest of year,” a staff from Child Protection Organization explained.

One employer of restaurant stated: “Most of my employees are from Irrawaddy Region and Natmawk Township, Magwe Region”.

The factory workers, casual laborers, and government employees mostly live in the new satellite towns and the industrial zones are situated in suburban areas. Magwe Region<sup>18</sup> is a central part of Myanmar and falls in dry zone area. The agricultural sector is the division's main economic activity and it is home to the famous as the oil pot of Myanmar. Irrawaddy Region<sup>19</sup> is situated in the southern end of the central plains of Myanmar. It is located in the delta of the Irrawaddy river, mainly relies on the agriculture, and is famous for having the largest granary in Myanmar. The fishery business is also important in that division, since it lies alongside of Andaman Sea and Bay of Bengal. It is situated very close to the major economic city of the country, Yangon, however transportation difficulties cause it to remain underdeveloped.

### **Types of work**

Tea shops and restaurants employ male child laborers as waiters because it is culturally accepted for young boys to serve the great numbers of male customers in tea shops. The main duties of male child laborers in teashops involve serving customers and cleaning the shops. In the restaurants at which food and alcohol is served, children have to prepare foods and do barbecue apart from serving customers. Female laborers are hired in the teashops or restaurants mostly to prepare food in the kitchen or at the food counter. However, the female respondents in the small restaurants which served Burmese foods or traditional Shan foods have to serve customers as well as prepare foods, wash plates and clean the shops.

### **The status in family**

The majority of child laborers came from families larger than five members, coming from an average size of six or seven family members. Within their families, the children were most commonly the middle child, second most commonly the youngest child, followed by the oldest, and least commonly the only child. However,

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<sup>18</sup> MODiNS.NET, Magway Division [Online], 4 August 2011. Source [http://www.modins.net/myanmarinfo/state\\_division/magwe.htm](http://www.modins.net/myanmarinfo/state_division/magwe.htm)

<sup>19</sup> MODiNS.NET, Ayeyawady Division [Online], 4 August 2011. Source [http://www.modins.net/myanmarinfo/state\\_division/ayeyawady.htm](http://www.modins.net/myanmarinfo/state_division/ayeyawady.htm)

the child's situation mostly depended on the social and economic factors of their families, rather than the child's status within the family.

“Two of my elder sisters and I are working in this shop in order to pay back family's debt and feed my younger sister and brother,” said a 13 years old female child laborer, Kamaryut Township.

“My elder brother is working in Mandalay and my elder sisters are married. I have to work in order to provide the basic needs of my parents,” mentioned a 18 years old female child laborer, Latha Township.

“Even though I am the only child for my parents, I had to get out of school when my parents could no longer afford to send me to school after Cyclone Nargis and then I went to the city to work” said a 13 years old male child laborer, Hlaing Tharyar Township.

One parent of a child laborer said that “When I was young, it was sufficient for the survival of the whole family if my father, the head of household, worked alone. These days, it is not the same as before because of the high inflation rate. If there are five family members, all of them have to work to meet basic needs.”

### **Accommodations**

All of the interviewees live with their coworkers in accommodation provided by their employers. Regardless of the standard of living conditions, employers provide accommodations for children as a benefit. The accommodations are generally a room or attic that is shared with other coworkers, and sometimes, it is only a sleeping space in the workplace. In some shops, the children, particularly the boys, have to prepare their sleeping place after closing and cleaning the shops, since there is no more available space in the shops. Most of the child respondents without their families migrate from the other divisions or other townships, therefore the provision of accommodation is needed as well as preferable for those children because of their long working hours. The living conditions are not well-suited for their physical health

because they have poor lighting and ventilation systems, and they are uncomfortable and crowded.

“I sleep on the cement floor of this room with my mother. The employer provides us with mosquito net, blankets, pillows and a sheet. There are mosquito and pest in here” said a 13 years old female child laborer, Kamaryut Township.

Boys and girls are provided a separated room or place at the shops that employ both male and female laborers. The employers mentioned that they are obliged to provide a safe place to live for their female laborers. Generally, they are provided a room or place in the employers' houses.

### **Educational level**

In terms of educational attainment, the majority of respondents have no education or a low level education; a few of them have a high school level education. Among them, the female child laborers attained relatively low educational level or no education. At the present, only one child is going to school while working after school, while the rest of children are working full time. Among these children, some have had to stop their education for a certain period because of family economic needs and unexpected parent's accident. Even though one child assured that he is going to continue his university education in coming year, other children mentioned that their reintegration into formal school depends on their families' economic condition.

### **Earning and remittance**

All of the children send back at least some of their income to their families, and nearly half of them send all of their income to their families. Since teashops and restaurants usually provide daily food to their employees, it is more preferable for the families who want to collect a small amount of money every month or advance a few months of their children's salaries in order to solve financial difficulties. This is one reason that parents of child laborers prefer these enterprises rather than other work.. Some of child respondents said they feel satisfied because they can support their

families in repayment of family's debt, meeting the basic needs of family and rebuilding the houses.

"I can save my salary here if I don't spend any money for myself. Though I worked in the paddy field in my village, I cannot save money like here," said a female child laborer, 13 years old, Kamayut Township.

"In this shop, the salary can be saved since daily food and accommodation is provided. In addition, I get tip money apart from my salary, so I can send back more money to my family," reported a male child laborer, 15 years old, Latha Township.

### **Methods of getting job**

The prevailing method of getting jobs for child laborers is through friends, parents and relatives, and in a few cases, through brokers. Getting jobs through friends in the village seems to be a common method in these enterprises as well. Mostly, the villagers who work in the city have contact with their villages and visit for their villages' religious festivals. At those times, other villagers ask for job opportunities in the city since they believe that those who have worked in the city are more knowledgeable and have good contacts for getting jobs. Those villagers who have worked in the city are obliged to help their fellow villagers since their social relationships are so close. If there are job opportunities in their surroundings, they usually ask for the employers to recruit their fellow villagers or their fellow villagers' children. It is unnecessary to pay any fees for that.

A few of the interviewees got jobs through personal contact between employers and their parents or grandparents; this is also a widespread method for getting jobs. While the parents of children are facing economic hardship, employers are willing to hire their friends' children because they have social obligation to assist their friends. Job-seeking through brokers, who work in the children's villages, seems to be not too common. The children do not have to pay any fees to the broker for finding the job, but the would-be-employers must pay one month of the children's salaries to the brokers.

Another method of finding jobs is through an uncle or a brother who have been working in the shops for a long time. If the shop needs more employees, they inform their relatives who want to work. They generally try to find out jobs for their children through friends or relatives to ensure the safety of their children. The only child got his job by walking into a teashop and asking for a job.

Personal connections are important in finding jobs in these sectors. The employers mentioned that they hired mostly through informal sources such as through contacts with friends, parents and relatives, and referral or network of current employees.

“While my parents and I visited in Yangon, we dropped in on the present employer since my parents are a friend of the employer. My father asked me whether I am willing to work in here or not, and I am interested to work here since I can work under the shelter” said a 15 years old male child labor, Kamaryut Township.

“I do not usually recruit every person who wants to get job since I need someone who knows about him/her. I usually ask for who you know and how their relationship is. Mostly I hire through the network of current employees” stated one employer of restaurant, Latha Township.

### **Working experience**

The working experience of the child respondents in present shops are ranged from two weeks to five year. The average working experience is one year. A few children had experiences working in other shops. The reasons they moved to the present shops include new employers in the previous shops, better salary and lighter workload, and unfair treatment by previous employers.



**Table 6**      **Characteristics of child labor' interviewees**

No .	Age/ Minimum age	Sex	Educational level	Family size and parents' occupation
1.	14/ 13	M	Grade 2	-7 family members - His parents are casual laborers.
2.	14/14	M	Grade 5	-12 family members -His parents are street vendors.
3.	12/10	M	No school	-7 family members - His father is passed away and his mother is running a grocery in the village.
4.	12/9	M	No school	-7 siblings and his aunt's family -His parents are passed away.
5.	14/14	M	Grade 4	-12 family members -His parents are farmers.
6.	13/11	M	Grade 3	-12 family members -His parents are farmers.
7.	16/11	M	Grade 6	- 6 family members -His father is a carpenter and his mother is passed away.
8.	16/15	M	Grade 8	-6 family members -His father is passed away. His step-father is a carpenter. His mother is housewife.
9.	18/17	M	Grade 11	-6 family members -His father is a fisher man and his mother is a street vendor.
10.	14/13	M	Grade 8	-.6 family members -His parents are farmers.
11.	14/11	M	Grade 9	-9 family members -His parents are casual laborers.

12.	15/10	M	Grade 4	-8 family members - His father is a trishaw driver and his mother is a seasonal laborer in paddy field.
13.	15/15	M	Grade 9	-6 family members -His father is a casual laborer and his mother is street vendor.
14.	13/12	F	No school	-10 family members- Her father is a carpenter. Her mother passed away
15.	13/ 13	F	No school	- 9 family members -Her father is a farmer and her mother is a worker in the same shop with her.
16.	18/12	F	Grade 4	-6 family members - Her parents are seasonal laborers in paddy field.
17.	15/16	F	No school	-3 family members -Her father passed away and her mother does not work.

**Table 6 (Continued)**

No	Accommodation	Remittance	Job placement	Work experience
1.	Lives at the tea shop with co-workers provided by employer	60% to his family	Friend in the village	-3 months in a teashop in Naypyidaw -6 months in the present shop
2.	Lives at the tea shop with co-workers provided by employer	(a) To his mother. (b) 100%	Friend from the village	-2 months in the present shop
3.	-Lives at the tea	(a)To his	-His mother	-7 months

	shop with co-workers provided by employer	mother. (b) 100%		in Barbecue shop in Yangon  -One year and 2 months in the present shop
4.	-Lives at the tea shop with co-workers provided by employer	(a)To his aunt.  (b) 100%	He found and asked for work by himself	-He used to sell flowers on the streets for a few years. -1 year at the present shop
5.	At the shop provided by employer with co-workers	(a)At the moment, he didn't give back any money and save it to buy a bicycle for his brother who is going to school. (b) 30 %	-Through his brother who used to work in this tea shop	-4 months in the present shop
6.	Lives at the tea shop with co-workers provided by employer	(a) He saves half of his salary for his father who will go to Malaysia to work. (b) 50 %	His grandfather is a friend of employer.	-5 months in a bar in Yangon  -10 months in the present shop
7.	Lives at the tea shop with co-workers provided by employer	(a)To his father.  (b) 70 %	-the employer is from his village and called him and his brother to work for them.	-3 years in a teashop in Yangon  -1.5 years at the present shop
8.	Lives at the tea shop with co-	(a)To his mother.	His mother finds this	- 3 months at the

	workers provided by employer	(b) 75 %	job for him.	present shop
9.	Lives at the tea shop with co-workers provided by employer	(a)To his parents. (b) 100%	His friend.	-1.5 years at the present shop
10.	-Lives at the tea shop with co-workers provided by employer	(a)To his family. (b) 80%	Broker from the village.	-1 year at the present shop
11.	-Lives at the tea shop with co-workers provided by employer	In the school season, he doesn't get any salary except pocket money. (a)In the summer time (3 months), he gets salary and gives it to his parents. (b) 100%	His mother.	-3 years at the present shop
12.	Lives with the employer at home	(a)To Family (b) 100 %	The employer is a friend of his grand-parent.	-5 years at the present shop
13.	-Lives at the restaurant with co-workers provided by employer	(a)To his family. (b) 100%	His uncle.	-2 months in a beer shop in Yangon -3 months at the present shop
14.	-Lives at the restaurant with her sister and co-workers provided by employer	(a)To her father (b) 75%	Friend in the village	-6 months at the present shop
15.	-Livesat the restaurant with her mother and co-workers provided	(a)To her mother. (b) 70%	Broker from her village	-5 months at the present shop

	by employer			
16.	-Lives at the house with co-workers provided by employer	(a) To her mother.  (b) 80%	Friend from the village.	-3 years in a teashop in Yangon -3 years at the present shop
17.	-Lives at the house with co-workers provided by employer	(a) To her mother.  (b) 50%	Her brother.	-4 months at the present shop

### 3.2 Working Conditions of Child Labor in Restaurants

#### Working Hours

Excessive working hours seem to be common in these industries. The numbers of working hours fall between 11 and 18 hours. Children usually do not complain about long working hours. Many mentioned that they don't mind the working hours because they were aware of the working hours before they started to work.

#### Break Time

Most of the teashops provide specific break time ranging from one and half hours to four hours. Restaurants, however, do not usually set specific time off: if there are no customers, the workers are allowed to sit down and take a rest for a while. During their break time, children are allowed to manage their time by themselves; they usually spend the break sleeping, visiting outside and playing football. In the shops that do not provide any time off, the time for recreation is almost non-existent. They cannot enjoy their childhood since there is no time to play. This affects female workers more seriously than their male counterparts, as they often have to do household chores for employers apart from their duties at work.

#### Weekly or public holiday

Most of the shops do not usually provide any public holiday except for the Water Festival, the Myanmar New Year. One tea shop provides a half day off every Sunday and one restaurant provides 2 holidays per month. Visiting families is allowed

for about a week one or two times a year without any reduction of wages. Some employers also provide transportation charges for visits.

### **Wages and Compensation**

The wages they earn are relatively low; however, accommodation and daily food are also provided as compensation. The maximum wage per month is USD 56.25 and minimum wage was USD 18.75. Currently, the average income for an unskilled adult laborer is 2,500 kyats per day (USD 3.125) and daily food for a person per day is 1,800 kyats (USD 2.25). If other expenses, such as house rental fees, traveling expenses and electricity charges, are factored in, the wages earned by the adult cannot even meet daily basic needs. Children and their parents prefer working in restaurants because they can save monthly salary without spending for basic needs.

There are different wages among coworkers, set by the employer and based on work experience and performance, not on gender. Most of the respondents were satisfied their salaries, but a few of them believed that they should be paid more. However, these children are not familiar with the negotiation for salary raises. Moreover, the child laborers lack the power to negotiate because many children are looking for jobs in the area.

“I will take as much as my employer pays even though I think I should get more than my current salary. He (employer) set the salary depending on the experiences and skills,” said a 18 years old male child labor, Tamwe Township.

A 15 years old male child laborer, Latha Township said that, “I don’t mind the working hours, but I will be satisfied if I get a greater salary than I have currently.”

A 13 years old female child labor, Kamaryut Township mentioned that “I am satisfied with the current salary I get, and my employer said that she will pay more if I work actively”

**Health care services**

Sickness, especially seasonal flu, is a common problem. Some employers provide basic health care services such as medicine and treatment; a few employers, however, do not provide any services. One employer, who owns a franchise of three teashops, provides health care services through a referral system to clinics for proper treatment.

A male child laborer said that, “When I have a headache or get sick, I hardly talk to my employer. I mostly buy medicine by myself and keep working. I am reluctant to talk to my employer about how I am feeling since he does not provide any service.”

“When I get sick, my employer provides me medicine and allows me to take break. I don’t take too much time to rest since I feel guilty and there is a lot of work to do,” said a 16 years old female child laborer, Latha Township.

**Recreation**

Most male child laborers play football and computer games, watch movies, or visit famous places or their relatives in their free time. Their female counterparts spend their leisure time watching movies or chatting with each other, but their free time is much more limited because they must help their employers with the household chores. Generally they directly go to sleep after their long and exhausting daily duties are finished.

**Relationships with family and employers**

Most of the child interviewees contact their family by phone two to four times per month. Some of their parents visit every month or once every six months. Most of them have good relationships with their coworkers and have only minor arguments with them. All the child respondents reported that they have good relationships with their employers, even though they have been scolded and sometimes beaten. A few children mentioned that they are treated as family members, provided with good support and advice, by their employers because their parents and employers are friends.

One child claimed that he is beaten by his employer and experiences verbal and physical abuse at the hands of his coworkers and the costumers. He also claimed that his employer treats him poorly in comparison to his coworkers, who are the employer's nephews. This child has a bad working environment and a bad family environment. He is an orphan and he has to work for two younger sisters who are living at his aunt's house, and he feels that his aunt treats them poorly compared to her own children. He said that "I want to be treated fairly and it would be better if there is no discrimination among people." This kind of child is at risk of human trafficking: because he is not happy with his current work, he is likely to follow anyone who offers to take him away from this environment. These factors can affect social and emotional development of the child.

### **Opportunities for skill development**

Most of the children mentioned that they have opportunities to learn skills such as making tea, snacks and salad, and cooking other kinds of food, in their workplace. Only a few said that they have no opportunities to learn. Making tea and traditional snacks, making salad, and cooking are the skills that they want to learn in their workplace, even though these skills are not marketable skills for decent lives. Most of them believe that these skills will provide greater salary and benefits in their future, in reality, these skills cannot provide any personal development for these children and they will end up as dirty and dull labor.

"I have been working as a waiter in this shop for one and half years. I can make tea and now I am learning to make snacks. My employer told me that he will support me in running my own teashop if I work here for a long time. For this reason, I am learning how to deal with customers and conduct business," said a 16 years old, male child laborer, Hlaing Township.

"I don't want to learn any skills at the moment because I am too young to learn these skills even though my employer usually permits in learning making tea and snacks after a few months," said that a 14 years old male child laborer, Kamaryut Township.



One employer who runs three franchised teashops said that, “Every month, I ask my employees about their interest in learning the available skills in the shop. If someone has a particular interest, I change the duties depending on their interest. Since the snacks that are sold in my shops are made on site, employees have opportunities to learn skills like making snacks, salads, and Shan noodles.”

While some children are willing to learn skills in the workplace while some want to learn vocational skills such as driving and sewing. However, they currently lack access to training for these vocational skills. For the female children, opportunities to learn skills in their workplace are extremely rare. Their heavy workload often renders them unable to learn any skills. In reality, their workplaces cannot provide any skills to learn for their development beyond these jobs since they are too busy serving foods to local customers.

### **3.3 The best interests principle for child laborers from the perspectives of the different stakeholders**

#### **3.3.1 Children’s perspectives**

The existing literature extensively discusses the relationship between child labor and poverty; however, other factors, such as tradition and culture, also play a role defining perceptions of the nature of childhood and the role and responsibilities of children towards their elders and siblings. These factors often play a major factor in the decision about whether a child is sent to school or into labor (IPEC-ILO, 2005). In the context of Myanmar, families value their children like precious stones, but children are also obliged to share responsibilities with their parents through their hardships. Helping parents with the harvest, fetching water from a well, and looking after younger siblings are common tasks for children in Myanmar society. However, today, more and more children are being pushed into the labor force prematurely because families are in extreme poverty and are unable to meet their basic needs. Sometimes, a family emergency, such as an unexpected illness, can contribute to a

family's need for their children to work. Many of the children said that they feel a sense of duty to contribute to meeting their family's economic needs.

As previously mentioned, most of children dropped out of school or were never enrolled in school. In their villages, job opportunities are limited to working as a seasonal labor in the paddy fields. For this reason, these children choose to work in the city. Additionally, they believe that they will earn more money and have opportunities to learn skills to make a living.

One child who left school due to his father's accident said that "I will not go back to school since I am afraid that my family cannot survive without my income." He will learn to cook in the restaurant, as he believes that as a cook he can earn a higher income and have more job opportunities in the future.

"My employer teaches me making salad and cooking at the moment and he said that he will let me learn welding and send me abroad when I am adult. I want to go and work abroad to provide more money to my parents," said a 15-year old male child laborer from Kamaryut Township.

"I want to work in here since I am willing to repay the debt my family owed when my mother was terribly sick. Besides, I can support my father to feed my younger brothers and sisters. I want to live together with my family, but at the same time, I want to send my brothers and sisters to school. I want to learn sewing and have a chance to work in a garment factory," said a 13-year-old female child laborer from Kamaryut Township. Even though she said that she wants to learn and make a living through sewing, she has no chance to learn sewing at the present. Furthermore, she has no basic literacy skills.

One male child laborer stated that if he worked for a long period at his current shop, he can learn more skills and run a teashop on his own someday. His employer has promised him to provide with the necessary capital and skills.

“I dropped out of school in grade eight because my mother could not afford to pay the costs of my education even though I want to be an educated person. My mother found this job for me since I don’t want to do fishing work in the village as it is too physically tiring. I want to learn driving skills,” a 16-year-old male child labor from Hlaing Township stated.

“I have no choice about whether I want to work or not since I have to earn money to give to my aunt who is taking care of my younger sisters in her house,” mentioned a 12-year-old male child laborer from North Okkala Township. Since both of his parents have passed away, his elder brothers have migrated to other places, and his elder sisters got married to men in other towns, he is responsible in providing for his two of younger sisters. He has to work even though he is unhappy working at his current shop.

A 18-year-old male child respondent from Tamwe Township, started working in a teashop after his matriculation exam because his family cannot afford for his university education and he wants to lessen the burden of his family’s economic hardship. Through working as a waiter, he is learning skills that will help him to run his own shop in order to continue his university education. He said, “I will register at Distance University as an economics major in the coming year. According to the Distance University educational system, I have to go to school every weekend, so I will no longer be able to work at my current shop since it only provides a half day-off in every Sunday. So, I am going to operate my own small shop on the street when I begin my study in University of Distance Education<sup>20</sup>.”

While there are very limited options to choose for the child respondents, learning skills through working is the most viable choice despite that these are not marketable skills. Children are working for their survival, the survival of their

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<sup>20</sup> University of Distance Education provides learning opportunities of higher education to individual without leaving their homes or work places. The courses offered at the UDE are 3 or 4 year courses in arts subjects, science subjects, economics and law. (Review in adult education in Myanmar: UNESCO)

families, and an inability to access formal education. As well, they want to get the sense of pride by providing their parents while they have hardships.

While children may choose to work for the aforementioned reasons, the state and other parties are still obliged to provide them with access to education. When children's opinions and interests are taken into consideration in the provision of education, interventions through education, as recommended by the ILO-IPEC's best practices, can be adaptable and applicable. Vocational education is in line with the interests of most of child laborers as it is a short-term solution that allows the child to both earn money and learn vocational skills, functional literacy, and numeric skills at the same time.

### **3.3.2 Parents' perspectives**

When parents lack sufficient or appropriate skills to find work and support their family, this inevitably results in the next generation of parents being in exactly the same situation. In order to escape from this vicious circle, the children should be provided with the appropriate qualifications and skills needed to make a decent living. As parents are the primary care-givers for their children, their attitudes and perceptions of childhood play a role in the decision of whether children should be sent to school or work. At the same time, they bear the duty to ensure their children's rights to education and development.

In Myanmar tradition, providing education is one of the duties of parents to the children, so most parents try to provide their children either education or vocational skills depending on their capacity and the interests of the child. However, the parents of child laborers generally lack education and the capacity to provide the best choices for their children.

The UNICEF assessment study in 2006 stated that the need for children to work had steadily grown over the years as commodity and fuel prices have risen significantly without corresponding increases in income and wages. Many parents

have been left with no choice but to take their children out of school and ask them to work for the survival of family.

The parents of interviewees mentioned that their children have to work when they have no alternative choices due to circumstances such as extreme economic pressures on the family or unexpected injuries, illnesses, or deaths. The reasons that parents may send their children to work include debt repayment, the unexpected health problem or chronic illness of a parent, having many children, or being unable to meet the basic needs of family with the parents' income alone. On the other hand, there are some parents who take advantage of their children's sense of duty to them and believe that working holds more value than education. There are very few jobs for high school graduates and if the children were to finish high school, they would simply start their working life in a lower position than a person of the same age who had been working throughout their childhood and had acquired skills and earned promotions in their workplaces (UNICEF Myanmar, 2006).

Since the poor families cannot access the formal credit program, they have to borrow through informal channels at exorbitant interest rates that lead them into a cycle of debt. A parent respondent mentioned that the interest rates range from 20 percent to 30 percent in their ward. Therefore, if they become indebted for any reason, it is difficult to escape from the debt cycle. This is one reason that poor families send their children to work prematurely while they are indebted.

Additionally, the limited provision of health care services causes people to share the cost of health care services, burdening these people whenever a member of family has a health problem.

A 48-year-old parent of a child laborer from North Okkalar Township illustrated these issues:

“My husband passed away four years ago and I am a street vendor. I tried to provide my daughter and my two sons with basic education, but I got a terrible sickness last year and became indebted. My thirteen years old daughter dropped out of school in grade eight and works in a garment factory and my elder son,

who finished grade ten, had to start selling traditional snacks. Even though I have recovered and can work again, I have to repay my debts to the money lender at a high interest rate every day. I can no longer afford to provide education for all of them, so my daughter decided to continue working in the factory and my son will integrate work with his formal education in this year. My elder son wants to graduate and is not willing to work as a manual labor.”

She is saving money for her son's tuition fees in preparation for the matriculation exam next year, even though she is still indebted.

One mother of child laborers said that:

“My three elder daughters have been working in a garment factory since they completed their primary education. I have nine children in total. My four younger children are going to school, and two children are underage for school. My husband and I both work as street vendors and earn 5,000 kyats every day. We cannot afford to send all the children to school because we have many children and it is difficult to meet the daily needs of our family with only the money we earn. Compared to selling on the street, working in a factory is better for the girls, and besides, they will waste their time gossiping and going around in the ward if they don't have any work. In the beginning, they did basic work like ironing and folding the clothes, and now they can sew clothes. If we can buy a sewing machine for them, they can make their living through sewing in the ward. I hope I can send the younger children to school with the assistance of their income.”

One father of child labor stated that:

“As I am illiterate and earn income as a trishaw driver, I want my children to be educated. For that reason, I try to send all of my children to school. My three children are going to the monastic school for primary education and one elder child is going to the state school this year. My elder son had to drop out of school to sell groceries in the market while my wife was sick for the last two years. Since I have four children to send school, it is difficult to afford the school enrollment fees and other costs like text books, school uniforms and daily pocket money for all. The school is in session during the rainy season, when I cannot earn very much and it is difficult to borrow money. However, I decided to provide education for two elder sons to complete high school, or if I cannot, I will let my elder son learn driving skills or send him to a motorcar maintenance and repair workshop as an apprentice.”

One mother said that she attempted to provide a better future for her only son, but unfortunately she developed a chronic illness since a few years ago. Therefore, she was not able to provide for his education. Her sister-in-law provided basic

education for her son. Her son works in a pulses warehouse and continues his university education through the University of Distance Education. She said, “Even though I don’t want him to work but just to study very well, this is impossible in our current situation since I have to pay for my daily needs and medical expenses.”

One mother of child laborers, who lives with her parents, stated that:

“My two sons are working as porters for a liquor company, and they make 2,000 kyats per day per person. They have to work at 7:00 in the morning to 8:00 in the evening and they cannot take holidays since their wages are paid on a daily basis. Their income and my father’s income are the main sources of income in my family since I cannot work because of my chronic health condition. The elder son passed his matriculation exam last year and the younger son will take the matriculation exam this year. I save 1,000 kyats per day for my younger son in order to provide the special tuition for the matriculation exam. At the moment, they have to continue working since I am indebted when I was hospitalized last year, I have to repay with high 30 percent interest rate.”

Additionally, she mentioned that she was aware of the risks to the physical health of her children from carrying heavy loads every day. There is no safety standard for occupational health. Even if an accident happens at work, there is no provision for health care services. However, they currently have no choice except to work at their present jobs. She expects that if her sons pass the matriculation exam, they can graduate by enrolling University of Distance Education; they will then have a chance to choose comfortable jobs.

Even though parents have limited power to negotiate with employers over payment or health care services, they are aware of the hazards their children may face at work. However, most of the parent respondents consider the safety of their children by making sure that the children live with someone they know, such as a relative or a friend, and by maintaining regular contact and visiting them on occasion. In addition, they generally have plans to take their children out of their work and provide them with opportunities for going back to formal school or access vocational skills training, depending on their own capacity and their child’s interest.

This research shows that economic factors play a major role in the decision to send children to work. The parent respondents said that while the state did not consider the welfare and development of children, the parents themselves attempt to provide for their children's development. Parents' respondents mentioned that they consider education or vocational skills to be best for their children; therefore, they provide these opportunities to the best of their abilities through emotional support, saving money for education, and seeking opportunities for apprenticeship.

### **3.3.3 Employers' perspectives**

Employers and their organizations have an indispensable role to play in the fight against child labor (IPEC). The International Organization of Employers (IOE) called on employers everywhere to raise awareness of the human, economic and social costs of child labor and to develop action plans to put its policies into effect. Several leading corporations have voluntarily developed and implemented their own codes of practice regarding child labor standards<sup>21</sup>.

Employers realize that children who are left uneducated or are damaged physically or emotionally by hazardous work at a young age have little chance of becoming productive adult workers. Therefore, employers' organizations in a number of countries are already working closely with the IPEC on action programs for improving the welfare of working children. The ILO-IPEC's vocational and skills training programs successfully include employers' organizations and local entrepreneurs in providing employment opportunities for child laborers after training; even small or micro-enterprises can provide opportunities for apprenticeships and employment (ILO-IPEC, undated).

In the context of Myanmar, law enforcement is loose, and employers can take advantage of powerless children, forcing them to work in exploitative working conditions without giving much in return. The 2006 UNICEF assessment study stated that employers prefer to employ children because they can pay them less than

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<sup>21</sup> IPEC, Partners – Employers [Online], 6 August 2011. Source <http://www.ilo.org/ipec/Partners/lang-en/index.htm>



adults and could ask them to do more tasks and work longer hours with fewer complaints. As businesses focus on making profit, employers are generally uninterested in the wellbeing and development of children.

The concerned Ministries, UNICEF and concerned INGOs have introduced the rights of children in employment through the Minimum Standards on the Protection of Working Children<sup>22</sup>, and some employers showed their interest in accepting the standards.

One staff member from World Vision stated that, “Some employers did not reach agreement to the standards because they require access to formal school or informal education, and they are concerned about high labor turnover rates if the children are educated.” However, she also provided an example of a teashop that provides education to its child laborers. The teashop owner believes that if the laborers improve their skills and qualifications, then they will be more productive in their work, and both parties will benefit at the same time.

This research found that one employer of the respondents allows child employees to learn to make tea and snacks in the workplace if a child is interested. Though these tea-making or snack-making skills are not marketable, these skills allow children to earn more money so that they may live more securely and access jobs more easily.

A franchise of three teashops that employs around 50 workers, most of whom are hired through personal contacts or networks of former employees, uses many good practices in consideration of development of child employees. It provides vocational skills training in areas such as English speaking, computer skills, and electric repairs, based on the child’s interest. Additionally, with the help of a Christian organization, it began providing training in basic literacy skills for the child laborers. The owner started his establishment about a decade ago and he believes that his employees play

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<sup>22</sup> It was developed as a draft and the Ministry of Labor does not endorse it yet, Interview with one employee from UNICEF, 12 July 2011.

an important role in the success of his business. He said on the subject: “When children are equipped with literacy skills, they are more productive at work and I can assign them more duties, like reading and writing the orders and the shopping lists. So I will assist and work with the organizations that provide social services for employees if they offer their services.”

The owner of these teashops also participated in a workshop facilitated by UNICEF on the protection of working children and was aware of child rights and the minimum standards regulating children's working conditions. This case is one example of the importance of raising awareness among employers in the promotion and protection of child rights. On his perspectives on child labor, the owner of the teashops said, “Schooling is the best for children, and if they cannot access education when they are young, they will lose their rights. If I don’t hire these children, they have to work in harmful jobs that are worse than here. In my shops, I do not usually ask them to do heavy jobs that are not suitable for their age.”

The management system in these shops is well developed, and most of the labor practices in the shop are based on religious teaching. The employer considers the wellbeing of workers and ensures that employees have opportunities to learn tea-making or snack-making skills. He always encourages his employees to try to improve their lives; he also provides them opportunities to do so. He has also provided financial assistance to a few of his employees to start their own shops.

Another good practice for employers is providing funds for schooling to a child employee. Among the seventeen child interviewees, only one child benefitted from this practice. His employer has been providing him with the direct and indirect costs of schooling for three years. His parents have personal contact with the employer, so they asked for the employer's help. They made an agreement that the employer would hire the child and provide for his education costs rather than paying him a salary while school was in session. In Myanmar society, it is a social obligation to provide as much assistance as possible to friends who are facing financial difficulties.

The other two employers who were interviewed mentioned that if NGOs provide social services, they will assist these services through time allocation and duty assignments. There are no such services at present.

While some employers are trying to do well by their child employees, there are also employers who abuse and exploit their child laborers. One of the child respondents who work in a teashop in the satellite township said that his employer discriminated against him in favor of his own nephews, and that he is beaten sometimes, and verbally abused in most of the time. He kept saying throughout the interview process that he wants to be treated fairly. As mentioned earlier, there was a case of physical violence against a child laborer in a teashop by his employer in Hinthata Town, Irrawaddy Region, which was publicized in the printed media recently. These kinds of cases happen often, even though they are not usually publicized and the victims keep them hidden in fear of their powerful employers.

As for cases of economic exploitation, two female child laborers said that they used to work in a shop that was only open in the evening, but now they have to work in the morning in a teashop that their employer recently opened. They do not earn a higher salary or receive any other form of compensation for this extra work.

In terms of gender, employers prefer male child employees rather than female ones. If they hire female employees, they must take responsibility for their safety.

One female teashop employer in Hlaingtharyar Township said, “I prefer male employees, although I have three female employees. I have to take responsibility for their safety, and I always feel worried that they having affairs.”

“I prefer to hire only male employees due to the nature of the work. Male employees can talk frankly and don’t need much taking care of. With female workers, I have to understand the nature of females and I cannot assign some tasks. Moreover, I have to take responsibility for their safety,” said a male restaurant owner in Latha Township.

His restaurant also serves beer and other alcohol, the main customers are adult men, and it is open between noon and midnight.

Most employers clearly take advantage of children's cheap labor and hardly consider the development of children. Where there is personal contact with children, children are provided more social services and are treated fairly; otherwise, employers are more likely to exploit or abuse child laborers. However, a few employers find the child's interest in their personal development, making it is feasible to intervene in child labor in cooperation with NGOs that are adapting the experiences of neighboring countries. Employers can be mobilized to raise-awareness about child rights and child protection, as UNICEF has done. Employers can be recruited to participate in and help implement programs to improve the conditions of child laborers, as well as to help raise awareness about the issue of child labor.

### **3.3.4 The government's perspectives**

The government of Myanmar defines working children as those who have to work to earn for their families, mostly in farms rather than in dangerous workplaces (Union of Myanmar, undated). Although the State party does acknowledge children in work, it consistently mentions in the State's CRC reports that children in Myanmar usually take part in their family's household work, helping at farms and contributing to family businesses, and not at dangerous worksites. The government is not willing to admit to the international community that its children are denied their rights. Non-governmental organizations and United Nation agencies in Myanmar have to use the term "working children," as the government is quite sensitive about the term "child labor."

As a signatory to the CRC, Myanmar is obliged to ensure the general principles of convention: non-discrimination, the best interest of the child, the rights to survival and development, and the right of the child to express his or her view freely. Among them, the best interest principle shall be a primary consideration in all

actions concerning children; this requires active measures to be undertaken at all levels of government, by both parliaments and the judiciary (Zermatten, 2010).

The government of Myanmar does not consider the development of children in labor force as a long-term detriment to national development. The national CRC report says that children can learn skills and the dignity of work through participating in these businesses, and that they are protected by the 1951 Labor Act, the 1951 Factories Act, and the 1936 Leave and Holiday Act (Union of Myanmar, undated). In reality, children are working in exploitative and hazardous conditions without any protection from the existing labor laws and without any opportunities for their personal and skills development.

The child welfare policy and Education For All- National Action Plan (EFA-NAP) policy do not yet include any specific consideration of educational opportunities for child laborers. The state provides informal education including voluntary night schools, literacy circles, and community learning centers to meet the objectives of EFA-NAP. However, child laborers are still excluded. In the National Plan of Action for Children, it is mentioned that the issues of working children are not common in Myanmar, though education, health and social services for those children are still needed. However, the document provides no specific action plan for those children; therefore, they are excluded from the government's existing welfare system.

According to the CRC and the Child Law, 1993, the state has responsibility to protect children from being economically exploited through legislative measures. However, there are no regulations of the hours children can work, no minimum standards of conditions of employment, or a mandated minimum wage. Furthermore, the minimum age for employment is not effectively enforced because the labor inspection mechanism is relatively weak and incompetent.

However, according to UNICEF, Myanmar's ministries of Social Welfare and Labor have been coordinating with UNICEF to develop the Minimum Standards on the Protection of Working Children. In addition, UNICEF has provided technical

assistance to labor inspection officials. Positively, the government is attempting to promote and make active the activities of the National Committee of the Rights of the Child and is setting up committees at the township level, making children's rights more widely known. Through the coordination of and advocacy by concerned government agencies, the government can better protect child laborers and promote social services for them.

## CHAPTER IV

### POLICY ON CHILD WELFARE: IMPLICATION ON CHILD LABOR

#### 4.1 Education policy in Myanmar and its implications for child labor

Education in the Republic of Union of Myanmar falls under the responsibility of the Ministry of Education (MOE). Formal education programs are conducted by the Departments of Basic Education (DBE) and the Department of Education Planning and Training (DEPT), whereas the Myanmar Education Research Bureau (MERB) is responsible for non-formal education (NFE) programs. The educational system for basic education uses a 5:4:2 structure, with five years at the primary level, four years at the secondary level and two years at the higher level (SEAMEO, 2011). Primary education is the first stage of basic compulsory education. Primary education is organized in two cycles: lower (kindergarten year and Standards I and II), and upper primary (Standards III and IV).

Following the World Summit Declaration on the Survival, Protection and Development of Children, Myanmar drew up its National Programme of Action (NPA) in cooperation with its relevant ministries, UN agencies, and NGOs (Myanmar, 2000). In addition to this, the state has adopted the Myanmar National Plan of Action for Children (2006–2015) which includes four sections: Health and Nutrition, Water and Sanitation, Education and Early Childhood Development, and Child Protection, conforming 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 that have been implemented in collaboration with UNESCO, UNDP and UNICEF (Union of Myanmar, undated).

According to the Constitution, primary education is free and compulsory for all children in principle. Chapter eight of the 2008 national constitution states that:

*“Every citizen, in accordance with the educational policy laid down by the Union:*

*(a) has the right to education;*

*(b) shall be given basic education which the Union prescribes by law as compulsory (Union of Myanmar, 2008).”*

In addition, the 1993 Child Law mentions the right to education, Section 20(a) states that every child shall have opportunities to acquire education and has the right to acquire free basic education at state-operated schools.

The Ministry of Education has been working to give all citizens access to basic education through traditional school programs, inclusive education programs, and mobile schools program. The last week of May is designated as a national School Enrollment Week, during which school-aged children enroll in schools throughout the country (Union of Myanmar, undated).

Though the 2000 Education for All Assessment stated that there was at least one school in every township and a primary school for every two villages (Union of Myanmar, undated), in reality, some rural children have to go to school very far away. In order to meet the local demand for education, local communities in remote, low-income rural areas try to build and run schools at their own initiation and expense. These schools rely on school fees for income. Two other types of schools in Myanmar are: 1) branch schools, which are essentially part of a main school but are located closer to the homes of children who live some distance away and remain under the administration of MOE; and 2) affiliated schools, which are linked with a nearby state school through which their students sit for examinations but are administrated by the communities by themselves (Ministry of Education, 2007).

In Myanmar, monastic schools also play a major role in the education system because they have historically fostered basic literacy skills in people from all walks of life. Monastic schools remain an important source of education, especially for children from poor families and for children without primary caregivers. When the state is not capable of providing sufficient resources for primary education, community leaders and religious leaders in local communities work to provide primary education with their existing resources and capacity.



According to the Myanmar EFA Mid-Decade Assessment Report 2007, grade one dropout rates remain high. A European Commission paper revealed that more than half of children in Myanmar drop out of school before completing their primary education. There was only 82.17 % of the net enrollment of primary students in 2005/6, the drop-out rates before the completion of primary education was 6.9 % (Ministry of Education, 2007: 77-78). Based on this data, it is clear that compulsory primary education has failed to work for all children.

Many complex factors, including inaccessibility of school facilities, inability of parents to meet school expenses, inflexible school hours, understaffed and overcrowded schools, and insufficient resources, have hindered the implementation of compulsory primary education. Myanmar's EFA Mid-Decade Assessment Report also stated that equal access to primary education in remote, border and mountainous areas that may have transportation or other geographical restraints is still a significant barrier to reaching universal education (Ministry of Education, 2007). Additionally, the report mentioned that parents have to contribute hidden costs for schooling, including paying for uniforms, books, supplies, lunches, transportation, mandatory Parent Teacher Association fees, and on occasion, contributing donations for school improvements, classroom construction, supplies, and equipment. The director of the Human Rights Education Institute of Burma (HREIB), a non-governmental organization based in Chiang Mai, Thailand, estimated that such financial demands for parents who have primary school children can often total as high as 100,000 kyat (about US \$ 137) for a year (Macan-Markar, 2010).

The main technical issues are retention and completion rates, curriculum reform, language barriers in the ethnic regions, and teacher-centered teaching methods. Hardly 60 percent of children were able to complete the full five-year primary cycle, especially at schools in rural and remote regions of the country, which are overcrowded and understaffed, having an average teacher/pupil ratio of 30 to one or as high as 41 to one in very remote areas (Ministry of Education, 2007).

The underlying cause of these factors is the Myanmar government's poor allocation of education funds. A study conducted in 2007 by the London-based International Institute for Strategic Studies found that the amount of spending on education is only 0.9% of the national budget; by contrast, between 40 and 60 percent of the national budget is spent on national defense (Bernstein, 2010).

Universal compulsory primary education is in line with Convention of the Rights of Child, national constitution and the Child Law (1993), and the National Plan of Action for children, however challenges to implementation still exist and the high drop-out rate demonstrates its failure. Unless the universal primary education policy is thoroughly evaluated and subsequently reformed, the government's commitment to EFA-NAP goals cannot be reached within the original timeline (by 2015).

The goals of universal primary education and the elimination of child labor are inextricably linked. Child labor is a major obstacle to implementing education for all children. As long as child labor issues are not tackled systematically, compulsory education strategies will continue to fall short.

The minimum age for completion of compulsory education is also connected with child labor issues. As mentioned previously, primary education in Myanmar includes grades one through five, and the official enrollment age for primary education is five years old; children complete primary school at the age of 10. Even a child who completes primary education has not yet reached the international minimum age for employment of 15 years. ILO standards state that the minimum age for employment should not be lower than the age at which compulsory education is completed (Melchiorre, 2004). Minimum age labor laws and compulsory education are, therefore, mutually dependent, need to be enforced with the same weight. Hence, Myanmar should require children to be in school until they reach 10<sup>th</sup> grade, at which point they will meet the international minimum working age. As a result, when children complete their compulsory education, they will have reached the minimum working age of 15, and they will be equipped with relevant social and vocational skills with which to enter the workforce.

## **4.2 Non-formal and vocational education in Myanmar**

Many communities operate voluntary night schools for children and youths who have never enrolled in school, and for those who have dropped out of school. These schools provide primary education as prescribed by the Ministry of Education and are under the supervision of the DSW, the Myanmar Women's Affairs Federation and the Myanmar Maternal and Child Welfare Association (Union of Myanmar, undated). This alternative approach attracts underprivileged children, including working children, as these schools charge few or no fees. Shortage of funds and voluntary teachers present challenges for these schools. As a result, only a few schools can run, and with very limited resources that are hardly enough to cover children in need.

Another approach to promoting basic literacy skills in non-formal education settings for out-of-school children and for illiterate youths and adults is through the literacy circles and community learning centers run by the Department of Myanmar Education Research and the Myanmar Maternal and Child Welfare Association (Union of Myanmar, undated). The non-formal education system attempts to fulfill immediate and practical needs outside traditional school settings. These programs also cost less than formal education and have flexible criteria for admission. These NFE activities are based mainly in rural areas and the key problems they face include lack of funds, limited space, insufficient teaching-learning materials and difficulty in finding full-time instructors (Ministry of Education, 2007).

Vocational training is another form of non-formal education that can help combat child labor. The Department of Technical and Vocational Education (DTVE) is responsible for the technical education and training of the country's youth to become engineers, technicians and skilled workers. One of the objectives of DTVE is to organize training programs in vocational trades for the students who have dropped out of various levels of the formal education system (Ministry of Science and Technology, 2007). DTVE offers regular full-time studies in areas such as technology and agriculture, as well as part-time studies, including evening trade and engineering

technology classes (SEAMEO, 2011). For the children who have completed primary education, DTVE operates a handicraft school, a school of fishery, a machinery repair school, a maintenance school, and a school of home science. Those who have completed middle school can continue their education at agricultural high school or technical high schools. However, accessibility to these training schools is very limited and costs are very high for underprivileged children, as the number of these schools is limited.

At present, there are only limited provisions for pre-vocational and vocational skill trainings by the state; however children who work full-time completely lack these opportunities. Related constraints, such as accessibility of trainings, flexibility of timeframes, link to market and employment, and the quality of skill trainings also exist. Clearly, there is still a huge gap in the provision of vocational education to child laborers those who have very limited education and time.

### **4.3 Policy measures and policy gaps in concerned Government ministries**

Two government ministries are responsible for the promotion of the children's rights and the protection of children in work. The Ministry of Social Welfare, Relief and Resettlement is working on the wellbeing of children and Department of Social Welfare is a focal point of the National Committee of Child Rights (NCRC)<sup>23</sup>. The Ministry of Labor is the primarily responsible for protecting and ensuring the rights of workers and for ensuring workers' social security<sup>24</sup>.

#### **4.3.1 Policy measures in Ministry of Social Welfare, Relief and Resettlement**

The Ministry of Social Welfare, Relief and Resettlement is responsible for the provision of Child Welfare Services, Youth Welfare Services, Women's Welfare Services, Care of the Aged, Rehabilitation of the Disabled, Grants in Aids to

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<sup>23</sup> MODiNS.NET, Government and Policy: The Ministry of Social Welfare, Relief and Resettlement [Online], 2 August 2011. Source [www.modins.net/myanmarinfo/ministry/social.htm](http://www.modins.net/myanmarinfo/ministry/social.htm)

<sup>24</sup> MODiNS.NET, Government and Policy: The Ministry of Labor [Online], 2 August 2011. <http://www.mol.gov.mm/1.MinisterOffice/default.asp?cid=1>

Voluntary Organizations, Resettlement and Rehabilitation of Vagrants, and Rehabilitation of Ex-drug Addicts (Ministry of Social Welfare, 2011).

The Department of Social Welfare falls under the Ministry, and is a member of the NCRC. They work with non-governmental organizations and United Nation agencies that are working for child rights and child protection, as well as with other government departments. Additionally, the department is responsible for creating and overseeing the Township Committees of Child Rights (TCRC), which take action when child abuse and exploitation cases occur in their respective communities.

The Myanmar National Plan of Action for Children (2006 – 2015), has developed measures for action in four focus areas – Health and Nutrition, Water and Sanitation, Education and Child Development, and Child Protection. In the child protection section, it defines children in need of special protection as children who are neglected, abandoned, abused and exploited, such as orphans, street children, abused children, working children, and handicapped children. These children are provided with essential social care and protection through institution-based and community-based programs under the Department of Social Welfare. The National Plan of Action states that even though working children are not common in Myanmar in comparison to in neighboring countries, there is still a need to look after and take care of the education, health and social needs of those children. However, it doesn't mention specifically who will provide these services for these children or how the services will be provided.

An official mentioned in an interview that there is no specific policy or program for dealing with child labor issues in the department. The department is burdened with monitoring the activities of NGOs, and with providing social services to institutionalized children such as orphans, street children, abandoned children, anti-social and criminal children. If cases of child labor abuse or exploitation are reported to TCRC, the department has to inquire and manage cases to reach agreements or proceed with the cases in accordance with labor laws and in cooperation with the judges and labor officials.

### **4.3.2 Policy measures in the Ministry of Labor**

The Ministry of Labor is comprised of the Department of Labor, Social Security Board and the Central Inland Freight Handling Committee (Ministry of Labor, 2011). The Factories and General Labor Laws Inspection Department and the Central Trade Disputes Committee also fall under the umbrella of the Ministry of Labor.

The Central Trade Disputes Committee is responsible for settling trade disputes between employers and workers. Any disagreement or conflict between an employer and a worker is brought to the Township Worker's Supervisory Committee (TWSC) for negotiation, and until an agreement can be reached, the process of conciliation to arbitration continues (Ministry of Labor, 2011).

The Factories and General Labor Laws Inspection Department is responsible for the enforcement of labor laws, provisions of occupational safety, health training, and advisory services (Ministry of Labor, 2011). However, the role of labor inspectors is not effective in practice. Those inspectors whose job it is to enforce labor laws are often corrupted. The existing labor laws themselves are outdated and unspecified; for example, Myanmar laws do not clearly describe the definition of the “light work” in which children are permitted to engage. Moreover, the penalties for violating these laws are inadequate or inappropriate for contemporary circumstances.

In a step towards the protection of the rights of general workers, Myanmar ratified ILO Convention 87 (on the freedom of association and the protection of the right to organize) in 1955; however the laws currently in place do not comply with ILO standards, and are ignored in practice (United States Department of Labor, 1998). There are no independent labor unions, and laborers lack the right to collective bargaining. Workers who try to form or join unions in Myanmar are liable to be arrested and jailed, and may be tortured. There are no recognized labor unions, and workers who participate in labor union activities are actively persecuted by the state under the Unlawful Associations Act and the Emergency Provisions Act (United

States Department of Labor, 1998). At present, Worker Welfare Committees, which consist of managers and workers' representatives, have been formed throughout Myanmar in place of trade unions. Myanmar has been consistently condemned by the international community for denying its citizens the freedom of association and collective bargaining rights for over forty years; however, there is still no progress towards changing legislation in order to guarantee the rights of workers.

As a consequence of these strict anti-union and anti-organizing policies, there is currently no independent trade union in Myanmar that is able to address the current situation of child laborers specifically or that can help child laborers defend their rights. In this aspect, Myanmar is far behind other countries in the region that cooperate with trade union initiatives in combating child labor.

#### **4.4 Legislation and regulations on the employment of children**

Myanmar is the only country in the Asia Pacific region that has not ratified any of the ILO conventions on child labor<sup>25</sup>. The key ILO conventions on Child Labor are the 1999 ILO Convention No. 182 on the Worst Form of Child Labor and ILO Convention No. 138 on the Minimum Age for Admission to Employment and Work<sup>26</sup>.

##### **Minimum Age for Employment**

Section 24 of the 1993 Child Law states that every child has the right to engage in work that is in accordance with law and of his own volition; the law does not prescribe any minimum age for admission to employment. Myanmar's third and fourth national reports on its implementation of the CRC mentioned on the subject of working age that children under 13 years old are restricted to be employed in factories. Children between the ages of 13 and 15 must obtain a certificate of fitness from a certified physician in order to work in a factory (Union of Myanmar, undated).

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<sup>25</sup> Combating Child Labor in Asia and The Pacific: Progress and Challenges, ILO-IPEC, 2005 at p.7

<sup>26</sup> IPEC, ILO Conventions on Child Labor [Online], 24 July 2011. Source <http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm>

Additionally, according to the Myanmar Factories Act and Oil Field Act, persons between the ages of 15 and 18 should not be employed as adults in factories and oil-fields unless they have medical certificates certifying them as physically fit for adult employment (UNICEF Myanmar, 2006). In light of these laws, serious concerns that the protection of the CRC seems to be able to be overridden by a doctor's certificate of fitness have been raised. Clearly, the existing laws are inconsistent with each other, are outdated within a modern context, and do not comply with current international standards.

In ILO Minimum Age Convention No. 138, the minimum working age is 15 for any case; where the economy and educational facilities of a country are insufficiently developed, this standard may be initially reduced by one year to 14. Myanmar's 2001-2006 CRC progress report, stated that preparations are being made to amend section 24 of the 1993 Child Law to mandate that only a child who has reached the age of 15 can be employed, with the exception for those who work in their families' businesses (Union of Myanmar, undated).

### **Working hours, Weekly holidays, Leave and Holidays**

Although regulations on hours of employment, the rights to rest and leisure, and other reliefs are prescribed by the Child Law, it does not set minimum working hours. Myanmar has ratified only one convention on working hours: the 1921 C014 Weekly Rest (Industry) Convention (ILO, 2011). The 1951 Factories Act stipulates that a child between 13 to 15 years of age is allowed to work for a maximum four hours a day and shall not be permitted to work between the hours of 6 p.m. and 6 a.m. It also states that all children shall be limited to only two work shifts which may not overlap, and neither of which may exceed five hours; Sunday is a weekly holiday for child workers; there is no exemption from these regulations (Myanmar, 2003). Current law also mandates that workers in private enterprises receive six days of casual leave, 30 days of paid medical leave, 10 days of earned leave, and 12 public holidays per year (MODiNS.NET, 2011), but no special provisions for additional leave time for children are mentioned. In practice, child laborers are not able to enjoy



these entitlements, which the law grants to children and adults equally, because they are not aware of these laws and they are incapable of bargaining with employers and because enforcement of labor laws is not stringent enough to apply them.

### **Payment and Wages**

Wages and salaries are legally negotiable between the employer and employees in private sectors (MODiNS.NET, 2011). In most cases, employers set wages based on workers' skills, qualifications and experiences because there are no mechanisms for enforcement of a minimum wage in Myanmar's labor laws. The only protection for child workers can be found out in the Payment of Wages Act Section 8(5), which prohibits the imposition of fines on a person under the age of 15 (UNICEF Myanmar, 2006).

### **Occupational Health and Safety**

Section 65 of the 1993 Child Law prohibits employing or permitting a child to perform work that is hazardous to the child's life, may cause the child to acquire a disease, or may be harmful to the child's moral character. It does not state any specific criteria for hazardous or harmful employment or give any specific descriptions of prohibited working conditions for children. Although other Myanmar laws that regulate specific industries, such as the 1951 Oil Fields (Workers and Welfare) Act and the 1996 Mines Rules, do address the safety of children in the workplace and apply standards to a specific industry, consistent health and safety standards for child workers in Myanmar that in line with the modern international context are still needed (UNICEF Myanmar, 2006).

Related to the protection of child laborers, Section 24(b) of the 1993 Child Law prescribe that the Ministry of Labor shall protect and safeguard the safety of child employees at the place of work and prevent infringement on and loss of their rights. The law establishes penalties of six months in prison, a fine of 1,000 kyats, or both for those who violate the Child Law. However, these penalties are inadequate

and inappropriate for protecting child laborers, as 1,000 Myanmar Kyats is currently equal to about 1.4 US dollars.

Despite that Myanmar has a set of laws aimed at the protection of children in employment, as discussed above, the laws do not adequately or appropriately protect children in the growing formal and informal economic sectors in Myanmar. Additionally, ineffective enforcement of existing laws and corrupt labor inspectors cause children to work in exploitative and dangerous working conditions.

Table 7 The existing laws and policy concerned with Child Labor

No.	Conventions, laws, and policies addressing child labor	Relevant sections	Effectiveness of the law and the government's enforcement
1	The International Convention on the Rights of the Child, ratified in 1991	Article 28 and 32	-Fails to provide the rights mentioned in the articles
2.	The Myanmar Child Law, passed in 1993	Section 24 (a), (b)	-Does not clearly define working hours and specific time –off. -Lacks labor inspection
3.	Myanmar National Plan of Action for Children (2006 to 2015)	Part 4 : Child Protection Section	No specific action plan to address child labor
4.	Minimum Age for Employment	-The age of 13 in “The Shop and Establishment Act”  -The age of 13 with a certificate of fitness in “The Myanmar Oil Field Act” and “The Myanmar Factories Act”  -The age of 18 in the government offices and state-owned factories or industries	No clear enforcement mechanism yet.

5.	Working hours, weekly holidays, leave and holidays	A maximum four hours a day with Sunday as a weekly holiday in “The Myanmar Factories Act”  -6 days of casual leave, 30 days of paid medical leave , 10 days earned leave and 12 public holidays per year	-No effective enforcement in any industry.
6.	Payment and Wages	–	-Negotiable  -No mechanisms for enforcement of minimum wage in Myanmar labor laws
7.	Occupational Health and Safety	Addresses the safety of children in the 1951 Oil Fields (Workers and Welfare) Act and the 1996 Mines Rules	-No uniform health and safety standards

1. Article 28 and 32 in CRC:

Article 28(1) States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.

1(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.

Article 32: 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. The Child Law, 1993 Section 24 (a): Every child has: -

- (i) the right to engage in work in accordance with law and of his own volition;
- (ii) the right to hours of employment, rest and leisure and other reliefs prescribed by law;
- (b) The Ministry of Labor shall protect and safeguard in accordance with law to ensure safety of children employees at the place of work and prevention of infringement and loss of their rights.

### 3. National Plan of Action for children: Part 4: Child Protection Section

The issue of working children and street, children is not common in Myanmar compared to other developing countries. Nevertheless there is still a need to look after and take care of the education, health and social needs of those children.

While Myanmar is a signatory to the CRC and has laws that on paper protect the rights of children, there are no specific policies or departments in relevant ministries dedicated to addressing child labor yet. Additionally, the existing policies on child welfare do not include effective measures to address child labor issues, and legislation on labor is not in line with the international standards or enforced effectively.

In Asia and the Pacific region, international commitments and national efforts have made measures against child labor in the preparation, planning, and implementation of national development policies mainstream (ILO-IPEC, 2005). Seven countries in the region are implementing child labor elimination programs that are incorporated with poverty reduction strategies and MDGs with assistance of ILO-IPEC.

In contrast, the government of Myanmar lacks the political will to combat child labor and is even unwilling to recognize the increasing incidences of child labor in country. In the Myanmar National Plan of Action for Children (2006-2015: 27)

reports that “The issue of working children and street children is not common in Myanmar compared to other developing countries.” Section 24a of the 1993 Child Law allows children to engage in work in accordance with law and of their own volitions. Furthermore, Myanmar has yet to ratify any main principles of ILO child labor conventions. The EFA National Action Plan (2003-2015) has been developed, but the government has not created education programs targeted at child laborers in various economic sectors.

The government’s lack of political will is the main challenge in creating a policy agenda to address child labor in Myanmar. Political commitment is crucial to tackling child labor. The programs that have been successful in neighboring countries and that have been supported by the International Program on the Elimination of Child Labor (IPEC) have been backed by a national commitment to combat child labor concerns in key policy areas and at all strategic levels.

#### **4.5 Non-governmental organizations and the protection of child laborers**

Concerned non-governmental organizations are implementing protection, promotion and development programs that are in line with the best interest of children. These organizations are working to fill the policy gaps left by the government. However, these organizations are not able to implement any programs specifically aimed at child labor. Child laborers comprise of children who need special care in the care and protection programs. The information provided in this section was collected through personal interviews with employees from the following organizations and through reviewing documents that they provided.

##### **4.5.1 Child Focused International Non-Governmental Organization**

Child Focused INGO promotes and develops programs focused on children throughout Myanmar since 1995. It conducts child rights awareness and child protection trainings and sessions for child protection groups that have been set up by community leaders and others interested in child-related issues. Child protection

programs have been implemented in five townships throughout the country, including in Shwe Pyithar and Hlaingthayar townships in Yangon. They provide services for children who are neglected, abused, exploited, and victims of violence by setting up child protection groups (CPGs); these CPGs are co-operated with TCRC while abuse and exploitation cases are taking place in the community. The activities of CPGs involve reporting cases, counseling and psychosocial support to victims and parents.

The CPG groups sometimes find job opportunities in their communities to help street children who have faced exploitative working conditions, fall under the criteria of children who need special care, to get appropriate jobs and regular income. This organization also runs a non-formal education program that targets nine to 16 years-old children who have never attended school or have dropped out of school. Most of them are working as rubbish collectors or as workers in a family business, except for disabled children. Non-formal education programs set up community learning circles and provide basic literacy skills, and connect children who want to reintegrate into formal education with monastic schools.

#### **4.5.2 World Vision**

World Vision is a Christian humanitarian organization working to create lasting changes in the lives of children, families and communities living in poverty. It works in five divisions and five states in Myanmar and has adopted an Area Development Program approach in order to provide holistic community development. Implementing child protection and development programs that are committed to improving child welfare is one vision of organization. They target children who need special care, especially street children. The organization's child protection program raises awareness about child rights, provides non-formal education for children, and educational assistance and one-time financial assistance to parents in need.

The child protection program of World Vision can keep children out of hazardous working conditions by helping them to learn skills and become self-employed. In the stone mining for cement factories on the highway to Pyin-Oo-Lwin

in Mandalay region, 14 to 18 year old children (two boys and 13 girls) were working without safety equipment such as masks, gloves, and eye protection and without compensation in hazardous working conditions. There is no labor inspection in that area, which is far away from the city. World Vision provided them vocational training, such as sewing for girls and bicycle maintenance for boys, depending on the demand of local job market. The organization also provided parental education and one-time income assistance for these children's parents.

#### **4.5.3 Young Women's Christian Association (YWCA)**

The YWCA's street and working children program is currently working on providing non-formal education for the development of children. Most of the children are five to 18 years of age and are self-employed in occupations such as rubbish collection and selling postcards and seasonal foods. Most of them came from poor families and some are from the families of low-level civil servants. In addition, the YWCA promotes child rights and child protection through awareness-raising sessions and life skills classes in nine drop-in centers (DICs) throughout Yangon, Pyay and Mandalay. There are over 2000 children who are registered in the DICs and about 550 daily attendants at the DICs. DICs provide a one-time meal and facilities for personal hygiene, as well as lessons in basic literacy skills for children who have left school.

The YWCA also provides parental support in the form of school admissions fees and trainings in child rights and protection. For those children who are interested in the opportunities for vocational training, the organization coordinates with employers from local enterprises for apprenticeship opportunities based on the children's interests. The organization has provided apprentice opportunities for 100 children. Those children are now working in handicraft enterprises, hairdresser shops, tailor shops and motorcycle repair shops. In order to ensure the decent working conditions and non-discrimination, the organization follows up regularly with these children's workplaces.

In addition, the YWCA cooperates with AFXB<sup>27</sup> to provide opportunities for skill development such as carpentry, sewing, weaving and handicrafts for its target children. AFXB training lasts between a year and a year and half on average, and provides financial support for transportation and daily meals. However, these activities are not often successful because children are generally unwilling invest such a long period of time to learn a skill. In the vocational education program, it is often difficult to find a market in which to apply their new skills and to sell their products.

#### **4.5.4 UNICEF**

UNICEF, a leading UN agency in child survival and development, has been working in Myanmar for over fifty years. UNICEF collaborates with various government departments, other UN agencies, and NGOs partners through providing technical and financial support. The Child Protection Section deals with the most vulnerable children, including orphans, People Living with HIV/AIDS, and street and working children.

At the policy level, UNICEF cooperated with the Ministry of Social Welfare, the Ministry of Labor, and other stakeholders, including employers, to develop the Minimum Standards on the Protection of Working Children. It is currently in draft form, and UNICEF continues to advocate for its finalization and the government's endorsement of these standards.

UNICEF provides training for labor inspection officials on the implementation of the Minimum Standards as well as on international and national legal standards. It also conducts awareness raising efforts on the Guidelines on the Protection of Working Children geared towards employers from formal and informal economic sectors in order to provide decent working conditions for working children.

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<sup>27</sup> An NGO that provides basic education and vocational skills training for children of single mothers, relatives of HIV/AIDS patients, destitutes, and "street kids"



Along with its partners in selected townships, UNICEF is currently providing the following services: integrated and child-friendly services including prevention, reintegration into family, school, or vocational training, and follow-up support to respond to cases of abuse and exploitation through a coordination and referral system for health, education and justice.

For the future, UNICEF is proposing to the Ministry of Labor that it begins one pilot program in implementation of the Minimum Standards in one selected township. The program will identify children working in individual workplaces and in whole industries and conduct an assessment of their working conditions. Additionally, UNICEF plans to implement awareness-raising and mobilization efforts aimed at employers in both the formal and informal sectors of the economy for the protection of their child laborers, provisions for non-formal education for those children at workplaces or community centers, and vocational training for those children who are over 14 years old. However, this is still being discussed with the Ministry of Labor.

In comparison with neighboring countries, non-governmental organizations and UN agencies in Myanmar are limited in their independence and their ability to be effective given inconsistent policies. Under the 1988 Foreign Investment Law, local NGOs must be registered by the Ministry of Home Affairs and International NGOs have to sign Memorandum of Understanding (MOU) with relevant Ministries (ACFID, 2010). The organizations working on child issues have to sign an MOU with the Ministry of Social Welfare, Relief and Resettlement. NGOs working on issues relating to human rights in Myanmar are restricted in their ability to undertake advocacy and to implement their activities effectively. NGOs are required to report their activities to their respective Ministries monthly and to coordinate in the implementation of some activities.

Without permission and coordination from the government, it is moderately difficult to start programs aimed at combating child labor. At present, the advocacy and capacity building efforts on the promotion and protection of the rights of child laborers with concerned government ministries are still a work in progress.

## CHAPTER V

### ANALYSIS AND CONCLUSION

“Using Child labor is to borrow from the future for present consumption”<sup>28</sup>, since children are sacrificed their future for their own and their families' short term survival. Myanmar is the country in the region that the number of child labor is increasing. It however, does not have any effective programs or interventions geared towards combating child labor yet. Though it is a signatory member of CRC, it fails to provide its children their rights. Child labor widely spread in various forms of work in Myanmar, however this research focuses on the restaurants in Yangon, the metropolitan city of Myanmar. It assesses how the best interests of the child principle can be taken into consider in the improvement of working conditions of children in these enterprises.

To understand the characteristics and working conditions of child labor in restaurants, this study conducted semi-structured interview with seventeen child laborers in eight teashops and four restaurants in Yangon. It assessed the perceptions on the best interests of child laborers and policy responses from the government, non-government and private sector through in-depth interview with employees from government agency and NGOs as well as employers in these enterprises. In addition, it identified policy gaps and possible measures to improve the working conditions of child labor in the current political economy of Myanmar.

The best interest of the child principle is not strictly defined and should reflect sensitivity of contextual diversity and cultural specificity (Alston, 1994). Therefore, a diverse range of contexts and cultural aspects of individual country must be considered even though the state is obliged to provide appropriate measures to ensure the best interests of children. Considering social and economic condition of Myanmar, it is rather difficult to totally eliminate child labor in a short period of time, therefore

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<sup>28</sup> The quote cited in the report of “Combating Child Labor in Asia and the Pacific: Progress and Challenges”, ILO, 2005. P.5

this study assumes the best interest of child labor is the combination of work and education. The intervention of providing vocational education is ensured a positive short-term and long-term effect on child labor themselves first and foremost as well as the enjoyment of their rights which are the rights to education and survival at the same time. In principle, providing vocational education is viable option for child laborers in the context of Myanmar, but understanding the interests of all concerned parties is a necessary step to implementing this approach, as their cooperation plays a key role in it.

This chapter discusses the key issues involved in the best interests of the child principle in the employment of children in restaurants and examines the policy measures aimed at the improvement of children's working conditions.

## **5.1 Characteristic and working conditions of child labor in Restaurants**

Restaurants are in the informal sector which is relatively loose in regulation of labor laws, and are unregistered small scale and private-owned enterprises. Child labor in these enterprises, therefore, is not part of the economic growth engine like in other fast growing economy such as Thailand in the past. Children are not supporting the export sector where lower wage are important for competitive advantage. Restaurants are more or less part of traditional and local economy. However, the rationale for hiring children is still based on low wage and less complaints. The practice of recruitment of children in these enterprises exists for a long time ago though it is not the exact record for that practice. Restaurants attract a pool of child labor due to easy access and light work. According to a staff of an NGO, the numbers of child laborers in these enterprises became increasing since 1995. In other sources like State Party report on CRC in 1995 and reports on human right violation in Myanmar (ICFTU, 2003; United States Department of Labor, 1998), child labor in tea shops, construction sites and food processing enterprises are frequently seen in the urban areas. These reports show that the hiring of children in restaurants is not a new phenomenon.

The characteristic of these enterprises can be seen long working hours and no weekly holidays by reason of the nature of work which serve customers on daily basis. In general, teashops are open in the early morning through late in the night. Some teashops provide specific time off for their child employees. Some of the restaurants that serve Burmese food open in the morning and close in the evening, while many of those that serve beer and barbecue open in the afternoon and close at midnight. All of them take no public holidays except for once a year on Myanmar New Year. While opening and closing hours are different according to the foods restaurants serve, excessive working hours and the lack of weekly holidays are common features among them all. Another common feature of these enterprises is the provision of accommodation for child employees, though the living conditions in these accommodations are poor. Additionally, employers generally provide three meals per day to the employees.

It is harmful to a child's moral character and personal development to work in beer shops that serve beer and other alcohol, and are open very late into the night; however, these shops hire mostly children workers. According to section 65b of the Child Law (1993) Section, employing or permitting a child to work in a business that trades in alcohol is prohibited. In practice, many children do work in these enterprises, and they are not protected effectively. This is one area on which immediate action is needed.

Child laborers in Yangon restaurants are deprived of their basic rights due to the nature of their work even though their work does not seem hazardous. The basic problem is that the long working hours deprive these children of access to education and enjoyment of recreational activities, and are harmful to their health and personal development. While most of the child interview participants working in restaurants worked for economic reasons, their wages are relatively low and they lack negotiation powers because there is no enforced minimum wage and scarce job opportunities. Furthermore, the working conditions created fewer opportunities for their

development and their futures. It is clear that child laborers in restaurants are exploited economically and are deprived of their personal development.

This research revealed that children are working out of a sense of duty to their parents, and they decided to work when they became aware of difficulties their parents faced and in some cases, when their parents could no longer provide for their families' basic needs. The common hardships faced by these families are the repayment of family debt, the immediate or chronic health conditions of parents, and the inability to meet the basic needs of a family. The link between parents and children is strong, and the children grow up in communities which held religious- and culturally-based beliefs that fulfilling the duty to parents is a good deed for children.

Another commonality among child restaurant workers is that they generally come from rural areas to work in the city. They prefer working in the city because it is more convenient and they are able to earn more money than they can in their rural homes. Some of them believe that they can get more opportunities in terms of experiences and skills in the city, as only agriculture and fishing are the only available work for them in their homes. In reality, the skills and experiences they get in urban restaurant work are not productive skills for decent lives, and the working conditions mean that they lack the opportunities to learn any vocational skills.

The underlying reason that most child interview respondents dropped out of school or never enrolled school is because they needed to help themselves and their families survive. The economic needs included the repayment of family debt, an unexpected health problem of a family member, immediate financial difficulties, and difficulty in fulfilling basic needs. Some children dropped out of school even though their family can afford it because of their lack of interest in education and difficulty in learning that results from a poor quality of education, teacher-centered teaching methods, and a high teacher to pupil ratio. In some areas, the distance to school transportation issues make it difficult for children, especially girls, to continue their secondary education.

While children are deprived of the right to quality education and have to drop out of school in order to share a family economic burden, they involve in and remain in the informal economic sector, which does not demand any skills or education. Only few children are working to continue their higher education. This research found that a child who combines work and traditional schooling is still able to study and maintain academic achievement and proper health.

Most of the child interviewees found their jobs through relatives who have personal contact with employers, while some got their jobs through friends and a few found jobs through brokers in their villages. Personal contact plays a very important role in recruiting employees in the informal sector because relationships between employers and employees are based on trustworthiness. Though seeking a job through brokers is not very common among these children, and those who did use brokers said that only employers have to pay for broker fees. However, more in-depth research on whether children are exploited economically through this method. For example, do employers deduct the broker fees from the children's salaries, and what actions can be taken to ensure that children and families have access to information about the jobs where they are being sent?

Children who work in restaurants choose these jobs because they do not demand any skills or experiences and they have personal contact with former employees or employers. Furthermore, they have few options in their own rural homes, and believe they can earn more money in urban restaurant jobs. Most of them work in these shops for a set period of time, and some of them mentioned the exact time when they will leave their current jobs.

## **5.2 Determining the Best Interests for Child Labor in Myanmar**

### **The categories of Child labor**

The concern of child labor problem in Myanmar faces with two main questions: if the best interests of child labor are well aware of, and if they were taken into consideration by concerned parties. The analysis of the best interest of the child

in the case of child workers in restaurants in Myanmar, has taken the international norm of CRC as a framework. Then it considers the existing social, cultural and economic environment constraints with an assessment of available choices for the children and their families. The capacity of society can reflect upon the degree of fulfillment of responsibility rendered by concerned parties.

Taking child labor's perspective of their future prospects, there are six different groups of child labor to consider for their best interests:

- Child labor who plan to reintegrate in the formal education;
- Child labor who is in school at the present;
- Child labor who are going to work abroad as unskilled or semi-skilled labor;
- Child labor who want to own a teashop;
- Child labor who want to obtain vocational education; and
- Child labor who have no future plan yet.

Children in the first category are those who are currently working even though they are going to pursue their higher education or university education while their parents were not able to afford their education or face the immediate financial problems. The second category is the ones who integrate schooling and working at the same time, these children have to work in order to attend school. These two categories of children are not too many compared to the great numbers of children who are underprivileged in terms of education and economic condition.

The children in the third category are those who are planning to work abroad when they become adult through their relatives who experienced in working abroad as unskilled labor or semi-skilled labor. The children in fourth category are those children who want to run their own shop, therefore they try to learn competency in operating business.

The children in the fifth category are interested to learn vocational education, these children who dropped out of school in secondary school or before completion of primary school, however are not accessible to any opportunity since provision of

vocational education is almost non-existence for them and access to existing vocational education in public and private sector is disadvantaged.

The sixth category of children are dropped out of school before completing primary education and never been enrolled in school, they are totally lack of accessible to any educational opportunities including skill development. Some of them work in the enterprises for a certain period of time and they are going to go back their villages and end up unskilled labor. Among them, female child laborers involved in the fifth and sixth categories and the opportunities of access to any education or skills are almost lack since their labor is exploited not only at work but also the household chores of employers.

### **Choices Available for Child Labor**

As the child entering the labor market with the choice for survival of their family and themselves while there is no other alternative available, the remaining question is how their future prospect will take into consideration. It can be seen that some children demonstrated their concerns for own personal development and are aware of what is the available option for them in their environment. Since they are not provided choices by the state or parents, these available options might not be the best alternative for their personal development. The available options for child labor in the current context are discussed as follow.

The children who are schooling will choose light work which does not interfere with schooling when their parents cannot afford the cost of education. This is the option they can access education without assistance from their parents as well as ensure their survival in a certain condition. Some employers might provide this opportunity to their child employees when they have personal contact with children' parents. When parents want their children to access education, they cannot however, afford the cost of schooling, they attempt to make agreement with employers and ensure to continue schooling.



Some children who dropped out of school for the reason of sharing economic burden of their family, but planned to go back to formal school, they will choose to leave work and continue formal education after solving financial difficulty of family. Their parents will support them to go back to school since they concern providing education as their traditional duty and believe the value of education.

Children who never enrolled school or dropped out before the completion of primary education can access non-formal education programs such as literacy circles, community learning centers and voluntary night schools run by the governmental organizations and NGOs. When those children have not any opportunities to access education except working and their parents are lack of capacity to provide education, the employers can assist children to access these programs in coordination with concerned organizations.

The combination of work and education guarantees the best for those children who want to get vocational skills, however need to work for the survival of family and themselves. While children have fewer opportunities to access formal education, they pursue vocational education like vocational trainings or apprenticeship programs. Some parents find out the opportunities to access the vocational education in private or public schools for their children or they send their children to local small businesses as apprentices through personal contact. Even though it is very rare, some employers encourage or provide to learn vocational skills for child laborers. A few of concerned NGOs and UN agencies provide the opportunities in coordination with local small business men.

Children who have no other choices and need to work for the family and their survival without any skills or experiences will have to choose work without learning opportunities. Most of them have lack of future prospects and work unskilled tasks on daily basis in light work or work dangerous and unhealthy tasks in hazardous work. The capacity of their parents in providing formal or vocational education is relatively low and they usually do not prioritize the education when basic needs of family are their primary concern.

Even though the above mentioned choices cannot ensure with the fullest enjoyment of childhood and they are denied their rights to rest and leisure and to engage in play and recreational activities. The research found out these choices available in current context of Myanmar.

### **Factors concerning child labor's best interests**

Parents have primary responsibility for upbringing and development of the child and providing education is their traditional duty, their perspective of the child's interests can be clearly seen accessible to quality education or vocational skills for their children. When parents fall short in providing children education and basic livelihood, the best choice that is for children to have means of living of their own first seems reasonable. Getting an acceptable job is something the parents take into consideration. A certain guarantee that parents can do is to make sure that their children are safe and working with the trustworthy employers whom they know and have connections. In some cases, parents help with a plan for the future education attainment.

The employers in restaurants are supposed to provide these children with job opportunities and other compensation. While there is lack of effective enforcement of labor laws for children in Myanmar, they can enjoy recruiting children without considering the welfare of children. There are only a few employers who are taken into consideration the development of child employees.

As for employers, their primary concern is cheap labor, however it is found out that a few of them mentioned that providing education can benefit to both child employees and themselves as children become more productive and contribute more in their work. Employers are aware of their importance for job placement of the needing family, but most of them are not ready to provide more opportunity for personal development of child labor.

The government's perspective on the interest of the child cannot be verified. Judging from the denial of the use of the term child labor and insisting on using the term like child worker, the government has no concern in the situation of child labor. In terms of the provision of services, the government commitment to ensure EFA goals in 2015 does not include special program for child labor. Child laborers are excluded from those existing provision of education by the state as well as other welfare policy.

For NGOs and the UN agency promote child rights and protect those children who needs in special care including child labor, their policy and programs are in line with CRC standards. Their concerns are protecting children from exploitation and providing formal or non-formal education, even though providing vocational education is relatively limited currently.

### **5.3 Policy Gaps and Possible Measures in improvement of working conditions**

#### **Policy Gaps**

As Myanmar has commitment to achieve the goals for Education For All in 2015, access to and quality basic education is one of the goals of EFA. To reach this goal, child labor is needed to consider in providing education through formal or non-formal education. At present, the policy and action respond from the state, non-governmental organizations and employers to each of the category of the interests of children can be observed in the following table. Child labor miss out from the intervention by the state, they are not able to access the formal and non-formal education provided by the state. The services provided by NGOs are limited within their project based areas and child labor cannot enjoy these services as well. The intervention by employers can be seen very limited and only a few employers are provided depending on the particular case and it is not very common practices in the workplace.

Table 8 The policy and action response from the state, NGOs and employers

The Best interests of Child Labor	Intervention by State	Intervention by NGOs	Intervention by Employers
1. Formal education	-Compulsory Primary Education	-Financial assistance to parents -Admission fees and school support	-Provide school fees and other related costs (One teashop)
2. Non-formal education	- Voluntary Night school -Community Learning Circles	-Community Learning Circles -Reintegration to formal school	None
3. Vocational training	-handicraft school, -school of fishery, -machinery repair and maintenance school -school of home science -agricultural high school -technical high schools	-Provision of vocational skills to start self-employed	-Provide vocational skills depending on the interests of children (One teashop)
4. Apprenticeship schemes	None	-Provide and coordinate with local small-scale enterprises	None

In terms of working conditions, there is still very limited enforcement in protection of child labor and lack of systematic mechanism of labor inspection in workplace. In addition, the existing policies on child welfare do not include effective measures to address child labor issues. These factors show that the government of Myanmar lacks the political will to take into account the best interests for child labor in variety of work and still fail to coordinate with the concerned parties for the development of children in work.

NGOs have challenges in promoting and protecting children because of the limitations and lack of clear regulations by the government for international NGOs. For that reason, the main activities they are implementing at the present are the

promotion and protection of child rights and parental education. Child labor fall into the groups of children in special needs in the child protection programs of concerned organizations which provide services such as non-formal education and awareness-raising of child rights. In addition, some organizations provide vocational education to street children and working children, however they can reach a small number of children within their project sites. The responses from NGOs and UN agencies are still limited for children in labor force in provision of the social services due to the capability of programs. It is found out that it is rather difficult to undertake the promotion and protection of the rights of children in work by NGOs and UN agencies without political commitment from the government since it is needed permission and coordination with the government.

### **Possible measures in improvement of working conditions**

Child labor must be tackled through a multi-sectoral approach, taking into account the views of different concerned parties. Political commitment of the state party plays a crucial role in developing sound policy and comprehensive short-term and long-term intervention measures. However, while the Myanmar government has limited interest in tackling child labor issue, the concerned parties can work together for the development of those marginalized and disadvantaged children through the consideration of the best interests of the child principle.

There are limited vocational trainings in public institutions, adding other constraints, such as poor quality of skills, limited available skills and inflexible time. When the scarce job opportunities for the trainees were taken into consideration, training programs similar to those implemented in Bangladesh is suitable in the current condition in Myanmar and can be workable to implement within the existing resources and capacity of concerned parties. These programs provide the combination of vocational training and employment, and include post-training job placement. In addition, the programs are accompanied with some other support services or facilities like transportation allowance and equipment.

The apprenticeship program implemented in Cambodia is relevant for the current context of Myanmar. Recruiting local small businesses as training providers is linking the children into the local labor market. Children can learn skills and are able to run a business after a certain period of time, and they are prepared to be productive labor in the future.

These proposed training programs can operate in cooperation between NGOs, local small businesses and employers as well as with the involvement of parents and children. Awareness-raising of child rights and child protection and advocacy to employers of child workers are needed in order for NGO programs to be successful. Additionally, parental education on issues including child rights and child protection can be carried out by the concerned NGOs. UN organizations must also advocate for the effective enforcement of labor laws.

The enforcement of labor laws by the state is a major factor in ensuring child workers' participation in these training programs. At present, the existing laws have loopholes and are not enforced effectively. However, the Ministry of Labor is cooperating in drafting the Minimum Standards for the Protection of Working Children with UNICEF and other concerned parties.

Employers' contribution in vocational trainings by allowing their child laborers to participate in the programs run by NGOs is also a very important factor for operating the programs. For establishing apprenticeship schemes, the capacity of employers from local enterprises or artisans to participate in the scheme is a key factor. Some employers demonstrate interest in contributing to the personal development of their child employees and it can be seen that a few of them provide school fees and vocational education as good practices.

The assistance and involvement of parents also plays a major role in the success of these programs, as they are decision-makers of households. As well as parents are the primary responsible persons for aiding the development of their children, they should provide emotional support and financial support within their capacity.

As concerned NGOs can play a major role in ensuring the best interests of the child as they relate to child labor, their capability and capacity to implement the programs are also significant factors in their success. Currently, these organizations are working on child rights promotion to wider communities, child protection programs including working children, and parental education to their targeted groups. The apprenticeship programs in cooperation with local enterprises are done through one of local NGOs. Through the cooperation with concerned government agencies, the minimum standards in protection of children in work has been developed, but not yet endorsed by the Ministry of Labor, in addition UNICEF is providing technical assistance to labor inspection officials.

#### **5.4 Conclusion**

Child labor is a negative outcome of entrenched poverty, inadequate public expenditures, and an inappropriate economic system as well as of many flawed, inconsistent, and deficient policies of the government in Myanmar. A lack of skills and education traps children in a vicious cycle of poverty, without any potential to be productive labor in the country. Children with no ability to access to quality education have little alternative but to enter the labor market, where they are often forced to work in dangerous and exploitative conditions.

The nature of child labor in different sectors is diverse, thus the relevant interventions need to identify for child labor in specific sectors. Even in the restaurants, children represent different best interests as the research found out six categories of children who want to go different future direction. Not all children want education due to the low quality or higher cost, some want a good job or vocational skills, therefore the choices for combination of work and education are needed to provide those children in work.

When taken into considered the cultural perspectives, children want to be respected in their family and community, therefore they take responsibility to share the economic burden of parents or to take care of their own education without

assistant of parents. The family bond between parents and children are close and the destiny of children ties with their family, hence solving child labor' problem is needed to consider the problem of family.

Some good practices are found out in the research such as providing assistance for schooling and opportunity to learn vocational skills from certain employers. Since these employers have personal relationship with child laborers or are aware of their role in the personal development of child employees. Providing educational services to child labor by International organizations can be found out although the services are limited. Taking the model of YWCA which is providing opportunities of vocational skills and apprenticeship to children, the alternative solution can be practiced for child labor in coordination with concerned parties including children themselves while it is less attention from the government.

This study found out that the combination of work and education is alternative solution which is taken into consider the best interest factors for child labor in particular country like Myanmar where economy is low, education is limited, the government is lack of political will and civil society is constrained. It ensures the skill development of children, while recognizing the needs of children to make a decent living as skilled and experienced workers for the long term.

All in all, the study discovered the role of the business community (the potential of good practices), social capital (relationship between employers and parents and cooperation between the concerned parties), the role of international organizations (provision of social services and advocacy for policy changes to government) and the close family bond between parents and children. Although there are challenges related with limited capability of NGOs, the less interest of employers and weak coordination from government agencies, through addressing and promoting these positive factors, the alternative solution of providing education to children in work can be served for the best interests of those disadvantaged and marginalized children in Myanmar.



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## **APPENDICES**

## APPENDIX A

## Case Study 1

Mg Mg is 14 year old boy originally from Taundwingyi (a town in Magwe Region), and has been working in a teashop in downtown area of Yangon for six months. He has seven family members and both of his parents are working as casual laborers in Taundwingyi. He left school in Grade II because his family migrated to town from and he had to babysit his younger brother while both of his parents worked. He stayed at home and helped with household chores before coming to work in the city. When his family had economic troubles, his parents sent him to work in the city. He used to worked a teashop in Naypyidaw, and he said that “I moved from Naypyidaw<sup>30</sup> to Yangon because of the salary and workload, I now have to do a lot of work but salary was too low in my previous teashop in Naypyidaw.” At his present shop, a tea-maker is from his village, so he asked the tea-maker to get a job for him; there is no need for him to pay agent fee.

He lives in a room at the teashop with co-workers. There are 32 workers in the shop. He enjoys in working in the shop, although he misses his family sometimes. He gets 18,000 kyats per month and sends back 10,000 of that to his family; his father sometimes comes to get the money or sometimes it is sent through friends from the village. The wages are set based on the working experience, the tea-makers and team leaders get a higher salary. Mg Mg's main duties are serving customers and cleaning the shop. He works from 5:00 am to 8:00 pm, and has a break from 11:30am to 2:00 pm.

There is no weekly holiday and the only public holiday taken at the shop is the Water Festival (Myanmar New Year) in every year. He is not able to go home at the moment because the shop allows employees one week to go home in every six months. In the beginning, he had to learn very basic things such as cleaning the tables, setting the

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<sup>30</sup> The capital city of Myanmar

cups, taking the orders and serving tea and snacks. He feels satisfied the working hours and working conditions.

As for recreational activities, he can watch TV or videos and play football after working hours. Three meals a day and basic health care services are provided by employer. With respect to skill development, he thinks there is not any opportunity to learn skills in the shop. At present, he has no plans for his future or to learn any skills since he thinks he is young.

## Case Study 2

A 13 year old girl named Thet Thet has been working in a small Burmese food restaurant as a helper for six months. She is from Pakhaing village, Hinthata, Irrawaddy Region and has nine family members. She is the middle among her siblings and had no chance to go to school because her parents could not afford to send her school. Therefore, she cannot read or write even her name. Her father is working as a carpenter and her mother passed away. Her family got in debt when her mother suffered from a chronic illness and hospitalized for a long time. Since they need to repay the debt which was taken when her mother was hospitalized, she and her two elder sisters are working in this shop together. They got this job through a broker from their village, and the employer has to pay their first month's salaries to the broker. She had never been to Yangon before she began this job and she said that “the work in here is more convenient compared to working in the paddy field in her village. She wants to work in her present shop because she can send back all of her salary to her father in order to pay back the debt; she makes 15,000 kyats per month as a net income, and does not need to spend anything for meals and accommodation.

Working hours are from 6:00 am to 9:00 pm, with no specific time for break. She can take a rest if there are no customers, usually between 4:00 pm and 5:00 pm. Myanmar New Year is the only a holiday when she can visit home within a year. The types of work

she does include cleaning plates, preparing for meals, and serving the customers. She is living with her co-workers and her sisters in a room provided by her employers at the shop. She feels satisfied with her salary and she was told that she will get salary increase soon. Active performance determines the workers' salaries.

She contacts her family three times per month through telephone and has a good relationship with her co-workers and employer. She has very limited time for recreational activities; watching TV and videos is the only activity she can do sometimes at night. Skill development in the workplace is very rare, but she can learn cooking and making salads through working. Basic health care is provided and she can take a rest at night if she feels sick. Regarding education, she said that “I want to have a chance to go to school since illiteracy makes me inferior in every aspect.”

In terms of her future perspectives, she wants to learn sewing and have a chance to work in a garment factory with many workers. She wants to live with her family and send her younger siblings to school.

### Case Study 3

Pho Kyaw is a 15-year-old boy has been working in a small restaurant for five years. He is from Kanyutkwin village in Pegu Region and has eight family members. He is the youngest son. His father is a trishaw driver and his mother is working as a seasonal laborer in paddy fields. He dropped out of school after Grade four, since he had no interest in going to school. But, he said that “when I see students who are the same age as me, I sometimes want to go back school.”

His employer is a friend of his grandfather's, so the employer treats him as his relative. In the beginning, he made 10,000 kyats per month, and his salary increased gradually to 15,000 kyats, which is his current salary. He needs to send back all of his



salary to his family. He prefers working in his present shop in the city to working in his village due to the different natures of the work. In the village, the agricultural-based work is physically exhausting and the wages are low compared to his current job.

The types of work he has to do include serving customers and cleaning the shop. Working hours start at 9:00 am and end at 8:00 pm, with no specific break time. There is no weekly holiday and he has to work on public holidays. If he has to work on public holidays, he gets pocket money from the customers or his employer. Besides the salary, he occasionally gets bonuses or clothes as benefits. Regarding to the payment, he said, “I am satisfied with the salary I earn, but I would be happy if it is increased more. I want to make 20,000 kyats.”. His employer provides daily food, and accommodations at his home, and basic health care services. Within five years, he has only visited his village twice since there are not enough workers in shop. For recreation, he enjoys playing with his co-workers and watching movies after working hours. On the religious days, his employer provides for him to visit famous pagodas before coming to work. He said that he wants more holidays to visit famous places.

His employer trains him in how to make salads and cook. In addition, his employer said that he will send him abroad as semi-skilled labor when he is adult after he takes vocational skills training in welding. He is willing to work in abroad as he can earn more money for his parents.

#### Case Study 4

Mg Soe is a 13-year-old boy who has been working in a teashop for about one year in one of the satellite townships in Yangon. He is from Swintan village, Naung Tone Township, Irrawaddy Region; he is his parents' only son. His father works in the same shop as snack-maker. He dropped out of school in grade three as a result of his parents' economic hardships and devastated house after the Cyclone Nargis. He makes 20,000

kyats per month and he spends 5000 kyats for himself. He is satisfied with his salary as he gets daily pocket money and clothes as benefits. The salary increment is decided on the basis of active performance in work.

Before this job, he worked in a bar at the same township of Yangon, and he made only 5,000 kyats per month and he was beaten sometimes; he also had no time to play. He got this job through his grandparent because his grandparent and the employer are friends. His main duties are serving customers and cleaning the shop. The working hours are 5:00 am to 10:00 pm, and break time is 2:00 pm to 5:30pm. In the break time, he enjoys playing computer games and football, and sometimes sleeping. There is no weekly holiday, although he wants to get holiday so he can play computer games. The employer provides daily food, accommodations, and basic health care services. He prefers this job since he gets time to play. There is no provision of opportunities for education.

In the workplace, he has good relationships with the employer and his co-workers, and most of his co-workers are from the same village as him. Even though he cannot read very well, he can work very well, so the employer prefers him. He is willing to learn making snacks in his shop. He is not currently thinking about his future prospective.

#### Case 5

Mg Zaw is a 15-year-old boy who comes from Natmauk Township, Magwe Region. He has six family members, and he is the eldest son among his siblings. He dropped out of school this year because his father had a motorcycle accident. He has to work to provide for the basic needs of his family. He made it through ninth grade, and he is going to go back school next year if his father is in better health. He got this job through his uncle, who has been working in the shop for fifteen years. He has worked in the shop for two months and before that he worked in another beer shop for three months. He moved to this shop because of a new employer. He feels satisfied working in the shop

since he is living with his uncle and the work he has to do is convenient. Due to the nature of restaurant, the working hours start 11:00 am to 12:00 pm and no specific time off. His main work is serving customers, but he also helps with the chores in the kitchen. He gets two holidays per month, he will get extra money if he does not take these two holidays. In addition, the employer gives a bonus to employees every Chinese New Year. There are no public holidays in the shop except for Myanmar New Year and Chinese New Year every year.

He can earn 30,000 – 40,000 kyats per month including bonuses and tips, even though his primary salary is only 15,000 kyats per month. He usually sends all of the money he earns to his family. Regarding payment, he said, “I don’t want to get more money, but I think I should get 20,000 kyats per month.” The salary difference among employees is based on experience.

There is one toilet in a shop and drinking water is provided for employees. Three meals, accommodation, and basic health service are provided by the employer. He has good relationships with his employer and co-workers. He contacts his family twice a month through telephone and he is going to visit his village once a year.

There are no opportunities for him to develop skills. He said about his education: “Although it is possible to integrate work and education, I am afraid that my family cannot meet basic needs.” He is going to learn cooking in the shop since he believes that he can earn a good living through cooking.

#### Case 6

Moe Moe is an 18-year-old girl who has been working in a small restaurant on the street for three years. She has six family members and she is the youngest one among her siblings. She is from Warkhaema, Irrawaddy Region. She reached grade four in her

education, and she left school because of the long distance to reach school and the difficulty of transportation in the delta area, as well as because of her family's economic situation. She got this job through her friend in her village and she used to work in a tea shop and another restaurant. The current shop provides more benefits, including accommodation and meals.

She has to work since her other siblings are married and she is the only one who provides for her mother's basic needs. She can earn 35,000 kyats monthly as well as additional benefits such as accommodation and meals. She needs to work for her survival and parents' survival, and for this reason she has worked in the present shop for a long year. The male and female employees live in the same building provided by employer. They have separated rooms, but it is sure that the employer will not consider gender issues.

Even though the shop opens in the evening, she has to work starting at 6:00 am until 9:00 pm, and she has no specific time off within working hours. In the restaurant, her main duties are serving customers and washing plates; however, she has to prepare for cooking throughout the whole day. In addition, her employer recently established a teashop at home and she has to work for the teashop as well. However, she does not earn more compensation for the extra work at the teashop. There are no weekly holidays or public holidays except Myanmar New Year every year. The workplace is street-based and employees have to work even in the rainy days without adequate shelter. The employees are not allowed to talk with each other or with the customers in the working hours. (The researcher got the chance to talk with them since the shop was nearly closed and there were no more customers in shop.)

She is quite satisfied in working in the present shop and she has a good relationship with her employer and co-workers. She has regular contact with her mother since her mother visits her every month. She hardly does any recreational activities since

she has no free time. Even if she feels sick, she has to work after taking medicine, and there is no provision for basic health care services. There are no skills to learn at the shop. She has no plans for the future yet and has no opportunity to learn skills.

#### Case 7

Thiha is a 14-year-old boy working in a teashop in the downtown area of Yangon while going to school. He studies in the ninth grade in the from 8:00 am to 2:00 pm. He has been working while studying since he was in grade six. He has nine family members, and three other siblings are also students; they are living in a satellite town in Yangon. While his family had economic hardships, his parents cannot afford to send all of them to school, so he works his mother's friend's teashop. He works in the early morning before going to school and then works again after coming back from school. His employer provides the cost of his education, including school fees, tuition fees and other hidden costs. The shop is open until 9:00 in the evening, but he is allowed to study starting at 7:00 pm. When school is in session, he cannot get any salary except his daily pocket money; however, he gets his salary in the summer holidays. Accommodation and three daily meals are provided by employer.

There is no weekly holiday or public holidays, and he has little time to do any recreational activities since he has to study after work. He can visit home in public holidays such as Myanmar New Year and religious days.

In school, he cannot do very well in his academic work and he often feels sick in the exam periods. When he feels sick, his parents come and take care of him. He said, “I want to stay with my family even though it is not possible at the moment because of my family economic situation.” He has no opportunities to learn any skills at the shop. He is going to continue his education because he wants to be a civil engineer in the future.

## Case 8

Aung Aung is a 12-year-old boy who has been working for a year in a teashop in one of satellite townships of Yangon. His parents have passed away and he has seven siblings. Some of his siblings are married or working in other cities. His two younger sisters are living in his aunt's home in the same township. He is illiterate, as he had no chance to go to school since his father got chronic illness while he was young.

He used to sell flowers on the street before working in the teashop. He gets this job through the way of walk-in application by himself. It is better for him working in the shop since the shop provides accommodation and daily meals aside from his salary. He said, "Actually I don't want to stay whether in my aunt's home or at the shop because I cannot have enough meals in my aunt's home and I was beaten sometimes in the shop". His employer's nephews also work in the shop, the employer favor his nephews compared to him.

He makes 15,000 kyats per month and has to pay all of his salary to his aunt since his aunt needs to pay for rental fee of house. He spends for his expenses if he gets tips from customers. The types of work he has to do are serving customers and cleaning shop. Working hours are from 4:00 am to 10:00 pm, and from 2:00 pm to 6:00 pm is time off. He enjoys playing football in the time off period. Relating to working hours, he said that "I don't mind the working hours and rest period. I just want fair-treatment among workers."

The salary increment is based on experience and active performance. In the beginning, he made 10,000 kyats; this increased to 15,000 kyats after a few months. There is no provision of health care services, and he has to take care of himself if he feels sick. He rarely tells his employer if he feels sick; he usually just takes medicines and kept working. He never heard about minimum working age or weekly holiday.

There is no weekly holiday or public holidays. He hardly visits home if he has no money in hand because his younger sisters ask him pocket money. He is discriminated against in his workplace, so he feels dissatisfied and unhappy. Additionally, he is dissatisfied with his aunt because she sends her sons to school but not him. Sometimes, he thinks that “If there is someone who takes me to other places, I will go with him/her.”

He has no opportunities to learn any skills at the shop. He is willing to learn making tea and snacks since he wants to run his own shop in the future. However, he has no chance to choose what he wants to be: he said that “I don’t know what will happen in the future, I have no chance to pursue what I want to be even though I want to improve my life.”

#### Case 9

Htun Htun is an 18-year-old boy working in a teashop in the downtown area of Yangon. He has been working in the shop for one and half years since his matriculation exam. He has six family members and he is the middle one among his siblings. His father is a fisherman and his mother sells seasonal vegetables. His family lives in Hlaing Tharyar Township, Yangon. He had to work after his matriculation exam because his family cannot afford for his university education. In addition, he wants to contribute to releasing his family from their economic hardship. He got this job through his friend and he decided to work after asking permission from his parents. Before this job, he wanted to study to be a goldsmith, since it is a good vocational skill through which to earn a living. However, he needed to wait a few months, so he chose his present job.

The teashop he in which he works has three other franchised shops in the city. Each shop has fifty employees. The management system is systematic compared to small shops. The workers are classified at two levels, senior level and junior, depending on the periods they have worked at shop. Senior workers have to teach basic tasks to junior ones

. He became a senior worker and now he has to take responsibility of management of the stock in addition to serving customers.

His salary started at 15,000 kyats per month and now he makes 45,000 kyats per month because of his performance and long working experience in shop. He sends back all of his salary to his parents so his family can do maintenance of house in this year. He said, “I will take the salary what the employer set, but I think I should get 50,000 kyats monthly owing to my qualification and experiences”.

Working hours start at 5:30 am and end at 6:00 pm. There is no time off. Every Sunday is a half day off, but they get no public holidays off except Myanmar New Year. After working hours, he enjoys watching movies, listening to music and reading, and sometimes visiting pagodas. He visited his home three times within a year and a half. In addition, he calls his family four times per month. He has good relations with his employer and there is no discrimination between employees.

For health care services, there is medical kit at the shop and the employer provides medicine for seasonal illness if employees feel sick. If a clinic visit is required, the employer refers the employee to the clinic which is already arranged for his employees. Accommodation and three daily meals are provided.

Opportunities for learning skills are provided in the shop depending on individual interest. The employees can learn making tea, snacks, and salads through working. In addition, the employer offers opportunities for other kinds of skill development such as English language proficiency, basic computer application skills, electronic repairing skills, and others, if the employees are willing to learn. The employer provides the information about the training school, the registration fees, and flexible time, which allows his employees to take these trainings. Htun Htun grasped this opportunity and took



English language proficiency training. He can apply this skill if there are foreign customers in shop.

At the same time, he is learning to make tea and snacks at the shop because he is planning to run his own shop in order to continue his university education. He will register at the University of Distance Education as an economics major in the coming year. The University of Distance Education system requires him to go to school every weekend, so he cannot work in his current shop anymore because it only provides half day-off in every Sunday. Therefore, he is going to operate his own small shop on the street when he starts his studies at Distance Education.

## APPENDIX B

KEY FINDINGS

- Characteristic of Child Labor in Restaurants
  - Most of them are no education or low level education, a few attained secondary and high school level education.
  - Most of them are from rural areas and a few are from the new satellite towns of Yangon.
  - Their first employment age can be seen below Minimum Working Age, the lowest age is nine years old.
  - Children temporarily deprived of his or her family environment and live in the accommodation provided by employers.
  - All of children send back their income more or less to their families though nearly half of them added all of their income to their family.
  - The prevailing method of getting jobs for child laborers can be seen through friends, parents and relatives, a few cases can be seen through brokers.
  
- Working Conditions
  - Excessive Working Hours: maximum 18 hours to minimum 11 hours
  - Most of the teashops provide specific break time in the working hours, restaurants do not usually set specific time-off.
  - No weekly holidays in teashops and restaurants generally. Only one teashops have half day-off in every Sunday.
  - Less time to do recreational activities; esp: for female
  - Maximum wages per month is USD 56.25 and minimum wages accounted for USD 18.75 PLUS accommodation and daily foods.
  - Less opportunity for vocational education or formal education
  - Limited social services (health care and recreation)
  - The workplaces are outdoors or inside of small or narrowed buildings or houses generally.

- Some shops are too messy and lighting and ventilation system is very poor.

#### Child's Problems and Interests

##### Problems

- ▶ Family's poor economic condition
- ▶ Limited job opportunities
- ▶ The fulfillment of the need of family's living standard
- ▶ Parent's unexpected health problem

##### Interests

- ▶ Vocational skills
- ▶ Skills and working experiences
- ▶ Continue higher education
- ▶ No interest

#### Parents' Problems and Interests

##### Problems

- ▶ debt repayment
- ▶ unexpected health problem or chronic illness
- ▶ having a lot of children
- ▶ unable to meet the basic needs of family with their income and to send school

##### Interests

- ▶ Reintegration to formal education
- ▶ Pursuing higher education
- ▶ Access to vocational education

#### Employers' Perspective

- ▶ Cheap labor without many complaints
- ▶ Lack of interest in the wellbeing and development of children
- ▶ A few employers demonstrate interest to consider personal development of child employees.

#### Civil society Organizations and the protection of child labor

- ▶ No programs particularly for child labor as well and child laborers are taken care of as children who need special care in the child protection programs
- ▶ The programs and activities are restricted and closely monitored by the government.

#### The existing laws and policy concerned with Child Labor

- ▶ The concerned government agencies have no mandates for prevention and protection of child labor.
- ▶ The existing laws have many loopholes and do not consistent with the current situation.
- ▶ The policy concerned with children does not take into account the welfare of child labor.

## APPENDIX C

Table 9 List of teashops

No.	No. of employees	Township
1.	32	Kamaryut
2.	13	Hlaingtharyar
3.	50	Tamwe
4.	5	North Okkalapa
5.	3	Hlaing
6.	11	Hlaing
7.	6	Kyeemyindine
8.	9	Kyeemyindine

Table 10 List of restaurants

No.	No. of employees	Township
1.	8	Kamaryut
2.	3	Kamaryut
3.	8	Latha
4.	6	Latha

## BIOGRAPHY

Ne Chye Thwin completed her Bachelor of Arts in Economics in 2003 in Mandalay. Since 2001, she started working as an outreach worker in HIV/AIDS prevention for the vulnerable people in Care Myanmar, Mandalay for five years. After she got experiences of dealing with HIV infected people and learned counseling skills training programs, she changed her career to HIV/AIDS Pre and Post-test counselor in Population Services International, and worked for community at high risk such as sex workers and men who have sex with men to solve their social and emotional problems and to improve their behavior change through quality client counseling and family counseling. When the Cyclone Nargis made landfall in Irrawaddy Division and Yangon Division in 2008, she decided to apply for humanitarian work in Burnet Institute, Yangon since she was willing to contribute in the relief and recovery process for the cyclone-affected people enthusiastically. She worked in providing capacity development and training in HIV, sexual and reproductive health in emergency settings and psychosocial support to local partners in order to deliver the effective service implementation in the affected areas and beyond through an integrated program.

After a few years of working in the development and humanitarian work in local community, she tried to extend her knowledge and skills in the regional and international community. Hence, she is admitted to Master of Arts Program in International Development Studies at Chulalongkorn University in Thailand in the year 2010 with the financial assistance of Heinrich Böll Stiftung.