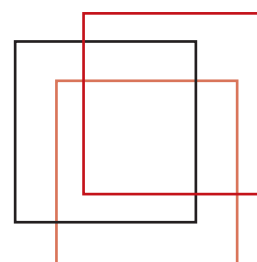




International
Labour
Organization



Combating child labour in Myanmar
A course for Parliamentarians
Supplemental Information



Combating child labour in Myanmar

A course for Parliamentarians

Supplemental Information

Copyright © International Labour Organization 2018

First published 2018

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

FUNDAMENTALS

Combating child labour in Myanmar: Training Package on Child Labour for Parliamentarians / International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) - Yangon: ILO, 2018.

ISBN: 978-92-2-130197-4 (Print); 978-92-2-130198-1 (Web pdf)

International Labour Office; ILO Fundamental Principles and Rights at Work Branch

Also available in Burmese: (ကလေးလုပ်သားတိုက်ဖျက်ရေး၊ လွှတ်တော်အမတ်များအတွက် ကလေးအလုပ်သမားဆိုင်ရာ သင်ရိုး) ISBN 978-92-2-830842-6 (Print); 978-92-2-830843-3 (Web pdf), Yangon, 2018

ILO Cataloguing in Publication Data

Acknowledgements

This publication was elaborated by Philip Hunter for FUNDAMENTALS and coordinated by Selim Benaissa from ILO Yangon Office. Comments, supports and contributions were provided by Bharati Pflug, Saw Hsar Kaw Baw, Hnin Wuit Yee and U Aung Htun.

Funding for this ILO publication was provided by the United States Department of Labor under the framework of the Project "Myanmar Programme on the Elimination of Child Labour (My-PEC)" (MMR/13/10/USA), under cooperative agreement number IL-25263-14-75-K.

This publication does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government. 100 per cent of the total costs of the project is financed with federal funds, for a total of 6,000,000 dollars with the extension of the project.

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and digital products can be obtained through major booksellers and digital distribution platforms, or ordered directly from ilo@turpin-distribution.com. For more information, visit our website: www.ilo.org/publns or contact ilopubs@ilo.org.

Visit our website: www.ilo.org/childlabour

This document is only available in PDF version.

Photocomposed by Julie Sobkowicz Brown

Table of Contents

Key	iv
Introducing	1
Session 1: Defining & Understanding Child Labour	3
What is Child Labour?	4
Key International Standards	8
Myanmar legal provisions for child labour and young workers	14
Session 2: Understanding Global & National Estimates of Child Labour	17
The Regional Picture	18
Child Labour and Age	18
Child Labour and Gender	19
Sectoral Distribution of Child Labour	20
Myanmar Labour Force Survey 2015	20
Session 3: Causes & Consequences of Child Labour	25
Causes of child labour	26
How does work affect the development of a child?	28
The consequences of hazardous work	29
Myanmar context	33
Session 4: Parliamentarians	37
Why it is urgent and important to take action against WFCL	38
Ratifying Conventions and National Programmes	39
What is the role of parliamentarians?	41
What can you do?	48
References	51

KEY:

RESOURCE



KEY MESSAGE



EXERCISE



HANDOUT



Q&A



Introduction

Child Labour is a global issue associated with, among other things, widespread poverty, lack of education, economic development and basic human rights. Worldwide, about one-tenth of the total child population, approximately 168 million children aged 5-17 years, were involved in child Labour in 2012, according to the Global Child Labour Trends 2008-2012 report of the ILO's International Program on the Elimination of Child Labour. The Asia-Pacific region has the most child labourers aged 5-17 (77.7 million) among the different regions.

In Myanmar, more than 1 million children are engaged in child labour, with more than half of them in hazardous work. Child workers aged 15-17 years constitute 75 per cent of all working children, with 54 per cent boys and 46 per cent girls, according to the 2015 Labour Force Survey-Child Labour-School-to-Work-Transition Survey (LFS-CL-STWTS).

The promotion of the ratification and implementation of ILO fundamental Conventions on child labour (i.e. ILO Conventions 138 and 182) is a high priority for the International Labour Organization. The Government of the Republic of the Union of Myanmar ratified ILO C182 on December 2013 as a starting point for addressing the issues covered by those standards.

Given the extent of the practice in Myanmar, coherent, efficient and concrete action is required from all stakeholders. Since the ratification of the Convention, the Government, Workers and Employers' Organizations and Civil Society have shown growing commitment to address the issue and actions are taking place, such as the development of a National Action Plan on Child Labour.

The universal approach of States to protecting working children has been to define the type of work that a child can do depending on the child's age. It is generally believed that certain types of work carried out even at a young age can contribute positively to a child's development and pose no harm. At the other extreme, however, is work that is inherently harmful to children and thus should be the subject of stricter regulation.

In accordance with the Minimum Age for Employment Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182), the legislative response against child labour should have four main elements (ILO and IPU, 2002):

- ▶ clear legal definitions of the minimum age below which children should not be engaged in particular types of work;
- ▶ clear definitions of the hazards to which no child under 18 should be exposed;
- ▶ laws that ban unacceptable practices such as forced and bonded labour, the sale and trafficking of children, and the use and procurement of children for prostitution, pornography and illicit activities; and

- ▶ penalties for practising, encouraging or conniving in such situations and activities.

There is a risk that policy and laws, even when targeted at child workers in general, might exclude certain forms of child labour (e.g. child domestic workers). This can happen when laws or policies name certain sectors of economic activity in which child labour is prohibited while leaving out other sectors where the problem may be just as significant. Legal provisions are sometimes so specifically or narrowly drafted as to exclude from the regulation significant areas where child labour exists (IPEC, 2007:16-20). Convention No. 138 allows countries to make exclusions as long as certain basic industries are covered.¹

This document provides supplemental information about child labour, ILO global estimates, international standards and key roles and actions for specific stakeholders for course facilitators. You are encouraged to review this material prior to implementing the course; it should be used alongside the facilitator's guide and other course materials.

¹ For instance, while commercial agriculture is one of the sectors that must be covered, an exception may be made for "family and small-scale holdings producing for local consumption and not regularly employing hired workers".

Session 1:
Defining & Understanding Child Labour

What is Child Labour?

Child labour 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

Child labour is, first of all, work performed by a child under the minimum legal age for work or employment as defined by national legislation in accordance with ILO Convention 138. The Convention sets a general minimum age of not less than the end of compulsory education and at least 15 years for admission to employment but it allows countries to set a lower minimum age.²

Secondly, child labour refers to work performed by a child below the age of 18 in hazardous or slavery-like conditions, in which case it constitutes a worst form of child labour, as defined by ILO Convention 182. Hazardous work includes activities that are likely to harm the health, safety or morals of children because of the nature of the activity or because of the conditions in which it is carried out. Hazardous work and other worst forms of child labour are further explained in the section below.

Different forms of child labour

Millions of children around the world are doing work that is hazardous, abusive and exploitative. They are commonly found:

- ▶ In industry, doing dangerous work, such as glassmaking, construction and carpet-weaving.
- ▶ In agriculture, performing heavy work and exposed to many hazards associated with the introduction of modern machinery and chemicals.
- ▶ At home, looking after younger siblings, or helping in family farms or businesses, to the extent that this becomes their main and only activity.

What kind of work should children never do?

- ▶ Work that violates children's fundamental rights as human beings;
- ▶ Work that is dangerous or threatening, that exhausts their strength, damages their bodies and takes advantage of their young age;
- ▶ Work that harms their growing up or robs them of their childhood; and
- ▶ Work that prevents them from going to school and gaining basic skills and knowledge for their growth and future.

² The Convention allows some flexibility for developing countries to set initially a lower minimum age, at 14 years, where their economies or educational facilities are insufficiently developed. With the possibility for "light work" of setting a minimum age at the age of 12 or 13, depending on the level of the general minimum age at 14 or 15/16 years.

- ▶ In outright slavery, or in labour arrangements that are tantamount to it, such as bonded labour and child prostitution.
- ▶ In domestic service, carrying out arduous work under conditions of isolation, working excessively long hours and being subjected to physical and sexual abuse.

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

What is acceptable and unacceptable work?

It is necessary to clarify what is **not** meant by the term **child labour**. Children’s or adolescents’ participation in work that does not negatively affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents care for the home and the family, assisting in a family business or earning pocket money outside school hours and during school holidays. It contributes to children’s development and to the welfare of their families; it provides them with skills and experience, and helps to prepare them to be useful and productive members of society during their adult life. These activities should not be equated with **child labour**.

In fact, not all work is harmful to children. Doing chores for the family for a couple hours a day can help children gain skills, self-confidence, and a sense of responsibility, but the nature of the tasks or chores must be carefully chosen to fit the age and strength of the child and must not be hazardous.

The term “work” encompasses most economic activities carried out by children, whether paid or unpaid, in the formal or informal economy, for a few hours or full time, casual or regular, legal or illegal. It excludes chores undertaken in the child’s own home which does not interfere with the child’s education, safety and development, but includes work performed by domestic workers.

If a participant asks: “Is it okay for children to do household chores?”

You can say: “Yes, children of all ages can do household chores, but it is important that they do this work for only a short time and do not carry heavy loads or in any other way jeopardize their health or schooling.”

Economic activity covers all market production and certain types of non-market production (principally the production of goods and services for own use). It includes forms of work in both the formal and informal economies; inside and outside family settings; work for pay or profit (in cash or in kind, part-time or full-time), or as a domestic worker outside the child’s own household for an employer (with or without pay).

Working in the formal and informal economy

Classifying children by sector or trade says little about the relationship between the children and the persons (clients, employers or members of the family) who, in one form or another, employ them. For example, in the agricultural sector, which includes everything from multinational agri-businesses to family units, the working children may be permanent, seasonal, pieceworkers, slaves, or family workers. In the informal economy, which includes a vast range of traditional, unstructured, family, artisanal, and generally unregistered businesses, children may be found as paid workers, apprentices, unpaid workers without contracts, domestic servants, home workers or subcontractors. In the formal sector, which includes private, semi-public or state enterprises of varying sizes, children may be employed as permanent workers, seasonal or daily workers, apprentices with or without contracts, and children who are on the premises with a parent and may be asked to help.

Another way of categorizing child labour is by their visibility. Whether the work is hidden behind walls or out in the open has important implications for how easily child labourers can be found. And whether they work alone or in groups will be a significant factor in how the situation can be addressed. The table below shows how children can be grouped in this way. Child labour is often hidden from view. The real extent of the problem may be invisible to policy and decision-makers since much of the work children do is considered to be "helping out" and is seldom recognized in official statistics. It is often only the head of the household who is registered as working, especially in cases of migrant workers and their families.

TABLE 1: CATEGORIZING CHILD LABOUR SITUATIONS: VISIBLE, INVISIBLE, CONCENTRATED AND DISPERSED

	Visible	Invisible
Concentrated	<p>Child labour that is concentrated and visible includes children who work in one place, are easily observed, and can be approached from outside</p> <ul style="list-style-type: none"> • Seamstresses, tailors, soccer ball stitchers, metal workers, woodworkers (and their helpers in open shops). • Bakers, confectioners, cooks (and helpers) preparing food for passers-by. • Workers in small repair shops, e.g. automobile repair. • Service workers in congested areas, e.g. shoe shiners, car washers, car washers. • Supermarket helpers, vendors, porters, cleaners, cashiers in markets. • Stone and brick breakers on road and building construction sites. • Plantation workers (sugar cane, coffee, vegetables), either alone or with their families. • In family production or harvesting for either domestic or export use. • Agricultural, fish processing. 	<p>Children in these situations work together or near each other, but cannot be seen or are largely inaccessible to outsiders.</p> <ul style="list-style-type: none"> • Brick kiln workers, quarry workers. • Carpenters, helpers and carriers at construction sites. • Factory workers or helpers producing pottery, glass, metal products, plastic goods, jewellery etc. • Factory workers processing food products. • Traditional carpet and textile weavers whether in groups of households or small workshops. • Cheroot makers. • Workers in match, explosive and firework factories. • Miners of coal and minerals. • Work on factory ships or on fishing fleets or fishing platforms.
Dispersed	<p>These children work alone and are, or may appear to be, self-employed.</p> <ul style="list-style-type: none"> • These children work alone and are, or may appear to be, self-employed. • Delivery boys, messengers, and errand-runners. • Providing services or goods on the street, e.g. shoe-shiners, flower-sellers. • Hotel, restaurant, café workers who serve customers, wash dishes, clean the premises. • Entertainers and dancers who may move around with a troupe, camel jockeys, circus performers. • Professional beggars. 	<p>These are the children that are hardest to reach; they work in remote areas, isolated and powerless.</p> <ul style="list-style-type: none"> • Domestic servants. • Children working in family-based industries, such as craftwork. • Children who assist with subsistence hunting, gathering, fishing and agriculture. • Children involved in stealing, picking pockets, smuggling, the drug industry or pornography. • Sexually exploited children. • Children held under conditions of slavery or bondage.

Visible	Invisible
<ul style="list-style-type: none"> • Helpers on long distance transport (buses, cargo steamers, passenger boats). • Children who guard fields against birds, monkeys, thieves. • Herders and those engaged in livestock care, milking, and fodder-gathering. 	<ul style="list-style-type: none"> • Children recruited into armed groups or providing services in conditions of armed conflict.

Key International Standards

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

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

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

The Convention also defines "hazardous work" as "any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons". It further specifies that such types of work or employment should only be permissible to workers of at least 18 years of age. As prescribed by the Convention hazardous work has to be determined by the country through consultations with workers and employers' organizations.

Convention 138 also leaves open the possibility that national legislations may permit individuals over 13 years of age and less than 15 years of age to carry out so-called "light" work, as long as this does not affect their school attendance. However, a country that has initially specified a general minimum age of 14 years may substitute the ages 12 and 14 for the ages 13 and 15.

Convention 138 applies to all sectors of economic activity, whether or not the children are employed for wages. It is a flexible instrument allowing for progressive improvement, and most importantly, for developing countries (i.e. those whose educational and economic systems are not yet fully developed) to set lower ages for employment to start with. Exceptions are allowed for certain sectors (e.g. non-commercial agriculture in developing countries), for limited categories of work, for education and training, and for artistic performances.

However, Convention 138 does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority (...) and is an integral part of:

1. A course of education or training for which a school or training institution is primarily responsible;
2. A programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
3. A programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training."

TABLE 2: THE MINIMUM AGE FOR EMPLOYMENT OR WORK

	The minimum age at which children can start work	Possible exceptions for developing countries
Hazardous work Any work which is likely to jeopardize children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18 years old.	18 years (16 years under strict adult supervision and protective equipment is provided)	18 years (16 years under strict adult supervision and protective equipment is provided)
Basic minimum age The minimum age for work should not be below the age for finishing compulsory schooling, which is generally 15 years old.	15 years	14 years
Light work Children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training.	13 years	12 years

Recommendation 146 on Minimum Age for Employment, 1973

ILO Recommendations are not for ratification, but are frequently found by governments, national parliaments, employers' and workers' organizations and other interested groups to be a useful checklist of actions that may be taken to give effect to the obligations entered into by ratification of a Convention.

Recommendation No. 146 Emphasizes:

1. Strengthening labour inspection and related services by, for example, providing special training for inspectors on detecting abuses in the employment or work of children and young persons and on correcting such abuses;

2. Strengthening government services for the improvement of training offered in enterprises;
3. Placing emphasis on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions of the law and in securing enforcement of the law;
4. Coordinating labour inspection and inspection of training to provide economic efficiency;
5. Having the labour administration services work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons.

UN Convention on the Rights of the Child, 1989

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

1. *Survival rights*

All children have the right to life and to meeting their most basic needs, including food, shelter and access to health care.

2. *Development rights*

All children have the right to develop properly, without hindrance. They have the right to education, play, freedom of thought, religion and conscience and all other rights that will allow them to develop to their fullest potential.

3. *Protection rights*

All children have the right to be protected from all forms of abuse, neglect and exploitation.

4. *Participation rights*

All children have the right to take an active role in their community and nation, including freedom of expression, to be members of a group, etc.

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

▶ *Child labour*

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

▶ *Education*

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

Article 1 defines a 'child' as a person below the age of 18, unless the laws of a particular country sets a lower legal age for adulthood. The Committee on the Rights of the Child, the monitoring body for the convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 32 specifies that children have the right to be protected 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.

It calls for states parties to take legislative, administrative, social and educational measures such as:

- a. Provide for a minimum age or minimum ages for admission to employment;
- b. Provide for appropriate regulation of the hours and conditions of employment;
- c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Other relevant articles include:

- ▶ Article 33, requiring measures to prevent the use of children in illicit production and trafficking of drugs;
- ▶ Article 34, requiring protection against sexual exploitation;
- ▶ Article 35, requiring prevention of abduction, sale and trafficking of children for any purpose;
- ▶ Article 36, requiring protection against all other forms of exploitation prejudicial to any aspects of the child's welfare;
- ▶ Article 28, confirming a child's right to education; and
- ▶ Article 39, providing for measures to promote the physical and psychological recovery and social integration of child victims.

Optional Protocols to the Convention on the Rights of the Child

Two optional protocols, adopted in May 2000, also deal with some of the worst forms of child labour.

They relate respectively to:

1. The Involvement of Children in Armed Conflict;
2. The Sale of Children, Child Prostitution and Child Pornography.

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

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

Article 4 defines the worst forms of child labour as:

1. All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. (slavery)
2. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. (sexual exploitation)
3. The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant treaties. (illicit activities)
4. Work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or safety or morals of children. (hazardous work)

The first three categories are likely to be illegal and the responsibility primarily of police authorities. Labour inspectors are going to be particularly concerned with the last category, although as part of a larger team and more comprehensive approach, they have a role to play with all.

The convention itself does not define what hazardous work includes, leaving this instead to ratifying countries to do in the form a "hazardous work list". But the ILO's Worst Forms of Child Labour Recommendation, 1999 (No. 190), the non-binding guidelines that accompany Convention No. 182, gives some indication as to what work should be prohibited. It urges member States to consider:

- ▶ Work that exposes children to physical, emotional or sexual abuse;
- ▶ Work underground, under water, at dangerous heights or in confined spaces;
- ▶ Work with dangerous machinery, equipment and tools, or that involves the manual handling or transport of heavy loads;
- ▶ Work in an unhealthy environment, which may, for example, expose children to hazardous substances, agents or processes or to temperatures, noise levels, or vibrations damaging to their health; and
- ▶ Work under particularly difficult conditions such as work for long hours or during the night or work that does not allow for the possibility of returning home each day.

It is not possible to point to a specific sector or occupation and declare it to be a "worst form". Even where children do not suffer the worst forms of abuse cited above, many are forced to work without sufficient rest, in cramped spaces, with poor lighting, seated on the bare ground, using tools that

are too big for them, without adequate drinking water or toilets, and – particularly damaging to their future – no chance to go to school. Even the many millions of children who work in traditional agriculture as part of the family unit are exposed to risk from a wide variety of hazards.

ILO Recommendation on Worst Forms of Child Labour, 1999 (No. 190) provides further practical guidance regarding measures for eliminating the worst forms of child labour, such as the determination for hazardous work or the design and implementation of national programme of actions.

ILO Convention concerning Decent Work for Domestic Workers, 2011 (No. 189)

A historic milestone that addresses a serious deficit and inequality in the protection of workers' fundamental rights, Convention No. 189 affirms that domestic workers are workers, and have rights like other workers. It recognizes their fundamental rights, requires Members to take measures that protect domestic workers against all forms of abuse, harassment and violence, and sets minimum standards of protection for domestic workers of all ages.

Consistent with Convention 138 and Convention 182, each State is required to set a minimum age for domestic workers that should not be lower than the legal working age for workers generally. Domestic work performed by child workers below the legal minimum working age is child labour and should be eliminated. As regards child domestic workers below 18 years of age but above the legal minimum working age, their special needs (including compulsory education and training opportunities) should be addressed and protected, and they should be provided with decent work conditions in line with Convention No. 189.

International Instruments

- ▶ Convention on the Minimum Age for Employment, 1973 (No. 138)
- ▶ Convention on Worst Forms of Child Labour, 1999 (No. 182)
- ▶ Convention concerning Decent Work for Domestic Workers, 2011 (No. 189)
- ▶ Recommendation on Minimum Age for Employment, 1973 (No. 146)
- ▶ UN Convention on the Rights of the Child, 1989

Myanmar legal provisions for child labour and young workers

In Myanmar, legal provision on child labour are fragmented in different pieces of legislations, and are not fully compliant with the key International Standards on Child Labour, respectively ILO Conventions 138 (Minimum Age), ILO Convention 182 (Worst Forms of Child Labour), ILO Conventions 189 (Domestic Work) and United Nation Child Rights Conventions (UNCRC).

The main legislation covering child labour are:

- ▶ Child Law (1993)
- ▶ Factories Act (1951) amended in 2016
- ▶ Shops and Establishments Act (1951) amended in 2016
- ▶ Leave and Holidays Act (1951) amended in 2016
- ▶ Payment of Wages Act (1936) amended in 2016
- ▶ Oilfield (Labour and Welfare) Act (1951)

Age Restriction:

The Child Law states that children have the right to engage voluntarily in work allowed by law, including the special rights provided in respect of hours of employment, rest, and leisure.

However, under the labour laws, no one under 14 years old may be employed, and all workers under 18 years old ('young workers' or 'young people') may only work if a certificate of fitness for work is granted by a certifying surgeon/medical practitioner and if the certificate is kept in the custody of the manager of the factory.

Young workers must have a fitness certificate for work while working and employers must keep a register of all young workers (under 18 years old) in the enterprise

Medical Requirements:

Young people (under 18 years old) who wish to work must be examined by a certifying surgeon. The doctor may issue a certificate of fitness if she/he is satisfied that the young person is at least 14 years old and is capable of production/factory work.

The certificate is valid for 12 months and the doctor can limit the types of work the young person may do. A medical doctor who refuses to issue (or reissue) a certificate of fitness must state in writing the reasons for refusal. Fees for a certificate of fitness are paid by the employer, not the worker or parents.

Limits and Prohibitions on Work Done by Children

Wages of children shall not be deducted just like adult workers, except for the unearned or unauthorized absence from work (e.g. annual leave, sick leave, or other entitlements). Additionally, wages of children under 16 years shall not be deducted as fines.

Workers under fifteen years old are entitled to 14 days of consecutive earned annual leave as opposed to 10 days for older workers.

In factories, no children between 14 and 16 years old may work more than four hours in any day (five hours maximum if breaks are included). They may not work between 6 p.m. and 6 a.m.

No child shall be required to work in the worst forms of labour including in hazardous conditions, conditions harmful to his/her health, conditions deterring his/her education and in a workplace wherein he/she would be exploited. They shall not be assigned to work in the same area as a cotton opener, unless the feed end of the machinery is separated from the delivery end by a partition.

Workers under 18 years old may not use dangerous machinery unless they have received sufficient training or are supervised by experts. They may not lift, carry, or move any load heavy enough to cause injury.

In shops and establishments, working hours for children between 14 and 16 years old shall be no more than four hours (five hours maximum if breaks are included). They are not allowed to work between 6 p.m. and 6 a.m. They shall not work overtime hours.

Among the persons between 16 and 18 years old, those who have completed the relevant vocational trainings, who know and abide by the directives relating to the occupational safety and health, and those who are certified by the registered medical practitioner, shall be allowed to work in the trades which are safe and which do not affect the development and moral of such persons. Workers under 18 years old shall not be required or allowed to perform the prescribed dangerous work or in the dangerous workplace.

TABLE 3: LEGAL FRAMEWORK IN MYANMAR

Legal framework in force	Minimum age
Factories Act (1951)	14 yrs certificate of fitness required if a child under 16 is to be employed
Oilfields (Labour & Welfare) Act 1951	13 yrs certificate of fitness required if a child under 15 is to be employed
Shops & Establishment Act (1951)	14 yrs certificate of fitness required if a child under 16 is to be employed

Session 2:

Understanding Global & National Estimates of Child Labour

The latest ILO estimates indicate that 152 million children – 64 million girls and 88 million boys – are in child labour globally, accounting for almost one in ten of all children worldwide. Seventy-one per cent of children in child labour work in the agricultural sector and 69 per cent work within their own family unit. Nearly half of all those in child labour – 73 million children in absolute terms – are in hazardous work that directly endangers their health, safety, and moral development. Children in employment, a broader measure comprising both child labour and permitted forms of employment, involving children of legal working age, number 218 million.

The Regional Picture

Africa ranks highest both in the percentage of children in child labour – one-fifth – and the absolute number of children in child labour – 72 million. Asia and the Pacific ranks second highest in both these measures – 7 per cent of all children, 62 million in absolute terms, are in child labour in this region. The Africa and the Asia and the Pacific regions together account for almost nine out of every ten children in child labour worldwide. The remaining child labour population is divided among the Americas (11 million), Europe and Central Asia (6 million), and the Arab States (1 million). In terms of incidence, 5 per cent of children are in child labour in the Americas, 4 per cent in Europe and Central Asia, and 3 per cent in the Arab States. The regional rankings for hazardous work are broadly similar.

TABLE 4: CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK BY REGION, 5 – 17-YEAR AGE GROUP, 2016

Region	Children in Child Labour		Hazardous Work	
	('000)	%	('000)	%
World (5-17 years)	151,622	9.6	72,525	4.6
Africa	72,113	19.6	31,538	8.6
Arab States	1,162	2.9	616	1.5
Asia and the Pacific	62,077	7.4	28,469	3.4
Americas	10,735	5.3	6,553	3.2
Europe and Central Asia	5,534	4.1	5,349	4.0

Child Labour and Age

The age breakdown of children in child labour indicates that 48 per cent of all those in child labour are in the 5–11 years age bracket, 28 per cent are aged 12–14 years, and 25 per cent fall into the 15–17 years age range. Younger children constitute a smaller but still substantial share of total children in hazardous work. A quarter of all children in hazardous work group – 19 million children

in absolute terms – are aged 5-11 years. While there are no possible exceptions for hazardous work – all children must be protected from hazardous child labour – the group of very young children facing hazardous work conditions directly endangering their health, safety, and moral development is of special concern.

TABLE 5: CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK BY AGE GROUP, 2016

Age group	Children in Child Labour		Hazardous Work	
	('000)	%	('000)	%
5 – 11 years	72,585	8.3	19,020	2.2
12 – 14 years	41,887	11.7	16,355	4.6
15 – 17 years	37,149	10.5	37,149	10.5

Child Labour and Gender

There are 23 million more boys than girls in child labour and 17 million more boys than girls in hazardous work. Seen from a different perspective, boys account for 58 per cent of all children in child labour and 62 per cent of all children in hazardous work. The gender gap increases with age. The difference in child labour incidence is less than one percentage point for 5–11 year-olds, rising to three percentage points for 12–14 year-olds and to five percentage points for 15–17 year olds. But it is possible that these figures understate girls' work relative to that of boys. As pointed out in previous global reports, girls may be more present in less visible and therefore under-reported forms of child labour such as domestic service in private households. In addition, girls are much more likely to perform household chores in their own homes, a form of work that is not included in the child labour estimates. It is also worth noting that the decline in child labour among girls was only half that among boys during the 2012 to 2016 period, meaning that the gender gap in child labour has narrowed. A similar pattern prevailed for hazardous work.

TABLE 6: CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK BY SEX, 5 – 17-YEAR AGE GROUP, 2016

Sex	Children in Child Labour		Hazardous Work	
	('000)	%	('000)	%
Boys	87,521	10.7	44,774	5.5
Girls	64,100	8.4	27,751	3.6

Sectoral Distribution of Child Labour

Agriculture is the most important sector for child labour by a considerable margin, accounting for 71 per cent of all those in child labour and for 108 million children in absolute terms. Child labour in agriculture relates primarily to subsistence and commercial farming and livestock herding, but the agricultural sector also extends to fishing, forestry, and aquaculture. Most of children's agricultural work is unpaid and takes place within the family unit. It is also often hazardous in its nature and in the circumstances in which it is carried out. The relative importance of agriculture rose significantly from 2012, when the sector accounted for 59 per cent of all child labour, a change likely reflecting the shift in the regional distribution of the child labour population towards Africa, where agricultural child labour predominates. Children in child labour in the services and industry sectors number 26 million and 18 million, respectively. While least important in numerical terms, the industry sector is where children face the greatest risk of encountering hazards – three quarters of children working in this sector are in hazardous work. It is also worth noting that both services and industry in the informal urban economy are likely to become more relevant in some regions in the future in the face of forces such as climate change displacing families from their farms and into cities.

TABLE 7: SECTORAL DISTRIBUTION OF CHILD LABOUR, NUMBER AND PERCENTAGE SHARE, 5 – 17 YEARS AGE GROUP, 2016

Sector	('000)	% share
Agriculture	107,543	70.9
Industry	18,007	11.9
Services	26,072	17.2

Myanmar Labour Force Survey 2015

The Ministry of Labour, Employment and Social Security and the Central Statistical Organisation of Myanmar conducted a labour force survey in March 2015, with the financial and technical support of the ILO. The survey covered 23,425 households across the country. The main objective of the survey was to collect the latest information on the size, structure, distribution and characteristics of the labour force, employment, unemployment and other economic characteristics of the population as well as aspects related to child labour and the transition from school to work.

The estimated population of Myanmar is 48 million people. 72 per cent of the population live in rural areas and 28 per cent in urban areas. The working age population of the country is estimated at 33.9 million, of which women constitute 54 per cent and men 46 per cent. Of this total, the number in employment totals 21.8 million, with the main occupations in Myanmar being skilled agriculture,

forestry and fishing; elementary occupations; service and sales; and craft and related trades. More information about labour force characteristics can be found in the Executive Summary of the survey itself.

According to the 2015 survey report, 10.5% of the total child population of just over 12 million children in Myanmar – or 1,278,909 children and young people below 18 years – work. Of those 1,125,661 – or 9.3% of the child population- are in child labour. Just over half of the child labourers – 616,815 or 5.1% of the child population – are trapped in hazardous work likely to harm their physical, mental or moral development. The survey does not provide estimates on the number of children trapped in the other forms of WFCL.³

Both boys and girls work, with boys more likely to be in economic activity than girls (at 11.3% of boys and 9.8% of girls respectively). This may be due to the fact that boys do indeed work more than girls, but it may also reflect a situation where girls are more likely to be in hidden forms of child labour, not captured in the survey (e.g. commercial sexual exploitation).

The 2015 survey findings show much greater disparity when it comes to age groups. The work participation rate increases sharply with age. Whereas only 1.7% of the 5-11 year olds work, 22.7% of the 12-14 years old work and a staggering 75.6% of those between the ages of 15-17 years work. Girls seem to be more likely to work in the younger age brackets and boys more likely to work in the older age brackets.

The age break-down for working children correlates with the education statistics in the survey. School attendance decreases significantly for both girls and boys in with age. 88.9% of the 5-11 year olds attend school. The figure drops to 79.8% for the 12-14 year olds and all the way down to 47.7% - or less than half – of the 15-17 year olds, indicating that a very substantial number of children leave school at the point of transition to secondary level. For all age groups, girls have marginally higher school attendance rates than boys. This correlates with the picture that boys are more likely than girls to work full time.

It is worth noting also that the 2015 survey found that children, and especially the 12-14 years age group, tend to work very long hours. Thus 25.8% of the 12-14 years old and 24.3% of the 15-17 years old worked 60 hours or more. Most of the children in the two age brackets (35.3% and 33.3% respectively) worked 50-59 hours per week. This would further strengthen the correlation between school drop-out and work, as long hours in and by themselves would preclude school attendance.

Overall, 60.7% per cent of children work in agriculture forestry and fisheries, followed by manufacturing and then wholesale and retail (including motor vehicle repair). Together, these three

³ Estimating the number of children in WFCL is usually not possible in household survey for methodological reasons.

sectors account for over 80% of the working children. A very small number of children work in mining and quarrying and in electricity, gas and water supply. It is slightly more common for children to work in construction, accommodation and food services, transportation, administrative and support services, domestic services and in other services.

A number of these sectors are associated with hazardous work, e.g. agriculture, forestry and fisheries and mining and quarrying, where child labourer can be exposed to hazards that includes: exposure to dust and fumes, dangerous tools, extreme heat or cold, pesticides, and chemicals. In addition, some of the service sectors, such as domestic work and hospitality, are often characterised by hazardous and unhealthy environments (e.g. isolation or exposure to substance use/abuse) that may pose risks to children psychological or moral development.

TABLE 8: KEY ESTIMATES OF WORKING CHILDREN, CHILD LABOUR AND HAZARDOUS CHILD LABOUR

	Total	Boys	Girls
Child Population	12,146,463	6,010,459	6,136,004
Working Children	1,278,909	676,208	602,701
Child Labour	1,125,661	601,471	524,190
Hazardous Child Labour	616,815	337,318	279,498
Child Labour (not in hazardous work)	508,846	264,153	244,693
Proportion of working children	10.5	11.3	9.8
Proportion of child labour	9.3	10.0	8.5
Proportion of hazardous child labour	5.1	5.6	4.6
Proportion of child labour (not in hazardous work)	4.2	4.4	4.0

Myanmar Labour Force Survey 2017 (Quarterly Report, first quarter January-March 2017)

The Ministry of Labour, Immigration and Population and the Central Statistical Organisation of Myanmar, with the technical support of the ILO, conducted a quarterly labour force survey for first quarter of 2017 (January- March, 2017). Expecting quarterly labour force survey will be conducted after a couple of years. It is intended to collect labour market information during high and low seasons. At the second round of 2017 (Q2) was conducted during September- November. Considering cost, time and manpower resources the targeted sample size in terms of First Stage Units (FSUs) has been determined as 780 Enumeration areas (EAs) per each round. In each EA 18 households will be

selected for survey. As such, the total expected number of households to be surveyed will be about 14040 for each round. This is smaller than the 2015 LFS that had 24,000. The annual labour force survey report will use data from both rounds.

According to the 2017 first quarterly survey report, 5.0 percent or 623 thousands out of a total of 12,410 thousands, children age 5-17, are into child labour. 5.7 percent of all boys and 4.4 percent of all girls employed as child labour. In absolute terms, these are 349,605 and 273,247. Rural children (5.3 percent), amongst them boys (6.3 percent) more disposed towards child labour, compared to urban children (4.1 percent) and urban boys (4.5 percent). The percentage of children who are working but are not necessarily child labour is also higher in rural areas, both for boys and girls.

Out of the 623 thousands children into child labour, 608 thousands are exposed to the perils of hazardous work. In terms of boys and girls, there are 343 thousands and 265 thousands. Expectedly, an overwhelmingly large proportion of the children engaged in hazardous work are from 15-17 age group.

TABLE 9: KEY ESTIMATES OF WORKING CHILDREN, CHILD LABOUR AND HAZARDOUS CHILD LABOUR (2017)

	Boys	Girls	Total
Total Child Population (000)	6,157	6,253	12,410
Working Children (000)	448	357	805
Child Labour (000)	350	273	623
Hazardous Child Labour (000)	343	265	608
Proportion of working children	7.3	5.7	6.5
Proportion of child labour	5.7	4.4	5.0
Proportion of hazardous child labour	5.6	4.2	4.9

Session 3:
Causes & Consequences of Child Labour

Causes of child labour

Child labour is a symptom of widespread poverty and inequality in society. It is also a cause of poverty, and in this context, becomes self-perpetuating. Poverty is deep-rooted and natural disasters, human conflict (war and civil strife), illiteracy, powerlessness and the lack of viable options further exacerbate the deprivations confronting poor parents who feel compelled to put a child to work.

Poverty, however, is not the only factor in child labour and cannot explain all types of employment and servitude. The reasons for child labour are many and the causes vary from country to country and from one economic sector to another. However, several common causes exist, as detailed below:

Poverty

A powerful determinant of child labour is poverty. Poor families may send their children to work or ask them to work in the family business or on the family farm because the family needs the extra money or work effort that children provide. Large numbers of children work as unpaid workers on family farms or in family stores that depend on family labour to survive economically. For some families, child labour provides the only means of generating sufficient income to ensure at least partial schooling for their children in areas where basic education is not free. It is now widely acknowledged that child labour cannot be tackled in isolation from the problem of poverty.

Poverty is undoubtedly a key cause of child labour. However, child labour itself is also a cause of poverty. Because child labourers generally come from poor families, the fact that they are prevented from obtaining an education means that poverty passes from one generation to the next. Child labour reproduces the cycle of poverty. Thus, efforts to reduce child labour must endeavour to break the cycle of poverty by helping children to stay in school so that they, in turn, can gain better employment and be in a better position to support the schooling of their own children.

Low cost of child labour

In many cases, working children represent a plentiful source of cheap labour. The prevalence of child labour in some sectors undermines decent work for adults, as it maintains a cycle where household income for both self-employed workers and waged workers is insufficient to meet their economic needs.

Lack of decent schooling

Many areas lack quality education for all. This may include, among other things: an absence of schools; schools of variable quality; lack of accessible education for children; poor/variable rates of school attendance; low standards of educational performance and achievement; poor rates of pay for teachers; and/or problems of retaining teachers in remote rural areas.

The lack of universal, free, compulsory, quality primary education poses various problems. Parents find it difficult to send their children to school if they must pay tuition and other fees (such as the provision of uniforms and school textbooks). If parents cannot afford these costs, children stay away from school and often end up working for the family or others. Where basic education is not free, child labour may be the only way for some families to generate enough income to ensure at least partial schooling for their children.

Lack of controls in smaller workplaces

Child labour is much less common in large enterprises. In small, often unregistered enterprises, child labour is more prevalent. Labour inspectors rarely visit such workplaces and there is little trade union involvement. Child labour can flourish in such conditions as child workers are not organized and are more easily exploited.

Absence of workers' organizations

The incidence of child labour is greatest where trade unions are weak or do not exist. Trade unions are often not found in small-scale enterprises, or in what is termed the "informal economy", where it can be difficult for workers to organize.

Health and social protection

The state of health of key income-earners in the family and the lack of adequate social protection can have an important influence on whether to send a child out to work. If parents are sick, children are forced to become breadwinners. The death of one or both parents can produce a similar result.

Cultural or family traditions

In some societies, children working alongside adults is considered an essential element of child socialization. Furthermore, certain traditional trades or professions require extended periods of apprenticeship. In the same way, participation of children in the mobility of adults (for example, in the West and Central African sub-region), either by travelling with their parents or by being placed in the household of members of the extended family for study or apprentice-ship, is a widespread traditional practice.

Families may place great importance on children following in their parents' footsteps. This tradition may also reinforce prevailing social biases: girls imitate their mothers and boys their fathers and grandfathers. If a family has a tradition of engagement in a hazardous occupation, there is a great likelihood that the children of that family will enter the same line of work.

“Nimble fingers” argument

There is a common misconception that children are more able to perform certain tasks than adults. This idea is based on the “nimble fingers” argument in which children are thought to be better at activities such as carpet-making because their fingers are more nimble than those of adults. However, this theory has been proven false in detailed sector studies, including those related to Indian carpet-making.

Lack, or non-enforcement, of regulations and laws

Weak or non-existent labour laws and non-enforcement where laws do exist greatly facilitate the use of child labour. For example, 75 per cent of the world’s poor live in rural areas where labour standards are often low, and where over 60 per cent of all child labour is found. Huge numbers of self-employed and waged rural workers contend with poor labour conditions. Decent work deficits typically include: lack of freedom of association and collective bargaining; underemployment; low wages; poor occupational safety and health standards and general working conditions; gender inequality; long hours of work; poor working time arrangements; lack of social protection; poor housing; discrimination; and weak social dialogue. Compared to those working in other economic sectors, many rural/agricultural workers are inadequately protected by national labour law.

Discrimination

Discrimination on the grounds of sex, race, social origin, caste, ethnicity or any other grounds is another factor that has led to the persistence of child labour around the world.

Distress migration

It has been observed that due to poverty, lack of employment or earning opportunities, and other reasons, many families migrate from rural to urban areas. When the economic dream does not materialize after migration, these families become even more vulnerable in an alien urban environment and their survival is threatened again. Thus, for these families their children’s earnings become a necessity. Such rural–urban migration can thereby contribute to the growth of child labour.

How does work affect the development of a child?

Childhood provides us with important opportunities to learn from the world around us. We develop skills that enable us to become social beings and participate fully in family and community life. This early period of life is critical in determining our future existence. Child labourers miss out on much of this precious time. Their work gets in the way of childhood activities and becomes an obstacle to their physical, emotional and social development.

Physical development

Child labourers are far more vulnerable than adults because their bodies are still growing and are not yet fully formed. They experience poor physical health because the work that they do exposes them to the risk of injury and illness. These effects can be both immediate, like a burn or a cut, or can have consequences that last a lifetime, like suffering from a respiratory disease or catching AIDS.

Emotional development

Child labourers frequently work in environments that are exploitative, dangerous, degrading and isolating. They often suffer ill-treatment, abuse and neglect at the hands of their employers. Children may, as a consequence, find it very difficult to form attachments and feelings for others. They have problems interacting and cooperating with others and attaining a real sense of identity and belonging. They often lack confidence and experience feelings of low self-esteem.

Social development

Children who work do not have the opportunity to participate in activities that are a crucial part of growing up, such as playing, going to school and socializing with their peers. They do not obtain the basic level of education that is needed to cope in life. Nor do they get the opportunity to interact with others and actively participate in and enjoy life. These activities are abandoned in favour of work and children are consequently pushed into adulthood before they are ready, doing work that requires an adult level of maturity. Child labour is an obstacle to children's development and future prospects. All children, regardless of race or social and economic status, are entitled to enjoy their childhood years and to grow up fully and naturally. All have the right to love, education and protection. Knowing and understanding these rights is the first step in preventing child labour and providing children with education so that their future can be a better one.

The consequences of hazardous work

A hazard is anything with the potential to do harm. A risk is the likelihood of potential harm from that hazard actually occurring. Consider common workplace hazards: an object (knife blade, tall ladder), a solvent (benzene), a material (asbestos), an energy source (electricity), a physical environment (wet floor), a psychological environment (intimidation), a task (welding), a general practice (tobacco growing), a condition of work (excessive hours). The potential harm from some of these hazards is obvious, such as cuts from blades and blindness from welding. Other times, the hazards are obscured or take a long time to be felt. For example, many young farm workers don't know that when they harvest wet tobacco leaves they will be absorbing nicotine through their skin. A 16-year-old shoe-maker may not know that the glue he uses contains benzene or that it can lead to leukaemia and death by age 30. The dangers associated with psychosocial hazards are known

least of all. Stress, long hours, fast-paced work, isolation, intimidation – to name a few – can all cause interior wounds, wounds that are not quick to heal.

First, it is helpful to distinguish between hazard and risk in assessing the seriousness of a situation and in deciding what should take priority. There is a tendency for most people to think of hazards and risks in terms of adults. The risks are very different for children – a fact which needs to be continually emphasized.

- ▶ A hazard is anything that can cause harm, e.g. chemicals, electricity, working from ladders.
- ▶ Risk is the chance, whether big or small, of such harm actually occurring due to this hazard.

A risk is the likelihood of potential harm from that hazard being realized. For example, the hazard associated with power-driven agricultural machinery might be getting trapped or entangled by moving parts. The risk will be high if guards are not fitted and workers are in close proximity to the machine. If, however, the machine is properly guarded, regularly maintained and repaired by competent staff, then the risk will be low.

What kind of hazards are child workers exposed to?

The hazards to which working children and youth can be exposed may be of several different kinds. It helps to use a standard framework for thinking about this in order to not to miss any of them. The field of occupational health uses these categories:

- ▶ **Biological hazards:** dangerous animals and insects, poisonous or sharp plants, bacteria, parasites or viruses (HIV, hepatitis).
- ▶ **Chemical hazards:** toxic gases, liquids (solvents, cleaners), metals (asbestos, mercury, silica, lead) fumes (vehicle exhaust, glues), agro-chemicals (pesticides, herbicides and insecticides), explosives.
- ▶ **Ergonomic hazards:** work that requires lifting, carrying or moving heavy loads, repetitive or forceful movements, or work postures that are awkward or which must be held for a long period of time.
- ▶ **Physical hazards:** extreme temperatures (hot or cold), noise, vibrations, or radiation.
- ▶ **Psychological hazards:** Stress, intimidation, monotonous work, lack of control or choice, insecurity, harassment, abuse (sexual or physical violence), heavy sense of responsibility.
- ▶ **Social hazards:** isolation from peers and family, association with drugs or adult behaviour.
- ▶ **Other physical risks:** risk of falling, being struck by objects, being caught in or between objects, being cut or burned.
- ▶ **Working conditions:** long working hours, night work or work in isolation, an obligation to commute to work through high crime areas or at night.

Challenges in understanding children's risks

Why have research and policies on hazardous work of children been lagging behind? It may be because many people assume that children don't work or that the work they do is not so dangerous.

Or perhaps they feel that it is not necessary to know about the effects of work on children's health, but simply to concentrate on getting younger children out of work.

What is important to remember – and hardest to judge – is that a child in hazardous work is not subject to just one risk factor, but usually to several. Hazardous work often (but not always) occurs along with poverty. When she is malnourished and carries heavy loads, she is exhausted and her risk of illness increases. When he is growing rapidly and working for hours in the hot sun, his risk of injury increases. In addition, the child who is scolded for lack of attention or beaten for a mistake pushes herself or himself even harder ... and the risk of an accident increases even more.

Child labourers are at even greater risk from workplace hazards than adult workers for the reasons given below.

Skin

- ▶ A child has 2.5 times more skin per body weight than an adult, which, along with thinner skin, can result in greater absorption of toxins.

Respiratory system

- ▶ A child breathes more deeply and frequently than an adult and thus can take in more hazardous substances.

Brain

- ▶ Maturation can be hindered by exposure to toxic substances. Metals are retained in the brain more readily in childhood and absorption is greater.

Energy requirements

- ▶ Because they are growing, children have a high energy consumption which can result in greater exposure to toxins.

Fluid requirements

- ▶ Children are more likely to dehydrate as they lose more water (per weight) than adults through the lungs and skin and their kidneys are less able to concentrate urine.

Sleep requirements

- ▶ 10- to 18-year-olds require about 9.5 hours of sleep a night for proper development.

Temperature

- ▶ Children experience increased sensitivity to heat and cold, as their sweat glands and thermo-regulatory systems are not fully developed.

Physical strain/repetitive movements

- ▶ Physical strain, especially combined with repetitive movements, on growing bones and joints can cause stunting, spinal injury and other life-long deformities and disabilities.

Cognitive and behavioural development

- ▶ Younger children have a weaker capacity to recognize and assess potential safety and health risks and make decisions about them

Other risk factors

Other factors that increase levels of risk for children include:

- ▶ lack of work experience – children are unable to make informed judgements;
- ▶ a desire to perform well – children are willing to go the “extra mile” without realizing the risks;
- ▶ learning unsafe health and safety behaviour from adults;
- ▶ lack of safety or health training;
- ▶ inadequate, even harsh, supervision; and
- ▶ lack of power in terms of organization and rights

TABLE 10: POTENTIAL OUTCOMES OF HAZARDS FACED BY CHILD LABOURERS BY SECTOR

Occupation/sector	Hazards/risks	Possible safety and health outcomes
Agriculture	Working with heavy, dangerous and often mobile machinery (e.g. being run over by a tractor); exposure to toxic pesticides and fertilizers; animals; exposure to organic crop and animal dusts; lifting heavy and awkward loads, often over long distances; exposure to extreme temperatures; poor hygiene and sanitary conditions.	Injuries from machinery, including amputations; chemical poisoning (chronic and acute); injuries from livestock; diseases such as asthma and bronchitis; back pain and other muscular problems in shoulders, legs etc.; cuts and other bodily injuries.
Fishing (sea and freshwater)	Drowning due to falling overboard or being trapped in nets while diving; injuries from hooks, rope, cables, nets; exposure to sun and extreme temperatures; heavy loads; long hours/periods at sea; poor hygiene; deep diving; wounds from fish.	Fatal accidents; musculoskeletal injuries; bone deformation; wounds and blistering to hands from fish hooks, nets; puncture wounds from fish spikes, etc.; decompression illness and ear injuries from diving.

Occupation/sector	Hazards/risks	Possible safety and health outcomes
Mining (underground and surface)	Tunnel collapses; rock falls; explosives; heavy loads; suffocation; strenuous work; poisoning from mercury; diseases such as silicosis; harsh and psychologically risky environment.	Death or severe injury from tunnel collapse or explosives; musculoskeletal injuries; bone deformation; suffocation; exhaustion; mercury poisoning.
Construction	Falls from heights; falling objects; heavy loads; digging/shovelling; sharp tools; cement dust, etc.; metalwork; breaking stones/rocks; noise.	Injuries from falls or being struck by falling objects; musculoskeletal problems; blistering of hands and skin; cuts and wounds to skin; respiratory problems due to dust.
Brick-making	Exposure to silicate, lead and carbon monoxide; lifting heavy and awkward loads; burns from ovens; long hours; exposure to solar radiation.	Burns from ovens; poisoning (acute and chronic); musculoskeletal problems; dermatitis.
Carpet weaving	Inhalation of wool dust contaminated with fungal spores; poor work posture (squatting); poor lighting; poor ventilation; hazardous chemicals (pesticides).	Respiratory diseases, such as asthma; musculoskeletal problems; eye strain and defective vision at premature age; chemical poisoning; aggravation of non-occupational diseases
Tannery	Exposure to corrosive and toxic chemicals – lime, chrome, etc.; strenuous work; heavy loads; skin problems; bacterial contamination of the hides.	Dermatitis from handling hides and corrosive chemicals; musculoskeletal injuries; exhaustion; chemical poisoning.
Scavenging	Cuts and wounds; infectious diseases; dermatitis and fungal infection; poor hygiene conditions; rodents.	Tetanus; other infectious diseases; infected cuts and wounds; chemical poisoning; food poisoning; burns (from build-up of methane gas and explosion).
Domestic work	Long working hours; physical and sexual abuse by the employer and family members; strenuous and demeaning tasks; isolation from family and society; confinement to the workplace.	Physical injury and psychological trauma as a result of harassment and abuse; emotional distress due to poor living and working conditions and confinement to the workplace, ill-treatment by the employer and isolation from the family.

Myanmar context

Child labour in Myanmar is caused by a multitude of factors. The first - and most commonly cited - root cause of child labour in Myanmar is poverty. Poverty may be understood as "simple" income poverty - families with insufficient resources to manage without resorting to child labour. But poverty also manifests itself as vulnerability to economic shock, which leaves a household with extra expenses and/or decreased income, triggering the need to withdraw children from school to work full time.

Conflict and natural disaster, and especially typhoons and flooding, as significant economic shocks, leading to child labour.

A response to poverty in Myanmar is migration, both internally between rural and urban areas and into neighbouring countries, especially Thailand. While this may indeed create more resilience in the household through remittances, partners stressed that some of the rural out-migration areas face severe labour shortages, notably during agricultural peak seasons, and therefore communities resort to child labour to, for example, bring in the harvest.

Moreover, migration is considered a viable option also by young people in rural areas who drop out of school to migrate to urban areas in search of jobs – migration is seen as a way not just to cope but also to increase opportunities ⁴. With limited education, they often end up in poorly paid and hazardous work not commensurate with their age or drop out of school to migrate at young age, ending up, for example, in tea shops. There seems to be some linkages between the tradition for migration and child trafficking in Myanmar, hence leading not only to school drop-out but to a very real risk of being trapped in WFCL.

These patterns are underpinned by cultural traditions and beliefs. The 2015 KAP survey, supported by the ILO MyPEC project, documents how both children and parents see it as a child's obligation to support their parents. In practical terms, this means that children – and especially the oldest child in a family – is expected to leave school in favour of work, if the family is under pressure financially, in order to be considered "a good son/daughter".

Cultural norms also lead to employers considering the employment of children from poor families a "good deed". The rationale is, that if the employer does not give the child a job, the family will be poverty stricken. Such beliefs are fuelled also by lack of awareness and information on the risks that child labour poses to the individual child and to the nation (in terms of the future impact on national development by poor health and education among a substantial number of grown-up child labourers).

The 2015 KAP survey documented in detail that limited awareness and information on risks lead families to choose short term economic gains over long term investments in education. This is also related to the deficiencies in the education system in Myanmar. Poor quality education more often than not is perceived as irrelevant by children and parents and this weighs in when families make decisions on whether to send their children to work or to school.

In general, limited access to quality education does appear to be a cause of child labour in Myanmar. School drop-out and labour participation rates increase substantially at the point when students transition to secondary school. Secondary school places are not as easily accessible as primary school places, especially not in rural areas where secondary school infrastructure is very limited and

⁴ https://www.scribd.com/document/322117512/QSEM-5-English-LOW-RES-FINAL-pdf#fullscreen&from_embed

student may have to go into boarding school to continue education. This drives up costs substantially and may lead families and children to decide that work is preferable – especially when combined with the emotional and social uncertainties of leaving home to pursue education and with the general distrust of the education system that is a result of the education policies during military rule.

Generally, parents and children do not see that education leads to jobs and therefore, education is not valued very highly in many families.

While not perhaps a direct root cause of child labour in Myanmar, limited capacity among key partner agencies contributes to perpetuating child labour. For example, limited capacity to enforce legislation through labour inspection and police work means that beliefs among employers, which foster child labour, remain unaddressed in many cases. Moreover, people who prey on children for the WFCL, such as trafficking in children, face less risks of being caught and punished if law enforcement capacity is low.

Session 4:
Parliamentarians

Information for Session 4 is provided for each stakeholder, starting with parliamentarians and proceeding with labour inspectors, employers, workers and civil society organisations. Each section provides background information, with a focus on action and engagement. This material is useful to the facilitator but, in some cases, can also be used to supplement the handouts you provide throughout the course. Some participants may find valuable information here that they can return to following course implementation.

Why it is urgent and important to take action against WFCL

It is a matter of human rights

All human beings, adults and children alike, are entitled to certain rights by virtue of being human, and it is recognized that children have rights of their own. Public opinion worldwide has been outraged by the appalling extent to which some of these rights have been violated through particularly repugnant and unacceptable forms of child labour. Putting a stop to these practices is not something that can wait.

It is a matter of saving lives

The effects of hazardous work on children can be even more acute than they are for adults because of physiological and anatomical differences; and in some cases, children are forced into hazardous situations to which even adults are not exposed. The exposure of any workers to hazards such as these needs to be carefully regulated. Children should not be exposed to them at all, and if they are, they should be removed immediately from such situations, which are much more likely to be life threatening or to cause irreversible physical and psychological damage to children.

It is a matter of combating some forms of organized crime

These include the trafficking and prostitution of children, exploiting them for pornographic and sexual purposes, thus exposing them to the risk of AIDS and other diseases, and using them for drug trafficking and other criminal activities.

"...countries with the highest illiteracy rates, lowest school enrolment rates and serious nutritional deficiencies are in general those that have the highest proportion of children working in exploitative situations."

Inter-Parliamentary Union, 98th Conference, September 1997.

"People-smuggling can lead, in the country of asylum, to sexual exploitation, forced labour ... being imposed by the traffickers on vulnerable illegal migrants, especially women and children."

Inter-Parliamentary Union, 103rd Conference, May 2000.

It is a matter of protecting children from the horrors of war

The forced use of children in military conflict exposes them not only to extreme physical danger, but also to profound psychological traumas which will mark them for life.

It is a matter of building a nation's future

It is crucial to provide children with a decent childhood to prepare them for decent work during their adult life – i.e. work which is both productive to society and rewarding. The employment of children in conditions that are harmful to their dignity, morality, health and education seriously undermines the economic viability and cohesion of society and compromises its longer-term development prospects.

Even if there were any short-term economic advantages to be gained from child labour, these must be weighed against the loss to a nation's longer-term development potential that it entails.

It is a matter of international concern

No longer can it be said that the way children are treated is purely a domestic matter. The shrinking of the globe through modern communications technology has brought the plight of working children in developing countries to the attention of people throughout the world and has generated international pressure to put an end to the worst forms of exploitation of children. Such pressure has, for instance, led to increased cooperation among countries for the prosecution of those responsible for the prostitution and trafficking of children and child pornography.

It has also given rise to calls for consumer boycotts of products made with child labour. Some companies importing goods from developing countries now demand that suppliers not use child labour and some companies label products, such as rugs, to guarantee that they were not made by children. Although the proportion of child labourers engaged in the production of goods for exports may be very small in most countries (according to some estimates, it represents less than 5 per cent of all working children), international concern about their fate has been a major factor in generating pressure to put an end to all the worst forms of child labour.

Ratifying Conventions and National Programmes

Ratification of international Conventions provides a stimulus to national action. Convention No. 182 requires ratifying countries to design and implement programmes of action to eliminate the worst forms of child labour and to monitor the implementation of such programmes. The content and approach of such programmes should be tailored to the specific situations, needs and conditions of each country – as well as to regions within countries.

There is no universal blueprint for action against child labour. Moreover, it should be noted that programmes to combat the worst forms of child labour generally contain elements necessary for combating all forms of child labour. It is a question of giving priority to children at greatest risk and to rehabilitating those subjected to the most abusive and hazardous forms of exploitation.

Despite their differences all national programmes must have three basic objectives:

- ▶ To prevent the engagement of children in the worst forms of child labour;
- ▶ To remove children from the worst forms of child labour;
- ▶ To provide for the rehabilitation and social integration of such children.

To attain these objectives, action is required on five broad fronts:

- ▶ Sensitizing public opinion;
- ▶ Legislation;
- ▶ Enforcement;
- ▶ Education; and
- ▶ Support for the children and their families.

"Child labour requires a response from a broad alliance of national and international organisations, both public and private."

Inter-Parliamentary Union, 98th Conference, September 1997.

What Recommendation No. 190 (1999) advocates:

"The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

- a) Identifying and denouncing the worst forms of child labour;
- b) Preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
- c) Giving special attention to:
 - i. Younger children;
 - ii. The girl child;

- iii. The problem of hidden work situations, in which girls are at special risk;
- iv. Other groups of children with special vulnerabilities or needs;
- d) Identifying, reaching out to and working with communities where children are at special risk;
- e) Informing, sensitizing and mobilizing public opinion and concerned groups including children and their families."

Ratify ILO Conventions No. 138

Ratification of an ILO Convention gives a clear indication to the international community that a country is committed to the pursuit of certain goals and to the implementation of certain policies, and that it is prepared to submit its policies and legislation to scrutiny by international bodies to check their compliance with the obligations that it has entered into.

Convention No. 138 defines a range of minimum ages below which no child should be required to work. The ILO's supervisory bodies have accepted that the achievement of the goal of the abolition of all forms of child labour below the ages prescribed in the Convention is for many countries a long-term goal which may take many years to achieve. This is no reason for not ratifying Convention No. 138; it provides a policy goal and a framework for action, over the long term if necessary.

Member States are required by the Constitution of the ILO (article 19.5) to submit to "the authority or authorities within whose competence the matter lies" (which in most countries means their national parliaments) the texts of Conventions and Recommendations within a year (or in exceptional circumstances within 18 months) of the date of their adoption by the International Labour Conference "for the enactment of legislation or other action. The decision to ratify a Convention and thus to bind a country to its provisions, must be taken with the consent of the competent authority or authorities (and, again, in most countries it is the national parliament which has the authority to take such a decision). Once that decision has been taken, an instrument of ratification, which normally takes the form of a letter signed by the Head of State or Government or by the Minister of Foreign Affairs, is deposited with the Director-General of the ILO. Models of letter and instrument regarding ratification are appended to this Handbook.

What is the role of parliamentarians?

- ▶ Their main role as representatives of the people is to give popular endorsement to the act of ratification by the State.
- ▶ If the Convention has not been ratified, parliamentarians can enquire why this has not been done, and urge that it should be done.
- ▶ Parliamentarians should ask the Executive what action it intends to take to bring national legislation and practice into line with the requirements of the Convention.

Adopt and enforce legislation to prohibit the worst forms of child labour

Ratifying Convention No. 182 will not by itself eliminate the worst forms of child labour. The act of ratification constitutes a commitment on the part of a ratifying country to take action which will lead to this goal. Legislation provides the indispensable basis for such action.

“Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.” ILO Convention No. 182, Article 1

The role of legislation:

- ▶ It translates the aims and principles of international standards into national law;
- ▶ It sets the principles, objectives and priorities for national action to combat the worst forms of child labour;
- ▶ It creates the machinery for carrying out that action;
- ▶ It creates specific rights and responsibilities;
- ▶ It places the authority of the State behind the protection of children;
- ▶ It creates a common understanding among all the actors involved;
- ▶ It provides a yardstick for evaluating performance;
- ▶ It provides a basis and procedure for complaints and investigations;
- ▶ It provides legal redress for victims; and
- ▶ It provides sanctions for violators.

Legislation is meaningless if it is not enforced.

Machinery for enforcement therefore also needs to be reviewed: inspection services (labour inspection and schools inspection), the police and the judiciary. The main obstacles to the full enforcement of laws on this question need to be identified. For instance, is it because:

- ▶ Many of the worst forms of child labour are hidden from public eye; or because
- ▶ Child workers are exposed to some particularly serious hazards in the small workshops of the informal sector and in family enterprises or smallholdings which tend to be excluded from the scope of labour legislation and thus of labour inspection services?

Parliamentarians clearly have a central role to play in this aspect of the combat against the worst forms of child labour. As legislators, they must make sure that their country's legislation effectively prohibits all the worst forms of child labour defined in ILO Convention No. 182, and that it provides an adequate legal framework for action to enforce the law.

What can parliamentarians do?

Make sure that existing legislation is reviewed – by the competent services of government, by a special parliamentary committee or by some other official body – to determine whether it unequivocally prohibits all of the following worst forms of child labour for all girls and boys under the age of 18:

- ▶ Slavery and similar practices, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour;
- ▶ Forced or compulsory recruitment of children for use in armed conflict;
- ▶ The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- ▶ The use, procuring or offering of a child for illicit activities, in particular, for the production and trafficking of drugs.

Make sure that existing legislation prohibits the employment of children under the age of 18 in work which is likely to harm their health, safety or morals, and that a list of such types of work has been determined in consultation with national organizations of employers and workers.

Establish programmes to eliminate the worst forms of child labour

Legal prohibition, essential though it is, will not by itself suffice to eliminate the worst forms of child labour. The law must be complemented by carefully designed and coordinated programmes of preventive and remedial measures that address the underlying causes of child labour – particularly the poverty of children's families and of the communities in which they live, as well as the inadequacy of the schooling system. The existence of such programmes will serve as a signal to public opinion – nationally and internationally – that the public authorities are taking seriously their commitment to eliminate the worst forms of child labour as a matter of urgency. It is for this reason that Convention No. 182 specifically requires ratifying countries to "design and implement programmes of action to eliminate as a priority the worst forms of child labour." It further calls for "effective and time-bound" measures.

The government should play a lead role in the preparation of such programmes; but it should prepare them in consultation with employers' and workers' organizations and taking into account the views of other organizations and groups of civil society, including the children affected by the worst forms of child labour and their families, whose support and participation in the implementation of the programmes will be of critical importance to their success. Indeed, such consultation is explicitly called for in the convention.

What should national programmes of action consist of?

- ✓ Sensitizing public opinion, including children and their families, to the dangers and abuses that exist in the worst forms of child labour, and combating resistance and apathy to measures to deal with the problem.
- ✓ Preventive measures – e.g. measures to identify children at greatest risk of becoming victims of intolerable forms of child labour, to alert them and their parents to the risks involved, to motivate them to stay at school; action by enforcement agencies to strengthen surveillance of persons or establishments¹ suspected of exploiting children; action by labour inspectors or others to alert employers, child workers and their parents to particularly serious hazards; making sure that children removed from the worst forms of child labour are not replaced by others, etc.
- ✓ Removal of children from the worst forms of child labour – e.g. identifying establishments practising such forms of child labour; prosecuting those responsible, removing the children, by force if necessary; and monitoring establishments where employers have spontaneously released children from work – for instance in response to local, national or international pressures, for fear of being caught or because the children were no longer wanted or needed – because such children will most probably be in need of special care and attention.
- ✓ Rehabilitation of the children so removed – e.g. the provision of health care and psychiatric counselling for children suffering from traumas as a result of the treatment that they have been subjected to; legal aid and protection for children threatened with reprisals; as well as some basic education and literacy training for children who have never been to school and cannot be reinserted immediately into regular classes.
- ✓ Making education and/or training accessible to all children – e.g. measures to improve the schooling system, both quantitatively by making more schools and teachers available – particularly in the poorer and more remote areas of the country – and qualitatively through improvements in the curriculum as well as improved teacher training; measures to assist the reintegration of children removed from work into education; providing children with vocational skills through both formal and non-formal training schemes and apprenticeships.
- ✓ Income support schemes for children and their families – e.g. financial incentives to keep poor children in school or to facilitate their reintegration into school, such as free meals, clothing subsidies or stipends for the children; social safety nets or special employment schemes for adult members of their families.
- ✓ Finally, it must be emphasized that programmes of action against the worst forms of child labour need to be mainstreamed into a country's overall development programmes, rather than being looked upon as a side issue siphoning off funds which could be better used for "development".

As key political figures in the country, and as representatives of the people, parliamentarians naturally have an interest in major policy developments such as the launching of programmes described above.

If such programmes are presented to parliament, members of parliament can scrutinize them carefully, to see if they provide an adequate response to the problem of the worst forms of child labour in the country (the headings contained in Box 38 may be useful in this context), and if the action that is proposed is consistent with the broader development goals of the country.

As legislators, parliamentarians will also be particularly anxious to ensure that the action proposed is consistent with relevant laws, and that the entire programme has a sound legal basis

Check to see whether your country has a national programme of action to eliminate the worst forms of child labour.

- ▶ If your country has ratified ILO Convention No.182 point out that the design and implementation of national programmes is a key obligation laid down by that Convention.
- ▶ Check whether the ILO (IPEC) has been providing advice and/or assistance in the preparation and implementation of the national programme of action, or on any aspect of it.
- ▶ Make sure that the national programme for the elimination of the worst forms of child labour contains properly coordinated, effective and time-bound measures

"The Conference calls on national parliaments, governments and the international community to initiate an open in-depth debate with a view to the adoption of measures that will tackle the root causes of child labour." Inter-Parliamentary Union, 96th Conference, September 1996.

"The Conference calls on national parliaments, governments and the international community to initiate an open in-depth debate with a view to the adoption of measures that will tackle the root causes of child labour."

Inter-Parliamentary Union, 96th Conference, September 1996.

Promote international cooperation to prohibit and eliminate the worst forms of child labour

Globalization and modern means of communication have made the elimination of the worst forms of child labour a major item on the agenda of the international community. It is increasingly appreciated that a substantial effort of international solidarity is required to assist poorer countries in addressing the root causes of the vicious circle of poverty leading to child labour, which in turn perpetuates poverty.

Finally, it should be noted that countries which have ratified the ILO's Convention No. 182 on the Worst Forms of Child Labour are committed to cooperating with each other in this field.

Article 8 of that convention contains the following provision:

"Members shall take appropriate steps to assist one another in giving effect to the provisions of this convention through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programmes and universal education."

International cooperation of a much broader nature is required to mobilize resources in support of national programmes aimed at eliminating the worst forms of child labour. Such support should complement and be integrated into national programmes consisting of preventive and remedial measures to put an end to the worst forms of child labour, and should help recipient countries to address the longer-term development issues which lie at the heart of much of the child labour problem – the inadequacy of schooling and the poverty of the children's families and communities. International support can be of critical importance in ensuring the continued commitment of governments and public opinion to the goal of eliminating the worst forms of child labour within a relatively short period.

Parliamentarians should make sure that their governments are fully participating in this international effort – by cooperating with other countries in dealing with criminal offences against children, and by mobilizing international support for national programmes to eradicate the worst forms of child labour. They could also establish contacts with parliamentarians in other countries to strengthen bilateral and multilateral cooperation with them, to exchange experiences and help each other to overcome common problems. Finally, they can provide political support for the work of international organizations which are active in defence of children's rights and in mobilizing international cooperation to promote them; and ensure that their governments are providing adequate financial support to such organizations.

- ▶ Consider whether the assistance that your country is providing to or receiving from other countries for general economic and social development and poverty alleviation is adequately geared to the elimination of the worst forms of child labour.
- ▶ Check whether your country is participating in the ILO's International Programme for the Elimination of Child Labour (IPEC), either as a beneficiary of or as a donor to that programme. If that is not the case, enquire why not.
- ▶ Make public statements in parliament and in the country to stress the need for international cooperation against the worst forms of child labour, and for cooperation with international organizations active in this field, such as ILO and UNICEF.

Monitor and evaluate progress towards the elimination of the worst forms of child labour

It is important for national policy-makers and all the actors concerned to be kept informed of developments, and to know how well the programmes established for the elimination of the worst forms of child labour are doing.

- ▶ Is the situation improving, or is it worsening – are there fewer or more children engaged in the worst forms of child labour?
- ▶ Does the picture vary according to different regions or sectors?
- ▶ Are the target dates for the achievement of certain goals, and for the achievement of the over-arching goal of the elimination of the worst forms of child labour, likely to be met – nationwide, only in certain regions or not at all?
- ▶ Are the difficulties being encountered of a transient nature, or are they, on the contrary, of a longer-term structural nature?
- ▶ At which level do they need to be addressed – national, regional or local?

Decision-makers need to have at their disposal information of this nature to take corrective action when it is required, and to know what sort of corrective action is required. There also needs to be some mechanism for keeping the situation regarding the worst forms of child labour under review, and for monitoring the effectiveness of national policies and programmes.

The first requirement is obviously to have reliable data available on the magnitude and nature of the child labour problem in the country, and particularly on the following questions:

Key questions

- ▶ Who are the working children and how many are there – nation-wide and in different regions?
- ▶ How many of them are engaged in the worst forms of child labour?
- ▶ How old are the children when they begin to work for the first time?
- ▶ Why do they work?
- ▶ In which sectors do they work?
- ▶ What are their occupations?
- ▶ What are their conditions of work, and what types of exploitation and abuse do they face?
- ▶ Do they also go to school – if not why not?
- ▶ Who are their employers? Why do they employ children? How do they treat them?
- ▶ How many children are employed on a full-time basis by their families – in family enterprises or in housekeeping activities?

- ▶ Do children live away from their parents?
- ▶ How do the parents feel about their children being at work rather than at school?
- ▶ What do the children themselves think about their work, their families and their employers?

Complete and reliable data on questions such as these are naturally not easy to come by. But lack of data obscures the problem, and makes it difficult to set priorities, fix targets, design programmes and monitor their progress. The collection and analysis of data therefore need to be built into any national programme for the elimination of the worst forms of child labour from the very beginning.

- ▶ As key political figures who have the power to oversee government policies and programmes, and to modify them if need be, parliamentarians have a clear interest in ensuring that an effective system of data-gathering and a mechanism for monitoring the implementation of policies and programmes are in place.
- ▶ As legislators, they can ensure that national statistical offices or other competent central bodies have the necessary authority to collect data relating to, or relevant to, child labour, and that reporting obligations are clearly spelled out for enterprises, schools, local authorities, law enforcement agencies and others whose information can be useful for monitoring the situation of child labour in the country. They can also insist on full public disclosure of the information gathered and the analyses made of the evolution of the situation.
- ▶ They can also ensure that parliament itself has an opportunity to review periodically the evolution of the situation of working children in the country, and the progress being made in implementing the national programme for the elimination of the worst forms of child labour. They can call for public hearings to be organized for this purpose.

What can you do?

- ▶ Find out whether the national statistical office, or any other unit of government in your country, is gathering information on child labour, and particularly on the worst forms of child labour.
- ▶ Suggest that a representative high-level body should be set up to keep the question of child labour in the country under review, and to monitor progress in the implementation of national programmes to eliminate the worst forms of child labour.
- ▶ Insist that parliament should have an opportunity to discuss periodically the child labour situation in the country, to review the effectiveness of the national programme or programmes to combat the worst forms of child labour, and to decide on measures to enhance its effectiveness.

Reporting

When it ratifies a convention, a country formally commits itself in international law to do what the convention requires – both in law and in practice. Thus, when a country ratifies Convention No. 182, it commits itself to all actions required of it and particularly to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.

Through ratification, a country also becomes formally obliged to report to the international community on the measures it has taken to bring its legislation and practice into line with the requirements of the convention; and it is accountable before the international community for any allegation of violations.

Article 22 of the ILO Constitution requires member states to make regular reports on the measures which they have taken to give effect to the conventions that they have ratified. A first report should be submitted during the year after the entry into force in a given country. Subsequent reports are requested periodically on one of the following bases: two-yearly reports for the twelve fundamental and priority conventions (among which the Minimum Age Convention C. 138 and the Worst Forms of Child Labour Convention C. 182) and five-yearly reports for all the other ILO conventions. Reports can also be requested more often if needed.

Each detailed report on a ratified convention must be supplied based on a report form which is approved by the Governing Body, and which contains the substantive provisions of the convention and questions on how it is applied, both in law and in practice. Detailed reports are to be provided where it concerns the first report under a convention following its ratification, or when ILO supervisory bodies expressly ask for them. If this is your country's second or subsequent periodic report, these guidelines are helpful in checking whether all the necessary information has been included in previous reports.

Under article 23 (2) of the Constitution, copies of all reports on the application of ratified conventions should be communicated to representative organizations of employers and workers. Workers and employers may send their comments on the report either prior to finalization of the report to the Government for consideration, or directly to the ILO. Where a country has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), governments should consult workers' and employers' organizations when preparing reports.

An essential element of good reporting is providing all the necessary information which would reflect the situation both in law and in practice. According to the Report Form⁵, this should include in general:

- ▶ A list of legislation that applies to the convention and copies of this legislation when these have not already been sent to the ILO

5 http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_1839/lang--en/index.htm

- ▶ A detailed indication for each Article of the exact provisions of legislation or other measures under which each requirement of an article is applied;
- ▶ Information on the authorities responsible for implementation, particularly the labour inspectorate, and methods by which application is supervised and enforced (Part III of the Report Form);
- ▶ Relevant decisions of courts of law or other tribunals;

References

- ▶ Labour Inspection: what it is and what it does. A guide for workers –ILO 2010
http://www.ilo.org/labadmin/info/inst/WCMS_141403/lang--en/index.htm
- ▶ Skills and livelihoods training – A guide for partners in child labour projects:
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23995/lang--en/index.htm.
- ▶ Implementing the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016: Training guide for policy makers – ILO (2013)
http://www.ilo.org/ipec/Informationresources/WCMS_202336/lang--en/index.htm
- ▶ Employers and Workers Handbook on Hazardous Child Labour – ILO (2011)
http://www.ilo.org/actrav/info/pubs/WCMS_164573/lang--en/index.htm
- ▶ The ILO-Inter Parliamentary Union (IPU) Handbook on Child Labour for Parliamentarians:
http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_172685.pdf
- ▶ Converging against child labour – A training manual for trade unions, ILO June 2013.
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_22796/lang--en/index.htm
- ▶ The joint IOE- ILO (2010) Toolkit that provides employers with concrete and practical guidance in addressing the problem of child labour within their workplaces and supply chains.
 - o http://www.ilo.org/asia/whatwedo/publications/WCMS_117863/lang--en/index.htm
 - o http://www.ilo.org/asia/whatwedo/publications/WCMS_117865/lang--en/index.htm
 - o http://www.ilo.org/asia/whatwedo/publications/WCMS_117866/lang--en/index.htm
- ▶ Business and the fight against child labour - Experience from India, Brazil and South Africa – ILO (2013)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23484/lang--en/index.htm
- ▶ Modern policy and legislative responses to child labour, ILO-IPEC, 2007
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8192>
- ▶ Practical Guide to Child Labour Reporting, ILO-IPEC, 2006
http://www.ilo.org/yanon/whatwedo/publications/WCMS_231640/lang--en/index.htm
- ▶ Step by Step Guide to Determining Hazardous Child Labour, ILO-IPEC, 2006
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=5544>
- ▶ Child labour: an information kit for teachers, educators and their organizations – ILO (2003)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_2039/lang--en/index.htm
- ▶ Combating child Labour through education: A resource kit for policy-makers and practionners – ILO (2009)
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9690>
- ▶ The tripartite process of determining hazardous child labour - Guide for facilitators – ILO (2012)
http://www.ilo.org/ipec/Informationresources/WCMS_195334/lang--en/index.htm
- ▶ Knowledge, attitudes and practices (KAP) study on child labour in Yangon, Ayeyarwady Region and Mon State. ILO (2016)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27675/lang--en/index.htm

- ▶ Executive summary report on Myanmar labour force, child labour and school to work transition survey. ILO (2016)

http://www.ilo.org/yanmar/whatwedo/publications/WCMS_516117/lang--en/index.htm

- ▶ Rapid Assessment on Child Labour in Hlaing Thar Yar Industrial Zone. Yangon, Myanmar. ILO (2015).

http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27439/lang--en/index.htm

- ▶ Agricultural Sub-Sector Child Labour Surveys. Children working in the cultivation and processing of Inland Fishing Stocks, Sugarcane, and Beans and Pulses in Myanmar, ILO (2015)

http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29335/lang--en/index.htm

- ▶ Background Report for the National Action Plan on child labour in Myanmar - An overview of issues to be considered in the development of the NAP, ILO (2017)

http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29337/lang--en/index.htm

- ▶ A legal review of national laws and regulations related to child labour in Myanmar in light of international laws and standards - Executive Summary. ILO (2015)


http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27437/lang--en/index.htm

Fundamental Principles and Rights at Work
Branch (FUNDAMENTALS)

International Labour Organization
4 route des Morillons
CH-1211 Geneva 22 – Switzerland
Tel.: +41 (0) 22 799 61 11
Fax: +41 (0) 22 798 86 95

fundamentals@ilo.org

www.ilo.org/childlabour

 @ILO_Childlabour

ILO Yangon Office

No. 1 Kanbae (Thitsar) Road
Yankin Township
Yangon – Myanmar
Tel: +(951) 233 65 39
Fax: +(951) 233 65 82

yangon@ilo.org

www.ilo.org/yangon

ISBN 978-92-2-130197-4



9 789221 301974