

In 2017, Burma made efforts to eliminate the worst forms of child labor, but also was complicit in the use of forced child labor. Despite initiatives to address child labor, Burma is receiving an assessment of no advancement because its national armed forces recruited, sometimes through force or coercion, and used children as combatants in armed conflict. The military also forced children to work as porters, cleaners, and cooks in conflict areas. In addition, Burmese security forces perpetuated acts of violence against the Rohingya people in northern Rakhine State. These operations, which constituted ethnic cleansing, resulted in the displacement of thousands of Rohingya children to refugee camps in Bangladesh, where they are vulnerable to labor exploitation and commercial sexual exploitation, sometimes as a result of human trafficking. In central Rakhine, Rohingya children were denied access to education due to school segregation and travel restrictions. Otherwise, the government made some progress in addressing child labor, including by establishing the National Child Labor Committee to coordinate efforts to address child labor and implementing the National Action Plan on Child Labor. In addition, the government's Technical Working Group on Child Labor finalized the list of hazardous work prohibited for children. Children in Burma also engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. The penalties imposed for recruiting and using children in the military are not appropriate for the seriousness of the crime. In addition, the legal framework does not prohibit the recruitment and use of children by non-state armed groups.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Burma engage in the worst forms of child labor, including in commercial sexual exploitation and armed conflict. (1; 2) Table 1 provides key indicators on children's work and education in Burma.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	3.3 (312,152)
Attending School (%)	5 to 14	86.0
Combining Work and School (%)	7 to 14	
Primary Completion Rate (%)		88.9

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2016. (3)

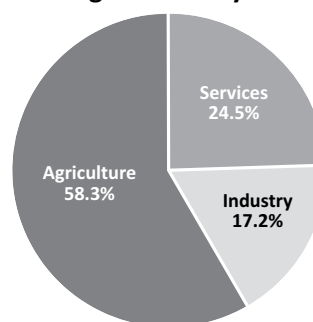
Source for all other data: Report on Child Labor in Myanmar, 2015. Data were not available for the percent of children combining work and school. (4)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including rubber, sugarcane, beans and pulses, rice, betel nut, and bamboo (5; 6; 7; 8; 9; 4)
	Fishing and processing fish and seafood (4; 6; 10; 7)
	Forestry, including on teak plantations (4; 11)
Industry	Producing garments (12; 13; 14; 15; 16; 17)
	Construction and carrying stones (12; 18; 19; 13; 20)

Figure 1. Working Children by Sector, Ages 5-14



Burma

NO ADVANCEMENT – EFFORTS MADE BUT COMPLICIT IN FORCED CHILD LABOR

Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Industry	Food processing (13; 12)
	Manufacturing, including furniture and bricks (4; 5; 21; 22)
	Quarrying and mining, including for jade and rubies (4; 23; 24; 25; 1)
Services	Domestic work (26; 27; 4)
	Working in teashops and restaurants, including waiting tables and washing dishes (28; 5; 12; 4; 20)
	Vending, collecting garbage and recyclables, and working in transportation (13; 5; 6; 20)
Categorical Worst Forms of Child Labor‡	Forced recruitment of children by state and non-state armed groups for use in armed conflict (1; 2)
	Forced labor in agriculture, including harvesting bamboo, and producing beans, rice, rubber, sugarcane, and teak (8; 11; 1)
	Forced labor in manufacturing bricks and construction (21; 1)
	Forced labor in domestic work, teashops, and begging (27; 1)
	Commercial sexual exploitation, sometimes as a result of human trafficking (9; 1)

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

In 2017, Burmese armed forces—the *Tatmadaw*—forcibly recruited children and used children as combatants in armed conflict. Since 2012, there have been 856 verified reports of child recruitment, including 49 cases in the first half of 2017. (2) Military and civilian brokers are reported to use force and coercion to formally recruit children into the armed forces. Children are deployed as combatants to the front lines of armed conflict, and they also serve as guards and messengers. (2) In addition, in conflict areas Burma’s armed forces use children for forced labor to porter goods, cook for battalions, and clean barracks. During the reporting period, there were at least 13 documented cases of children working in these types of support roles, one of which involved over 200 children. (1) Further, the military’s “self-reliance” policy requires local military units to procure their own food and labor supplies, which has led to the use of forced labor, including forced child labor, to produce goods and provide support for the armed forces. (1) Children are also recruited and used in armed conflict by non-state armed groups, including the Karen National Liberation Army, the Kachin Independence Army, the Karenni Army, the Shan State Army–South, the United Wa State Army, and the Ta’ang National Liberation Army in Kachin, Kayin and Shan States. (2; 1)

Children from the Rohingya ethnic minority in Burma’s Rakhine State were also vulnerable to the worst forms of child labor. Since August 2017, an estimated 690,000 Rohingya people fled from Burma to Bangladesh due to the continued violence and acts of ethnic cleansing, perpetrated by the Burmese military in Rakhine State. Nearly 400,000 of those displaced are children, many of whom are subjected to hazardous work, forced labor, and commercial sexual exploitation in Bangladesh. (29; 30; 31) There are reports that Rohingya children are exploited in bonded labor in the fish drying industry, while other Rohingya boys work on farms, in construction, or on fishing boats. (32; 33; 31; 30) Girls are often sent to work in domestic service for Bangladeshi families, where some are physically and sexually abused, and others do not receive payment. Also, some young girls are forced into commercial sexual exploitation, in some cases after they were promised job in domestic service. (34; 33; 32; 35; 31; 36; 30) Rohingya children internally displaced in Rakhine State as a result of the violence are also vulnerable to the worst forms of child labor, including in the extractive industries in Burma’s Kachin State. (37)




Prior to the 2017 ethnic cleansing in Rakhine State, many Rohingya children were already unable to attend school during the first half of 2017 due to discriminatory government policies and practices adopted after the 2012 riots and violent clashes between ethnic Rakhine and Rohingya communities. (38) Local officials and school authorities typically ban Rohingya children from attending government schools with ethnic Rakhine children. (38; 39) In addition, the government imposed severe travel restrictions on Rohingya make it difficult for children to access schools outside of their internally displaced persons (IDP) camps, villages, or townships. (40; 41; 42) School segregation and particularly travel restrictions impact children ages 10 to 17 because most Rohingya children must travel outside of their villages or IDP camps to attend middle school and high school. (40; 41; 42; 39) In addition, many Rohingya children lack the documentation that is required to attend middle schools and high schools in Rakhine State because the government denies them citizenship or officials refuse to register their household residency. (43; 44) Rohingya children have better access to primary school education in their villages, but they still encounter significant barriers to education due to a lack of schools, particularly in IDP camps, and teacher absence in Muslim villages due to security concerns. (45; 46) In addition to

Rakhine State, children throughout Burma face barriers to education, such as long distances to schools and expenses that include uniforms, books, and transportation. (5; 13; 47; 25)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Burma has ratified most key international conventions concerning child labor, but it has not ratified the UN CRC Optional Protocol on Armed Conflict (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Burma's legal framework to adequately protect children from the worst forms of child labor, including with establishing a minimum age for work consistent with international standards and comprehensively identifying the types of hazardous work prohibited for children.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Section 75 of the Factories Act; Article 14 of the Shops and Establishments Law (48; 49)
Minimum Age for Hazardous Work	No	16	Article 15(d) of the Shops and Establishments Law; Sections 25 and 29 of the Factories Act; Rule 146 of the 2018 Mining Rules Section 65(a) of the Child Law (48; 49; 50; 51)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Sections 25 and 29 of the Factories Act; Article 15(d) of the Shops and Establishments Law (48; 49)
Prohibition of Forced Labor	Yes		Sections 3 and 24 of the Anti-Trafficking in Persons Law; Sections 370–371 and 374 of the Penal Code; Section 27(a) of the Ward or Village Tracts Administrative Law (52; 53; 54)
Prohibition of Child Trafficking	Yes		Sections 3 and 24 of the Anti-Trafficking in Persons Law; Sections 372 and 366(a) of the Penal Code (52; 53)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 372–373 of the Penal Code; Section 66(f) of the Child Law (53; 50)
Prohibition of Using Children in Illicit Activities	No		Sections 20(a) and 22(c) of the Narcotics and Psychotropic Substances Law; Sections 65(b)–(c) and 66(c) of the Child Law (55; 50)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	1974 Regulation for Persons Subject to the Defense Service Act (War Office Council Instruction 13/73) (56)
Non-state	No		
Compulsory Education Age	No	10‡	Section 20(b)(i) of the Child Law; Section 4(j) of the National Education Law (50; 57)
Free Public Education	Yes		Section 20(a)(ii) of the Child Law; Section 4(j) of the National Education Law (50; 57)

* No conscription (58)

‡ Age calculated based on available information

Burma

NO ADVANCEMENT – EFFORTS MADE BUT COMPLICIT IN FORCED CHILD LABOR

In 2017, the government continued to work on the Child Law, expected to be adopted in 2018, which extends hazardous work protections for children up to age 18 years and includes prohibitions against child prostitution. (59; 25) During the reporting period, the Technical Working Group on Child Labor also developed and finalized a list of hazardous work prohibited for children. However, the list has yet to be adopted in tripartite discussions or given the force of law. (59; 25)

Although age 14 has been established as the minimum age for work in certain sectors, there is no minimum age for work for all sectors in which children are employed, including agriculture and informal work. Some sector-specific laws identify activities that are prohibited for children under age 18. (49; 51) However, the general minimum age of 16 for hazardous work, established in the Child Law, is not in compliance with international standards. (50)

In addition, the legal framework does not sufficiently prohibit commercial sexual exploitation of children, as there are no criminal prohibitions for the procurement and offering of children for the production of pornography or pornographic performances. Burma's Anti-Trafficking in Persons Law also requires a demonstration of force, fraud, or coercion to constitute a child trafficking offense. (53; 50; 52) The legal framework also does not sufficiently prohibit the use of children in illicit activities as the use of children ages 16 and 17 for the production and trafficking of drugs is not criminally prohibited. (50; 55) The legal framework also does not prohibit non-state armed groups from recruiting children for use in armed conflict. (60)

Children in Burma are required to attend school only up to age 10. This standard makes children ages 10 through 13 vulnerable to child labor as they are not required to attend school but are not legally permitted to work. (50; 61)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within operations of the Ministry of Labor that may hinder adequate child labor enforcement.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Immigration and Population's (MOLIP) Factories and General Labor Laws Inspection Department (FGLLID)	Inspect factories, shops, and establishments for child labor law violations. (48; 49)
Yangon Police	In the case of the Anti-Trafficking Unit, enforce criminal laws related to child trafficking, including for the purpose of commercial sexual exploitation of children and labor exploitation. Operate through police departments in Rangoon, Mandalay, and Naypyidaw. (62) In the case of the Child Protection Units, enforce laws on child trafficking, child abuse and rape, and abduction. In addition, raise awareness of child exploitation issues in high-risk areas.
Ministry of Defense's Committee for the Prevention of Military Recruitment of Underage Children	Sanction perpetrators that recruit or use children in the armed forces. (63)
Department of Social Welfare	Investigate cases in which children need protection and the care of the State. (50)

Labor Law Enforcement

In 2017, labor law enforcement agencies in Burma took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor that may hinder adequate child labor law enforcement, including the lack of publicly available enforcement information and inadequate number of labor inspectors.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016†	2017
Labor Inspectorate Funding	\$1,043,405 (64)	Unknown
Number of Labor Inspectors	68 (64)	65 (25)
Inspectorate Authorized to Assess Penalties	Yes (65)	Yes (25)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Yes (25)
Training on New Laws Related to Child Labor	Unknown	Yes (25)

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016†	2017
Refresher Courses Provided	Yes (66)	Yes (25)
Number of Labor Inspections Conducted	30,601 (64)	Unknown (67)
Number Conducted at Worksites	Unknown	Unknown (67)
Number of Child Labor Violations Found	3 (64)	0 (25)
Number of Child Labor Violations for which Penalties were Imposed	3 (64)	N/A
Number of Child Labor Penalties Imposed that were Collected	3 (64)	N/A
Routine Inspections Conducted	Yes (65)	Yes (25)
Routine Inspections Targeted	Yes (65)	No (25)
Unannounced Inspections Permitted	Yes (65)	Yes (25)
Unannounced Inspections Conducted	Yes (64)	Unknown
Complaint Mechanism Exists	Yes (65)	Yes (25)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (64)	No (25)

† Data are from April 1, 2015, to March 31, 2016.

The number of labor inspectors is likely insufficient for the size of Burma's workforce, which includes approximately 22 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in less developed economies, Burma would employ about 558 inspectors. (58; 68; 69)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Burma took actions to combat the worst forms of child labor (Table 7). However, gaps exist within the Burmese military's practices that may hinder adequate criminal law enforcement, including with the application of penalties for the recruitment and use of children in armed conflict.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Unknown
Refresher Courses Provided	Yes (63)	Unknown
Number of Investigations	2 (63)	Unknown
Number of Violations Found	5 (63)	Unknown
Number of Prosecutions Initiated	1 (63)	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (62)	Yes (62)

In 2017, the military took action against 19 officers in connection with past child soldier recruitment. (25; 29) However, the penalties imposed for recruiting and using child soldiers were not appropriate for the seriousness of these crimes. (1; 29) In past years, most of these cases reportedly culminated in reprimands, fines, or decreases in pension—penalties significantly less than those prescribed by criminal law. (37) Although the military also released 49 former child soldiers, the military's oversight and monitoring of recruitment procedures were insufficient to prevent the recruitment of children. (1; 29; 2) The Department of Social Welfare also lacks sufficient staff and resources to provide adequate reintegration services. (29) In some instances, children were penalized for their recruitment into the armed forces. While authorities prevented 11 children from enlisting, including through the use of new biometric registration technology, the Burmese armed forces filed fraud charges against some of these children for lying about their age, rather than referring them to social services. (2) In addition, during the first half of 2017, three enlisted children were detained on charges of desertion after leaving the *Tatmadaw* without authorization. The *Tatmadaw* also arrested children from ethnic minority groups for alleged association with non-state armed groups. (2)

Burma

NO ADVANCEMENT – EFFORTS MADE BUT COMPLICIT IN FORCED CHILD LABOR

During the reporting period, the Burmese police rescued 36 children who were victims of trafficking. (29) Though UNICEF has developed a training program for police investigators to develop child-sensitive policies and practices, it is unknown whether new criminal investigators receive training for enforcing laws related to the worst forms of child labor. (25; 29)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
National Child Labour Committee*	Oversee the implementation of the National Action Plan on Child Labor. Chaired by the Vice President. (25; 70) Consists of 13 government ministries, including MOLIP, chief ministers of 10 states, the mayors of Rangoon and Mandalay, employer organizations and civil society organizations. (71)
Technical Working Group on Child Labor	Coordinate the implementation of ILO Convention 182, including drafting the list of hazardous work prohibited for children, developing a national plan of action against child labor, and developing a mechanism for monitoring, identifying, and referring child labor cases. Chaired by MOLIP, consists of stakeholders from eight government ministries, employers, and civil society organizations. (72; 73)
Central Body for the Suppression of Trafficking in Persons	Coordinate efforts to address trafficking in persons. Chaired by the Minister of Home Affairs and includes six government agencies and several non-governmental stakeholders. (63)
Township Child Rights Committee	Coordinate local child welfare and protection activities. Led by the Township Administrator and consists of government agencies, including the Department of Social Welfare, the police, and NGOs. (74) Research was unable to determine whether the Township Child Rights Committees were active during the reporting period.

*Mechanism to coordinate efforts to address child labor was created during the reporting period.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established one policy related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including adoption of policies that address all relevant worst forms of child labor.

Table 9. Key Policies Related to Child Labor

Policy	Description
Joint Action Plan to Prevent the Recruitment and Use of Children for Military Purposes	Aims to end all government recruitment and use of children in its armed forces. Seeks to ensure the release of children under age 18 from the armed forces and facilitate their reintegration into families and communities. Resulted in 849 children and young people who had been recruited as children being released since the start of the policy in 2012, including 49 in 2017. (75; 29)

The Factories and General Labor Laws Inspection Department and the Technical Working Group on Child Labor continued to develop the National Action Plan on the Elimination of Child Labor although it was not completed during the reporting period. (59; 70) In 2017, Burma also signed the Paris Principles on Children Associated with Armed Forces or Armed Groups, which provides guidelines on the disarmament, demobilization, and reintegration of children associated with armed groups. (75)

Although the government has adopted a policy to end the military's recruitment and use of child soldiers, research found no evidence of a policy on other worst forms of child labor, including hazardous work, forced child labor, or commercial sexual exploitation of children. The government also continued to prevent the UN from playing a constructive role in ending the recruitment and use of children by non-state armed groups. (37)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor. (Table 10). However, gaps exist in these social programs, including adequacy of programs to address all worst forms of child labor.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Forced Labor Complaint Mechanism	Joint government-ILO program that gives citizens a mechanism to lodge complaints of forced labor and seek remedies from the government. (76)
Hotlines	UNICEF- and World Vision-operated hotlines for reporting suspected cases of child recruitment or use by Burma's military. (77) The hotlines continued to operate during the reporting period. (75)
Myanmar Programme on the Elimination of Child Labour (My-PEC) Project (2014 – 2019)	\$6.25 million, USDOL-funded project implemented by ILO to expand the knowledge base on child labor in Burma, increase awareness and knowledge of child labor, improve laws to meet international standards, and improve the capacity of stakeholders to address child labor. (78; 59) In 2017, provided educational services to 1,164 children, livelihood services to 652 households, and occupational safety and health training for youth. (59) Additional information is available on the USDOL website.
SafeYouth@Work Project: Building a Generation of Safe and Healthy Workers (2014 – 2018)	USDOL-funded global project implemented by ILO, with Burma as one of the three pilot countries. In Burma, focuses on young workers ages 15 to 24 in the construction and agricultural sectors. Seeks to improve availability and use of occupational safety and health (OSH) data, improve regulations and programs on OSH, build the capacity of the government and social partners to promote and enforce compliance with OSH laws and regulations, and increase youth knowledge and awareness of hazards and risks. (79) Additional information is available on the USDOL website.

Overall, the government lacks sufficient social programs to adequately address the worst forms of child labor, including the recruitment of children by state and non-state armed forces, forced child labor, and the commercial sexual exploitation of children.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Burma (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on Armed Conflict.	2016 – 2017
	Establish a minimum age of at least 14 years for work for all sectors.	2016 – 2017
	Establish a minimum age of 18 for hazardous work.	2017
	Ensure that the types of hazardous work prohibited for children are comprehensive by including sectors and activities in which children engage in hazardous work, such as garments.	2016 – 2017
	Prohibit all forms of child commercial sexual exploitation, including procuring and offering of children for the production of pornography or pornographic performances.	2016 – 2017
	Ensure that the law does not require a demonstration of force, fraud, or coercion to constitute a child trafficking offense.	2017
	Criminally prohibit the use of children in the production and trafficking of drugs.	2016 – 2017
	Criminally prohibit the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
	Ensure that the age up to which education is compulsory is the same as the minimum age for work, as established by international standards.	2016 – 2017
	Enforcement	Cease the military's continued use of children as combatants in armed conflict and for forced labor in conflict areas.
Cease committing ethnic cleansing the Rohingya people, which directly contribute to the exploitation of Rohingya children in the worst forms of child labor.		2017
Improve military oversight and monitoring of recruitment procedures to prevent the recruitment of children.		2017
Hire and train a sufficient number of labor inspectors to enforce labor laws, including child labor regulations.		2016 – 2017
Ensure that the Department of Social Welfare has sufficient resources to provide rehabilitation and reintegration services to victims of the worst forms of child labor.		2016 – 2017
Establish a referral mechanism between the Labor Inspectorate and social services.		2016 – 2017
Publish information related to labor law enforcement, including Labor Inspectorate funding and the number of worksite inspections conducted.		2016 – 2017

Table 11. Suggested Government Actions to Eliminate Child Labor (cont)

Area	Suggested Action	Year(s) Suggested
Enforcement	Ensure that the penalties for the recruitment and use of children in the military are appropriate for the seriousness of the crime.	2017
	Cease penalizing children for attempting to enlist in the military, and cease penalizing children for leaving the military without authorization.	2017
	Cease penalizing children suspected of being associated with non-state armed groups. Refer these children for appropriate social services.	2017
	Publish data on training for investigators and the number of investigations, prosecutions, and convictions for violations related to the worst forms of child labor.	2016 – 2017
Coordination	Publish information on activities undertaken by coordinating bodies, such as the Township Child Rights Committees.	2017
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as armed conflict by state and non-state armed groups, hazardous work, forced child labor, and commercial sexual exploitation.	2016 – 2017
Social Programs	Develop and implement programs to ensure that all children, including displaced and stateless children, can access education.	2016 – 2017
	Remove all restrictions on Rohingya access to education, including school segregation, travel restrictions, and the refusal to issue documentation necessary to enroll in school.	2017
	Develop and implement programs to address all worst forms of child labor, including the recruitment of children by state and non-state armed groups, forced child labor, and the commercial sexual exploitation of children.	2016 – 2017

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