



ngo group for the crc

STATE PARTY EXAMINATION OF MYANMAR'S FOURTH PERIODIC REPORT

59TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Myanmar ratified the Convention on the Rights of the Child (the Convention) on 15 July 1991. On 19 January 2012, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Myanmar. It was last examined on 26 May 2004.

Opening Comments

The delegation of Myanmar was led by Mr Maung Wai, Permanent Representative of Myanmar to the United Nations Office in Geneva. He was supported by a delegation consisting of representatives from the Ministry of Education, the Ministry of Social Welfare, Relief and Resettlement, the Ministry of Health, the Ministry of Foreign Affairs, the Myanmar Police Force, the Ministry of Home Affairs, the Ministry of Labour, the Union Attorney-General's Office, and of the Permanent Mission of Myanmar to the United Nations Office in Geneva.

Mr. Maung Wai stressed the State's firm commitment to promote children's rights. He welcomed the opportunity to share experiences and provide updates on Myanmar's progress and to continue walking together with the Committee for this purpose.

The emergence of a new constitutional government in Myanmar marked the beginning of a new era: the President in his inaugural address for the first session of the union parliament expressed the hope that a democratic state would soon be a reality. With this view, existing laws would be amended and new ones enacted to implement the provisions of the Convention and guarantee full rights to citizens. A substantial number of committees, such as the Committee for Social Affairs, Health and Education Promotion had been established, with the aim to safeguard the interest of Burmese people. In particular, he underlined that the National Committee on the Rights of the Child, which was reconstituted in May 2011. He stated that as most of the population of Myanmar lived in rural settings, improving the living standards

of the rural population was high on the government's agenda, and for this reason a Committee on Rural Development and Poverty reduction had been created.

The head of delegation also announced that the State had ratified the Convention's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as a reflection of its strong commitment to children's rights. In order to be more in line with the Convention, the 1993 Child Law was currently under revision. In December 2011, the Ministry of Social Welfare had organised a joint meeting with UNICEF, international legal experts, law practitioners and other stakeholders concerning the amendments to the law.

Maternal and child health was another issue to which the government gave top priority, committing to provide support for women and children throughout the country. In this sense, efforts were made to ensure the delivery of key services within the health system.

With regards to education, free and compulsory primary education had been introduced and children were provided with textbooks and stationery. Scholarships for secondary and tertiary level students were envisaged for the following year. In order to improve the quality of education, laws had been promulgated allowing private schools to be established. Teaching methodology was also revised in order to be more child-centred. Both long and short educational plans in the country were in the course of implementation. Early Childhood Care and Development (ECCD) had been improved through the implementation of family-based and community-based programmes, in collaboration with Save the Children and World Vision. Finally, 22 per cent of preschool children were currently enrolled in ECCD programmes. The government intended to reach the national target of 25 per cent by 2015. Pre-primary classes had also been also introduced.

Concerning children with a disability, Myanmar was pursuing an inclusive education policy. As part of the national plan of action for disabled people, community-based rehabilitation programmes were being offered, as well as appropriate training for teachers and other relevant professionals, in order to provide regular education for children aged five to fifteen. Approximately 250,000 children with disabilities attended school, while another 68,000 children with disabilities under the age of five had been identified.

The trafficking in persons law had been promulgated in 2005. Operating procedures, in cooperation with Thailand for the repatriation of trafficked people were being drafted. In 2011, a total of 72 trafficked children had been returned to their families in China, Thailand and other neighbouring countries.

With reference to the recruitment of children by state and non-state armed forces, the head of delegation said that this issue was given high priority as well. The Committee for the Prevention of Military Recruitment of Under-Age Children was working to reach an agreement for the nation action plan. Measures had been taken to prosecute perpetrators of child recruitment and to date 168 perpetrators of under-age recruitment had been prosecuted.

With the support of international organisations, child protection systems aimed at raising awareness and offering protection from abuse, violence and neglect were implemented in 25 townships.

In the nine months since the installation of the constitutional government, tangible progress had been made; however, much still remained to be done, particularly as for awareness-raising, child protection and birth registration.

Mr. Maung Wai concluded by saying that despite being a developing country with limited resources compared to the issues that still needed to be tackled, the government would fulfil its obligations and continue to do its best to pave the way for a better future for children in Myanmar.

Jean Zermatten, the Country Rapporteur, took special note of the fact that many positive signals had come from government, among which was the release of Aung San Suu Kyi and hundreds of political prisoners; the announcement of forthcoming free elections; the decreased monitoring of the internet; and a ceasefire preceding a peace process. Despite this, and even if tools and mechanisms existed on paper, several problems remained, to the point that many recommendations made in 2004 could be reiterated. For example, Myanmar still fell behind as for the ratification of international treaties.

General Measures of Implementation

Legislation

Regarding the implementation of the Convention, the Committee felt that it was treated more as a recommendation rather than as legally binding and asked what the legal status of the Convention was in comparison to domestic legislation. Also, it wondered whether judges and courts had sufficient knowledge of the Convention and asked the delegation to provide examples of cases where the Convention had been applied in domestic courts.

The Committee touched upon the fact that in 2011 a new constitution had been enacted. It asked whether this document contained a chapter devoted to children and, if not, whether it could be amended accordingly.

The Committee asked how far Myanmar had progressed with the amendment process of the 1993 Child Act. The delegation responded that the Child Law was still under revision, but that during a workshop on Child Law review, it had been agreed that all amendments should bring the Child Act into line with the Convention. The Committee then asked whether the government would consider amending the minimum age of marriage for boys and girls and how many levels of law existed on that issue.

The Committee asserted that according to information received, severe human rights violations in the extraction of non-renewable resources and activities carried out by the mining industry and other commercial activities had been reported. People had been deprived of access to their land and homes and there had been cases of forced labour and child labour. The Committee asked the delegation to comment on the Tashan hydro-electric project on the border with Thailand, the Myitsone hydroelectric project on the border with China, gas pipelines with China and deep-mining projects funded by Thai, Italian and French investment. Also, stating that there should be a connection between the actions of the private sectors and the rights of the child on this issue, the Committee recommended that human rights protection measures should be included in these projects. The delegation acknowledged that in order to fulfill its human rights obligations, compensation should be provided to those people and families that had been removed from their land. The delegation added that the government had visited the industrial sites and assured the Committee that the destruction of historical and institutional buildings had been avoided. Furthermore, social and economic support programmes had been provided such as capacity building training for rural families. The delegation underlined that while the economic project was carried out, social development of communities in the affected areas had been emphasised as well.

Coordination

The Committee pointed out that Myanmar was a country with more than 300 townships and with a third of the population under 18, and asked the delegation to illustrate how coordination between national committees and ministries was ensured, with a view to decentralising services. The delegation answered that coordination was partly ensured by the regional structure of the committees. Myanmar had 20 township committees on children rights working in partnership with civil society workers and UNICEF; however, it acknowledged that eastern and northern provinces had no such committee, but that the government of Myanmar was determined to provide a wider structure for these communities.

National Human Rights Institutions

The Committee asked the delegation to give details about the National Human Rights Commission in terms of resources available, independence, number of members and sections dedicated to children. The delegation replied that the Commission, whose duties included receiving complaints on violations of human rights; investigating allegations on human rights infringements; giving advice on the ratification of core treaties; providing support for development; and raising awareness on the Convention, was composed of 15 independent members. Located in Yangon, it was openly founded both by the government and by other stakeholders. The Commission also established contacts with other national human rights institutions in other Asian countries in order to share expertise and exchange technical assistance. Its activities started in October 2011. The delegation underlined that the Commission accepted complaints from all citizens, who should provide all facts related to the complaint.

Budget

The Committee expressed great concern about the structure and imbalance of the State's budget. Although the government had earned approximately three billion United States dollars from gas and oil revenues, this had not resulted in increased expenditure on social welfare services. On the contrary, the amount of money dedicated to education and social services had consistently decreased in recent years. The Committee then asked why only 1.3 per cent of the GDP had been allocated to education, which was equivalent to one dollar per capita, while 80 per cent of the GDP had been spent on the military. In general, it was not clear to the Committee how the budget accounted for the allocation of resources for children. The Committee suggested that resources could be more equally allocated, in order to reduce the present imbalance. The delegation assured the Committee that a decrease in allocation for military spending had already been done. In 2010, 4.2 per cent of total government expenditure had been allocated to education. The delegation also assured the Committee that the new government had promised to increase the percentage of GDP on education of over 162 per cent for 2012. The Committee pointed out that it was necessary to know the percentage related to GDP in order to quantify that increase.

According to the latest data available, less than one per cent of GDP had been invested in education, which was far below the average of other countries in the region. The delegation replied that, being a developing country, Myanmar could not compete with other neighbouring countries in terms of State expenditure. Nevertheless, Myanmar was determined to fulfil its obligations. The delegation underlined that a parliamentary session dedicated exclusively to budget matters, would be held on 26 January 2012 for the first time in the

history of the country and that health and education would be the main areas of discussion. After that, two months would be required to finalise the subsequent changes.

The Committee noted that the budget allocation for the health sector was relatively small. The delegation answered that the budget for health would be doubled and increased annually in order to reach five per cent of GDP by 2015.

The Committee asked how the budget would be constructed and what resources would be allocated for children. It suggested that the government could seek assistance from international agencies, notably from UNDP and UNICEF, in order to put in place a strategic budgeting process, containing specific resources for child programmes, as well as monitoring and tracking mechanisms.

The Committee asked for clarification about the destination of the money earned by oil and gas sales. The delegation said that since the country could not develop without appropriate infrastructures, the revenues were being spent on infrastructure development, for example the construction of the east-west highway connecting Yangon and Mandalay, now reachable in five hours instead of 14, for which the best practice from Malaysia was employed. The delegation considered it as the best investment made, as almost all revenues were dedicated to it.

With regards to corruption, the Committee said that it should be taken into due consideration when talking about budget, as Myanmar was currently ranked 165 in the transparency index.

Dissemination and training

The Committee asked whether besides the Myanmar language, the Convention had been translated into other local languages. The delegation responded that it had been translated into six additional local languages. The delegation said that although more efforts were needed in terms of awareness-raising and training about the Convention, the Inter-Agency Juvenile Justice working group was delivering training to judges. While previously only focused on child offenders, now it was addressing child witnesses and victims as well. Police training on child-friendly procedures, both in police academies and in police stations, was being provided.

With reference to the dissemination of the Convention, the Committee asked how many copies had been distributed, and whether there was a specific system in place to make the Convention known throughout the country and in particular to children, parents and people working with children and families. The delegation answered that the Convention had also been disseminated through the broadcasting of informative programmes on Myanmar channel four, the distribution of brochures on child rights and calendars with posters.

Data collection

The delegation informed the Committee that a population survey would soon be conducted. The Committee asked how the information and statistics provided in the report were collected and which was the competent body for that.

The Committee asked the delegation to provide more data on the number of children found in street situations.

Definition of the Child

The Committee asked how the child was defined in national legislation. The delegation

answered that in order to comply with the Convention a new definition had been adopted following a 2011 workshop.

The Committee pointed out that a definition of the child had not yet been fully implemented, since distinctions between children aged between 16 and 18 years and children under the age of 16 were still made. The delegation assured the Committee that the new Child Law would have a provision stating that a child was defined as under the age of 18 in all circumstances.

The Committee was concerned by the fact that, although the age of criminal responsibility had been raised from seven to ten years old, it was still too low. Concerns were also expressed regarding the employment age, which was 13, and about the fact that there was no minimum age for marriage for boys while girls as young as 14 could be married with parental consent. It then asked whether the new definition of the child would be transposed in the new Child Law with reference to marrying and working ages.

General Principles

Non-discrimination

The Committee wanted to know how discrimination was addressed in Myanmar, with particular reference to ethnic minority children, disabled children and children living in remote areas. The Committee was concerned by the fact that discrimination against Rohingya people, as well as against religious minorities such as Christians and Muslims, still seemed to take place. According to information received, in some public schools children were required to convert to Buddhism in order to enroll. The delegation assured that pursuant to the constitution, there was no discrimination based on religion, race or gender in Myanmar.

The right to be heard

The Committee commented that a paternalistic and authoritative approach to hearing the child was in contradiction with article three of the Convention, and that children should be granted the right to be heard and to participate in decision making. They should also be free to participate in cultural events and activities. The Committee finally asked about the possibility to create a council for children.

Civil Rights and Freedoms

Birth registration

The Committee was concerned by the fact that a large number of children were still not registered at birth and asked how the government would deal with this issue. With reference to birth registration, it asked what the legal status of minority children in Myanmar was. The delegation acknowledged that one third of children had no legal registration at birth and that awareness-raising about registration was still insufficient. The main factors accounting for this problem were the low accessibility of the offices, travel costs for parents to reach registration centres, and administrative fees. Also, the lack of midwives available to assist women delivering outside of health centres contributed to non-registration.

The delegation stated that everybody had the right to a nationality. An interagency working group on birth registration had been created and a series of meetings had taken place in order to analyse obstacles to be addressed and how to face them. An inter-agency group involving the Ministry of Health, the Central Statistical Office and UNICEF, had been established in order to deliver training to personnel. Also, the government was trying to put in place a

volunteering mechanism as an alternative to the midwife system. A revised birth certificate was issued, detailing the names, address, religion and ethnicity of the parents. The delegation also underlined that the new system applied to all children, without discrimination based on religion or ethnicity. Despite this, the delegation also recognised that, some problems had been encountered in reaching people in remote areas and consequently many discrepancies existed. Due to administrative obstacles, many children from minority groups had not been registered.

The Committee pointed out that other obstacles to registration had not been mentioned, such as the fact that both parents should be nationals of the country. The Committee asked the delegation to clarify the reported two-child policy that had been applied to Muslim couples, as well as an explanation of what was meant by children identified as ‘black-listed babies’. The delegation replied that there was no provision for the two-child policy in Myanmar, but that unfortunately it was a reality and that ‘black-listed babies’ was a term used in parliament to refer to babies born to parents who had not received official permission to marry, and any ‘third child’ born to couples having subscribed to have only two children. With reference to those cases, the Committee asked what was being done by the government to prevent children born in Myanmar from being stateless. The delegation answered that the community needed more awareness on the issue.

The Committee pointed out that there was a difference between birth registration and the issuance of a birth certificate, and that more than half a million children had no birth certificate. It asked what measures would be taken to ensure an identity document for all children and whether a mechanism for age assessment was in place, in case of recruitment for labour or to armed forces in the absence of any identification documents. The Committee had great expectations for the political changes to improve the quality of services provided to children.

Right to life

The Committee raised the issue of the death penalty and asked whether there had been any executions of children who were under 18 at the time of the offence. The delegation was also asked to comment on information that children involved in armed conflicts had been summarily executed. The delegation acknowledged that there had been some cases, but assured the Committee that Myanmar would do its best in order to avoid reoccurrence of such incidents. Regarding the death penalty, the delegation said that it could not be imposed on a child, by law. The Committee noted that provisions on the death penalty were still present in legislation, although there was a moratorium on it. Therefore, in order to be fully compliant with the CRC, the death penalty for children should be completely abolished.

Freedom of expression

The Committee was concerned about the fact that children seemed not to be allowed to express their views freely in family settings and at school due to traditional attitudes, and asked what steps would be taken to promote this right. The delegation replied that students had the right to express their opinion and to speak freely, as well as the right to participate in groups and benefit from learning by doing. Furthermore, in order to raise awareness on the issue, child rights presentation and analysis had been conducted in 28 townships.

The Committee asked about the detention of some political prisoners for alleged unlawful expression of opinion, as well as about the case of a 14-year old boy who had been arrested

for holding a book on democracy.

Access to information

The Committee expressed its concern about the fact that the youth of Myanmar had little opportunity to access public information, since severe restrictions and oversight of internet access were still in place.

The Committee also noted that only two per cent of people in Myanmar had access to the internet and that the access to virtual and traditional press was controlled by the military and stated that democracy began with how children and youth were treated. The Committee asked how these trends would be addressed in the future.

Helpline

The Committee also wanted to know if there were helplines specifically for children. The delegation answered that there was one in place.

Child abuse

The Committee questioned the affirmation made in the State report according to which no corporal punishment was delivered to children since teachers were mostly Buddhists.

The Committee asked what measures had been taken to stop the detention and torture of students belonging to minority groups, remarking that Myanmar had not yet ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Committee noted that corporal punishment was still legal at home and as disciplinary measure in schools and asked whether section 89 of the Penal Code would be amended to explicitly prohibit all forms of corporal punishment for children. The delegation answered that the government was trying to implement the treaty obligations and had therefore decided to criminalise all forms of corporal punishment. The delegation stated that it would not be necessary to repeal the Penal Code, but simply to delete exceptions. The government was also considering the technical collaboration of UNICEF in order to elaborate guidelines and workshops on the subject. The Committee objected that it was not enough to have guidelines and seminars only, but that clear laws were also needed. The delegation replied that as the Child Law, the section 89 of the Penal Code was under revision as well, but it would take some time, as amendments would need to be submitted to the cabinet of ministers and finally to the parliament.

Poverty

With respect to poverty reduction, the Committee noted that the official food poverty line was 10 per cent nationally, but that severe disparities existed among regions, with peaks of 40 per cent. It asked whether a target had been established. The delegation replied that there was an evidence-based study and a living condition analysis, but that not all children had been captured in this. The government considered equity very important and rural areas were particularly targeted. The delegation added that it was elaborating a new poverty alleviation plan and practicing the microcredit loan system in collaboration with Save the Children in order to improve income generation. The Committee wanted to know how much of the State budget would be allocated to poverty alleviation. The delegation assured the Committee that a specific budget line would be created for that.

Family Environment and Alternative Care

Adoption

The Committee asked the delegation to elaborate on the law procedures related to adoption and to the right of inheritance, pointing out that discriminations between Buddhist and non-Buddhist had been reported. The delegation answered that adoption was treated under the chapter five of the Child Law and that the government was still working on chapter 17 in order to put it in line with the CRC. It underlined that every child has the right to be adopted, but this should happen in the best interests of the child. The delegation assured that adoptive parents were not discriminated against in anyway. For example, Christian parents were free to adopt a Buddhist child and vice versa. The Committee also asked what was the institution responsible for adoption and expressed its concern about the fact that in Myanmar both full adoption (*kittima*) and other forms of adoption were present (*apatita*) and that only in the former inheritance was guaranteed. The delegation replied that the government was aware of the discrepancies among the procedures, and added that customary laws were as many as the religions present in the country.

Basic Health and Welfare

Children with disabilities

Touching upon the issue of children with disabilities, the Committee asked what measures were taken in order to provide them with inclusive education. The delegation said that specialised education centres had been built and were currently in function. However, it acknowledged that as a State party to the Convention on the Rights of Persons with Disabilities, more efforts need to be made towards inclusive education.

Health services

The Committee raised the problem of the chronic internal shortage of doctor, due to the fact that most part of the doctors trained by universities went abroad to work, namely in China, Malaysia and Singapore. The Committee asked whether the government could consider raising the wage of medical professionals in order to retain that skill within the country. Also, both parts agreed that an attractive working environment could make the difference and for this reason providing support to housing as well as facilities for those coming from remote areas could be other incentives.

Questioned about the progress made by Myanmar on infant and maternal health, the delegation answered that although those rates were slowly decreasing, infant mortality rate was still 54 per 1000 live births and that 15-20 per cent of new-borns was underweight. Also, one third of children under five were undernourished. In order to curb this trend, more expenditure was envisaged and the government made plans on how to best use existing resources. It was currently seeking to get external assistance from the public sector and other stakeholders. Cooperation mechanism should also be improved.

Answering to the concern of the Committee about breastfeeding, the delegation said that although over 90 per cent of women breastfed their children, only 15 per cent practiced exclusive breastfeeding up to 6 months, which could be one of the causes for under nutrition. Also, there was no national code on marketing of breast milk substitutes. An advocacy campaign for exclusive breastfeeding in collaboration with UNICEF would be organised.

The Committee pointed out that malaria and other infections affected children highly and asked whether the government had started programs to tackle infant mortality. The delegation answered that diarrhoea and tuberculosis and malaria were the main causes of child mortality and that in this respect the government started providing children with zinc-sulphate and tuberculosis treatment free of charge in all townships. Also, a national malaria control programme was in place as well as trainings on prevention techniques for basic health staff.

Concerning maternal death and morbidity, the delegation said that every mother was at risk, since the birth attendant rate for pregnant women was still very low and home delivery rate very high, due to the fact that living in remote areas made often impossible for a midwife to reach a pregnant woman and vice versa. The delegation also stated that obstetric emergency care was very important to reduce the risk of death, and that on the public side the government was trying to equip the health system for that, as there were no delivery rooms in the hospitals. The delegation added that the government was trying to provide due assistance to marginalized group not having access to delivery care, also in view to birth registration.

The Committee asked about what measures were taken with regard to adolescent health, in particular for reproductive health. The delegation replied that strategic plans developed with the inputs of stakeholders for reproductive health had been elaborated. The main objective was to encourage adolescents to overcome the stigma of sexually transmitted diseases by providing friendly health service for those kinds of infections.

About nutrition, the Committee asked if there were plans of action in place. The delegation answered that there was a malnutrition reduction strategy and that a proper policy was still being elaborated, but that an analysis should be conducted before its implementation. It explained that nutrition intervention would focus on three to five years children, but that also mother should be covered by this programme, since by improving maternal nutrition prematurity would be curbed.

HIV/AIDS

The Committee then touched upon the matter of HIV AIDS, noting that the State report lacked data on the rates of infected people as well as of mother-to-child transmission. The Committee also wanted to know what was the level of accessibility to contraceptives and what access had girls to reproductive healthcare and family planning services. The delegation answered that mother-to-child HIV infection was addressed through the National Aids Programme, launched in 2001 with the support of UNICEF and UNFPA, covering over 39 hospitals and 200 townships through a hospital and community-based approach. On family planning, it explained that it was present since 1991 and addressed married couples. Adolescent were more reluctant to seek contraceptive services, but the main problem was their insufficient supplying. On the field of prevention, educational activities had been carried out in co-operation with the maternal and child health association. Raising awareness activities on unwanted pregnancy for positive mothers had also been conducted with the support of NGOs.

Harmful traditional practices

The Committee was concerned by the harmful traditional practices such as the elongation of the neck, being dangerous for the health of girl children, still widespread among Karen and Padaung communities. The delegation said that it respected the rights of the girls both and traditional practices, which proved resistant to awareness-raising campaigns. The Committee replied that if those practices were harmful to health, then they must come to an end.

Education, Leisure and Cultural Activities

Education

Asked about the use of uniforms in schools, the delegation answered that the government would be able to provide them in one or two years. It underlined that uniform was not mandatory, so whether they had it or not, children could attend school anyway. The Committee pointed out that if a child did not have a uniform while everybody else did, that could be a reason for not attending school. Then it asked how long lasted compulsory education and to provide data about school dropout rates after primary schools. The delegation answered that basic education consisted of five years compulsory primary education, going from five to ten, then four years at lower secondary level education and two years at the upper secondary level. There were five million students at the primary level, which marked the end of compulsory education, and 2.6 million at the lower secondary level. Also, 43 per cent of children finished five years of education and 15 per cent not dropped school before 14. Expressing concern about those data, the Committee concluded that in Myanmar 10 or 11-year children were free to reach the labour market with all the risks that entailed.

The Committee was also very concerned about the quality aspect of education, which was influenced by teachers' low salary as well as by the extra fees families have to pay, including teachers' wage, when they were not paid by the State. The delegation answered that was a point of concern to the government as well and that it would appreciate any international support to bring Myanmar's educational system up to standards and to build up the capacity of people in the education system.

Finally, the Committee asked what the government was doing to expand the population's knowledge on human rights. It was answered that human rights education was currently present in all education systems at all levels.

Special Protection Measures

Child involved in armed conflicts

The situation of children in armed conflicts, as well as their recruitment by state and non-state army was a serious concern to the Committee. Given the fact that the murder of civilians was a pressing issue and 10 per cent of children were recruited by the state army, the delegation was asked what measures had been taken to ensure that people not taking part to conflict, especially children are treated humanely. In particular, the Committee wanted to know whether the government was permitting the passage of relief convoys for children and maternity cases. The Committee was strongly concerned by the fact that civilian institutions had often been used by armed forces and stated the Myanmar had the responsibility to ensure that hospitals and schools were duly safeguarded, pursuant to the Geneva Convention. The delegation answered that measures to support the family, especially those living in conflict areas would be taken.

The Committee wanted to know how the army could recruit children with no birth certificate and stated that the armed forces should not permit the children to work in the army if they failed to provide proper documentation, in order to be sure they were not younger than 18. The delegation acknowledged that due to human errors, underage children have been recruited by the army and non-state actors and assured that would not happen again, since

prevention activities would be conducted with UNICEF.

The Committee asked whether there was a demobilisation programme in place for children that have been recruited and if the government was conducting investigations to remove children from armed groups and a plan of action to remove children from armed groups was about to be finalised. The delegation informed the Committee that the government had received the request from ILO to look into the question of the recruitment together, but that no decision had been made.

The Committee raised the problem of the landmines and asked whether a demining programme had been activated. The delegation said that many areas could not be demined because of the still ongoing armed conflict. Since the declaration of independence, 17 armed groups opposing the government had been created and anti-personnel landmines had been used by them. The delegation added that the government was aware of the fact that awareness-raising programmes had to be delivered in order to inform the population about dangers and risks. The delegation admitted that the government itself had not a clear idea of what was the situation in the border region. However, two of those groups entered into a ceasefire agreement, and peace negotiations continued with other national groups at the local level. The government was then convening meetings with all national groups and a peace conference would be soon convened at the parliament. The delegation was confident that the government's peace effort would be successful and wished that by two years full peace would be achieved in the country, and assured that as soon as that would happen, the demining programme would be implemented throughout the country.

Child labour

Asked about data on child labour, the delegation responded that there had been isolated incidents at the local level and that in terms of child labour and nationality, the lack of capacity building in Myanmar accounted for almost every problem.

The Committee mentioned the fact that many children had been called to carry on forced labour within the armed forces. The delegation then asked if the government would consider ratifying the Optional Protocol on children involved in armed conflicts, the new one on a communications procedure and the ILO Convention on the worst forms of child labour.

The Committee raised the issue of street children and their particular vulnerability to child labour and other forms of exploitation such as begging and asked what policies had been put in place to prevent all forms of exploitation, especially in works dangerous for children's health.

Also, the Committee wanted to know whether labour inspection took place and which institution was in charge for that. The delegation said that the Ministry of Labour was amending the labour laws to bring them in line with the ILO Convention. The government was working with NGOs in order to establish minimum standards for working children, including rest-time and the obligation to attend school. Children could only work once they were 13 years old, and for not more than five hours per day. The delegation also highlighted that perpetrators were punished with sanctions from 10 years to life imprisonment and fines. The Committee pointed out that the majority of works took place in farms where no control was made. ILO reported that in 2009 200 children had been exposed to forced labour in the informal sector. Cases in military camps and related military activities were also found. Remarking that practice was very different from theory, the Committee asked how many inspectors there were and how many of them were focusing on children.

As regards the sale of children and trafficking, the delegation was asked about the existence of monitoring mechanisms for labour and sexual exploitation, the possibility for child victims to access legal protection and the measures put in place to minimize the effects of legal proceedings on children.

Street children

The Committee asked the delegation to comment on the “cleaning of streets” in relation to street children. It answered that pursuant to the constitution the government should take care of every children. They were not retained, but they were collected and taken to a safe place, before proceeding with reunification or repatriation. If children did not have parents or guardians then they were sent to social welfare schools to be provided with informal education and vocational training.

The Committee asked whether a punishment was envisaged for children aged ten for behaving not in conformity with social rules. In particular, with regards to street children, who were stigmatized for breaking the law or committing infringements, the Committee wanted to know how child victims were dealt with. The delegation replied that although that could happen it was not a national problem and underlined that if a child was punished, it would only be for the offence of having contravened social standards, and not for law infringements.

Ethnic origin of children

The Committee asked the delegation whether children belonging to minority groups had access to social aid, education and health. Also, it noted that the Myanmar language was the only language children were taught in schools and wanted to know what measures the government had taken to ensure the protection of children’s cultural identity. The delegation replied that the constitution guaranteed equal rights to all minority languages, so the teaching of ethnic languages in schools were not at all prohibited, but as more than 130 languages were spoken in the country, it was extremely difficult to teach them all, also in terms of resources. However, the government facilitated the work of regional associations providing the teaching of other languages.

The Committee was concerned by the fact that minorities seemed not to enjoy full rights. For example, young Muslim girls were deprived of religious interpretation of Islam and access to information, and Bengali and Padaung people residing in northern seemed experiencing restrictions in the access to educational programmes. The delegation was asked to give clarifications about the status of the Muslim minorities in the Kachin state, since they were allowed to participate to elections also as candidates despite their status of non-citizens.

The Committee mentioned cases of human rights violations in Rohingya communities. Failure to comply with the two-child policy and cases of pregnancies outside the wedlock were punishable pursuant to the Penal Code with 10 years’ imprisonment, and women forced to abortion, so that not only the right to life for children had been violated, but also many mothers had been put at risk of death. In order to avoid punishment, women fled to Bangladesh to deliver their children and in some cases abandoned them. The Committee asked the delegation to comment on that, also asking for clarification on the name the State used to refer to that community. It replied that the State called them Bengali, in order to avoid any discriminatory expression.

Juvenile justice

On juvenile justice, the Committee asked the delegation whether children as witnesses had special status; how they were treated and heard with respect for their privacy and moral integrity; and also if there were protocols dealing with children as victims. It responded that existing procedures were currently under revision and regular meetings were convened for this with UNICEF and the government was trying to focus not only on the offender but also on the rights of the child. The delegation also explained that Myanmar had only two juvenile courts, located in Yangon and Mandalay. The Committee concluded that in the other parts of the country children were not judged in courts for minors, and then encouraged the government to amend the criminal system as it did not seem to provide sufficient protection to children in situation of vulnerability.

Regarding the administration of justice, the Committee noted that 10 as minimum age for criminal responsibility was very low and asked at what age children should be heard in juvenile courts.

On children living in prison with their mothers, the Committee said the situation was difficult with regards to health and education and asked what their situation was. The delegation answered that children living in prison with their mothers attended primary school in prison, and that preschool age children were sent to live in a State nursery or preschool, and returned to their mother after she was released from prison.

The Committee asked how children arrested in connection to armed conflicts were treated and if they were executed due to their involvement to those conflicts. The delegation replied that by law no children should be sentenced to death.

Concluding Remarks

Mr Zermatten thanked the delegation for its constructive approach. Many major challenges remained and immediate action was urged in order to avoid the situation getting worse, in particular by providing birth certificates, improving adoption services and education for all concerned children. Amendments to current legislation were also a main issue.

The head of delegation said the Committee's comments and recommendations would be taken into due consideration by the government and assured the Committee that Myanmar would continue to better promote the rights of children by improving the national legislation, since they were the future of the country. Finally, he remarked that since conflicts greatly affected the wellbeing of the nation, the government and people of Myanmar deserved generous international support and understanding in order to achieve a level of development equal to the other countries in the region.