



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: Myanmar

1. The Committee considered the second periodic report of Myanmar (CRC/C/70/Add.21) at its 959th and 960th meetings (see CRC/C/SR.959 and 960), held on 26 May 2004, and adopted, at the 971st meeting (CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which followed the established guidelines. The Committee also takes note of the submission of the written replies to its list of issues (CRC/C/Q/MYA/2), which allowed for a clearer understanding of the situation of children in the State party. The Committee acknowledges that the presence of a high-level and multidisciplinary delegation directly involved with the implementation of the Convention allowed for a constructive dialogue and a better understanding of the rights of the child in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes:

- (a) The adoption of Rules and Regulations related to the Child Law in 2001;
- (b) The establishment of the National Human Rights Committee in 2000;
- (c) The establishment of the Myanmar Women's Affairs Federation in 2003, whose mandate includes promotion and protection of the rights of children;

(d) The adoption of the National AIDS Programme and the development of the Joint Programme for HIV/AIDS: Myanmar 2003-2005;

(e) The achievement by the National Health Plan 1996-2001 of high immunization coverage for a significant part of the population;

(f) The adoption of the “Education for All” National Action Plan; and

(g) The adoption with ILO of the joint Plan of Action for the Elimination of Forced Labour.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party, despite its recent agreements with 17 armed groups in the country, remains deeply affected by internal conflicts and that the resulting violence and instability have had a negative impact on the situation of children in Myanmar. The Committee further notes that some parts of the State party remain beyond the control of the Government and that widespread poverty continues to pose a serious challenge.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

5. The Committee regrets that many of the concerns it expressed and the recommendations it made (CRC/C/15/Add.69) after its consideration of the State party’s initial report (CRC/C/8/Add.9) have been insufficiently addressed, particularly those contained in paragraph 28 (domestic legislation), paragraph 31 (national coordinating mechanism), paragraphs 40-42 (children affected by military activities) and paragraph 46 (children in conflict with the law). Those concerns and recommendations are reiterated in the present document.

6. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented and the list of concerns contained in the present concluding observations.

Legislation

7. The Committee is aware of the efforts undertaken by the State party to amend the Child Law (1993), in particular, the enactment of the Rules and Regulations related to the Child Law in 2001, in order to fully harmonize it with the provisions and principles of the Convention, but is of the view that the Child Law is still not in full compliance with the Convention. The Committee further welcomes the promulgation of Orders of 1999 and 2000 by which forced labour has been prohibited, the accession to ILO Forced Labour Convention, 1930 (No. 29) and the comprehensive Plan of Action for the Elimination of Forced Labour established in collaboration with ILO, but remains concerned at the fact that the Village and Town Acts are still in existence. This concern is also reiterated regarding the existence of the Citizenship Act and the Whipping Act, despite previous recommendations of the Committee to amend or repeal them.

8. **In light of its previous recommendations (CRC/C/15/Add.69, para. 28), the Committee recommends that the State party:**

(a) **Expedite the comprehensive review of existing legislation, in particular the Child Law, using a rights-based approach, to ensure that it is in full conformity with the principles and provisions of the Convention;**

(b) **Repeal the Whipping Act and amend the Citizenship Act and the Village and Town Acts; and**

(c) **Include the rights of the child in the new State Constitution and expedite the completion of the drafting process.**

9. While noting that the State party has ratified the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the Committee is concerned that it has not yet ratified most of the other main human rights instruments.

10. **In order to strengthen the full implementation of all human rights, the Committee encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Coordination

11. The Committee notes that the Ministry for Social Welfare, Relief and Resettlement is the leading ministry regarding the implementation of the Convention. It welcomes the establishment of an interdisciplinary National Committee on the Rights of the Child whose main mandate is the coordination of the work of governmental bodies involved in the implementation of the Child Law. The Committee is nevertheless concerned that this Committee is not fully operational.

12. **The Committee recommends that the State party strengthen the National Committee on the Rights of the Child by providing it with the necessary authority and resources to fulfil its mandate, namely to coordinate all activities related to the implementation of the Convention, in an effective manner, horizontally across ministries and vertically, from the national, down to the State, divisional, district and township levels.**

National plans of action

13. The Committee notes that the National Programme of Action for the Survival, Protection and Development of Children in the 1990s was adopted in 1994 and that the National Health Plan is also an important policy with regard to the implementation of the Convention. However, the Committee is of the view that the implementation of these action plans have been insufficient.

14. **The Committee recommends that the State party take all necessary measures to adopt, in consultation with all relevant partners, including the civil society, a new general plan of action for children which covers all areas of the Convention, including the Millennium Development Goals, and reflects “A world fit for children”. It further recommends that the State party allocate the necessary human and financial resources for its full implementation, and put in place appropriate coordinating, monitoring and evaluation mechanisms.**

Independent monitoring structures

15. The Committee notes the establishment of the Monitoring and Evaluation Subcommittee in 1999. It also welcomes the establishment of the Committee on Human Rights in 2000, whose objectives include, among others, to take action for the establishment of an independent Myanmar human rights commission. The Committee is, however, concerned at the current lack of an independent mechanism mandated to regularly monitor and evaluate progress in the implementation of the Convention at the local and national levels.

16. **The Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134) and in light of the Committee’s general comment No. 2 (2002) on national human rights institutions, to monitor and evaluate progress in the implementation of, inter alia, the Convention on the Rights of the Child at the national and local levels. The Committee recommends that the institution be allocated adequate human and financial resources and that its mandate include the ability to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. In order to make this institution’s role regarding the Convention as visible and as strong as possible, the Committee suggests establishing within this institution a special division for children’s rights headed by a commissioner for children. The Committee encourages the State party to seek technical assistance from, inter alia, OHCHR in this respect.**

Cooperation with civil society

17. While noting the reference to the activities of non-governmental organizations throughout the State party report, the Committee is concerned that insufficient efforts have been made to involve the civil society in the implementation of the Convention, its rights-based approach and its reporting process.

18. **The Committee recommends that the State party strengthen its efforts to systematically involve communities and other elements of civil society, including children’s associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting process of the next report to the Committee.**

Resources

19. The Committee is deeply concerned at the dramatic decrease of resources allocated to social sectors, notably health and education, over the past decade while the budget allocated to defence has increased dramatically over the same period.

20. **In light of its previous recommendations (ibid., para. 32), the Committee recommends that the State party:**

(a) **Make every effort to significantly increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources" where needed, to ensure the provision of appropriate resources and, wherever appropriate, in the framework of international cooperation;**

(b) **Ensure that the provision of social services to children remains a priority; and**

(c) **Develop ways to assess the impact of budgetary allocations on the implementation of children's rights, and collect and disseminate information in this regard.**

Data collection

21. The Committee notes the regular nationwide Multiple Indicator Cluster Surveys (1995, 1997, 2000), but remains concerned at the lack of a systematic and comprehensive collection of accurate disaggregated data on all groups of children for all areas covered by the Convention which will enable progress to be monitored and evaluated and the impact of policies adopted with respect to children to be assessed.

22. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention, accurate and disaggregated by gender, age, and urban and rural area. This system should cover all children up to the age of 18 years with specific emphasis on those belonging to the most disadvantaged groups, including children belonging to ethnic minority groups, children in poverty, children living in remote and border areas, disabled children, street children and children placed in institutions. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.**

Training and dissemination

23. While noting the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened and systematized with a specific focus on the child as a subject of rights. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

24. **In line with its previous recommendations (ibid., para. 35) and article 42 of the Convention, the Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. It also recommends that the State party make the**

Convention accessible to the whole population, in particular children themselves, and including by way of translating the Convention where necessary. Moreover, the Committee encourages the State party to undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers. Technical assistance from, inter alia, OHCHR and UNICEF could be requested in this regard.

2. Definition of the child

25. The Committee notes that the 1993 Child Law makes a distinction between a child (up to the age of 16 years) and a youth (between 16 and 18 years) and is concerned that youth as defined by the Law do not have the same rights as children. The Committee is further concerned that the minimum age of criminal responsibility is set at 7 years of age, which is much too low, and that children between 16 and 18 years are treated as adults under the penal law of the State party. Furthermore, the Committee is concerned that there is no minimum age for marriage for boys and that marriage of girls as young as 14 is allowed with parental consent.

26. **The Committee recommends that the State party recognize that all persons below the age of 18 are entitled to special protection measures and specific rights as enshrined in the Convention, and that it raise the minimum age for criminal responsibility to an internationally acceptable age. The Committee also recommends that the State party raise the minimum age for marriage for girls to an internationally acceptable age.**

3. General principles

Non-discrimination

27. The Committee notes that the principle of non-discrimination is included in the 1993 Child Law but remains concerned that discrimination, contrary to article 2 of the Convention, still exists in Myanmar. In particular, the Committee is concerned about discrimination against girls and vulnerable children such as children with disabilities, children from remote and border areas, children belonging to religious minorities and children with low status citizenship.

28. **The Committee recommends that the State party:**

(a) **Make greater efforts to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination, in accordance with article 2;**

(b) **Prioritize and target social services to children belonging to the marginalized and most vulnerable groups through a proactive and comprehensive strategy; and**

(c) **Ensure effective law enforcement, and launch comprehensive public information campaigns involving religious leaders to prevent and combat all forms of discrimination and, where appropriate, within the framework of international cooperation.**

29. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 (2001) on aims of education.**

The best interests of the child

30. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of laws, policies and programmes of the State party as well as in administrative and judicial decisions.

31. **The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation and budgets, as well as judicial and administrative decisions and in projects, programmes and services that have an impact on children.**

Respect for the views of the child

32. The Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, schools, the courts, administrative authorities and the society at large, which tend to favour a paternalistic and authoritarian approach with regard to children.

33. **The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies and in society at large, with special attention to the vulnerable groups. This general principle should also be reflected in all laws, policies and programmes relating to children. Awareness-raising among the public at large and among religious, traditional and/or customary leaders, as well as education and training of professionals, on the implementation of this principle should be reinforced.**

4. Civil rights and freedoms

Birth registration and citizenship

34. While noting the progress achieved by the State party in registering children at birth, the Committee remains concerned at the large number of children whose births have not been registered. The Committee is further concerned that religion and ethnic origin are specified on the identity card and is deeply concerned that the Citizenship Act establishes three different categories of citizenship, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights.

35. **In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to reform its civil registration system to ensure that all children are registered at birth without discriminatory conditions, through, inter alia, conducting awareness-raising campaigns and a review of the existing registration system. It is also**

encouraged to consider facilitating birth registration procedures through mobile units for remote areas. In line with its previous recommendations (ibid., paras. 28 and 34), the Committee recommends that the State party abolish the categories of citizens, as well as the statement on the national identity card of the religion and ethnic origin of citizens, including children.

Access to information

36. The Committee notes that article 22 of the 1993 Child Law refers to access to information, but is concerned that many children, notably those living in remote and border areas, do not have adequate access to appropriate information.

37. **In light of article 17, the Committee recommends that the State party take all appropriate measures to ensure that all children, in particular those in remote and border areas, are provided with adequate access to information.**

Corporal punishment

38. The Committee is deeply concerned that article 66 (d) of the 1993 Child Law provides for possible “admonition by a parent, teacher, or other person having the right to control the child” and that corporal punishment continues to be regarded as acceptable in society. The Committee is also concerned that the State party has not repealed the Whipping Act and that the orders prohibiting corporal punishment in schools do not seem to be effective.

39. **The Committee strongly recommends that the State party repeal article 66 (d) of the 1993 Child Law and prohibit corporal punishment in the family, the schools and other institutions, and undertake education campaigns to educate families and professionals on alternative forms of discipline.**

Torture or cruel, inhuman or degrading treatment or punishment

40. The Committee notes the lack of information regarding ill-conduct by law enforcement officials and army personnel, especially in the light of numerous reports received of torture, serious ill-treatment and sexual abuse, including rape of children by law enforcement officials and army personnel.

41. **The Committee recommends that the State party:**

(a) **Assess the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy on effective measures and policies and on changing general attitudes;**

(b) **Duly investigate cases of violence through a child-sensitive judicial procedure, notably by giving appropriate weight to children’s views in legal proceedings, and sanction perpetrators, giving due regard to guaranteeing the right to privacy of the child and ensuring that the child is not revictimized during the legal proceedings;**

(c) **Undertake public education campaigns to promote a culture of non-violence;**

- (d) **Provide care, recovery, compensation and rehabilitation for victims; and**
- (e) **Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme “Violence against children” (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745).**

5. Family environment and alternative care

Parental responsibilities

42. The Committee expresses its concern at the lack of adequate social policies that enable families to be in charge of protecting their children’s rights, and the disintegration and displacement of families and communities of ethnic minority groups.

43. **In light of article 18 of the Convention, the Committee recommends that the State party introduce programmes to support families and, in particular, parents in the performance of their parental responsibilities, especially with respect to ethnic minorities and other vulnerable groups, and refrain from activities that may lead to the disintegration or displacement of families.**

Children deprived of a family environment

44. The Committee, while welcoming the State party’s activities to reduce institutionalization, is concerned at the large number of children who are placed in institutions. The Committee is further concerned that these institutions provide similar services for groups of children with different needs, such as orphans, abandoned children, children in conflict with the law and street children. The Committee is also concerned at the poor living conditions in these institutions.

45. **The Committee recommends that the State party:**

- (a) **Expedite the assessment on the situation of children placed in institutions, including their living conditions and the services provided;**
- (b) **Develop programmes and policies to prevent the placement of children in institutions, inter alia by providing support and guidance to the most vulnerable families and by conducting awareness-raising campaigns;**
- (c) **Take all necessary measures to allow children placed in institutions to be returned to their families whenever possible and consider the placement of children in institutions as a measure of last resort; and**
- (d) **Set clear quality standards for existing institutions and ensure periodic review of the placement of children, in light of article 25 of the Convention.**

Adoption

46. The Committee notes that adoption is regulated by the 1993 Child Law, the Registration of Kittima Adoption Act, 1939 and customary law, but regrets the lack of concrete information in the State party's reports on adoption, including intercountry adoption. The Committee is concerned that this legislation may not conform fully with the Convention, notably that they do not always take into account the best interests of the child and, where appropriate, the views of the child.

47. **In line with its previous recommendations (ibid., para. 36) and in light of article 21 of the Convention, the Committee recommends that the State party amend its current domestic legislation and practice with regard to adoption to ensure conformity with the Convention. Additionally, the Committee encourages the State party to accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The Committee further recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Violence, abuse, neglect and maltreatment

48. The Committee notes that the 1993 Child Law contains various provisions on violence against children, but is seriously concerned at the lack of appropriate measures, mechanisms and resources to prevent and combat domestic violence, including physical and sexual abuse and neglect of children; the limited number of services for abused children; as well as the lack of data on the aforementioned.

49. **In light of article 19 of the Convention, the Committee recommends that the State party:**

(a) **Undertake a comprehensive study on violence against children in order to assess the scope, nature and causes of such violence and to adopt effective measures and policies;**

(b) **Duly investigate cases of domestic violence and violence in schools through child-sensitive judicial procedures and sanction perpetrators, giving due regard to guaranteeing the right to privacy of the child;**

(c) **Strengthen awareness-raising campaigns for the purpose of preventing and combating child abuse, with the involvement of children;**

(d) **Allocate funds to provide services for physical and psychological recovery and social reintegration to the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention;**

(e) **Evaluate the work of existing structures and provide training to the professionals working with child victims of violence; and**

(f) **Seek technical assistance from, inter alia, UNICEF.**

6. Basic health and welfare

Children with disabilities

50. The Committee is concerned at the lack of statistical data and of a comprehensive policy for disabled children, who continue to face widespread discrimination. Concern is also expressed at the limited facilities and services for children with disabilities, especially those in rural and remote areas, and the limited number of trained teachers to work with children with disabilities. Efforts to facilitate their inclusion into the educational system and the society at large are insufficient.

51. **In line with the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69), it is recommended that the State party:**

(a) **Take effective measures to collect adequate and disaggregated data on children with disabilities and use such data to establish a comprehensive policy and appropriate programmes to prevent disabilities and to assist children with disabilities;**

(b) **Reinforce its efforts to develop early detection programmes to prevent and treat disabilities;**

(c) **Establish special education programmes for disabled children and include them in the regular school system to the extent possible;**

(d) **Undertake awareness-raising campaigns to sensitize the public, and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns;**

(e) **Allocate further resources for special education, including vocational training, and for the support given to families of children with disabilities; and**

(f) **Seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.**

Health and health services

52. The Committee notes the progress achieved by the National Health Plan 1996-2001, notably the good immunization coverage through routine vaccinations supplemented by the National Immunization Days (NIDs), and notes the adoption of the 2001-2006 National Health Plan, but is concerned at the high infant and under-5 mortality rates and the low life expectancy in Myanmar. The Committee is also concerned that health services in the remote areas continue to lack adequate human and financial resources and are often inaccessible, especially during the rainy season, resulting in a significant difference in the availability of services between rural and urban areas and consequently much higher mortality figures in rural areas. In addition, the Committee is concerned that the survival and development of children in Myanmar continue to be threatened by early childhood diseases, such as acute respiratory infections and diarrhoea and by chronic malnutrition.

53. **In line with its previous recommendations (ibid., para. 38), the Committee recommends that the State party:**

- (a) Reinforce its efforts to allocate appropriate resources as well as develop and implement comprehensive policies and programmes, in particular the 2001-2006 National Health Plan, to improve the health situation of children, particularly in rural areas;**
- (b) Ensure adequate collection of accurate and reliable statistical data on health indicators;**
- (c) Facilitate greater access to primary health-care services;**
- (d) Continue and strengthen its efforts to reduce the incidence of maternal, child and infant mortality;**
- (e) Prevent and combat malnutrition, especially among the vulnerable groups of children;**
- (f) Promote exclusive breastfeeding for the first six months, with the introduction of appropriate infant diet thereafter;**
- (g) Improve access to safe drinking water and sanitation; and**
- (h) Pursue additional measures of cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.**

54. In spite of the progress achieved regarding access to drinking water and safe excreta disposal, as indicated in the Multiple Indicator Cluster Surveys held in 2000, the Committee is concerned that a large number of children, notably those living in rural areas, still do not enjoy adequate access to clean drinking water and sanitation systems.

55. **The Committee recommends that the State party take all necessary measures to ensure access by all children, in particular those in remote and rural areas, to safe drinking water and adequate sanitation systems.**

HIV/AIDS

56. The Committee welcomes the existence of the National AIDS Programme and the development of the Joint Programme for HIV/AIDS: Myanmar 2003-2005, as well as various efforts undertaken to raise awareness on HIV/AIDS, but is extremely concerned at the increasing prevalence of HIV/AIDS amongst adults and children and the consequently high and increasing number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

57. **The Committee recommends that the State party:**

- (a) Increase its efforts to prevent the spread of HIV/AIDS, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child;**

- (b) Strengthen its measures to prevent mother-to-child transmission, inter alia, through coordination with the activities aimed at reducing maternal mortality. It recommends taking adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;**
- (c) Strengthen its efforts to raise awareness about HIV/AIDS among adolescents, particularly those belonging to vulnerable groups, as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS; and**
- (d) Seek further technical assistance from, inter alia, UNAIDS to further facilitate more flexible operational set-ups for the various partners.**

Harmful traditional practices

58. The Committee is concerned that the measures taken by the State party to raise awareness among the Padaung and the Kareni tribes on the potential health hazard of their traditional practice of neck elongation have been insufficient. The practice can result in sudden death or serious damage to the spinal cord if the neck-elongation ring is removed.

59. **The Committee recommends that the State party continue and strengthen its awareness-raising activities among the people of the Padaung and the Kareni tribes, in particular women and girl children, on the potential risks of their traditional practice for their physical well-being.**

Right to an adequate standard of living

60. The Committee is concerned about the high proportion of the population living below the poverty line and the disproportionate percentage of average income spent on food.

61. **In accordance with article 27 of the Convention, the Committee recommends that the State party strengthen its efforts to provide support and material assistance to economically disadvantaged families, notably those living in rural areas, and to guarantee the right of children to an adequate standard of living.**

7. Education, leisure and cultural activities

62. The Committee welcomes the launching in 2000 of the Special Four-Year Plan for Education (2000/01-2003/04) aimed at promoting the basic education sector, and of the "Education for All" National Action Plan introduced in 2003 which is aimed specifically at the "access, quality and relevance" of education, but is seriously concerned at the following problematic aspects of the existing education system:

- (a) The low quality of education reflected in the high repetition and dropout rates, which affect more girls than boys;**
- (b) The significant variation in school enrolment between urban and rural areas, and the particularly low level of enrolment of children belonging to minority groups;**

- (c) The limited length of compulsory education, which ends at the fourth grade;
- (d) Free primary education is not guaranteed in practice, as parents are required to cover the costs of uniforms, textbooks, stationery and other supplies; and
- (e) The majority of schools in Myanmar do not provide a conducive learning environment for children owing to, inter alia, the poor conditions of buildings, the poor quality of teaching/learning methodologies and the shortage of qualified teachers.

63. The Committee recommends that the State party:

- (a) Improve the quality of the education system with a view to achieving the aims mentioned in article 29, paragraph 1, of the Convention and the Committee's general comment No. 1 (2001) on the aims of education;**
- (b) Introduce human rights, including children's rights, into the school curricula, starting at the primary level;**
- (c) Ensure that primary education is free in practice by minimizing all costs borne by parents;**
- (d) Extend compulsory education to at least the sixth grade;**
- (e) Strengthen its efforts to progressively ensure that girls as well as boys, from urban, rural and remote areas, and children belonging to minority groups all have equal access to educational opportunities;**
- (f) Adapt school curriculum to suit the particularities of the local communities, in particular for ethnic minority groups, and make use of local teachers to help children who are experiencing language difficulties;**
- (g) Take the necessary measures to improve the poor quality of education and to ensure efficiency in the management of education, in particular by significantly increasing the resources allocated to education, hiring more qualified teachers and providing them with more opportunities for training;**
- (h) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;**
- (i) In light of article 12, encourage participation by children at all levels of school life;**
- (j) Build better infrastructure for schools; and**
- (k) Seek assistance from UNICEF and UNESCO in the implementation of the above.**

8. Special protection measures

Refugee/internally displaced children

64. The Committee notes that a large number of returnees from Bangladesh to northern Rakhine State have gone back to their villages of origin, but is concerned that some 850,000 Muslim residents in northern Rakhine State and large numbers of persons of Chinese or Indian descent throughout the country remain stateless, making it impossible for children of these families to benefit from the provisions and principles of the Convention. The Committee is further concerned at the very high number of children and their families who were internally displaced in Myanmar and that many were forced to seek asylum in neighbouring countries owing to the armed insurgencies taking place in various parts of Myanmar.

65. **In light of articles 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party:**

(a) **Take the necessary measures to allow children and their families who have returned to Myanmar and who are stateless to acquire Myanmar citizenship by way of naturalization;**

(b) **Strengthen its efforts to provide adequate assistance to internally displaced children, including their access to food, education and health, and to support the return home of internally displaced populations and their reintegration into their communities;**

(c) **Prevent situations which force children and their families to leave Myanmar;**

(d) **Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 1954 Convention relating to the Status of Stateless Persons; and**

(e) **Work closely in this regard with UNHCR and UNICEF.**

Child soldiers/children affected by armed conflict

66. The Committee welcomes the establishment of the Committee for the Prevention of the Recruitment of Child Soldiers, but is deeply concerned at the direct and indirect impact of the armed conflicts on children in the State party. In particular, the Committee is extremely concerned at the use of children below the age of 15 years as soldiers by both the governmental armed forces and the armed groups as has repeatedly been reported, notably in the last report of the Secretary-General on children and armed conflict (A/58/546-S/2003/1053 and Corr.1 and 2). The Committee is also concerned at the military training provided to pupils attending the Nyunt Youth Programme, which could potentially lead to the militarization of children.

67. **In light of articles 34 and 38 and other related articles of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to end the armed conflict and to ensure that the protection and promotion of children's rights are given due consideration in any peace negotiations;**

- (b) Prioritize the demobilization and reintegration of all combatants under 18;**
- (c) Continue to take measures to ensure that all military recruits meet the minimum age recruitment of 18 years and that they enter voluntarily;**
- (d) Ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;**
- (e) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, while ensuring their privacy;**
- (f) Take effective measures to ensure that children affected by the conflict can be reintegrated into the education system, including through non-formal education programmes and by prioritizing the restoration of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas; and**
- (g) Seek in this regard technical assistance from, inter alia, UNICEF.**

Economic exploitation, including child labour

68. The Committee notes that the 1993 Child Law prohibits child labour, but is deeply concerned that economic exploitation is extremely widespread in Myanmar and that children may be working long hours at young ages, with very negative impacts on their development and school attendance. While noting the adoption of a joint Plan of Action for the Elimination of Forced Labour with ILO, the appointment in 2002 of an ILO Liaison Officer and the recent appointment of the ILO Facilitator, the Committee is extremely concerned at practices of forced labour among children, notably those organized by the armed forces.

69. **In line with its previous recommendations (ibid., paras. 42 and 43), the Committee strongly recommends that the State party:**

- (a) Adopt and implement a comprehensive national plan of action to prevent and combat child labour;**
- (b) Amend, where necessary, and strengthen the implementation of the labour laws, notably through prosecution of those who make use of forced labour, and increase the number and quality of labour inspectors;**
- (c) Consider ratifying and implementing the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182);**
- (d) Continue to seek assistance from ILO through the joint Plan of Action for the Elimination of Forced Labour, the ILO Liaison Officer and the ILO Facilitator, whose work should begin without delay, ensuring that clear and effective communication is reinstated with ILO.**

Sexual exploitation

70. The Committee is concerned about the increasing number of child victims of sexual exploitation, including prostitution and pornography, especially among those engaged in child labour and street children. Concern is also expressed at the programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation, which are insufficient and inadequate.

71. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) Extend the protection from sexual exploitation and trafficking in all relevant legislation to all boys and girls below the age of 18 years; and

(b) Strengthen its efforts to combat sexual exploitation in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Trafficking in children

72. The Committee notes the various activities carried out by the State party to combat human trafficking, such as the establishment of an inter-agency working group on trafficking and targeted research and awareness-raising activities, yet is concerned at the large number of children being trafficked for their exploitation to neighbouring countries, notably Thailand.

73. The Committee recommends that the State party:

(a) Formulate a national plan of action to combat trafficking;

(b) Further strengthen the necessary measures to prevent and combat the sale and trafficking of children, including awareness-raising campaigns and educational programmes, targeting parents in particular;

(c) Increase cross-border cooperation and collaboration with neighbouring countries within the framework of the United Nations Inter-Agency Project to Combat Trafficking in Women and Children in the Mekong Sub-region (UNIAP), including through bilateral and multilateral agreements;

(d) Facilitate the reunification of child victims with their families and provide adequate care and rehabilitation for them; and

(e) Continue to seek assistance from, among others, UNICEF.

Street children

74. The Committee expresses its concern at reports of an increasing number of street children and the lack of specific mechanisms and resources to address this situation and to provide these children with adequate assistance.

75. **The Committee recommends that the State party:**

(a) **Carry out a national study to assess the scope, nature and causes of the phenomenon of street children in order to develop a comprehensive policy for preventing and reducing it;**

(b) **Provide street children, wherever they are in the State party, with recovery and rehabilitation services and, wherever necessary, with adequate nutrition, necessary health care and educational opportunities; and**

(c) **Seek assistance from, inter alia, UNICEF.**

Administration of juvenile justice

76. The Committee is concerned at the limited progress achieved in establishing a functional and adequate juvenile justice system throughout the country. In particular, the Committee is concerned about:

(a) The absence of juvenile courts and juvenile judges and the lack of social workers and teachers specializing in this field;

(b) The overuse and long periods of pre-trial detention, which has no established limits;

(c) The poor conditions of detention;

(d) The lengthy periods before juvenile cases are heard;

(e) The lack of assistance for the rehabilitation and reintegration of juveniles following judicial proceedings;

(f) The sporadic training of judges, prosecutors and prison staff;

(g) The minimum age for criminal responsibility (age 7), which is far too low;

(h) The lack of a provision in the Child Law ensuring legal assistance; and

(i) The legal sanctions imposed on children who commit statutory offences such as begging.

77. **The Committee recommends that the State party take additional steps to reform the juvenile justice system in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

78. In line with its previous recommendations (ibid., para. 46) the Committee recommends that within this reform, the State party undertake, in particular, measures to:

- (a) Raise the age of criminal responsibility to an internationally acceptable age;
- (b) Ensure that all alleged offenders below the age of 18 are judged according to a specific procedure and do not receive the same penalties as adults;
- (c) Ensure the establishment of juvenile courts and appoint trained juvenile judges in all regions of the country;
- (d) Limit by law the length of pre-trial detention;
- (e) Provide children with legal assistance at an early stage of judicial proceedings;
- (f) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including a child-sensitive and accessible independent mechanisms for children to make complaints, and the separation of child offenders from children in need of special protection;
- (g) Ensure that children remain in regular contact with their families while in the juvenile justice system;
- (h) Introduce regular medical examination of inmates by independent medical staff;
- (i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;
- (j) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;
- (k) Review the procedure concerning the quasi-judicial decisions to send children under the age of 18 to training schools, without the possibility of appeal; and
- (l) Consider seeking technical assistance from, inter alia, OHCHR and UNICEF.

Children belonging to indigenous and minority groups

79. The Committee is deeply concerned about the situation of the children of the Bengali people residing in northern Rakhine State, also known as the Rohingyas, and of children belonging to other ethnic, indigenous or religious minorities and in particular that many of their rights are denied, including the rights to food, to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination.

80. The Committee urges the State party to gather additional information on all ethnic minorities and other marginalized groups and to elaborate policies and programmes to fully ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations on the rights of indigenous children made at its day of general discussion (CRC/C/133, para. 624).

9. Optional Protocols

81. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of documentation

82. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

11. Periodicity of submission of reports

83. Finally, in light of the recommendation on reporting periodicity adopted by the Committee and described in the reports on its twenty-ninth (CRC/C/114) and thirty-second (CRC/C/124) sessions, the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. The Committee recommends that the State party submit its next periodic report on 13 August 2008, the due date of the fourth periodic report. This report will combine the third and fourth periodic reports. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

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