






Myanmar Child Rights Coalition (MCRC) is a reporting task group of NGO Child Rights Working Group. NCRWG consists of 50 local and international child rights organizations and aims to fulfill the rights of children in Myanmar through strengthening the cooperation and collaboration between government, institutions, and civil society. This 3rd Cycle UPR is the 2nd joint submission of MCRC as it made the 1st joint submission to the 2nd UPR Cycle in 2015. And it has also been submitting periodic reports to the UN Committee on the Rights of the Child following the state’s ratification of the CRC in 1991.

RIGHTS OF THE CHILD IN MYANMAR

I. DEVELOP,ADOPT AND IMPLEMENT A NEW NATIONAL PLAN OF ACTION FOR CHILDREN

- The previous NPAFC (2006-2015)^[1] which includes four sections; Health and Nutrition, Water and Sanitation, Education and Early Childhood Development, and Child Protection expired five years ago. Although other National Action Plans specifically for Health and Education^[2] were adopted respectively, a new comprehensive child rights-focused National Action Plan has not been adopted.
- The implementation and monitoring of the previous NPAFC were invisible due to the insufficient budget allocation for each sector.
- The Government of Myanmar conducted the census survey in 2014. However, the lack of a systematic and comprehensive disaggregated database covering all the areas of the UNCRC has limited the monitoring of the progress in the implementation of the UNCRC.

Key facts about Children in 2014 Census

-  Children represent 34% of Myanmar’s population
-  4.4 million children aged 5 to 18 years do not attend school (36%)
-  1.6 million children aged 10 to 18 years are employed (21%)
-  10 million children live in poverty (61%)
-  The under 5 mortality rate is 72 per 1000 live births, the highest among ASEAN countries.

“The National Plan of Action for Children (2006-2015) is being adopted and implemented. And the action plan has also been reviewing.”

Deputy Minister, Ministry of Social Welfare, Relief and Resettlement, delivered speech in National Children Forum - 2013

RECOMMENDATIONS

- I (a). Develop, adopt and implement a national plan of action for children that covers all children’s rights in the UNCRC with adequate resource allocation and monitoring mechanisms.**
- I (b). Set up a comprehensive data collection system that covers all children’s rights in the UNCRC, with the support of Civil Society.**

SUGGESTED QUESTIONS

- * How did the Government of Myanmar inform to the public about the implementation of the national plan of action?
- * What measure has the Government of Myanmar taken to develop a new national plan of actions for children?
- * What are being done by the Government of Myanmar to set up a comprehensive data collection system for child rights?

Sources: [1] Myanmar National Plan of Action for Children (2006-2015). Website: http://ovcsupport.org/wp-content/uploads/Documents/Myanmar_National_Plan_of_Action_for_Children_2006_2015_1.pdf

[2] Myanmar National Health Plan (2017-2021). Website: [https://mohs.gov.mm/cat/NHP%20\(2017-2021\)](https://mohs.gov.mm/cat/NHP%20(2017-2021)) and National Education Strategic Plan (2016-2021) Website: http://www.moe-st.gov.mm/wp-content/uploads/2018/01/NESP_20Summary_20-20English_20-20Final_20-20Feb_2023.pdf

2. ENSURE TRANSPARENT PROCESS IN THE SELECTION OF CSO REPRESENTATIVES IN THE NEW STRUCTURE OF THE NATIONAL CHILD RIGHTS COMMITTEE

- The 2019 Child Rights Law prescribes the formation of the new National Child Rights Committee (NCRC) with 37 members (officials from various Ministries and representatives from NGOs and specialists from different thematic fields)^[1] and chaired by the Minister of Social Welfare, Relief and Resettlement (MSWRR). Its functions include: putting in place policies, guidelines and measure to realize the objectives of the Child Rights Law; mobilizing resources to implement children’s rights; establishing structures (sub-committees) to effectively perform its duties; coordinating activities implemented by various duty-bearers (government agencies/institutions), UN agencies and CSOs; assessing and monitoring the implementation of child/child rights-related activities; compiling information and data on children; and submitting annual reports to the Union Government.
- MCRC appreciates and acknowledges the inclusion of CSO representatives in the NCRC structure. However, CSOs were not aware of the selection criteria of CSO representatives nor of how the CSOs were selected to be members of the NCRC.



“The Committee urges the State party to ensure that NCRC is operational on a sustainable basis and reiterates its recommendation to provide NCRC with the necessary authority and resources to coordinate all activities related to the implementation of the Convention, in an effective manner, both horizontally across ministries and vertically, from the national level down to the divisions, districts and townships.”

CRC Concluding Observations 2012 (CRC/MMR/CO/3-4) paragraph no.12

RECOMMENDATIONS

- 2. Ensure a transparent process in the selection of CSO members of the NCRC through consultations with CSOs including in setting the selection criteria and actual selection of CSO representatives.**

SUGGESTED QUESTIONS

- * Which mechanisms are the Government of Myanmar applying to ensure full transparency in the formation and selection of CSO members in the National Child Rights Committee?
- * What criteria does the Government of Myanmar use in the selection of CSO members in the National Child Rights Committee?

Sources: [1] The new structure of NCRC; in Myanmar language. Translation not available. Official letter issued by the Ministry of Social Welfare, Relief, and Resettlement. Letter reference no. 2-1/10(CRC)/2053, Date: 2020, February 11.

3. RECOGNIZE ETHNIC EDUCATION SYSTEMS

- The National Education Law (NEL) and the Basic Education Law (BEL) prescribe ethnic languages as the language of teaching at the basic education level. However, the indication of “if necessary” in the NEL limits full recognition and implementation of Ethnic Education and Ethnic schools are not recognized by the government.
- They were fully resourced and supported by Ethnic Armed Organizations or Regional Organizations in ethnic groups dwelling states which have been affected by arm conflicts for decades such as Kachin, Kayah, Kayin, Mon, and Shan States.
- Rakhine had become conflict-affected State since 2012 but the existence of ethnic schools have not yet been assessed.



The Myanmar Education Consortium reported that 287,734 children who live in outreach and remote areas are studying at 2,445 Ethnic Basic Education Schools (excluding children studying in Monastic Schools and the number of Monastic Schools) managed by Ethnic Basic Education providers which are not recognized by the government.

RECOMMENDATIONS

3. Recognize Ethnic education systems and provide clear terms and definitions for the remaining six types of schools under the Basic Education Law.

SUGGESTED QUESTIONS

- * What is the progress of implementing educational activities prioritized under the Basic Education Law – especially in educational decentralization, student accreditation, and the inclusion of local curriculum processes?
- * What are the possible doors opening to Ethnic Education Providers along the process of education reform?
- * What (education) policies consider the inclusion of Ethnic Education and the children studying in the Ethnic Schools?

4. LINK TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING, AND ALTERNATIVE EDUCATION TO MAINSTREAM EDUCATION

- Children who pass the middle school education can access Technical and Vocational Education and Training (TVET).
- Since TVET does not have a matriculation system, TVET students who want to pass the high school education to join the university need to join the mainstream education at the government school. However, there is a lack of an official link between government high school education and TVET. Likewise, Non-Formal Primary / Middle Education lacks the link with mainstream education.

RECOMMENDATIONS

4. Ensure that the second phase of the National Strategic Plan includes strong TVET and Alternative Education links to mainstream education.

SUGGESTED QUESTIONS

- * What are the components of creating pathways for Ethnic and Monastic Education to be able to access the opportunities of government’s activities on TVET, Alternative Education, and Mainstream Compulsory Education?
- * What is the government’s response to the recommendations concerned with TVET and Alternative Education provided by the National Education Strategic Plan Mid-Term Review team?

5. ENSURE THAT ALL CHILDREN WITH DISABILITIES HAVE ACCESS TO MAINSTREAM EDUCATION

- A study by the Education Movement Committee for CWD in responding to numerous cases of CWDs' difficult access to school found that no specific directives nor a clear policy/guideline on education access for the children with disabilities were provided to schools.
- Duty bearers and teachers lack proper understanding of new perspective and concept about disability and human rights and the right to education of CWDs in schools. There is limited understanding on the learning of children with disabilities, people have negative attitudes and school buildings are not appropriate for the children with physical disabilities.



A girl of 13 who lives in Hmaw Bi Township, Yangon Region who has intellectual disability got constantly rejected from being admitted to school since she was 6 years old by the teachers and the headmistress. The reason for being refused for school admission include: the negative attitude toward the child by the Township Education Officer and the headmistress who said that it would not make any difference even if this child had education. There were only two young teachers who had to teach 100 children in that primary school, and parents of non-disabled children worried that the girl with disability would disturb their children.

Source: 2016-2017 Survey on Education of children with disabilities in Yangon Region, conducted by the Education Movement Committee

RECOMMENDATIONS

- 5(a). Develop and implement a national action plan on inclusive education, with sufficient budget allocations at all levels, to ensure that all children with disabilities have access to the mainstream education system by providing accessible learning environments.**
- 5(b). Ensure that the second phase of National Education Strategic Plan continuously includes inclusive education enforce its implementation, emphasizing on the development of accessible school infrastructure for all children with disabilities.**

SUGGESTED QUESTIONS

- * Is there an action plan, detailing the process for implementation of inclusive education system with a clear time frame and measurable goals and developed in consultation with OPDs, including children with disabilities?
- * Are there disability-inclusive monitoring mechanism to track progress in implementation of inclusive education at all levels and ensure that policies and programmes for inclusive education are implemented and backed by the requisite investment?

6. DEVELOP AND ADOPT A PLAN FOR EDUCATION IN EMERGENCIES

- Myanmar is among the high chance of disaster risk countries and ranked as 130 out of 172 countries. Moreover, due to armed conflict with several Ethnic Armed Groups at border areas, approximately 500,000 children are in conflict and emergencies. Unicef's Education program report in 2018 indicates that approximately 184,000 children aged 3–17 in the conflict-affected areas of Kachin, Rakhine and the northern Shan States, as well as those in natural disaster zones, are at risk of missing their education. The Mid-Term Review of the National Education Strategic Plan (2016-2021) indicated that Education in Emergencies was missing and not addressed in the NESP. Most of the EiE programs are responded to by the NGO partners of the government while the MoE provided learning facilities, volunteers, and teachers' salaries at the temporary learning space in some affected areas to address the EiE. However, the government needs a strong EiE plan with development partners.

RECOMMENDATIONS

- 6. Ensure that a plan for Education in Emergencies (EiE) is developed and adopted, and the collaborative mechanism between the MoE and State/Regional governments, and the national budget system which can be assessed by all education sectors are well in place in the upcoming National Education Strategic Plan 2.**

SUGGESTED QUESTIONS

- * What activities are implementing against the COVID-19 pandemic? Does the plan cover for conflicted areas such as in Rakhine, Kachin, Chin, Shan, Kayin, and Mon States?
- * What are the non-COVID EiE activities or projects implementing by the government? Which agencies does the government join hands with?
- * What is the government's response to the recommendations concerned with EiE plans provided by the National Education Strategic Plan Mid-Term Review team?

7. DEVELOP, ADOPT AND IMPLEMENT A NATIONAL STRATEGY/PLAN TO ADDRESS VIOLENCE AGAINST CHILDREN

- In 2016, the government of Myanmar committed to implement the 10-year ASEAN Regional Plan of Action on Elimination of Violence against Children (the ASEAN RPA on EVAC). To date, Myanmar has yet to develop and adopt a national strategy or plan to address violence against children.
- Furthermore, Myanmar lacks countrywide reliable data and information, “survey and research findings” and “comprehensive data system” regarding violence against children.

RECOMMENDATIONS

- 7. Develop, adopt and implement a National Strategy and Plan on EVAC (Elimination of Violence Against Children) to address violence against children in Myanmar with participation of all relevant stakeholders including children at all stages of the process with a coordinating mechanism for implementation.**

SUGGESTED QUESTIONS

- * What kind of National level Plan has the government of Myanmar done after adoption of ASEAN Regional Plan of Action on Elimination of Violence against Children in Myanmar?
- * How do the government of Myanmar take actions or implement to ensure elimination of violence against children in Myanmar according to the commitment made at the Regional Level?
- * How do the government of Myanmar ensure to have reliable data and information as well as data system regarding violence against children to ensure effective plan, implementation, monitoring and feedback?

Sources: | ASEAN Regional Plan of Action on the Elimination of Violence Against Children (ASEAN RPA on EVAC) 2016; Website: https://asean.org/?static_post=asean-regional-plan-action-elimination-violence-children-asean-rpa-evac
2 Ibid, Page 44.

8. ENSURE IMPLEMENTATION OF THE CHILD RIGHTS LAW PROHIBITING CORPORAL PUNISHMENT OF CHILDREN IN ALL SETTINGS

- MCRC appreciates the prohibition of physical violence in the new Child Rights Law (2019), specifically Article 56 that prohibits corporal punishment.
- Though countrywide data on the prevalence of the various forms of violence against children is limited, the available data highlights this as a major problem in all settings especially within the family and school.
- To reduce corporal punishment, targeting parents and caregivers, the standardized Positive Discipline materials were developed and the task of promoting and disseminating the materials was led by the DSW in collaboration with some child focus organizations. However, the DSW has no proper plan to promote and disseminate the Positive Discipline method for parents and caregivers across the country.
- On the other hand, under the Ministry of Education (MoE), there is no clear and transparent plan to educate teachers to apply positive discipline methods with children at school although the directives were released on the prohibition of physical punishment at schools.



62.3% of children between the age of 12 to 18 faced physical violence which happened more in school than at home.

Source: World Vision Myanmar, Baseline Report (2018-2019), assessment conducted in 24 townships

93% of child club members said that although physical punishment has been reduced, it was still practiced as a disciplining method with children. The degree of punishment indicated that 59% was moderate, 15% severe and 26% occasional.

Source: Save the Children Project Assessment on Corporal Punishment with Child Club members in 16 townships, 2015 and 2016



RECOMMENDATIONS

8(a). Ensure the effective implementation of Article 56 of the Child Rights Law (2019) related to the prohibition of corporal punishment against children in all settings.

8(b). Develop a specific plan for the promotion of public awareness on Positive Discipline to be applied by adults (including parents, teachers, employers, and caregivers) in all settings.

SUGGESTED QUESTIONS

- * What kind of measure has the government of Myanmar take to ensure prohibition of corporal punishment against children in all settings in Myanmar?
- * What type of education and advocacy materials have been developed related to public awareness on prohibition of corporal punishment and promotion of positive disciplining?
- * What kind of mechanisms are in place to provide social and legal services for children who are affected by corporal punishment?

Sources: The Child Rights Law (2019), Article 56. No-one shall commit physical violence, psychological violence or sexual violence that will inflict either losses or injury in any way upon the child. (Unofficial translation of Child Rights Law 2019)

9. ENSURE TIMELY ACTION, PROVISION OF SERVICES AND ACCESS TO JUSTICE FOR CHILDREN SURVIVORS OF SEXUAL VIOLENCE

- MCRC appreciates that the government raised the age of marriage for both males and females to 18 in the new Child Rights Law (2019) and it is supposed that the law might help reduce marital rape and domestic violence. However, child rape cases increased by up to nearly 2,000 in 2016 and 2017. Among the reported rape cases, 671 cases occurred in 2017 and increased to 892 cases in 2018 as per data of the Ministry of Home Affairs.
- Survivors of sexual violence cases can hardly seek justice due to a corrupt judicial system and hindered the costly and lengthy judicial process involved in convicting a perpetrator. Making the matter worse is that survivors bear the blame and shame due to negative attitudes of society toward them.
- In Myanmar, Case Management Systems have been established only in 49 townships out of 330 townships, and only 100 Government and NGO social work case managers were trained by 2018.
- Child Focused Organizations in Myanmar experienced that resources are insufficient to respond effectively to child rape cases. Thus, there is limited support for case managers and limited financial resources to respond the sexual violence cases on time within 72 hours. Government case managers who are DSW staff are overworked, and township coordination mechanisms supposed to give support for the victims are not functioning.



“Child rape cases increased by up to nearly 2,000 in 2016 and 2017. Among the reported rape cases, 671 cases occurred in 2017 and increased to 892 cases in 2018.”

Source - Ministry of Home Affairs

RECOMMENDATIONS

- 9(a). Take effective and timely action against perpetrators by coordinating among the responsible ministerial departments such as health, police force, courts/judges and social welfare.**
- 9(b). Expand the case management system and provide adequate support for case managers to respond effectively to child sexual violence cases in a timely manner.**
- 9(c). Ensure that coping mechanisms such as psychological support and social reintegration measures are in place for girls and boys who have experienced sexual abuse and trauma.**

SUGGESTED QUESTIONS

- * How the government of Myanmar make sure for the effectiveness of provision of legal and social services for the perpetrators?
- * What kind of mechanisms are in place to prevent and response the issues of sexual violence against children issues in Myanmar?
- * What kind of collaboration and coordination mechanism has been established and strengthen for the effective response to perpetrators?
- * What kind of measures has the government taken to ensure the effectiveness of justice system in addressing the sexual violence against children issues in Myanmar?

The Child Rights Law (2019), Article 23 The age of marriage for both male and female shall be 18 years.

Stop Sexual Violence Against Children, June 3, 2018; Global New Light of Myanmar <https://www.globalnewlightofmyanmar.com/stop-sexual-violence-children/>

Myanmar Times 19 February 2018; website: <https://www.mmtimes.com/news/sexual-assault-cases-rising-myanmar.html>

UNICEF Child Protection website: <https://www.unicef.org/myanmar/child-protection>



What is NCRWG?

NGO Child Rights Working Group was formed in January 2009. NCRWG is working group where child focused Local and International NGOs working together to fulfill the rights of children in Myanmar.

NCRWG is working for

All children, especially for the marginalized and deprived, benefit from greater public investment, policy and law reform in realizing their rights.

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