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**Rapid Assessment
on Child Domestic Work (CDW)
in Myanmar.**

Rapid Assessment on Child Domestic Work (CDW) in Myanmar.

Fundamental Principles and Rights at Work Branch
International Labour Organization

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List of Acronyms

CDW	–	Child Domestic Work
CEDAW	–	Committee on the Elimination of Discrimination against Women
CRC	–	Convention on the Rights of the Child
DSW	–	Department of Social Welfare
ILO	–	International Labour Organization
IOM	–	International Organisation for Migration
KBC	–	Karen Baptist Convention
LRPD	–	Labour Rights Promoters and Defenders
MMK	–	Myanmar Kyat (1 USD = 1600 MMK)
MOLIP	–	Ministry of Labour, Immigration and Population
MOE	–	Ministry of Education
MSWRS	–	Ministry of Social Welfare, Relief and Settlement
My-PEC	–	Myanmar Programme on the Elimination of Child Labour
NLD	–	National League for Democracy
RA	–	Rapid Assessment
TWGCL	–	Technical Working Group on Child Labour
UNICEF	–	United Nations International Children's Emergency Fund
WFCL	–	Worst Forms of Child Labour

Explanation of Terms

Child	A person under the age of eighteen
Child labour	Work undertaken by children under the legal minimum working ages. The law normally lays down various minimum age for different types of work. (e.g., normal full-time work, light work, and hazardous or potentially harmful work)
Worst forms of child labour	<p>A term defined in the ILO Convention No. 182. It comprises (Article 3):</p> <ul style="list-style-type: none"> • All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; • The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic performance; • The use, procuring, or offering of a child for illicit activities—in particular, for the production and trafficking of drugs as defined in the relevant international treaties; • Work which, by its nature or because of the circumstances in which it is carried out, is likely to harm the health, safety, or morals of the child. (commonly referred to as “hazardous work”)
Light work	<p>Work permitted by law for children of at least 12 or 13 years of age. The law may allow for specific activities which are not harmful to a child’s health and development and do not prejudice attendance at school and participation in vocational training, nor “the capacity to benefit from the instruction received.”</p> <p>For statistical purposes, ILO defines this as work which does not exceed fourteen hours per week. Convention 138 on Minimum Age for Admission to Employment addresses the definition of ‘light work’</p>
Domestic work	Means work performed in or for a household or households
Domestic worker	Means any person engaged in domestic work within an employment relationship; (Excludes work carried out by members of the family within their own household)
Child domestic work	General reference to the presence of children, i.e. persons below the age of 18, in domestic work. Includes both permissible situations (youth employment) as well as non-permissible situations (child labour) in domestic work
Child domestic worker	Domestic worker below the age of 18, either in permissible as well as in non-permissible situations.
Child labour in domestic work	Domestic work undertaken by children under the legal minimum working age, as well as by children above the legal minimum age but under the age of eighteen, under slavery-like, hazardous, or other exploitative conditions – a form of “child labour to be eliminated” as defined in international treaties.

Executive Summary

The ILO's Myanmar Program on the Elimination of Child Labor (My-PEC) aims to establish a comprehensive, inclusive and efficient multi-stakeholder response to reducing child labour in Myanmar by expanding knowledge base on child labour in Myanmar, improving legislation and strengthening national and local capacity to address child labour in compliance with international standards, improving capacity of national and local stakeholders to coordinate, network and advocate for the elimination of child labour, and reducing child labour in pilot target communities.

The ILO is providing assistance to the Government of Myanmar in formulating a comprehensive National Action Plan on the Elimination of Child Labour (NAP). The overall goal of the NAP is now defined as: "By 2030 all boys and girls in Myanmar are effectively prevented and protected from child labour, especially in its worst forms."

In 2015, the My-PEC project conducted a legal review on child labour that identified key gaps in the provision of child domestic work (CDW).¹ The report underlines that under the current national laws, children of all ages can engage in child domestic work, as the 1993 Child Law is the only applicable law and the existing labour laws which set the minimum age for employment of children under certain ages do not apply to domestic work, because they are applicable only to factories or shops and establishments (i.e. the formal sector). In 2016 and 2017, cases of child domestic workers being exploited and abused were reported in the media generating concerns that the issue was not being unaddressed.

The ILO in its taking into account Convention 182 on Worst Forms of Child Labour and Convention 189 on Domestic Work defines child domestic work as 'children's work in the domestic work sector in the home of a third party or employer'. (This general concept encapsulates both permissible as well as non-permissible situations).² In general, child labour in domestic work refers to situations where domestic work is performed by children below the relevant minimum age (for light work, full-time non-hazardous work), in hazardous conditions or in a slavery-like situation. Given the legal framework and the ILO's definition of child domestic work and child labour in domestic work, the present assessment in the context of Myanmar found evidence of both child domestic work and child labour in domestic work.

Key Findings

The present qualitative rapid assessment found that child domestic work is prevalent in Yangon and that the majority of child domestic workers are girls from poor rural areas or from ethnic minorities in conflict-affected areas. The findings are based on a review of relevant documentation and 80 semi-structured interviews with a range of stakeholders encompassing child domestic workers, parents of child domestic workers, teachers, religious leaders, brokers, employers of child domestic workers, government officials and civil society representatives. Of the 80 interviews, 28 were conducted with current or former child domestic workers, the youngest of which was a 9-year old Pa-O boy. The assessment also included four focus group discussions, which were particularly arduous to organise due to difficulties in securing appropriate venues and people's reluctance or refusal to discuss openly such a 'private' and 'sensitive' issue. In addition to the interviews and discussions, researchers kept notes of informal discussions with residents at research locations who were able to discuss what they knew about child domestic work, in particular how to obtain child domestic workers. Interviews in Sanchaung Township with trishaw drivers, street cleaners and shop keepers were particularly helpful in this regard.

The present assessment found that the majority of child domestic workers are girls. Boys, in particular from ethnic minority areas, also find their way into domestic work, however, they have a higher chance of entering employment in teashops – traditionally a male space – restaurants, bus stations, docklands and construction sites than within households. Once in domestic work, the tasks performed by girls and boys vary, with girls more likely performing duties inside the house and around the family, while boys take care of outside areas, sweeping, gate keeping or running errands.

Poor families send children into domestic work to have less proverbial mouths to feed, to obtain income, to repay debts, or to secure a 'foster family' for a child or youth that may otherwise be sent to a factory, a tea shop or another public, unlike-family establishments. Indeed, parents of children in domestic work or who were planning to send their children into domestic work felt that it was safer, less tiring and less damaging to children than factory or shop work. The 'family' setting of domestic work is thought or expected to provide the protection and guidance that paid work outside the home cannot.

The lack of educational opportunities in rural and ethnic minority areas was identified as a push factor for child domestic work. In village tracts, where Middle and High Schools are inaccessible due to distance, bad roads or the cost of transportation. In addition, due to direct and indirect costs associated with schooling, such as the price of uniforms, school supplies or tutoring, parents may send their children into domestic work to keep them occupied in an

environment where they might learn new skills. In addition to cost and accessibility of education, there is also the fact that education may offer a long-term return on parents' investment, however, middle or high education in itself does not guarantee access to employment, let alone well-paid employment, and does not offer immediate respite from poverty. Domestic work is also perceived as being lighter and safer than agricultural work and is therefore preferred by parents of child domestic workers.

The lack of age-appropriate job pathways for children and youth in rural and ethnic minority areas make them susceptible to child domestic work, which is seen as a bridging solution between childhood and adulthood. This push factor affects both poor families and those whose children are not interested in schooling. The predominant attitude towards children and youth is that they cannot remain idle since idleness may cause them to become troublesome or listless, hence, they are sent to work in a domestic setting, which is perceived as safer and better for the children's character.

Armed conflict and associated insecurity contribute to the migration of children from ethnic minority areas into other areas to perform child domestic work. Parents who want to protect their children from forced recruitment into armed service or portering, will send children away to religious schools or 'foster' households where children can apparently find safety and continued education in exchange for domestic work. In these instances, it is not only and not always poverty but also fear for the children's safety that cause parents to send their children away. In the cases of sending children 'to stay' with families in cities, ethnic minority parents have expressed preferences for Burmese-speaking households where minority children can polish their Burmese language skills. Speaking Burmese is key to succeeding in the job market and also in education. Interviews with employers and stakeholders familiar with problems faced by ethnic minority communities, have revealed that speaking Burmese is also perceived as protection from Burmese authorities/ armed forces who are said to harass ethnic minority people who do not speak Burmese.

Recruitment into child domestic work hinges on the need to trust, albeit parents of potential child domestic workers have little choice as to who they can trust given that they are driven by economic need. Recruiters - often connected to sending and hosting communities through origins, family, acquaintance or function – plug into this need for trust to direct the flow of children and youth into households seeking domestic workers.

Trust propels potential employers to seek domestic workers through religious figures. It appears that regardless of denomination, **religious leaders are go-to persons for both families seeking to place children in domestic work and families seeking to hire them.** The present assessment has found that employers seek out child domestic workers in monastic schools and monasteries. Children may then be placed with an employer, at a payment, with or

without the parents' knowledge, all in the "best economic interest" of the child. There are also monks who may travel to a given location, oftentimes their own places of origin, to seek out and gather a number of children who are then brought to cities and placed in domestic work. In such cases, parents might well be aware of the situation and may even entrust the child to the monk in the hope of saving her or him from dangers associated with armed conflict, related crime, human trafficking and poverty.

One other way in which children or youth may find themselves in domestic work is through **the influence of peers and social media**. In rural areas, children and youth who perform domestic work and who return to visit their parents might do so dressed in modern clothing and brandishing a mobile phone. Showing off, they share images of their supposed lives in the city, misleading their interlocutors as to their lifestyles and tempting other young people to what is presented as an easier, more interesting life away from back-breaking work in the fields. In some cases, children and youth take initiative of looking for work themselves and turn to friends in search of advice and links to 'people who can help'. In these situations, children and youth are more likely to find work through a broker.

Many employers prefer to look for domestic workers through friends and family, however, there are those who turn to brokers to secure a child domestic worker. **One area in Yangon where brokers congregate and receive child and adult domestic workers off the train, is the Kyimyindaing train station**. Shopkeepers, trishaw drivers, employers have all pointed to this location as a 'go to' place when looking for domestic workers who are then distributed to other parts of Yangon. The same brokers also use messaging service, e.g. Viber, to send candidates' photos to potential employers / customers who may include human traffickers and forced labour agents.

Brokers come from all walks of life and may include people who hold special status in their community, including religious leaders and teachers. Many brokers interviewed for this assessment do not see themselves as wrong-doers, even though they earn money from recruiting, transporting and placing domestic workers, including children, in often abusive and exploitative employment situations. They see themselves as service providers, helpers in difficult situations, negotiators and mediators, out there to help families on both ends of the equation. This stated attitude prevents brokers from questioning their behaviour, at least publicly. They are formidable characters in their communities, however, and command fearful respect from their customers.

Domestic work in Myanmar encompasses **cooking, cleaning, washing and ironing clothes, shopping, childcare, care for the elderly, serving, running errands, and keeping guard**. In many cases, domestic workers – especially young women or girls – may also be put to work in their employers' businesses, if those exist, thus blurring the line between domestic and

other work, and possibly breaking more laws, such as those regulating working hours. Small tailor or a grocery shops, and other small home-based businesses, provide an example of this. A young seamstress or seller might work in the home at dawn - preparing and serving breakfast, cleaning up, preparing children for school, then in the business during morning hours, where she might sew, sell and clean, before carrying out domestic tasks at her employer's house in the afternoon and evening. This arrangement is common in cases where the girl lives with her employer.

Child domestic workers work long hours, in particular those who also perform additional, external tasks. Interviewed employers, however, do not perceive the working hours to be an issue because as many have said, child domestic workers "enjoy frequent leisure time" during the day, while they watch TV with the family's children or provide company to an elderly family member. The employers do not compensate child domestic workers' stand-by hours as they do not consider them as work. What is more the children – until the age of 15 /16 – are often not allowed to leave their employers' premises or dispose of their time freely. Child domestic workers under 15 are rarely allowed to leave the house unaccompanied. The long working hours – whether they include active labour or presence – and the ability to control the child domestic workers' movements may explain employers' preference for hiring children. Adult domestic workers have greater independence, are harder to control and can quit their jobs with more ease than their child counterparts.

Child domestic workers are under great pressure to remain in employment, not in the least because in most cases their parents receive a 3-month advance of their salary. In case of broker involvement, the broker will draw their commission from the advance. Should a child wish to leave earlier (it appears the same is the case for adult domestic workers) then the parents must pay back twice the amount of the child's salary which they draw in advance. Employers and brokers call this 'a guarantee', put in place to prevent child domestic workers quitting or running away.

Children, however, do quit, as do adult domestic workers and **the guarantee cause already poor and indebted families to become even more indebted when their children want to leave their jobs and return home.** In cases where brokers are involved, they may not return the child to the family, rather they will place her/him with another family or within a business, such as a restaurant, where they will draw an advance on the salary to reimburse the first debt and keep the child in debt and the child's family without an income. The advance salary system transforms situations of child domestic work into child labour in domestic work by keeping children in slavery-like conditions.

Child domestic workers are at risk of verbal, physical and sexual abuse. Given that girls and boys in Myanmar are expected to be docile and obedient – one reason for which adults prefer to hire them – transgressions are oftentimes punished. Verbal abuse can include yelling for a wrongly executed task, insults about the child’s origins or her family’s condition, humiliating comments about appearance and ability or threats. Physical punishment can range from hitting the child by hand across the head or face, pinching, pushing, scalding or hitting the child with an object, e.g. a bamboo stick. In many such cases, unless the abuse results in injury, it is considered as a disciplinary measure. It is not clear whether children can seek medical help in case they are injured. Medical staff interviewed in Sanchaung had not knowingly treated any child domestic workers who might have sustained injuries as a result of abuse in the workplace. Physical discipline, or corporal punishment, is widely practiced in the country although there are efforts underway to raise awareness³ among the public about its dangers. What is more, **the draft bill of the revised 1993 Child Law prohibits corporal punishment against children and includes penalties for anyone involved in the physical or mental abuse against children.**

In addition to being able to punish children for disobedience and transgressions, as well as badly executed work, some **employers said they preferred domestic workers younger than them, and particularly children, because it is easier to give them orders.** Given Myanmar’s cultural norms that dictate respect for people older than oneself, children and young domestic workers, who fall at the bottom of the domestic hierarchy, can be ordered without inhibition.

The present assessment did not identify any cases of sexual abuse, however, evidence suggests that it exists. Talking about sexuality, sexual health and sexual relations is taboo in Myanmar, and it is difficult to broach this issue with children and young adults without first establishing rapport. Interviews with parents of child domestic workers, civil society leaders and employers revealed that sexual abuse does occur and interlocutors were able to comment on cases they knew.

The assessment has shown that migration and child domestic work go hand in hand. Migration in many cases does not take place once but remains a constant in domestic workers’ lives. Many children will migrate internally for the first time, often between states and regions, and once they reach a certain age may voluntarily or under duress migrate abroad, oftentimes to Singapore. It is important to note that migration of domestic workers from Myanmar to Singapore is not permitted, however, once in Singapore, domestic workers can find a job and obtain legal permission to work there provided they are at least 23 years old. Since the assessment revealed that potential domestic workers, especially those under 18 years of age, do not apply for their own passports – this is done by ‘uncles’ or ‘aunties’ facilitating the process – and are mostly unaware of their travel arrangements until they depart, it is possible that some are trafficked.

Child domestic work and child labour in domestic work are enabled by a legal and institutional framework that does not recognise child domestic work as “proper” work and that does not specify a minimum age at which children are allowed to start working as domestic workers. Child domestic work is considered a ‘private’ matter, [much like domestic violence], and does not come within the purview of the Ministry of Labour, Immigration and Population. Child domestic workers are not registered at ward or township levels as workers and may not even figure on household lists, ensuring that they are ‘hidden in plain sight’. In this case, child domestic work and abuses associated with it remain unaddressed but for the most extreme cases of exploitation.

Many instances of child domestic work in Myanmar meet the criteria contemplated by ILO Convention 182, to which Myanmar is party, and therefore can be considered as a “Worst Form of Child Labour”, which include slavery-like situations, , the use of children in commercial sexual exploitation, and the use of children for illicit activities; it also includes children trapped in hazardous work, which includes cases where children are in work that is physically, mentally or morally harmful to them not in the least due to working long hours and performing heavy or night work.

Summary of Recommendations

The key recommendations from the present assessment pertain to legislation, poverty reduction strategies, job pathways for out-of-school youth of legal working age, child protection and awareness raising.

- 1) At present, the definitions are not clear in the legal framework. The compulsory education age is not linked to the general age of admission to employment. The Factory Act's limitation on hours of work for minors aged 14-16 only serves to further confuse the crucial boundaries between different types of work. What is needed in the framework are clear demarcations such as:
 - The general age of admission to employment - at which age all should be able to work with no limitations, except for limitations on hazardous work;
 - The age of compulsory education should be linked to the general age of admission to employment;
 - Light work should be defined and regulated for those aged 12-13 and below the general minimum age of admission to employment.

- 2) The Government of Myanmar should: i) carefully protect children in domestic work from slavery like situations in accordance with Article 3(a) of ILO Convention 182 to which it is party.; ii) identify the types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour; and iii) when regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by the national law and regulations, and take measures to protect them, including by (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts; (b) prohibiting night work; (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and (d) establishing or strengthening mechanisms to monitor their working and living conditions.

- 3) The Government of Myanmar should undertake steps to ratify Convention 138 concerning Minimum Age for Admission to Employment, whose Article 2 stipulates that "each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory"...which "shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years"; and whose 7 stipulates that "national laws or regulations may permit

the employment or work of persons 13 to 15 years of age on light work which is: (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received'. The Article further stipulates that domestic laws can 'permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b)' and stipulates that 'the competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken'.

- 4) The Government of Myanmar should undertake efforts to define child domestic work and its protection mechanism. It might start by ratifying the Convention on Domestic Work (2011, C189), and implement it through domestic laws to ensure uniformity between the convention and domestic legislation relevant to children and child work and labour.
- 5) State and non-state child protection mechanisms need to be strengthened and provision of protection need to be made available according to the law and easily accessible in term of enforcement. Staff capacity at the Department of Social Welfare should be increased in both urban and rural settings where case management workers might respond to different needs. Documentation systems within and across organisations should allow for cross-agency monitoring, protection and support intervention in cases. Available hotlines should be functional and staffed at all hours. Community outreach personnel, especially from non-governmental services, should be trained to identify cases of child labour in domestic work and refer them to relevant authorities backed by a strong civil society network equipped with offering relevant assistance.
- 6) Data collected through by the various agencies and stakeholders addressing child domestic work, including data collected through cross-agency documentation systems, should be analysed and used for evidence-based policy making to address child domestic work and for improving monitoring, protection and response mechanisms.
- 7) The nexus between poverty and child domestic work is clear. Children will continue to enter domestic work and other forms of employment as long as their parents cannot obtain a regular and sufficient incomes. The ILO holds that promoting productive employment is the best route out of poverty. The ILO should consider introducing its Poverty Reduction Strategy processes in Myanmar empower the governments and social partners to integrate better employment goals and targets into these overarching national frameworks in low income countries.

- 8) Myanmar is an agriculture-based economy and would benefit from robust sustainable rural development policies, which are essential for poverty eradication. Close economic integration of rural areas with neighbouring urban areas and the creation of rural off-farm employment can narrow rural-urban disparities, expand opportunities and encourage the retention of skilled people, including youth, in rural areas. Related actions could include the promotion of pro-poor planning and budgeting at the national and local levels; the facilitation of active participation of vulnerable groups, including women, youth and rural communities, in the elaboration of local and national planning of rural development: and providing access to credit and other mechanisms as well as resources for farm-based activities, especially for small-scale farmers, in particular women.
- 9) In addition to regular income-generating activities and access to credit, e.g. microcredit, the development of financial literacy is necessary to prevent rural families from falling into a cycle of debt. Laws governing money lending should be revised and enforced to prevent opportunistic and extortionate lending practices that often turn families' children into collateral.
- 10) Viable job pathways for out-of-school, rural youth of legal working age are necessary to prevent children, particularly girls, from child labour situations in domestic work.. Such pathways should include alternative education that equips young people with qualifications and skills that facilitate entry into the job market. Apprenticeships, which create a link between school-based and on the job training, and work-based learning provide viable models for entering the job market.
- 11) Sustained and targeted awareness-raising campaigns should assist rather than replace policy efforts. Mere knowledge about the potential risks and dangers of child domestic work and child labour in domestic work will not prevent desperate, poor families from sending their children into domestic work. What is more, attempting to change people's beliefs and practices without offering realistic alternatives is not only likely to fail but could lead to backlash, e.g. In the case of child domestic work, people could become even more secretive about the practice. Any awareness – raising activities should:
 - a. target the audience as precisely as possible by crafting relevant messages for all those involved in the recruitment and employment cycles, e.g. religious leaders, community leaders, parents, grandparents, children, teachers, public transportation workers, small business owners in areas where there are a lot of child domestic workers, medical professionals, DSW staff, the police)
 - b. create compelling messages with clear calls to action (e.g. asking the public to use the DSW hotline to report suspect cases of child labour in domestic work)

- c. should be rooted in a theory of change
- d. use the appropriate messenger/ medium
- e. be accompanied by strategic communication

12) Further research into child domestic work in Myanmar is needed:

- a. to produce detailed demographic and economic profiles of child domestic workers;
- b. to address child domestic workers' needs with respect to communications with family, friends and other important people in their lives;
- c. to identify possible differences in experience in rural and urban settings;
- d. to determine internal and external migration patterns of child domestic workers;
- e. to reveal a detailed understanding of recruitment procedures, especially those involving trusted authority figures;
- f. to uncover the employment cycle of child domestic workers;
- g. to evaluate the relevance of existing assistance and welfare mechanisms for child domestic workers ;
- h. to identify the existence and prevalence of civic support mechanisms for child domestic workers;
- i. to diagnose future work opportunities for children in domestic work unable to finish their middle and secondary education;
- j. to identify socio-cultural and economic mores that sustain abuses in child domestic work;
- k. to calculate the value that child domestic workers create for their families and employers;
- l. to identify social protection policies that are needed to assist families and prevent child domestic work.

Background

Based on the ILO 2012 Global Estimates on Child Domestic Work, 17.2 million children aged 5-17 years are engaged in domestic work, representing 6.5 per cent of all children in economic activity in this age group at that time. Perhaps not surprisingly, girls far outnumber boys in domestic work. Statistically speaking, 3.8 per cent of all boys aged 5-17 years in economic activity are in domestic work, compared to 9.9 per cent of all 5-17 years old working girls. In absolute terms, at least 5.6 million boys are involved in domestic work compared to 11.5 million girls aged 5-17 years.

The Report on Child Labour in Myanmar of the 2015 Myanmar Labour Force, Child Labour and School to Work Transition Survey has found that 10.5% of the total child population of just over 12 million children in Myanmar work and that 9.3% are in child labour with 5.1% trapped in hazardous work likely to harm their physical, mental or moral development. The Survey findings also show that children's work participation rate increases sharply with age. Whereas only 1.7% of the 5-11 year olds work, 22.7% of the 12- 14 years old work and a staggering 75.6% of those between the ages of 15-17 years, work. Girls seem to be more likely to work in the younger age brackets and boys more likely to work in the older age brackets. The Survey does not provide estimates on the number of children trapped in Worst Forms of Child Labour other than hazardous work.⁴

Child labour in domestic work denotes those situations which are internationally unacceptable, either because of the child's age, or the circumstances under which domestic work is carried out, as defined by ILO Conventions 138 and 182. Domestic workers, in particular child domestic workers, are vulnerable to physical, sexual, psychological or other forms of abuse, harassment and violence because their workplace is shielded from the public and they generally lack co-workers. Live-in workers are particularly concerned.

The ILO's Myanmar Program on the Elimination of Child Labour (My-PEC), a five and half year project (2014-2019) funded by the US Department of Labour endeavours to establish a comprehensive, inclusive and efficient multi-stakeholder response to reducing child labour in Myanmar by expanding knowledge base on child labour in the country, increasing awareness and knowledge about child labour, improving legislation and strengthening national and local capacity to address child labour in compliance with international standards, improving capacity of national and local to network and advocate on the issues and reducing child labour in target communities through direct interventions.

The International Labour Organization (ILO), is providing assistance to the Government of Myanmar in formulating a comprehensive National Action Plan on the Elimination of Child

Labour (NAP). This activity will contribute to the national efforts and the goals of the ILO's Global Action Plan against the worst forms of child labour (WFCL), within the framework of the ILO Convention on the Worst Forms of Child Labour (No. 182). The overall goal of the NAP is now defined as: "By 2030 all boys and girls in Myanmar are effectively prevented and protected from child labour, especially in its worst forms."

The project is also providing support to the Technical Working Group on Child Labour (TWGCL) which has identified as a key priority the determination of hazardous child labour. A series of consultative workshop to determine hazardous work have taken place with key stakeholders that includes relevant Ministries, Workers and Employers Organizations, Civil Society Organizations, INGOs and International Organization all members of the TWGCL.

Child Domestic Work (CDW) has been identified as an issue during the discussion on the child hazardous work list, including ongoing discussions among the members of the Technical Working Group on Child Labour (TWGCL) on whether to include domestic work in the list. The decision to undertake the Rapid Assessment on CDW has been made to capture the dynamics of CDW in selected areas of Myanmar and to use tools that have been developed by other current USDOL-funded projects, such as The Practical Guide to Ending Child Labour and Protecting Young Workers in Domestic Work developed by the GAP11 project. The RA assessment methodology developed for the present study could be used by the Government of Myanmar for capturing "hard to reach" children data in the yearly Labour Force Survey (LFS) in compliance with Objective 1 of the National Action Plan on Child Labour.

Emerging from both consultative processes is the sensitivity and gap of knowledge and understanding related to domestic work and specifically Child Domestic Work. In 2015, the My-PEC project conducted a legal review on child labour that identified key gaps in the provision of child domestic work. The legal review has been updated in 2018 and these gaps remain. The report underlines that under the current national laws, children of all ages can engage in domestic work, as the 1993 Child Law, currently under revision, is the only applicable law and the existing labour laws which set the minimum age for employment of children, do not apply to domestic work, because they are applicable only to factories or shops and establishments. What is more, Myanmar has not ratified ILO Conventions 138 and 189 concerning Minimum Age for Admission to Employment and Domestic Workers, respectively. In 2017 and 2018, the Myanmar media reported on cases of child domestic workers being exploited and abused generating concerns on this issue being left unaddressed.

General Objective of the Rapid Assessment

The purpose of the assessment is to strengthen the knowledge base on child domestic worker in Yangon (urban, receiving location) and Myaungmya Township (rural, sending location). In

particular the study will include a comprehensive assessment of the root causes/vulnerabilities leading to child labour in domestic work, identify of communities of origin of child domestic workers and processes of recruitment, identify of tasks undertaken and particular hazards that child domestic workers face, analyse in-depth their working conditions and educational characteristics. The RA will mainstream the issue of gender across all research components, establishing a detailed profile of the situation of boys and girls working in the sector.

The knowledge generated in the context of this RA will be used to increase the level of awareness and advocacy with the aim of transforming potential social attitudes of acceptance of child labour in domestic work and the potential beliefs that these situations represent a protective environment for children – especially for girls. On the other hand, a key objective of the RA is to provide concrete elements to take policy action to end child labour and to protect young workers, of legal working age, in domestic work.

Specific objectives of the Rapid Assessment

- analysis of the existing legal framework in terms of national legislation on compulsory education and child labour;
- analysis of the national context, including a detailed desk review on national policies on child protection; network of existing institutions, responsibilities, coordination and programmes, with a specific focus on child domestic work; policy issues such as complaint mechanisms, facilitation of access to justice and legal redress; labour inspection and its capacity to reach child domestic workers where they work, contractual arrangements;
- Identification of the areas and communities of origin of children in child domestic work and the process of recruitment;
- establishment of the root causes of this phenomenon at the community, household and individual level, differentiating between “push and pull” factors;
- establishment of a profile of the social and demographic characteristics of child domestic workers;
- provision of an in-depth assessment of the characteristics of the work performed by child domestic workers; and
- assessment of hazards that child domestic workers face.

Methodology

The research methodology and tools used in this study are aligned with the requirements of a qualitative rapid assessment. They represent 'intensive, team-based qualitative inquiry using triangulation, iterative data analysis, and additional data collection to quickly develop a preliminary understanding of a situation from the insider's perspective'.⁵ The assessment used a combination of secondary (desk review) and primary research methods.

Secondary research included:

- an updated literature review of publications about child labour, child domestic work, adult domestic work and child-centred research methodology and ethics;
- a review of literature related to the above topics in Myanmar;
- a review of relevant reports, media products and statistics from UN agencies, NGOs and other outlets to ensure clarity of definitions, conceptual context and correct references to legal frameworks (international and national).

Primary research included:

- key informant (semi-structured) interviews (KIIs) with labour inspectors, religious leaders, school teachers, health workers, police, brokers, employers, adult domestic workers and child domestic workers;
- focus group discussions at both research locations facilitated by two team members (one to animate the discussion; one to take notes);
- applied ethnographic fieldwork (adapted to RA) involving "active looking, improving memory, informal interviewing [and] writing detailed field notes"⁶ in particular to identify actors involved in the recruitment and placement of child domestic workers, e.g. brokers and intermediaries.

Sampling

Snow-balling and volunteer sampling were two non-probability sampling methods used for this assessment.

- **Snow-balling** to identify participants for Key Informant Interviews (KIIs). It is a useful technique to access relevant people who may not be known outside their communities. It facilitates reaching people who may not otherwise agree to interview. In Myanmar, where interpersonal relationships and recommendations from mutual acquaintances are important precursors to establishing contact, snow-balling helps to efficiently identify and recruit participants. The bias associated with this sampling method is that people may recommend friends, acquaintances and colleagues who share the same ideas and opinions, which can lead to quicker saturation.

- **Volunteer sampling** to select participants for FGDs to avoid pressure for people to participate in the study against their will. People in Myanmar do not engage easily in public speaking and expression of opinion in front of people they do not know. Volunteer sampling also ensures that focus group discussion participants are well informed about the research topic and methods before deciding to participate. The bias associated with this sampling method is that voluntary participants may have pre-established opinion or interest in the research topic, and they want to share it publicly. Their views do not necessarily represent or match those of people who choose not to participate in the focus group discussion. This bias, however, is mostly problematic in large opinion poll studies.

Research Locations

Data collection took place during 15 days in June, 2018, in Sanchaung and Myaungmya townships. The choice of research locations was driven by previous MyPEC activities in the locations, anecdotal evidence and township characteristics.

Myaungmya Township of Myaungmya district in the Ayeyarwaddy Division, is predominantly populated by Burmans and Karens, with Buddhism and Christianity (including Catholicism) being its main religions. The district was formed in 1893. Its 240,000 work mainly in rice cultivation and fishing. Anecdotal evidence suggests that the township is an established 'sending location' for child domestic workers.

The research team conducted interviews in the Myaungmya Township, particularly the Kwe Leh Gyi village tract over 2.5 days. They were assisted by the tract administrator's helpers and outspoken villagers thanks to introductions conducted by members of the Myanmar Union Adventist Seminary. The researchers felt welcome and were able to gather information with relevant speed and ease. In Sanchaung, on the other hand, the researchers faced a lot of hesitation and reluctance to speak openly, and experienced repeated cancellations of scheduled interviews. Given the situation, the researchers branched out and conducted some interviews Hlaing Tar Yar – an industrial zone on the outskirts of Yangon, home to tens of thousands of migrant workers and their children, and in Shwe Gone Dyne, which is in the vicinity of Sanchaung.

Sanchaung Township is located in north central Yangon and contains 19 primary schools, two middle schools and four high schools. With a population of some 65,300 people, it is known for its ethnic and religious diversity. A middle-income township, it is a destination for migrant workers, especially in the domestic sector, including children. The townships borders with Kamayut, Alohne, Bahan, Kyimyindaing and Dagon townships, which are well connected.

Ethics

In Myanmar, there exists ingrained distrust towards 'research', which is poorly understood. Almost all research is considered sensitive, and the topic of child domestic workers, despite being an 'open secret', falls into this category. It is as visible as it is invisible; child domestic workers are often seen performing their tasks or in the company of their superiors, however, they are difficult to approach and formally identify.

The research supervisor and researchers were trained on research ethics, especially discretion, confidentiality, transparency and voluntary participation. Interview protocol sheets, which captured interview dynamics were used to record certain detail, e.g. the number of persons present during an interview. Only hand-written notes were taken during KIIs and FGDs to ensure candour.

Specific attention was paid to the way in which researchers interact with children. The model of the 'social child' was used to guide researchers in their work with the children. The model envisages 'children as research subjects comparable with adults, but understands children to possess different competencies, a conceptual modification which... permits researchers to engage more effectively with the diversity of childhood'.⁷ This had implications for the methods used in conducting research with and about children, e.g. researchers could use visual material to stimulate response, children could draw or use objects to explain their situation.

Research Limitations

The most important limitation was access to child domestic workers. The methodology was designed to lead the researchers to child domestic workers, through interviews, conversations, observation, reliance on anecdotal evidence and recommendations. In a number of cases, researchers were able to secure interviews with child domestic workers, which were subsequently cancelled. Another important limitation was time, with only 13 days available for fieldwork. Given the nature of this research, a much longer field phase would have been necessary, allowing for rapport building with community members and resulting in ethnography.

In some cases, researchers conducted spontaneous interviews where they saw an opportunity. In one such case, in Sanchaung township, one of the researchers found herself in danger when the interview she was conducting with a teenaged shop keeper/ domestic worker was interrupted by the employer who thought the researcher was putting the worker in danger and was trying to take her away. The researcher was almost chased away and threatened by the employer who said "this is the private business heiring child domestic worker for my house and my store. I don't want to answer all your questions" (Employer, Sanchaung, June 15, 2018). The employer subsequently agreed to be interviewed too, however, she only answered a third

of the questions stating that she has had many maids, that most were uneducated and that she treated them well although they – like the employer - were not able to take breaks from work.

Most of the researchers – all women - experienced some level of intimidation during the field research phase. On most days, researchers worked in pairs. The most dangerous place was the Kyimyindaing train station identified by trishaw drivers, employers, employees, and local residents as the place where brokers conducted most of their business; where they received clients, concluded transactions and received domestic workers, both children and adults, off the arriving trains.

Due to ethical considerations, the researchers' ability to collect detailed data about the recruitment process of child domestic workers was limited. Posing as potential employers would have led to closer contact with the brokers. The researchers made a number of attempts to speak with the brokers. In some cases, they did not disclose the nature of the research and were able to obtain some information regarding recruitment grounds, which include Shwe Phyi Tar and Hlaing Tar Yar on the outskirts of Yangon where many struggling migrant workers live with their families; recruitment networks, which include reliance on ethnic and religious identities; commission fees and salary levels. In each case when the researchers wanted to deepen the conversation and explained the nature of the assessment, the brokers not only broke off the conversation but denied or changed some of the previously related information. Nonetheless, researchers were able to verify the gathered data through interviews with employers, employees and local residents. The findings presented here do not include any data that was not verified.

The research climate was difficult; the difficulty being attributed to recent events that brought Myanmar international scrutiny. The researchers approached policemen for official interviews and were informed that a new policy has been put in place prohibiting the police to be interviewed by anyone seeking information regarding public order. Representatives from the Ministries of Labour and the Ministry of Social Welfare, Relief and Settlement in Yangon were reluctant to be interviewed despite the ILO issuing a letter in support of the assessment, and despite the permission from the Ministry of Labour, Immigration and Population to conduct the assessment. Researchers were able to reach representatives from the Department of Social Welfare (DSW) in Yangon for preliminary talks before proceeding to official interviews from representatives from the Ministry in Naypyitaw. Despite making numerous requests, they were unable to obtain any recorded data pertaining to child protection cases involving abused child domestic workers under DSW's purview. While DSW admitted to having such cases on file, the staff sighted confidentiality as a reason for non-disclosure of details.

In Myaungmya township, the researchers managed to obtain official permission to conduct interviews in the Kwe Lay Gyi village tract from the local township authorities. The process was arduous and there was some indication that the authorities wanted to accompany the researchers and assist in the data collection. This did not occur, however, researchers felt under pressure and made extra efforts in the village tract to assure interlocutors of confidentiality and anonymity. Researchers were able to speak to some representatives of law enforcement, however, in their private capacity and off duty.

Overall, in their official capacity, the research team remarked difficulty in finding interlocutors, obtaining interviews and addressing controversial issues associated with child domestic work. In their unofficial capacity, when communicating with family, friends and residents in selected research areas, they were able to identify many leads and story threads, which were then helpful in data collection.⁸

Monitoring

The research team met every morning for a briefing session and to establish the upcoming day's activities. The research team also met every afternoon (if possible) to debrief. The research supervisor and consultant reviewed collected information, directed research based on incoming data (e.g. by instructing that a particular stakeholder be interviewed) and made verification requests for sensitive statements.

Researchers recorded interviews in written form in English and Burmese according to preference and ability, and were responsible for their own translations. Researchers also documented interview details (e.g. number of people present, location, date and time of the interview).

The research team kept in touch through group chat on Facebook Messenger. The contact was in real time throughout the day, and particularly useful when researchers had to change course or spend more time at a given location. The research team kept a detailed timesheet including research observations.

Findings

The present qualitative rapid assessment of child domestic work in Myanmar found that it is prevalent in Myanmar cities. Its existence is driven and spurred by a combination of factors; the main ones being poverty, the lack of child protection policies that are enforced systematically, the lack and or difficult access of educational opportunities and job pathways for youth of legal working age, insecurity due to armed conflict in parts of the country and societal acceptance of child domestic work. In the absence of job pathways for youth or effective adoption mechanisms, child domestic work is often embraced by parents as their children's salvation from a life of hardship or danger. Likewise, in addition to securing help in domestic work, some childless employers employ child domestic workers as a form of adoption, to remove them from institutions – be they state or religious – or to save them from poverty. The current rapid assessment found that teachers are prone to this form of 'adoption' especially of ethnic minority children. Child domestic work is also driven by the desire for obedient, cheap and honest labour.

I think they are cheaper. Sometime child domestic workers are paid only 20000– 30000 MMK which amount is not possible for the adult domestic worker. In addition, they are very easy to be controlled by threatening. They are safe as well since they cannot connect with the outsider to robbery. They are very obedient. The children are more faithful than the adult one. (Primary School Teacher, FDG, June 14, 2018, Sanchaung)

Policy Landscape & Institutions

The draft bill of the revised 1993 Child Law is still under discussion in Parliament. It prohibits corporal punishment against children and includes penalties for anyone involved in the physical or mental abuse against children. The draft law, however, does not address inconsistencies between existing domestic laws regarding child employment and the legal minimum working age, and it does not tackle grey areas regarding child employment in sectors unregulated by the labour law, such as domestic work. Section 49(b) of the draft law stipulates that under the age of 14 are not allowed to work, while section 49(c) stipulates that children between 12 and 14 years of age can undertake "light work", which does not affect their safety and health and does not jeopardise their education, health and development.⁹ Both sections reflect the ILO Convention 138 on Minimum Age, which Myanmar has not yet ratified, and will require a clear definition of what constitutes light work.

There is no domestic work law in Myanmar. National labour laws regulating child labour are the 1951 Factories Act (amended in 2016) and the 2016 Shops and Establishments Act. Section 75 of the Factories Act forbids children under the age of 14 to work in any factor, while Section 13(a) of the 2016 Shops and Establishments Act forbids children under the age of 14 to work

at a shop or at an establishment. The laws also stipulate working hours, special provisions that need to be made for working children and the need for medical certification of physical fitness.¹⁰ These laws do not regulate child domestic work, which prevent labour inspectors from being able to inspect households and addressing child labour in domestic work. Indeed, the current assessment revealed that labour inspectors contacted for interviews did not want to participate in the study as they did not think that child domestic work or even child labour in domestic work was of their concern. One labour inspector did provide answers to research questions in writing, however, the researchers were encouraged to refer their questions to the Ministry under who purview child domestic work figures, that is, the Ministry of Social Welfare, Relief and Resettlement. Labour inspectors, therefore, do not have the mandate to monitor the situation of child domestic workers. Last but not least, Myanmar has not ratified the ILO Domestic Workers Convention, 2011 (No. 189).

UNICEF Myanmar has listed 'prevalent child labour' as one of the key child protection issues in the country¹¹ acknowledged by the government. The 2014 National Social Protection Strategy, whose development was led by the Ministry of Social Welfare, Relief and Resettlement includes social work case management – which is an integral part of the national response to child protection - as a key pillar.¹² This led the Department of Social Welfare (DSW) to commit to social work case management by mobilising child protection case managers at the township level.

The present assessment found that there is an active complaint mechanism through which cases of child abuse, including child labour in domestic work, can be reported to DSW. In such cases, the Department mobilises a case manager in a given township to address and solve the situation. In extreme cases, children will be removed from their employers. DSW also produces pamphlets on Child Protection, which feature hotline numbers to contact in case of child abuse.

The draft Child Law, which is pending approval, will not be sufficient to address child domestic work and child labour in domestic work. According to the DDG of DSW, there is a need for clearer definitions of perpetrators and victims, of 'working children' and 'child labourers' and more awareness raising needs to be conducted in order to allow for a holistic approach to the issue.

Domestic works have been approved as a formal work? I think that it is a kind of slavery. Domestic worker issues are related with internal and external trafficking and a lot of people including religious leaders are participated. So it is difficult to take actions and the definitions are needed to adjust with not only international standard but also social norms and beliefs. Minimal standard is also needed. For examples, children between 14 and 16 years old can work what kinds of job? Without knowledge of parents, children were sent as CDWs and lost their rights. Sending of parents is legal or illegal? Labour ministry is also needed to collaborate to define exactly about child labour and kinds of works in labour laws.

(DDG of DSW, June 28, 2018, Naypitaw)

Under the National Action Plan on Child Labour, there is a plan to include child domestic work on the child hazardous work list, in addition to acting on key policy areas in line with the recommendations of the ILO's 2017 Practical Guide to Ending Child Labour and Protecting Young Workers in Domestic Work, which suggests that among key policy areas relevant to the protection of child domestic workers there are:

- universal access to quality education - accessible, affordable, high-quality; free, compulsory,
- employment and labour protection
- job creation for young workers, of legal working age, and adults
- minimum wages, limitations on working time
- labour inspection
- formal employment practices
- minimum age for employment and admission into domestic work
- definition of light work
- hazardous work list
- operations of recruitment agencies
- basic income security, social protection
- schemes sensitive to child labour, e.g. conditional cash transfers

Myanmar's education system is undergoing changes in order to respond to the current educational needs. The current education sector covers: early childhood care and development (ECCD), basic education, alternative education, higher education and technical and vocational training (TVET). The current basic education system comprises of five years of primary education (KG to Grade 4), four years of lower secondary and two years of upper secondary education. Alternative education targets both out of school children and adults while TVET is provided by relevant ministries and the private sector through 372 TVET centres. The goal of The Education Sector Plan 2016-2021 is "improved teaching and learning, vocational education and training, research and innovation leading to measurable improvements in student achievement in all schools and educational institutions".¹³

Government data from 2016 revealed that out of the 9,257,970 registered students, 5,184,041 were in basic education and 2,795,607 were in lower secondary education.¹⁴ There are many discrepancies in access, quality and cost of education in rural and urban education. Available statistics show that between 2006 and primary level dropout rate in rural areas was 13.90% and in urban areas 1.90%.¹⁵ What is more, an upward trend of children dropping out in primary school has been observed. This trend is attributed to the direct and indirect costs of education such as the cost of uniforms and school supplies as well as extra-curricular tuition costs. Despite basic education being officially free, many families in poor and remote areas cannot afford to buy exercise books, stationery, uniforms and unexpected fees for their children's day to day schooling. A substantial number of children, however, leave school at the

point of transition to secondary level The Background Report for the National Action Plan on Child Labour ¹⁶shows that school attendance decreases significantly for both girls and boys with age. Indeed, while 88.9% of the 5-11 year olds attend school, the figure drops to 79.8% for 12-14 year olds and all the way down to 47.7% for 15-17 year olds.

Families' inability to afford education is compounded by the students' unhappy school experiences and poor learning outcomes. Poor children, children from minority areas who have difficulty speaking Burmese, children from conflict areas or those with disabilities find themselves on the proverbial margins in schools. Teachers are seldom prepared to deal with students who do not fit the national norm and as one child domestic worker said "*make your life difficult so you leave school*".¹⁷ Despite the fact that Myanmar society and parents value education, its current state and delivery do little to retain children in school. Dropping out, earning an income, searching for a better life, leaving the hardship of rural life behind are seen as better options for poor children than remaining in an educational system that offers little hope of emancipation and economic return.

Last but not least, Myanmar has ratified the ILO Convention 182 on the Worst Forms of Child Labour, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which contain provisions for the protection of children and women from harm, including gender-based discrimination, such as the socio-cultural norms that deny girls' education or participation in public life.

Beyond government

In addition to DSW, which carries out case management, Save the Children runs community support groups, the Myanmar Red Cross Society carries out child protection awareness rising and World Vision provides microfinance assistance in the Kwe Lay Gyi village tract where the rapid assessment took place.

These efforts are supplemented by projects run by local NGOs, including the Rattana Metta Organisation (RMO), which implements a Child Protection Case Management Project (CPMP) slated for Ye Nan Chaung, Kyauk Padaung, Nyaung Oo, Magway, Mandalay, Mahar Aung Myae, Chan Aye Tharzan, Myaung Mya, Pathein, Taunggyi, Pye, Myitkyina and Bamaw townships;¹⁸ and the Women Care & Prevention Program of the Karen Baptist Convention, which offers assistance to domestic workers throughout the country.

The Rattana Metta Organisations refers non-statutory cases to DSW, including cases of domestic violence, physical abuse, child labour and neglect. The organisation has set up a child protection referral network to service providers including DSW and different CSOs/NGOs, and prepare referral books listing service-providing organisations and contact details of their child protection

focal points. In June of 2018, the organisation was ready to launch the referral book for eight townships. What is more, RMO collects data needed for case management by DSW.¹⁹

The Yangon-based Women Care & Prevention Program of the Karen Baptist Convention has been created to cater specifically to the needs of domestic workers.²⁰ Although the organisation exists to provide services to adult domestic workers, which range from helping the women to negotiate their salaries to providing shelter to those who have quit their jobs or vocational training to provide them with alternative skills and job prospects. The organisation refers cases involving abuse to the Karen Women's Empowerment Group. The majority of their constituents are Karen women from the Ayeyarwaddy Delta. Child domestic workers who make their way to the organisation are sent home.

The Karen Baptist convention operates in 20 Karen populated-areas²¹ where a watch mechanism, overseen by a local pastor, has been established to monitor vulnerable children – particularly those who returned from child domestic work or child labour in domestic work. In cases where concerns arise, the pastor communicates with the child's family to prevent the family from sending the child back to domestic work.

In addition, the Karen Baptist Convention's Women's Department, which operates in eight areas, has created the Women Care Committee in 2012. The Committee has chapters in 80 Karen villages in the Ayeyarwaddy Delta. The chapter usually includes the village administrator, a woman leader and a pastor. The Committee exist to protect and rehabilitate vulnerable women and their children.

A Stepping Stone

Domestic work can be a stepping stone towards other work in the city. Children who enter domestic work and some adults without prior experience oftentimes do not have the skills for other work and would otherwise find it hard to migrate to the city. Domestic work provides an opportunity to enter the job market in a way that is perceived as safe.

Child domestic workers and former child domestic workers have also spoken about domestic work being a stepping stone to a better life in the city and a better-paying job in the future. It is possible that domestic work can lead to other types of work, although the present assessment did not identify any children or women who made that transition; rather, children and women were more likely to return home than to find work in another sector. The exception to this was described by one employer who spoke of her former 'house maid' who was placed in a restaurant where she had to work off her debt to the broker having broken with her domestic employer and before being allowed to return home.

It is difficult to determine how many child domestic workers will be able to find better employment in their adulthood. Child domestic workers who have completed their basic primary education have some literacy and numeracy skills. A few of the interviewed child domestic workers for this assessment, already in their late teens, said they were unable to read and write. The majority of those interviewed were unable to continue their schooling once they entered domestic work, limiting their chances of moving beyond low-skilled work in the future.

Social and demographic characteristics of child domestic workers

Child domestic workers are predominantly children from rural areas, including ethnic minority areas. The vast majority of those workers are females, not in the least due to predominant cultural norms that equate domestic work with females. In Sanchaung, particularly Burman employers spoke of a preference for children from the Wa, Pa-Oh and Shan areas. Just as adults spoke of preferring children because they are considered obedient, easier to discipline and control as well as honest, children from certain ethnic areas are considered kind, innocent and hard working. These stereotypes might well be self-fulfilling as children from ethnic minority areas might well feel intimidated in Burman settings and carry with them an acquired sense of inferiority towards their employers.

Regardless of their ethnic children, most children interviewed for the assessment had at least three siblings and tended to come from households where they lived with their parents, siblings and extended family members, such as grandparents. Most entered domestic work following a shock to the family; an illness of a family member and a death of a parent. Most have parents who are either subsistence farmers or daily-wage labourers who do not have income security and who tend to be indebted. A daily-wage labourer in Myaungmya township earns between 3,000-5,000 MMK a day, if and when there is work.

My parents are daily-based workers and sometime work in other people farming. Sometime my mother assisted in the small shop of other people. Before, my mother worked as a domestic worker. My father passed away already. (Child domestic worker, June 19, 2018, Myaungmya Town)

My parents are daily-based workers and sometime work in other people farming in Myaung Mya, Ayeyarwaddy Division. (Child domestic workers, June 26, 2018, Hlaing Tar Yar, Yangon)

Debt is a common characteristic of Myanmar households. Money lenders prey on poor families and resort to tactics that might distort local assistance and economic development efforts led by non-governmental organisations. In the Kwe Leh Gyi village tracts, a number of interlocutors blamed growing household poverty on microcredit, describing spiralling debt that pushed parents to send more of their children to work in the cities. These assertions led the researchers

to the offices of World Vision – a key provider of microcredit in the area. A review of World Visions’ microcredit programme, coupled with an interview with one of the key officers, revealed that it was not possible for the organisation’s microcredit to cause spiralling debt as villagers were unable to borrow ad infinitum and the interest rates were far less than those described by the villagers. While further research is required to confirm this, it appears that local money lenders, who can charge up to 50% interest on certain loans, have rebranded their services as ‘microcredit’. Real microcredit loans take time to obtain and come with monitoring visits, counselling and financial literacy aid. Money lenders allow villagers to access loans with speed and ease, locking them into a cycle of debt that microcredit loans aim to eliminate.

Child domestic workers from rural areas tend to have experience helping their parents, as is custom, in agricultural work, and many began working as domestic workers during school holidays while they were still attending school – mostly primary school. A number of children interviewed spoke of entering domestic work at the behest of their mothers who themselves had prior or current experience performing domestic work. It appears that when children enter domestic work through a family connection, they experience greater job security, the ability to keep in touch with their loved ones and higher salaries.

To get my school fees and other cost for school, I needed to work during my summer holiday. My mother also cannot earn enough money for my school fees. In Grade 6 when I was 13 years old, I started working as domestic worker during summer holiday. I kept on working in Grade 7 summer holiday. I worked in two summers and altogether 6 months. Since my mother had experienced working in domestic work, she has connection. With her connection, I got this job. (Child domestic worker, June 19, 2018, Myaungmya Town)

Employers

Employers of child domestic workers range from shop keepers to teachers to housewives to doctors to wealthy businessmen. In the majority of cases examined for this rapid assessment, employers represented what could be considered the urban middle class with limited disposable income. The majority of employers interviewed for this assessment were women. Their need for domestic helpers is spurred as much by tradition as it is by the lack of social services including affordable child or elderly care or by their own long working hours making it hard for them to complete their gender-determined domestic duties. In the cases where the employers had school-aged children, the latter were not expected to help with household chores.

In some cases, the lines between adoption and child domestic work appear blurred. Children might be taken into families and in exchange for domestic work, nurtured and educated. In one such a case, a Sanchaung store owner, who shares her house with four single women, spoke of hosting a number of children throughout the years, and expressed a particular

preference for Pa-O children. At the time of the interview, a 9-year old Pa-O boy was living in her house. She said that she did not know his family not did she keep in touch with them and that her sister received the boy at the Aung Mingalar bus station where he was brought by a monk.

Win Naing's Story

I am 9 years old. He comes from Twe Pu village in Shan State. I began living with my employer two months ago (May 2018) but I don't know how I came to be here. I was at a monastic school in Myayangone Township where I finished Grade 2. I now attend Grade 2 at a government school. I work in the morning from 6-7am and in the evening from 9-10pm. I wash the plates and the toilet, I sweep and I clean. I don't get paid but my employer give me a lunch box to take to school and snacks. At home, I eat breakfast, lunch and dinner. I don't get any money. When I finished my housework, I can draw and colour in my drawing book with my crayons. I don't get beaten and I have friends at school. I don't get sick. I don't keep in touch with my parents and I don't know where my sister is. She was also at the monastic school. I was happier at my village school but I am happier in my current home. Before, at the monastic school, I washed plates, cleaned and swept. I had trouble eating there as often he found insects in his rice. I was beaten on his hands, arms, buttocks, thighs, legs and face. I was not happy at the monastic school. (Win Naing,²² June 18. 2018, Sanchaung)

Wing Naing's Adopted Parent/Employer

"In our house, we all are single women at home and there is no male so that we need a male. Then, we try to get a boy and cultivate him to live with us until adult. But the parents of those children came and brought back their children when those children become educated and can work for them. Win Naing has been with us for over a month. He came from a monastery in Mayangone Township but we don't know which one because the boy cannot remember the name and my sister picked him up from the Aung Mingalar bus station. Win Naing is discipline. He cleans the dishes and the toilet very well. We do not ask him to do much but he volunteers as he has learnt self-discipline at the monastery. That is not the first child for our family. Before, we had four children from Shan State: Wa, PaO and Pa Laung. My sister, who is high school teacher, was able to recruit the children through her connections. The children were brought to Yangon by monks from Taunggyi or Mandalay and then handed over to a lay person who then gave the children to us. The monk would bring about 10 children and then he would share them among Buddhist lay people. Our family sends all the children to school. Before Win Naing, we had another Pa-O boy. When he first arrived to our family, he was in grade 2 and he lived with us for 4 years. He was happy with us. He was smart and he could help a lot such as throwing rubbish and cleaning. We gave him 50 MMK every day as pocket money. After four years, his family called him back and he went back.

We also have maids. We now have two maids: 18 and 14 years old. The older one helps in our shop and the younger one takes care of the house. The younger one did not know how to do housework when she arrived. It was her first experience and we had to teach her. They both wake up at 6am and can get to sleep at 11pm. They are paid 80,000 MMK. They will be able to visit home at some point even though, in the past, some domestic maid went home for a visit and did not come back. The girls do not attend school, only Win Naing. The maid who stayed with us the longest was a Wa girl. She was 14 years old and she had never attended government school, only Shan School. She was good at calculation and she knew numbers well. She is the best one and she worked hard. She got up early in the morning around 5 am and she went to bed early around 10 pm. It seemed her habit. She went back to her native town in December 2017 because she and her family wanted to grow opium which earned more money than domestic work. Nowadays it is very difficult to find good and right person for the domestic work because from the lower part of Myanmar, children and youth usually go to Thai and Malaysia and the upper part of Myanmar especially from Shan state, young people go to China for their job opportunity because this job looks more attractive and high salary than domestic work. (Store owner, female, 38, June 18, 2018)

Recruitment

There is a high demand for domestic workers, and in particular child domestic workers from specific ethnicities, in particular the Karen, Shan, Pa-O and the Wa. Ethnic and gender stereotypes dominate the employers' preferences and concerns. One employer noted, for example, that it is becoming more difficult to obtain Wa children, because those children from Northern Shan State are more likely to be sent to China.²³ The US State Department claims that Myanmar women, especially from ethnic minorities, "are increasingly transported to China and subjected to sex trafficking and domestic servitude through forced marriages to Chinese men".²⁴ Indeed, the 2018 Trafficking in Persons Report published by the U.S. Department of State's Trafficking in Person (TIP) office, which classifies Myanmar as a Tier 3 country, states that women and children from Myanmar are subjected to domestic servitude, including through forced marriage to men in China.²⁵

Family connections, friendships and acquaintanceship facilitate the child domestic work market. Just as employers prefer to hire through someone they know, parents of child domestic workers prefer to place their children in employment through someone they know and trust. Interviews with child domestic workers revealed the layered recruitment approach.

The employer is from the same village and she knows my family as well. Her family needed help and my family had difficulty so that I decided to work in her house. (Child Domestic Worker, 16 years old, June 16, 2018, Sanchaung)

My relative who has connection in Yangon brought me to Yangon and let me work. My relative and employer knew each other. (Child Domestic Workers, 17, June 18, 2018, Sanchaung)

Brokers

Brokers, however, remain a common player in this job market, and they have turned to social media to facilitate their trade. In one Sanchaung household, the researchers were able to case an eye over a 'maid catalogue' – a series of photos of women of all ages sent through Viber – looking for work. What stood out was that the stated age of the girls and women did not appear to correspond to the images. Very young girls – who appeared barely out of their teens – were listed as 20 year olds while clearly middle aged women were listed as 25 year-old. There were very few listings where the age and image of the candidate appeared to match. The employer who showed the researchers the catalogue on her phone made the same remark, that she did not trust the age of the women the broker was proposing.

Brokers come from all walks of life and may include people who hold special status in their community, including religious leaders and teachers. They can be unassuming and not easily identifiable. Brokers do not see themselves as wrong-doers, even though they earn money from recruiting, transporting and placed domestic workers, including children, in employment situations. They see themselves as service providers, helpers in difficult situations, negotiators and mediators, out there to help families on both ends of the equation. This stated attitude prevents brokers from questioning their behaviour, at least publicly. They are formidable characters in their communities, however, and command fearful respect from their customers.

The rapid assessment found that in addition to lay brokers, monks at certain monastic schools and monasteries²⁶ facilitate access to potential child domestic workers. In some cases, monks bring children to Yangon from conflict and poverty-ridden areas at the behest of the parents who want to protect their children. Children from conflict-affected areas are not always from poor families, however, their families prefer for them to be safe in the city and may request that the children are placed in Burman households where they can learn to speak Burmese – something that will presumably save them from intimidation and harassment by Burman authorities who are known to discriminate or take advantage of non-Burmese speakers. In other cases, the monks are expected to bring children – particularly boys - to monastic safety where the parents hope the children will receive good education.²⁷

Given the monks' status in Burmese society, it is not surprising that parents trust them to provide their children with safety, and that potential employers turn to them in search of "good" children to employ. In one monastery in central Yangon, the researchers found that monks receive frequent requests for domestic helpers, including from people who are not their fellows. Some monks in this monastery use their discretion and influence to provide children

to those seeking to employ them. They do so “in good faith” and “in the best interests of the child”. Admittedly, they do not monitor where the children are actually taken, they do not record the details of the people who take them, they do not monitor the children’s situations and, oftentimes, they release their children without asking their parents’ permission and without informing them of their children’s new circumstances. The children do not have any say in the situation.

Christian congregations and centres have also been identified as facilitators in the domestic job market. They can act as liaison between poor rural families looking for a household to employ their child and potential employees and as providers of refuge and assistance to children who run away from abusive or difficult employment situations. More research is necessary to determine to what extent Christian orphanages may be recruitment grounds for child domestic workers.

Risks

Child domestic workers risk physical, sexual and verbal abuse, as well as seclusion. In a focus group discussion, adult domestic workers spoke of witnessing children domestic workers being beaten, spanked, pinched, burnt, and kicked by their employers keen to discipline, punish or humiliate their child employees. It was not possible to establish to what extent such behaviours were reactionary to perceived wrongs and to what extent they were sadistic. In all described cases, the discussants said they did not interfere.

I met with a CDW in 2000 when she was 20 years old. I was so sad to seeing her every day and I could not help anything to her but sometime that CDW shared about her to me. In that house I worked as a baby sitter. In fact, that CDW came to this house since she was 10 years old. I saw many injuries on her body and she looked sad. The employer lady kicked to her body especially near the breast. The CDW was not allowed to eat breakfast and her lunch time was always 3 PM. Her salary was 40000 MMK. For the sleeping arrangement, she had to sleep on the path which was between kitchen and toilet and no blanket, no pillow and no mosquito net were provided and she just slept on the floor. Even she was 20 years old, no privacy for sleeping. In that home there were two male and three female. It was very sad to see that the girl slept on the way and sometime the males when they went to toilet, they kicked her body intentionally. So did the female. In addition, she was always humiliated by the employer by kicking her and shaming her among people especially same age boy. She wanted to go back home but her mother took money 1 year in advance in every year so that she could not go back and her mother never asked her whether she was happy to stay at home. The girl looked traumatized. (Adult Domestic Worker, 56 yrs. old, Female, FDG, June 15, 2018, Yangon)

This non-interference, driven predominantly by fear and lack of confidence that action is favour of an abused child or young person will be taken, is what puts children at risk of long-term and escalating abuse. Almost every interlocutor stated that child domestic work is a private affair and implied that it is not polite or customary to interfere in people's domestic affairs. This view is compounded by the Ministry of Labour, Immigration and Population's refusal to regard child domestic work as a labour issue and the Ministry of Social Welfare's case management approach, which requires that cases are referred to them.

Child domestic workers, particularly those before the age of 15 are seldom allowed to leave the house alone and many are prohibited from making friends. Employers fear they will fall under a bad influence, steal or run away. This type of seclusion – presumably in the child's interests – is a form of physical and psychological control that is used to protect the employer's interests and need for privacy rather than vice versa. Some of the interviewed child domestic workers spoke of not leaving their employment premises for months upon arriving in the city. This condition is often compounded by the lack of access to the phone or the internet, which keeps them isolated from their families and friends, and increases their dependence on the employer.

One interlocutor summed up the situation of child domestic workers in the following words. *The life of child domestic workers solely depends on the situation of the employer. If the employer is good, their lives will be good and safe. If the employer is bad, they will not be secure.* (Christian Religious Leader, June 22, 2018, Sanchaung). This is an affirmation that was repeated by children, parents, employers and other interlocutors. In this case, child domestic work is like any other work and the employee's wellbeing depends not only on the work on hand but on the way she is treated. This is even more so the case in the case of child domestic work where the lines between the private and professional spheres are blurred and where children not only work for but depend on their employers for everything: food, shelter and clothes.

Anecdotal evidence and media reports suggest that child domestic workers are vulnerable to sexual abuse. The present assessment did not identify any cases of such abuse, however, and when asked interlocutors were shy to answer questions regarding sexual abuse. The methodology required to research sexual abuse is much more complex and in the Myanmar context would require prior rapport-building and establishment of relevant vocabulary.

Naw Eh's Story

Naw Eh,²⁸ who is 21 and a student today, left her rural home near Myaungmya at the age of 17. She went to Yangon with a friend to work as a domestic worker with a plan to save up money to travel to Malaysia where her brother lived. While in Yangon, her friend told her she was leaving for Singapore to work as a maid and asked Naw Eh if she wanted to do the same. Naw Eh thought it was a good idea and agreed. Her friend's friend then organised her passport, visa and travel tickets and Naw Eh found herself in Singapore where she was placed with a 60-year old woman as her live-in carer. She did not like her situation and felt homesick. She was taken back to her agent who placed her in a holding house where there were many other women from Myanmar and other Southeast Asian countries – some with young children - waiting for a job. Naw Eh said the waiting period could last up to two weeks. If during those two weeks, the women were not placed in employment, they were returned to their home countries. Naw Eh was placed with a Christian Chinese family where she looked after a 3-year-old boy. She said her work was light and that she stayed with the family for two years. She would wake up at 6 am, prepare herself and the child. She would then take the child to his grandmother's house where they would spend the day. She did not have to cook as food was delivered. She called the child's grandmother 'grandma'. She said she cleaned alongside her employer whom she called 'mum', she hardly ever saw her employer's husband – to whom she referred as her 'dad'. Naw Eh said her parents did not want her to travel to Singapore for work, however, she promised them that she would return to Myanmar and study, which is what she is doing today. She earned between 400-USD a month and that every 3-4 months she would send a lump sum to her parents through Western Union. She does not know how much her agent recovered from her salary. She was happy in Singapore, she loved her employers and was sorry to leave. She never took a day off. She never spent any money in Singapore as her employers paid for everything. She was allowed to use the house phone to call her family once a week and was gifted a mobile phone upon her departure. Naw Eh thinks her employers paid for her flight home. She said her replacement, a Chin woman, was sent back to the agent as she was unable to speak English and the family scolded her. All in all, Naw Eh's experience was mostly positive, however, having witness other women's and girls' situations, she would not recommend this type of work to anyone because as she said it's a question of luck whether the employers are kind or harsh.

Naw Eh's story, albeit positive, reveals a number of worrying trends, the most important of which is that she was unaware of who was making decisions and acting on her part during key moments of her journey to and from Singapore. While the government has simplified procedures for obtaining passports in 2012 and has opened more passport offices in the country,²⁹ the process can still be arduous and riddled with discrimination and extortion³⁰. What is more, brokers have come to play a prominent role in the process.³¹ Naw Eh said that

her 'friend' obtained a passport on her behalf. She did not know exactly who was behind the process and she said she did not have to do anything for it, e.g. she did not have to provide any documents. The fact that her passport was obtained without her participation and on her behalf indicates that youth in domestic work in Myanmar seeking to work abroad may easily become victims of human trafficking.

Naw Eh said she was "taken, placed, sent, and moved" between locations in Singapore. She did not know how much her agent charged her employers. She did not know who paid for her travel home. On the one hand, she might now have known these details because she did not ask; this too is problematic as it suggests lack of awareness of the situation and the need to ask questions, and more probably the inability to question adults who are in charge of young people's lives. A poor teenager like Naw Eh did not feel it was her right to ask questions of adults who were helping her.

Naw Eh's story suggests that she was vulnerable throughout her journey to and from Singapore. She spoke in positive terms about her experience, however, she concluded that she would not recommend domestic work, especially domestic work abroad, to anyone and she was aware of her luck. There may be things Naw Eh did not say.

Working Conditions

Child domestic workers cook, clean, wash clothes, look after young children, take care of the elderly, accompany older children to and from school, shop at the wet market or accompany their employers to supermarkets. In the course of their work, they may lift and carry heavy objects, notably shopping baskets or bag, or they may carry babies and young children, or still help carry adults, such as elderly family members. Children who cook are often in contact with open fire, hot plates and knives and cleavers.

Child domestic workers work from 4/5 am until nightfall; in particular those who also perform additional, external tasks. Interviewed employers, however, do not perceive the working hours to be an issue because as many have said, child domestic workers enjoy frequent "leisure time" during the day, while they watch TV with the children or provide company to an elderly family member. The fact that they cannot leave the premises or dispose of their time freely is not considered as a constraint on the child. The long working hours – whether they include active labour or presence – may explain employers' preference for hiring children. The assessment found that adult domestic workers have a tendency to quit without warning or run away. Interviews with adult domestic workers who have left employers revealed that they did so because of the sustainable work rhythm, one that is additionally incompatible with marriage or child rearing. It is more difficult for children to run away, as their support networks in cities are oftentimes inexistent and they risk remaining on the street or falling prey to predatory behaviour.

6 years ago, I saw the broker who brought children 9 to 10 years old from the village to the house owner. These children were kicked to their head and all the time they were beaten. They got only 20000 MMK per month. The employer never fed them enough food and children looked hungry. They had to get up at 5 am in the morning and they often had to sleep at 1 am and they usually massage to the employers. (Adult Domestic Worker, 59 yrs. old, Female, FDG, June 15, 2018, Yangon)

In the majority of cases, child domestic workers live with their employers, however, they are not expected to enjoy the same quality of life as those they serve. In the best of cases, child domestic workers are treated with pity and in the worse, they are treated in a disparaging manner. They usually sleep either in the kitchen, by the bathroom and in some cases near the family's younger children. As is custom, they might be given a bamboo matt to sleep. They might be expected to eat alone and only once the employer family has finished eating. In 'good' households they will be allowed to snack in addition to main meals. Given their full dependence on their employers, the quality of all their food, clothes, toiletries and sleeping arrangements as well as the frequency of communications with the outside world will be determined by their employers.

Rural children who take up employment in urban households usually have little or no experience in performing the kind of household tasks that are required of them. Many cannot cook autonomously, may not have experience in using electrical appliances such as hot plates or irons. When they make mistakes, they can be scolded or physically punished and when they are disobedient, employers discipline them physically. Children spoke of being hit over the head for making cooking mistakes or damaging clothes in the washing process. The youngest ones, or those who started when they were under 15 years of age, spoke of not being allowed to keep in contact with the outside world including their families. Their salaries ranged from as little as 10,000 MMK a month to 80,000 MMK a month. One child domestic worker spoke of earning 100,000 MMK a month, however, this is highly unlikely as even non-live-in adult domestic workers with experience rarely earn this salary in local households (it may be possible when working for foreigners who are known to pay higher salaries).

Child domestic workers rarely receive their salaries in hand. If lucky, they might receive a little stipend for snacks when they are 16 years and older. In most cases, parents draw the children's salaries in advance, usually three months however, in extreme cases up to one year, locking the children into bonded servitude. In some cases, the parents collect the money in person. In other cases still, brokers act as intermediaries in which case they charge a commission on the children's salaries. As in other cases of document child labour in Myanmar, the children have little control or access to the money they earn, and remain at the mercy of their parents and other adults involved in their employment.

In the majority of cases, child domestic workers do not have a written contract with their employers. The assessment revealed that this happens for a number of reasons: written contracts are uncommon in domestic work, employers do not want to have any legal obligations towards the children they employ and children and their parents fear being locked into employment situations. Indeed, contracts are regarded negatively; not as documents outlining the rights and obligations of each party to the contract. Rather, employers view contracts as documents curtailing their powers over their domestic employees, and child domestic workers and their parents fear them because they believe contracts make it more difficult for children to leave their jobs.

[In my life I saw twice child domestic workers]. Among them, one is 17 years old, her responsible was cooking, cleaning, and assisted in other necessary works at home. I don't remember her salary but I know it was less than my salary. She needed to keep on working the whole day and she had to sleep at 12 mid night and wake up early morning. Sometime the guest who came to the employer, wanted to give present and food to her but the employer showed dislike and not allowed to pay her. The employer did not treat her well and the girl does not look happy. Another one is, 10 years old and 11 years old girls who worked in a small-shop and after the shop was closed, they had to work at the employer home. I am sad to seeing these children because they have to work beyond their capability and sometime the employer pinched and beat them. The employer usually scolded them and unsatisfied with them. However, the employer fed them well and they ate enough food. The employer and the parents had signed contract and the parents took the salary ahead and if the children went back before the contract, parents needed to reimburse double price so that the children were forced not to leave and worked there. (Adult Domestic Worker, 56 yrs. old, Female, FDG, June 15, 2018, Yangon)

Employers prefer children for two fundamental reasons: they are cheaper and given their child status, easier to control. Employers worry about theft and personal security and believe that adult domestic workers are more likely to expose them to the danger of robbers and con artists. Some of these beliefs are rooted in experience. Domestic work in general is characterized by a high turn-over of adult workers who have a tendency to quit their jobs without warning, sometimes having drawn their salaries in advance. Child domestic workers also come and go, however, those far from their families, those who may have lost contact with their families and those who come from particularly poor backgrounds will remain in their situations while they are very young, not in the least because they cannot leave their households, have nowhere else to go and face greater risks in the outside world.

Conclusion

Child domestic work and child labour in domestic work are ubiquitous in Myanmar. Children migrate into domestic employment from rural or peri-urban areas, affected by poverty, the lack of income-generating activities or opportunities, armed conflict, humanitarian emergencies and natural disasters. The majority of children in domestic work are girls in line with societal mores, which place females in the domestic sphere. Child labour in domestic work is predominantly caused by excessive working hours, which range from 4/5 am until nightfall, debt bondage, seclusion experienced by the youngest of child domestic workers, physical and verbal abuse, as well as sexual exploitation.

Child domestic work is not defined as work under Myanmar labour law hence labour inspectors do not have a mandate to inspect households and the children's working and living conditions. The protection of child domestic workers falls under the Department of Welfare, however, the available resources and mechanisms are not sufficient to monitor children in domestic work and address abuses that children experience oftentimes in silence and isolation. The tacit acceptance of child domestic workers by society further complicates the State's and civil society's ability to monitor child domestic work and prevent child labour in child domestic work. Hence, only the most extreme cases of child suffering appear to be reported to the authorities and it is possible that many cases remain unreported.

Prohibiting child domestic work will not eliminate it; it will push it further into the private sphere whose apparent sanctity renders child domestic workers vulnerable to abuse and exploitation. Most families who send their children into domestic work appear to do so in good faith, as an antidote to poverty and in the hope of offering the child a safer work environment than a factory or a restaurant. In some cases, children, who feel obliged to bid their parents' will and who are taught to feel a deep sense of responsibility for their parents' well-being may seek out domestic work to provide for their families.

The domestic work sector departs from conventional notions of employee, employer and labour relations as these may be defined by employers' and workers' organisations, thus making this type of work difficult to address. Yet, country examples from around the world show that the social partners are integral to the functioning of national tripartite labour advisory, policy-making or statutory bodies on child labour and domestic work. Indeed, they are key to meaningful social dialogue and achieving consensus and compromise. Child domestic work cannot be addressed in an effective manner without the involvement of the social partners.

Many instances of child domestic work in Myanmar meet the criteria contemplated by ILO Convention 182, to which Myanmar is party, and therefore can be considered as a "Worst Form of Child Labour", which include slavery-like situations, the use of children in commercial sexual

exploitation, and the use of children for illicit activities; It also includes children trapped in hazardous work, which includes cases where children are in work that is physically, mentally or morally harmful to them not in the least due to working long hours and performing heavy or night work.

Recommendations

The ILO's 2017 Practical Guide to Ending Child Labour and Protecting Young Workers in Domestic Work suggests that among key policy areas relevant to the protection of child domestic workers are:

- universal access to quality education - accessible, affordable, high-quality; free, compulsory,
- employment and labour protection
- job creation for young workers, of legal working age, and adults
- minimum wages, limitations on working time
- labour inspection
- formal employment practices
- minimum age for employment and admission into domestic work
- definition of light work
- hazardous work list
- operations of recruitment agencies
- basic income security, social protection
- schemes sensitive to child labour, e.g. conditional cash transfers

The following recommendations are relevant for the context in Myanmar context.

The key recommendations from the present assessment pertain to legislation, poverty reduction strategies, job pathways for out-of-school youth of legal working age, child protection and awareness raising.

- 1) At present, the definitions are not clear in the legal framework. The compulsory education age is not linked to the general age of admission to employment. The Factory Act's limitation on hours of work for minors aged 14-16 only serves to further confuse the crucial boundaries between different types of work. What is needed in the framework are clear demarcations such as:
 - The general age of admission to employment - at which age all should be able to work with no limitations, except for limitations on hazardous work;
 - The age of compulsory education should be linked to the general age of admission to employment;

- Light work should be defined and regulated for those aged 12-13 and below the general minimum age of admission to employment.
- 2) The Government of Myanmar should: i) carefully protect children in domestic work from slavery like situations in accordance with Article 3(a) of ILO Convention 182 to which it is party.; ii) identify the types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour; and iii) when regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by the national law and regulations, and take measures to protect them, including by (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts; (b) prohibiting night work; (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and (d) establishing or strengthening mechanisms to monitor their working and living conditions.
 - 3) The Government of Myanmar should undertake steps to ratify Convention 138 concerning Minimum Age for Admission to Employment, whose Article 2 stipulates that “each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory”...which “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years”; and whose Article 7 stipulates that ‘national laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is: (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received’. The Article further stipulates that domestic laws can ‘permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b)’ and stipulates that ‘the competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken’.
 - 4) The Government of Myanmar should undertake efforts to define child domestic work and its protection mechanism. It might start by ratifying the Convention on Domestic Work (2011, C189), and implement it through domestic laws to ensure uniformity between the convention and domestic legislation relevant to children and child work and labour.

- 5) State and non-state child protection mechanisms need to be strengthened and provision of protection need to be made available according to the law and easily accessible in term of enforcement. Staff capacity at the Department of Social Welfare should be increased in both urban and rural settings where case management workers might respond to different needs. Documentation systems within and across organisations should allow for cross-agency monitoring, protection and support intervention in cases. Available hotlines should be functional and staffed at all hours. Community outreach personnel, especially from non-governmental services, should be trained to identify cases of child labour in domestic work and refer them to relevant authorities backed by a strong civil society network equipped with offering relevant assistance.
- 6) Data collected through by the various agencies and stakeholders addressing child domestic work, including data collected through cross-agency documentation systems, should be analysed and used for evidence-based policy making to address child domestic work and for improving monitoring, protection and response mechanisms.
- 7) The nexus between poverty and child domestic work is clear. Children will continue to enter domestic work and other forms of employment as long as their parents cannot obtain a regular and sufficient incomes. The ILO holds that promoting productive employment is the best route out of poverty. The ILO should consider introducing its Poverty Reduction Strategy processes in Myanmar empower the governments and social partners to integrate better employment goals and targets into these overarching national frameworks in low income countries.
- 8) Myanmar is an agriculture-based economy and would benefit from robust sustainable rural development policies, which are essential for poverty eradication. Close economic integration of rural areas with neighbouring urban areas and the creation of rural off-farm employment can narrow rural-urban disparities, expand opportunities and encourage the retention of skilled people, including youth, in rural areas. Related actions could include the promotion of pro-poor planning and budgeting at the national and local levels; the facilitation of active participation of vulnerable groups, including women, youth and rural communities, in the elaboration of local and national planning of rural development: and providing access to credit and other mechanisms as well as resources for farm-based activities, especially for small-scale farmers, in particular women.
- 9) In addition to regular income-generating activities and access to credit, e.g. microcredit, the development of financial literacy is necessary to prevent rural families from falling into a cycle of debt. Laws governing money lending should be revised and enforced to prevent opportunistic and extortionate lending practices that often turn families' children into collateral.

- 10) Viable job pathways for out-of-school, rural youth of legal working age are necessary to prevent children, particularly girls, from child labour situations in domestic work.. Such pathways should include alternative education that equips young people with qualifications and skills that facilitate entry into the job market. Apprenticeships, which create a link between school-based and on the job training, and work-based learning provide viable models for entering the job market.
- 11) Sustained and targeted awareness-raising campaigns should assist rather than replace policy efforts. Mere knowledge about the potential risks and dangers of child domestic work and child labour in domestic work will not prevent desperate, poor families from sending their children into domestic work. What is more, attempting to change people's beliefs and practices without offering realistic alternatives is not only likely to fail but could lead to backlash, e.g. In the case of child domestic work, people could become even more secretive about the practice. Any awareness – raising activities should:
 - a. target the audience as precisely as possible by crafting relevant messages for all those involved in the recruitment and employment cycles, e.g. religious leaders, community leaders, parents, grandparents, children, teachers, public transportation workers, small business owners in areas where there are a lot of child domestic workers, medical professionals, DSW staff, the police)
 - b. create compelling messages with clear calls to action (e.g. asking the public to use the DSW hotline to report suspect cases of child labour in domestic work)
 - c. should be rooted in a theory of change
 - d. use the appropriate messenger/ medium
 - e. be accompanied by strategic communication
- 13) Further research into child domestic work in Myanmar is needed:
 - a. to produce detailed demographic and economic profiles of child domestic workers;
 - b. to address child domestic workers' needs with respect to communications with family, friends and other important people in their lives;
 - c. to identify possible differences in experience in rural and urban settings;
 - d. to determine internal and external migration patterns of child domestic workers;
 - e. to reveal a detailed understanding of recruitment procedures, especially those involving trusted authority figures;
 - f. to uncover the employment cycle of child domestic workers;
 - g. to evaluate the relevance of existing assistance and welfare mechanisms for child domestic workers ;
 - h. to identify the existence and prevalence of civic support mechanisms for child domestic workers;
 - i. to diagnose future work opportunities for children in domestic work unable to finish their middle and secondary education;

- j. to identify socio-cultural and economic mores that sustain abuses in child domestic work;
- k. to calculate the value that child domestic workers create for their families and employers;
- l. to identify social protection policies that are needed to assist families and prevent child domestic work.

Endnotes

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- 8 The consultant who designed the methodology, led the team and conducted team alongside noticed a considerable difference in 'access' from the previous years when she conducted research on child labour, notably in 2015 and 2016. There were many obstacles and a considerable number of people who would have been able to provide valuable information did not want to go on the record. On the one hand, this reflects societal attitudes towards child domestic work and people's hesitation to get involved in other people's affairs; on the other hand, this reflects a shift in the political climate in the country and the return of censorship and self-censorship, which appeared to have eased in the years following the 2010 elections.
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