

The background of the page is a light gray color with a repeating pattern of small, stylized birds in flight, scattered across the entire surface. The birds are depicted in various orientations, suggesting movement and freedom.

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The Influence of Civil Society  
Organizations Towards the Right  
to Education of Child Labor  
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Right to Education for Forgotten  
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## **Abstract**

Child laborers can be seen easily in every place of Myanmar accompanying the economic booming in the transnal period. Through the complex phenomena such s economic hardship and, religious and cultural factors, the increasing number of child laborers threatens the future of Myanmar. The govenment has poor policies regarding child labor issues; meanwhile stakeholders do not have enough strength to address the problem. Education may reduce the number of laborers through means of enhancing development and spill-over benefits. Yet child laborers in Myanmar, in reality, are unable to attend school. With the openness of Myanmar, non-governmental organizations create a platform in the transitional period to break the silence on forgotten children throughout the country. This paper works throh deep interviews withto members of NGOs who are actively involved in child labor projects, some child laborers, and other stakeholders in Yangon, Myanmar. The purpose of this paper is to show how NGOs campaign for the rights to education for child laborers. The argument is that NGOs, as one of the duty bearers, have become in realizing the rights to education of for child laborers, especially in Myanmar where the govenment has poor policiessy to comply with the Convention on the Rights of the Child (CRC) that Myanmar ratified in 1991. Indeed, this paper tends to amplify the claim of child laborers to their child rights, in particular their right to education.

**Key words:** Child laborers, Right to education, NGOs, Myanmar, child rights

## Introduction

*I have five siblings and I am the third child. My big brother and elder sister worked before they completed their primary education and I follow their way after passing second standard. I am not a clever student in class and it's better for me to choose work instead of school I can give my daily earning to my mother and it can contribute to my family's needs to some extent (Thu, 2015).<sup>22</sup>*

Child laborers like Thiha Thu are ubiquitous in Myanmar. A highly populated area and previous political and economic capital of Myanmar, Yangon is full of children who are working either light or heavy work at teashops<sup>23</sup>, street-vending stations, jetties, construction sites, car repairing workshops, etc. “The term child labor is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work” (International Labor Organization, 1996).

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<sup>22</sup> Thiha Thu is a 10 year-old child who worked as an apprentice in a car repairing garage at the time of interview.

<sup>23</sup> Teashops are popular among Myanmar people for tea, coffee, and other snacks. They are located along the street or small roads and are easily accessible by local people. It is obvious that at least one or two child laborers are used in every teashop, though there is no sufficient data on this issue.

With the opening of Myanmar, a lot of teashops and restaurants have appeared into view accompanied by child service providers. As for the Myanmar people, this is a daily usual scene and only a few people notice that this is a violation of child rights. In fact the entrenchment of child labor in society undermines the foundation of realistic thinking. The pervasiveness of child labor in Myanmar is actually a cruel treatment by people to their next generations and it is an ignored injustice in society. People say that children are either the next generations of the country or the future hope of the community; however they exploit the labor of children.

There is a global consensus that education can substantially reduce the number of child laborers and improve the quality or ability of children. Moving children from working places to classrooms is the most direct approach to the child labor issue. Through the human rights lens, entitlement of the rights of the child is the best way for child dignity. Based on the concepts of the indivisibility, inalienability, and interdependence of human rights, the realization of the right to education of child laborers can promote the realization of the other rights.

Regarding the right to education, the government has the obligation to protect, respect, and fulfill the right to education for all children, specifically the child laborers through accessibility, availability, acceptability, and adaptability. At the same time, the other stakeholders should respect the right to education of child laborers. As a developing country, however, Myanmar provides poor budget for education spending which cannot fulfill the right to education for child laborers. Moreover, through 50 years of military rule, the child labor issue has been neglected as it is related to issues of child soldiers

in Myanmar. The government policy of free education cannot attract child laborers to school. Philanthropic groups and non-governmental organizations demand that the government promote a thriving society in order to enhance the equality of child laborers amongst children in Myanmar. In fulfilling the entitlement of child laborers' rights, these groups provide education as one of their approaches. Hence, this paper focuses on the roles of NGOs by using the perspective of a human rights-based approach to education principles.

This paper argues that NGOs are one of duty bearers that have become a nexus in the realization of the right to education of child laborers, especially in Myanmar. The government has poor policy implementation to comply with the Convention on the Rights of the Child (CRC), which Myanmar ratified as of 1991. Based on in-depth interviews with the members of Myanmar Mobile Education Project (MyME), World Vision Myanmar, and Myanmar Program on Elimination of Child Labor (ILO-MyPEC), this paper explores the activities of NGOs to campaign for the right to education for child laborers. This paper uses qualitative data appearing in a combination of documentary research and primary data collection. Furthermore, this paper works through interviews with six child laborers and three teachers so as to probe the perspectives of children. For ethical concerns, during the interviews these children were accompanied by their guardians and the interview process followed the principles of human rights research ethics. The documentary research reviewed some related books, articles, academic journals, reports, internet websites, and other relevant documents. The paper utilizes information and data from the reports, publications, and websites of the International Labor Organization and United Nations, relevant child-

related international non-governmental organizations, local governmental organizations, and child labor news in local and foreign media.

To elaborate more, this first part explains the background phenomenon of child labor in Myanmar. Then the current situation of child labor and their right to education is stressed. The activities of NGOs for the right to education for child laborers in Yangon based on the collected data is probed in the third part through the perspective of a human rights-based approach framework.

## **Background Phenomenon of Child Labor in Myanmar**

*Now I am 12 years-old and I earn around MYK1,000 (USD1) daily by selling bird food at the jetty. My mother sells boiled peanuts and corn near here with my younger brother. I think I am a clever daughter as I support my parents and family. My father has been ill and unhealthy since last year (Sandar, 2014).<sup>24</sup>*

Through Soe Sandar, the child labor phenomenon is seen clear in Myanmar. The main reason for child labor, like in other developing countries, is poverty or economic hardship. “Poverty at a country level is indeed both a cause and a consequence of child labor” (Hilowitz, 2004). When children are working, very likely they are unable to attend school. As a consequence, they are prone to become unskilled laborers and are vulnerable to labor exploitation when they grow older. An unfulfilled right to education limits the extent of a right to work and this can perpetuate the vicious cycle.

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<sup>24</sup> Soe Sandar is a 12 year-old child and selling bird food at the Bo-ta-thaung Jetty at the interview time.

To shrug off this vicious cycle or to escape from child labor, the motivation of the child herself is indispensable. Myanmar people, however, believe in religious teachings supporting child labor contributions to ease parents' economic hardship. In Myanmar culture, parents are one of five worshipped figures after Buddha, Sermon, and Sangha. Thus, poverty is the main cause of child labor in addition to the ignorance of society in allowing the phenomenon as mentioned earlier, as well as some religious thoughts perpetuating factors of the child labor phenomenon in Myanmar.

In the Myanmar context, the growing excessive numbers of child laborers in Yangon during recent years is related to internal migration correlated to three factors. Yangon as hub of economic activities offers bigger working opportunities than those of other places. The first factor of internal migration is movement of people from the delta area that was devastated by Cyclone Nargis in 2008 to Yangon and Hlaing Thar Yar Township, the first terminal of the Yangon-Delta Highway. Children of such families are more desperate to work as new settlers from rural to suburban settings, and many families face subsistence challenges. The second factor is the hopelessness of those in rural areas who faced confiscation of land and lakes (fisheries) by big companies. Parents of such families send their children to the urban centers where the latter get better job opportunities through the help of labor brokers. The third factor in creating a swollen supply of child labor is doubtlessly the mass migration from conflict areas near the borders to urban centers. All these factors increase the number of child laborers in Myanmar.

A global risk analytics group called Maplecroft ranks a child labor index for each country annually. In accordance with

Maplecroft's child labor index, among the Asia-Pacific countries and other 197 countries, Myanmar ranks third in 2014 (Hunt, 2013). This rank is rather similar to the same index in 2013, which went down from first in 2012 (Verisk Maplecroft, 2012). Therefore, it is questionable whether the Myanmar government has provided any strategies or policies to reduce the number of child laborers in Myanmar or whether these strategies are effective and efficient.

In Myanmar, children can work in accordance with the Factory Act 1951.<sup>25</sup> However, the law permits the child not more than four hours of working time and the child age must be at least thirteen. Moreover, the Act requires some medical certificates from doctors to show the status of fitness to work. Furthermore, the work must be light and suitable for a child. Similarly the Child Law 1993<sup>26</sup> allows the children to work in accordance with the Factory Act 1951. Therefore, children are legally allowed to work in accordance with the Laws in Myanmar. In reality, children work beyond the law's

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<sup>25</sup> Chapter 5, Section 75: No child who has not completed his thirteenth year shall be required or allowed to work in any factory. Section 79: (1) No child shall be employed or permitted to work in any factory. For more than four hours in any day and between the hours of 6 p.m. and 6 a.m.,(2) The period of work of all children shall be limited to a shift which shall not overlap and both of which shall not exceed five hours inclusive of intervals if any. Each child shall be employed in only one of the relay which shall not, except with the consent of the Chief Inspector, be changed more than once on a month.

<sup>26</sup> Article 24, paragraph (a): Every child has: (i) the right to engage in work in accordance with law and of his own volition, (ii) the right to hours of employment, rest and leisure and other reliefs prescribed by law; paragraph (b) The Ministry of Labor shall protect and safeguard in accordance with law to ensure the safety of child employees at the place of work and the prevention of infringement and loss of their rights.

stipulations. Mostly they work for more than four hours, and in some jobs their working hours hit 12 hours or even more.

## **Child Laborers and their Right to Education in Myanmar**

Right to education is a basic fundamental human right and it is enshrined in the International Bill of Human Rights, particularly in the Universal Declaration of Human Rights (UDHR) as Article 26, and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>27</sup> as Article 13. Furthermore, the relevant international human rights laws for children, the Convention on the Rights of the Child (CRC) that Myanmar ratified on 15 July 1991, guarantees the right to education in Articles 28 and 29. There are a number of international laws and conventions regarding the right to education because education can tremendously influence the life and development of children.

Similarly, education has become the center of child labor mitigation strategies across the globe, especially in the developing countries. “No country has successfully ended child labor without first making education compulsory. As long as children need not attend school, they will enter the labor force” (Weiner, 1991). In addition, education is highly related to sustainable development, which became a global priority in the beyond the Millennium Development Goals 2015 framework. Education has many spill over benefits called “positive externalities” (Sianesi and Van Reenen, 2000). If an individual becomes educated, the increasing potential of highly

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<sup>27</sup> Myanmar is not the member of the ratifying countries of ICESCR.

paid employment enhances the individual, family, and surrounding vicinity.

In the same way, the Worst Forms of Child Labor Convention No. 182 (1999) states in its Article 7 (2C) that “Each member shall, taking into account the importance of education in eliminating child labor, take effective time-bound measure to ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labor” (International Labor Organization, 1999). Myanmar ratified ILO Convention No. 182 as of 18 December 2013. In accordance with the CRC and ILO Convention No. 182, the Myanmar government has the obligation to respect, protect, and fulfill in the entitlement of the right to education for children.

According to the above international human rights law, the government provides free and compulsory education for primary school children. However, in reality it is difficult for children who must earn income for their families. When the children attend school, their they income they would have earned becomes the opportunity cost for them. It is necessary to consider the opportunity cost in the educational attainment of child laborers. Moreover, the free education that the government provides is not free at the grass roots level. “Formal fees are only the tip of the iceberg when it comes to the true cost to parents of sending a child to school” (Khine, 2015). Parents spend informal tuition fees, school bus fees, stationary and school uniform fees, and some contributions related to school sport funds, trustee board funds, etc.

The government has poor policies to cover the opportunity cost of child laborers or the hidden true costs under the name of free

education when they do attend school. U Win Shein, the Director General of the Myanmar Ministry of Labor, said “Child labor is a big issue. But it is the result of poverty. The country is poor; so the children have to help their families to make money. To address this we need economic development, and this will take a very long time” (Saber, 2015). This desperation reveals the poor policies of the government regarding child labor issues, specifically the right to education for child laborers as a means to reduce child labor. Poverty is the root cause of child labor; yet blaming it on poverty is not the solution for child labor problems. At the minimum level, the government provides policies attracting working children towards education. Thus, the poor policy implementation of the government can be seen in child labor problems.

## **A Nexus between child laborers and their right to education**

*If I have a chance, I want to attend school. I already passed third standard two years ago. But it is impossible for me. I sell snacks downtown the whole day. To arrive here at about 9:00, I leave my house at 6:30 a.m. and try to sell all my snacks along the roads and alleys by making a specific sound buyers can remember. I arrive home around 8:00 p.m. or 9:00 p.m.; if I have items left or I get trapped in traffic, I reach home at 10:00 p.m. This is my everyday routine schedule (Soe, 2015).<sup>28</sup>*

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<sup>28</sup> Aung Soe is a 12 year-old child who sells rolled snacks made with eggs across downtown Yangon especially in Lanmadaw, Latha and Pabedan Townships at the time of interview.

The school curriculum and schedule in Myanmar of mostly seven hours per day from 9:00 to 16:00 stops children at work from going to school. Most child laborers in Myanmar work the whole day; in some cases they work until midnight. It is foreseeable that the government's failure to properly implement educational policy creates a gap towards the obligation of the right to education for child laborers. The obligation of the government to ensure that the right to education is respected, protected, and fulfilled is not only a state concern. It is also the task of civil society to promote and assist the full implementation of the right to education (Benedek, 2006). Thus, if the obligation to fulfill is neither comprehensive nor completed by the state, it is the concern of NGOs to support the right to education for children, especially for child laborers.

For their campaign on the right to education for child laborers, international actors and NGOs chose a realistic approach according to current paradigm shifts towards a rights-based approach rather than a basic needs approach. A human rights-based approach is an approach to empower people in order to raise awareness of human rights and encourage people to claim their rights. At the same time, it increases the ability of people, including duty bearers and rights holders particularly of vulnerable populations or minorities, such as child laborers, to be successful in attaining the respect, protection, and fulfilling of their rights (Scottish Human Rights Commission, 2011).

The rights-based approach to education, like other rights-based approaches, has framework that builds on with three pillars: the right of access to education, the right to quality education, and the right to respect in the learning environment (Craissati, Devi Banerjee, King, Lansdown, and Smith, 2007).

*When I look at children at teashops, I think they should be in schools. However, they work at teashops from morning till night, 7 days per week. Children do not mean they have no wish to attend schools; however they have no time to attend. So I think, if we take the classroom to them, it is a better situation for them. Since then, I decorated an old bus as a classroom and started that project (Aye, 2015).<sup>29</sup>*

In the rights-based approach, the first framework to commence access to education is a basic fundamental framework towards the process. With regards to the child labor context in Myanmar, children cannot attend school because of clashing work hours. In access to education, accessibility consists of physical, constructive, and economic means through a platform providing the way for child laborers to access education, and the most indispensable means of non-discrimination. NGOs like MyME innovate this way in the Myanmar child labor context.

Physical accessibility means schools must be within the reasonable territory and MyME has created the school bus. Thus child laborers like teashop waiters can easily access the school because the classroom bus arrives to their places. Constructive accessibility means the removal of all barriers to education. In fact, child laborers are vulnerable and marked as a marginalized group. Claiming the right to education for child laborers is challenging for NGOs as there are obstacles. The first obstacle is negotiation with the employers,

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<sup>29</sup> Ko Tim Maung Maung Aye is the co-founder of Myanmar Mobile Education Project (MyME) established in January 2014. At the time of interview, about 400 students were enrolled in that project.

guardians, or parents of child laborers. Some employers' and teashop owners' cooperation is poor as they see school time will affect their income in terms of working hours. Some parents and guardians who have a poor attitude towards education or who are prefer the short term earnings of their children share the same opinions. Thus, NGOs members create an approach of convincing them such as explaining to them that the way they teach is service-oriented training, like using English words in a menu list. When a foreigner visits their shop, the children can easily communicate with the tourist and this will also be good for the employers. In such a way, NGOs attract the full attention of employers.

The education provided by NGOs for teashop child laborers in this case study is free but not compulsory. Hence; economic accessibility does not become a barrier for child laborers. Non-discrimination is really obvious in this case study. As this project targets child laborers, specifically teashop child laborers, it is originally provided to marginalized and vulnerable groups. In some classes provided by MyME, some children from outside the teashop joined the classroom and participated fully. Actually, equality in education in today is the basic foundation for equality in the social and financial tomorrow, and NGOs build a nexus and fill the gap between the education and child laborers that the government has poor implementation strategies to fulfill.

The second framework on the right to quality education is indispensable in the essence of education. The cause of child labor is deeply related to education quality. Poor quality education pushes some children away from schools and such children would mostly engage into the labor force. In the hands of NGOs giving educa-

tion to vulnerable children, quality education plays a quintessential role as child laborers do not have enough time to learn. In this case study, children from teashops attend the classes two hours per day and three days per week. Within the limited timeframe, if the education received by children is ineffective, then the whole process is meaningless. Thus, in this case study, the co-founder explained that in terms of MyME, they used the child-centered approach rather than the teacher-centered approach. Keeping the quality of the teachers is really challenging and MyME has some exponential training for the teachers. Their school curriculum is focused on basic literacy, life skills, service-oriented English, and personal and community hygiene education. Students' participation is really essential in quality education and MyME tries to pull the full attention of the children by questioning and answering.

The third framework is the right to respect in learning environment, which comprises of respect for identity, respect for participation rights, and respect for integrity. Actually the teaching to children, especially child laborers, is really interesting and challenging. Most children who engage in the labor force might have a history of mental trauma or bad experience. Furthermore, the present situation of child laborers includes stress or feelings of insecurity. Thus, their trainers require delicate techniques and softness to handle them, while the most important skill is to avoid re-traumatization or re-victimization the children. One teacher who is also one of participants in this paper expressed frustration that sometimes the situation is really tough for them as some children in the class are stubborn and not cooperative. As their teacher, it is really necessary to understand each child's behavior to keep the children's attention in the class. In fact, building

a platform towards the right to education for child laborers has some difficulties but neglecting them is more risky for their own future and the future of community.

## **Challenges for NGOs: Reintegration to formal school**

With regards to reintegrating into formal school, NGOs like MyME firstly intended to send child laborers back to formal school. Ko Tim Maung Maung Aye (2015) said “We intend the children to go back to formal education like school. However, this is useless. We use the pedagogy of school like text books, schooling curriculum. What we faced in reality is children cannot follow our teaching as they have no time. Some of them have no intention to go back to school. Even if the children have such a wish to go back to school, the parents cannot accept it”. Furthermore, he added that when they used the pedagogy of school curriculum like school text books, the children in their class become stressed as they cannot learn all text books within the limited time frame. As a result, the reintegration to formal school becomes a challenge for NGOs who are actively involved in the issue of child labor and their right to education.

The motivation of children to go back to school is an important asset to re-enter into the schools and based on collected data, three types of children can be categorized, encompassing those who do not want to go back to school, those who want to go back to school, and finally those who want to join informal classes opened by NGOs but not the school. The irony of each group becomes the challenging situation. The first group who do not want to go back to school mentioned as reasons that they were unhappy with and had

poor interest in education. They insist that they are more valuable to their family by making income contributions rather than going to school. Most of these children are happy in the outside world apart from school and they have persistently ignored education. In such situations, when the philanthropic groups provide education around the area of their living space, they have poor motivation to participate in class and they think it a waste of their leisure time.

The second and third groups are different from the first one. Children in these groups have somewhat or strong motivation to join the formal school. However, their situations cannot allow them to enter the school. The second group of the child laborers who want to go back to school do not have opportunities for their right to education. Their parents or guardians look for short run earnings and the children themselves feel they have a sense of duty to support their families. Parents or guardians have poor awareness about the benefits of education. Meanwhile, the poor education system provided by the government and economic hardship forcefully push the children to go to work. Most of the cases of children in this study showed that the family members of these children were the ones who got the jobs for their children. Most parents of child laborers insisted on the earnings that their children can make when they work and that those earnings played a vital role in their subsistence living. Parents or guardians have poor awareness about the education of children and this becomes the big barrier to sending children to school. They believed that a child's education is enough if he or she knows basic calculation and can read a little. Such kinds of parents whose own education was limited in their lives had a poor attitude about education and misguided to their children to go to work instead of school. Thus mediation with them is really challenging for NGOs.

The third group is the group who want to join the informal classes provided by the NGOs. Apparently this group has fewer hurdles compared to the other groups as the children in this group have motivation to participate in the informal class while they are working and it is assumed that they have more or less an understandable level about the benefits of education. Basically when NGOs' members join with them, the children can attain education though there are still some challenges in terms of teaching hours, teaching materials, and teachers, etc. But the participation of employers is crucial in this part. When children employees are not allowed by their employers to study, it is really difficult for the children to get an education. Children are working many hours against the law in order to earn some money. Thus, though they have motivation to learn, time constraints and permission from employers become critical points for them.

In turn, such type of employers can take advantage of loose law enforcement. Although the law states the use of children at work with some limitations, there is in reality no punishment for those employers who use children at their work beyond the limits of the law. Furthermore, instead of feeling guilty, some employers take the work of the children for granted. Thus they are the core contributors for such children and support their families, including the children, by granting that job opportunity. They are not interested in providing education to their young employees and their cooperation is very poor. This is a big obstacle for NGOs as well as child laborers within the circle of the right to education. In terms of MyME, the NGOs try to persuade, convince, and negotiate through meetings with the employers in order to get time for children to learn. Some employ-

ers show good cooperation but some do not. Thus the employer's cooperation is quintessential in providing education to child laborers especially for those who want to join the non-formal classes provided by NGOs.

## Conclusion

As globally accepted, education is a means or an instrument to improve the situation of child laborers. Regarding the right to education for child laborers, the role of NGOs is a kind of building a nexus or filling a gap. In fact the gap is rooted in the poor responsibility of the government to fulfill their obligation to comply with international standards. NGOs as a catalyst innovate the ways of providing education to child laborers based on the concept that if the children cannot reach to education then education must reach them wherever they are. Thus NGOs are catalysts for new pathways of providing education to child laborers; in other words they provide a nexus in the entitlement of the right to education for child laborers.

Under the notion of a human rights-based approach to education, NGOs play an important role in raising awareness and improving attitudes towards child labor by sharing knowledge with some stakeholders such as parents, employers, guardians, etc. about the right to education for children and how education can raise the life of the child laborers and their family. In some cases, NGOs initiate, join, and assist the government agencies as liaisons in implementing some educational projects such as informal or vocational education projects. Therefore, the role of NGOs is prominent in advocating for the right to education for child laborers in countries like Myanmar

in which the government has limited capacity to implement policies on the right to education for child laborers.

Significantly in Myanmar, like other developing countries, NGOs' role is tremendously necessary for vulnerable children. Whether the classroom provided by NGOs can do better than government provided schools, the former can directly offer education and the benefits of education in the location of vulnerable children where the government cannot provide a human rights-based approach to education. Hence, child laborers, like other children, can attend school even in tough situations through classrooms provided by the NGOs. Jose Ramos-Horta, who was a Nobel Peace Prize Laureate, said, "Nothing is more important in a new nation than providing children with an education. If you want peace and justice, if you want jobs and prosperity, and if you want a people to be fair and tolerant towards one another, there is just one place to start- and that place is school" (Benedek, 2006). No one can argue against the fact that schools are the best places for the future of children and child laborers deserve to have schools.

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