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THE CHILD RIGHTS LAW

(Pyidaungsu Hluttaw Law No. 22/2019) The 7th Waning Day of Waso, 1381 ME
(23rd July 2019) Pyidaungsu Hluttaw has enacted the following law.

CHAPTER I

TITLE, JURISDICTION AND DEFINITION

1. This law shall be called the Child Rights Law.
2. If any offence relating to the sale of children, child prostitution or child pornography is in line with the following conditions, it can only be adjudicated under this law.
 - a. The offence is committed by anyone within the State,
 - b. The offence is committed abroad to a child by a citizen or a holder of foreign registration card taking permanent residency in the State or a foreigner holding the permission for permanent residency in Myanmar,
 - c. The offence is committed on a vessel or aircraft registered under existing legislation of the State that has the right to fly the State Flag,
 - d. For cases where the person charged with committing an offence specified in the Chapter (18) is not extradited to a foreign country, such a person remains within the country.
3. The following expressions contained in this law shall have the meanings given hereunder:
 - a. The State means the Republic of the Union of Myanmar.
 - b. Child means a person who has not attained the age of 18 years.
 - c. Documentary evidence of age means birth certificate, a certified true copy of the school enrolment record, a photocopy of the citizenship scrutiny card or permanent residency registration card, a medical certificate from a physician affiliated with the Ministry of Health and Sports, a certified copy of the household list and any other credible documents or records.
 - d. The best interests of the child mean the enjoyment of all the child rights contained in the Constitution of the Republic of the Union of Myanmar and this Law for the greatest physical and psychological benefit of the child in order to ensure for the child the right to survival, the right to development, the right to protection and the right to participate in society. This clause also contains the actions prioritized towards the best interests of the child in managing the child's affairs or adjudicating of juvenile justice.
 - e. Child charged with a crime means a child accused of an offence under any existing legislation of the State or charged as a defendant.
 - f. Juvenile offence means an offence under existing legislation, for which a child is sent up for prosecution to a juvenile court.
 - g. Juvenile court means the court established by the Union Supreme Court to hear and adjudicate on juvenile offences.
 - h. Guardian means a person who provides care and protection to the child in accordance with or as required by this law, or other existing legislation, or custom and tradition, or familial or social obligation.
 - i. Caregiver means a person who has undertaken to provide care and protection in accordance with this Law to a child in need of care and protection.
 - j. Training School means of Training School established by the Ministry, to which the child in need of care and protection or a child who is convicted of a crime are sent for restoration, custody and care for their physical, mental and ethical benefits under this Law.
 - k. Shelter means a facility, home, school or centre established by a volunteer or a social organization or a government organization or a non-governmental organization under this law

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with their own arrangement for the objective of protection, care and nurture of a child in need of care and protection.

- l. Temporary Care Station means a Temporary Care Station established according to this Law for temporary custody and care of the child accused of having committed a crime, during the investigation of the case or during the trial in the juvenile court.
- m. Alternative care means any provision of familial care which is not by biological Parents to a child who has lost or who does not have care by biological Parents under a situation. This expression includes such care provision as care by relatives, Training School based care, and temporary care.
- n. Diversion means programmes aimed toward ethical correction and reintegrating them into the society for the best interests of a child charged with committing an offence other than sentencing for the alleged crime before prosecuting in the juvenile court or during the trial in the juvenile court.
- o. Township mediation group means a mediation group at township level established according to this Law in order to provide diversion actions.
- p. Sale of children means transfer of a child by an individual or a group to another party for monetary consideration, payment or a promise or an agreement.
- q. Prostitution means using a child for sexual purposes for monetary consideration, payment or fulfilment of a commitment.
- r. Child pornography means any depiction of actual or simulated sexual intercourse with a child or sexual organs of a child, or exposing, broadcasting or distribution of such items through news media or webpages or social networks for sexual purposes.
- s. Exploitation includes a person obtaining or agreeing to obtain payment or any benefit for the prostitution of a child, sexual activity in any way, forced labour, forced to provide service, slavery, servitude, debt bondage, or removal or sale of a child's body organ.
- t. Worst forms of child labour mean any of the following actions:
 - (1) Sale of the child, slavery, servitude, trafficking, debt bondage, forced or mandatory recruitment to be used in armed conflict or forced or mandatory labour,
 - (2) Persuasion, purchasing, utilizing or proposing a child for prostitution, child pornography or acting in a pornographic shoot.
 - (3) Persuasion, purchasing, utilizing or proposing a child for illegal drug operations including production and smuggling of drugs,
 - (4) Labour which by nature could be detrimental to the health, safety or ethical behaviour of the child.
- u. Discrimination means discrimination based on citizenship, ethnicity, nationality, caste, origin, colour, man or woman, language, religion, occupation, social status, culture, economic situation, disability, political beliefs or sexual orientation.
- v. Physical violence means any of the following actions done by adults or other children to a child:
 - (1) Torture, cruelty, inhumane or degrading treatment,
 - (2) Any form of penalty including corporal punishment,
 - (3) Physical bullying.
- w. Psychological violence means frequent abuse, humiliation, exploitation, causing mental trauma or neglect which can result in psychological harm to a child. This clause contains any of the following actions:
 - (1) Repeated psychological assault,
 - (2) Actions that frighten, scare, threaten, isolate, and neglect a child,
 - (3) Actions that expose the child to domestic violence or horrific treatments,
 - (4) Continuous infringement on the child's dignity,
 - (5) Oppression that causes psychological harm.

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- x. Sexual violence means seduction, urge by force, threat or coercion done by an adult or a child to a child to get sexual favours or encouraging to provide such favours. This clause contains any of the following sexual acts toward a child:
 - (1) Touching, groping, rape and sexual abuse in physical manner by force,
 - (2) Sexual abuse or exploitation for monetary gains,
 - (3) Production and distribution of child pornography on web pages and social networks using electronic technologies,
 - (4) Forced marriage or getting a child married.
 - y. Neglect means the failure of Parent, Guardian or person interacting with the child to provide basic needs such as food, clothing, health and educational care, love and warmth.
 - z. Disabled child means a child suffering from one or more forms of long term impairment, physical, visual, speech, auditory, cognitive, mental, intellectual, or sensory, which may be either congenital or otherwise.
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- aa. Fund means the fund established under this law for the rights of children.
 - bb. Permission for establishment means the order issued by the Department of Social Welfare in accordance with this law permitting the establishment of a Shelter or Temporary Care Station by a voluntary Social Worker or a social organization or a non-governmental organization.
 - cc. Certificate means a validation document issued by the Department of Social Welfare in accordance with this law for the establishment of a Shelter or Temporary Care Station or the proposed establishment of a Shelter or Temporary Care Station by a governmental department or governmental organization.
 - dd. National Committee means the national committee for the rights of children formed under this law.
 - ee. Ministry means Ministry of Social Welfare, Relief and Resettlement of the Union Government.
 - ff. Local Committees means Region or State Committees on the Rights of the Child, Union Territory Committee on the Rights of the Child, Committees on the Rights of the Child in Self-Administered Division, or in Self-Administered Zone, Committees on the Rights of the Child in District or Township levels formed under this law.
 - gg. Social Welfare Officer means a person assigned under this law to serve the functions and duties of the Social Welfare Officer.
 - hh. Probation Officer means a person assigned under this law to serve the functions and duties of the probation officer.
 - ii. Social Welfare Officer for the registration of adoption means a social welfare officer from respective Region or State Social Welfare Office, Union Territory Social Welfare Office, Self-administered Region or Self-administered Zone Social Welfare Office, and District Social Welfare Office assigned by the Department of Social Welfare to register adoption in line with this Law.
 - jj. Life imprisonment means a prison term for the convicted person that extends until death.

**CHAPTER II
OBJECTIVES**

4. The objectives of this law are as follows:
 - a. to implement the rights of the child as stated in the United Nations Convention on the Rights of the Child.
 - b. to promote the best interests of children and to protect the rights of the child according to the law.
 - c. to put into practice the necessary arrangements including basic health, nutrition and access to educational opportunity for all round development of children.
 - d. to provide the protection by the State, volunteers and non-government organizations to children who are the victims of neglect, abuse, cruelty and exploitation.
 - e. to strive for the ethical correction of juvenile offenders by proceeding the trial of juvenile crimes separately.
 - f. to ensure that all children have the relevant rights and protection equally as per the existing law and that there is no discrimination of children.

**CHAPTER III
FORMATION OF THE NATIONAL COMMITTEE, AND DUTIES AND POWERS THEREOF**

5. The Union Government shall:
 - a. form the National Committee for the Rights of the Child with the following persons in order to implement the provisions of this law effectively.

(1)	Union Minister, Ministry	Chairperson
(2)	Deputy Ministers of respective Union Ministries	Member
(3)	Chief of Police, Myanmar Police Force, Ministry of Home Affairs	Member
(4)	Permanent Secretary or Director Generals of respective Union Ministries, Governmental Departments, Governmental Organizations	Member
(5)	Representatives of Social Organizations and Non-Governmental Organizations working for the best interests of children, and Volunteers	Member
(6)	Director General, Department of Social Welfare	Secretary
 - b. If required, a Vice Chairperson and a Joint Secretary may be appointed to serve on the National Committee established according to Sub Section (a).
 - c. If required, the National Committee formed under Sub Section (a) may be reorganized.
6. The functions of the National Committee include the following.
 - a. Putting in place the policies, guidelines and measures needed to realize the objectives of this law;
 - b. Operating to acquire sufficient resources for implementing to respect, protect, and let fullest enjoy the rights of the child in accordance with the policies stated in Sub Section (a);
 - c. Establishing necessary work committees and subcommittees to perform their duties effectively and assigning duties;

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- d. Coordinating and cooperating in activities concerning with the child rights performed by respective government agencies, government organizations, United Nations Agencies, international and regional organizations, volunteers, social organizations and non-government organizations.
 - e. Receiving contributions in cash and in kind from well-wishers from within the country and abroad; and providing guidance and supervision for the effective utilization of those contributions by setting up the funds for the best interests of children;
 - f. Coordinating as necessary with respective government agencies, government organizations, United Nations Agencies, international and regional organizations, social organizations and non-government organizations in providing awareness raising courses, forums and orations concerning with the child rights;
 - g. Taking precautionary measures for the prevention of juvenile offences;
 - h. Assessing and evaluating, from time to time, the progress of the child related activities of government agencies, government organizations, volunteers, social organizations and non-government organizations;
 - i. Compiling information on children from the government line departments and organizations and compiling the necessary annual reports and statistics to be submitted to Union Government;
 - j. Carrying out other tasks related to children that are assigned by the Union Government.
7. a. The Department of Social Welfare shall serve as the Secretariat in connection with the duties and functions of the National Committee;
 - b. The expenses of the National Committee shall be borne through the Ministry Budget.

CHAPTER IV

FORMATION OF REGIONAL COMMITTEES AT VARIOUS LEVELS AND THEIR DUTIES

8. a. The Region (or) State Government (or) Nay Pyi Taw Council shall form Region (or) State Committees on the Rights of the Child, Union Territory Committee on the Rights of the Child, Self-Administered Division (or) Self-Administered Zone Committees on the Rights of the Child, District and Township level Committees on the Rights of the Child, consisting of representatives from various levels of government line departments and agencies and other suitable persons.
- b. The Region or State government and Nay Pyi Taw Council may:
 1. Reorganize the Local Committees formed under Sub Section (a).
 2. Establish functions and duties relating to child rights in line with the guidance of National Committee.
 3. Provide guidance, supervision and support to the Local Committees in connection with their functions and duties.
9. The Local Committees shall proceed with their functions and duties relating to child rights under the guidance and supervision of the Region/State Government concerned and that of the Nay Pyi Taw Council and various higher level committees.
10. a. Each level of Local Committees shall submit progress reports on functions and duties concerning with child rights to a Local Committee one level higher than its own level as per the requirements.
- b. Various levels of Region (or) State Committees on the Rights of the Child or Union Territory Committee on the Rights of the Child shall submit progress reports on functions and duties relating to child rights to the Region (or) State Government concerned or Nay Pyi Taw Council and the National Committee as per the requirements.

CHAPTER V

APPOINTING THE SOCIAL WELFARE OFFICER AND THE PROBATION OFFICER AND ASSIGNING DUTIES

11. The Ministry may appoint the social welfare officers and probation officers after establishing the following various levels of Department of Social Welfare in accordance with the staff constitution permitted by Union Government:
 - a. The Department of Social Welfare,
 - b. State or Region Social Welfare Office and Union Territory Social Welfare Office,
 - c. Self-Administered Division or Self-Administered Zone Social Welfare Office,
 - d. District Social Welfare Office,
 - e. Township Social Welfare Office.
12. Ministry may:
 - a. Assign the responsibilities of social welfare officer and probation officer as required by this law to civil servants or citizens (who are not civil servants) in locations and regions, where various levels of social welfare head offices have not been established in accordance with Section 11. A citizen (who is not a civil servant) shall be rewarded with the specified amount of remuneration.
 - b. Advanced coordination shall be carried out with governmental departments and governmental organizations concerned if the civil servant who is to be assigned aforementioned responsibilities according to Sub Section (a) is a staff member of other departments.

CHAPTER VI

ESTABLISHMENT AND SUPERVISION OF TRAINING SCHOOL, SHELTER AND TEMPORARY CARE STATION

13. The Department of Social Welfare shall establish the following Training School and Temporary Care Stations in line with the guidance of the Ministry:
 - a. Training Schools established for the child in need of care and protection or a child who is convicted of a crime are sent for restoration, custody and care for their physical, mental and ethical benefits under this Law.
 - b. Temporary Care Stations that are required to provide temporary custody, care and protection to child who is accused of committing a crime before and during the police investigation, or before making a decision during the process of a diversion programme, or during proceedings at a juvenile court.
14. a. If a governmental department or a governmental organization establishes a Shelter or a Temporary Care Station or wishes to establish them, the aforementioned department or organization shall apply for permission to Department of Social Welfare.
 - b. The Department of Social Welfare shall:
 - (1) Review the applications submitted according to Sub Section (a) to determine whether they are in line with the specifications or not and issue the certificates if they are in line with the specifications (or) issue the certificates after amending as needed if they are not.
 - (2) Provide regulations in issuing certificates according to Sub Section (1). If one or more of such regulations are not followed, coordinate with respective governmental department, governmental organization concerned to determine whether or not to discontinue the issuance of certificates based on the best interest of children.
 - (3) Provide appropriate technical assistance to the Shelter or Temporary Care Station to which certificates were issued.

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15. a. If a volunteer or a social organization or non-governmental organization desires to establish a Shelter or Temporary Care Station, an application must be submitted to Department of Social Welfare for establishment permission.
 - b. The Department of Social Welfare may allow or deny issuing permission for establishment after inspecting the application submitted according to Sub Section (a) in line with the specifications. The permission shall be issued together with the establishment term and regulations if the application is accepted. If the application is rejected, the applicant shall receive a letter about the decision together with the reason for rejection.
 - c. Regarding the application to continue the operation after establishment term is completed, Department of Social Welfare shall proceed according to regulations regarding the extension of the term.
16. For the Training Schools and Shelters to which certificates were issued, the Department of Social Welfare:
 - a. shall provide the necessary guidance, supervision, inspection, technical assistance, and support;
 - b. may assign a suitable Social Welfare Officer, a probation officer or a board of enquiry consisting of them to investigate compliance with the regulations and submit the findings.
17. The Department of Social Welfare may impose any of the following administrative order or decision when it is found that the recipient of Permission for establishment is in violation of any of the prescribed regulations
 - a. Issue a warning and impose a prescribed fine;
 - b. Temporary suspension of permission for establishment by imposing a certain period of time;
 - c. Revoke Permission for establishment.

CHAPTER VII
RIGHTS OF THE CHILD

18. The State recognizes that every child has the right to survival, development, protection and participation into society.
19. Every child:
 - a. shall have the inherent right to survival.
 - b. shall have the right to enjoy the best interests of the child.
 - c. shall have the right to stay together and grow up with one or both of his or her Parents if they are still alive.
 - d. shall not be discriminated for any given reason.
 - e. shall have the right to express his or her beliefs and opinions freely.
 - f. shall have the right to freely practice his or her religion, language, literature, culture and traditions.
 - g. shall have to right to be a member of organizations relating to children, or social or religious organizations.
 - h. shall have the right to participate in cultural and artistic activities.
 - i. shall have the right to read publications, acquire knowledge and access to information beneficial to his or her all round development.

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- j. shall have the right to leisure and time for play as well as the right to participate in age-appropriate sports activities.
 - k. shall have the right to inheritance according to law.
 - l. shall have the right to own property and the right to legal protection of property.
 - m. shall have the right to legal protection from arbitrary infringement of his or her dignity, privacy and security.
 - n. shall have the right to enjoy other rights equally as stipulated by this law in addition to the rights specified in Sub Section (a) to (m).
20. In case of a child getting any of his or her right infringed, the victim child self or Parent or Guardian on behalf of the child or any relevant person have the right to report the case to regional committee or respective governmental department or governmental organization or court.
21. Regarding birth registration,
- a. All children born within the country shall have the right to birth registration at free of charge without any discrimination.
 - b. Once a child is delivered at hospital, delivery center or any other place, parents, guardians or any relevant person shall inform the concerned government department for birth registration according to the required procedures.
 - c. Concerned government department must register child birth, record it in the registration book, and issue birth certificate according to the required procedures.
 - d. In a case of child whose birth has not been registered, a parent or guardian or any relevant person shall inform the birth of the child to the concerned governmental department for registration by submitting the recommendation of the child's birth from relevant ward or village tract administrator or a proof certificate of delivery issued by the officer-in-charge of the hospital or Delivery Room concerned. This birth registration shall be considered as the evidence for the child's age.
22. Every child registered for birth shall have the right to citizenship in accordance with the provisions under the existing Law.
23. The age of marriage for both male and female shall be 18 years.
24. In order to ensure that all children fully enjoy the rights stipulated by this law,
- a. respective governmental departments and governmental organizations shall carry out implementation activities in their responsible sectors.
 - b. volunteers, social organizations and non-governmental organizations may also carry out in accordance with the law.

CHAPTER VIII
ADOPTION OF THE CHILD

25. Any Myanmar citizen capable of providing adoptive care to the child is entitled to adopt a child as per the requirements.
26. Department of Social Welfare may assign respective Social Welfare Officer for registration of adoption to register adoption in line with this Law.

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27. a. Any citizen of Myanmar may apply for adoption for the following types of children to respective Social Welfare Officer for registration of adoption in line with the regulations:
1. Orphan child,
 2. A child who is not being cared for by Parents or a child who is being cared for by Parents but Parents not being able to provide the best interests for the child and Parent have given consent for adoption,
 3. A child who is permanently away from Parent or Guardian and not being cared for by relatives,
 4. Other children specified by Ministry's order and notification.
- b. The one wishing to adopt a child may apply to register the adoption in a respective contracts' registration office according to the provisions from the existing Kittima Adoption Act instead of doing so to an Social Welfare Officer for registration of adoption.
- c. Respective notary office shall, in registering an adoption according to Sub Section (b), inform and submit a copy of the adoption contract to Social Welfare Officer for registration of adoption within 30 days after the adoption is registered in order for the child to inherit the rights of adoptive children.
28. The Adoption Social Worker concerned:
- a. may permit or deny the application for adoption according to Section 27 after reviewing the application according to regulations.
 - b. shall, if the application is allowed according to Sub Section (a), register the adoption in respective office of social welfare after letting the adoptee and adopter sign in an adoption contract.
 - c. shall submit the adoption documents registered under Sub Section (b) or adoption documents submitted by contracts' registration office concerned together with required copies to Department of Social Welfare.
29. Adoptive Parent who registered an adoption contract in the contracts' registration office under the existing Kittima Adoption Act or to a Social Welfare Officer for registration of adoption in line with the provision under this chapter shall:
- a. report the situation of care and protection and the all-round development of the child to the relevant Social Welfare Office as per the requirements.
 - b. act in line with the duties and provisions stated by Department of Social Welfare.
 - c. smuggling abroad, sale, forced labour, forced service or torture upon the adoptive child shall not be done whether by themselves or in collaborating with other persons.
30. After the adoption contract has been registered, the relevant Social Welfare Officer for registration of adoption may make enquiries, monitor or investigate whether the adoptive Parents fulfil the responsibilities of adoption or whether they are in violation of any terms and conditions, as per the requirements and if the investigations found the adoptive Parent's failure to follow the regulations, a remark to annul the adoption shall be submitted to Department of Social Welfare.
31. Department of Social Welfare may issue an annulment order or other relevant order or a ruling after inspecting the submission done under Section (30).

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32. a. After the registration of the adoption by the Social Welfare Officer for registration of adoption, it shall be deemed that the rights and responsibilities of the Parents and Guardians that existed before adoption be ceased and be transferred to the adoptive Parents.
- b. Adoptive child shall have the right to inheritance and other rights in accordance with the legislation related to adoptive Parents or with the customary law.

CHAPTER IX ALTERNATIVE CARE

33. Department of Social Welfare:
 - a. shall put arrangements into place to prioritize the provision of alternative care including kinship care in the place of biological Parents, foster care, training school based care, care at a Temporary Care Station, etc., to children who have lost or are deprived of Parental care because of a certain situation.
 - b. shall make it so that the removal of children from their family environment shall be temporary and of the shortest possible duration unless permanent removal is in their best interests.
 - c. For children deprived of care in a family environment, the provision of training school-based care and care at a Temporary Care Station shall be a last resort.
 - d. shall put standards into place which facilitate the development of children in Training Schools, Shelters, and Temporary Care Stations.
 - e. shall take responsibility by undertaking relocation of the children according to alternative care program in order to provide them with appropriate care. Relevant governmental department, governmental organizations and non-governmental organizations shall be coordinated in such actions by getting their necessary cooperation.
 - f. shall review regularly the allocation of the children for appropriate care according to alternative care program and also reassess the possibility of entrusting them back to their family.

Chapter X Guardianship and Custody

34. Parents including guardians shall give primary consideration to the best interests and wishes [agreement] of the child depending on his or her age and maturity of the child in providing guardianship and custody to the child and in managing the assets belonging to the child.
35. Both Parents:
 - a. shall be considered the original guardians of the child.
 - b. shall naturally share the responsibility for raising the child and managing the assets belonging to the child.
36. If the two Parents are separated,
 - a. either Parent that lives with and has a continuous relationship with the child or both Parents shall have the right to care and custody for the child.
 - b. either Parent or both of them shall have the responsibility to raise the child and the right to manage the assets belonging to the child, giving primary consideration to the best interests of the child.
37. Upon the death of a Parent that has a continuous relationship with the child, the surviving mother or father shall exercise the parental powers and responsibilities.

38. Any of the following who are willing to be guardians of child may apply to relevant court for legal order and ruling of appointment to be the guardian:
- a. An adult who wishes to take care of the child after the parents have separated or divorced;
 - b. A guardian desiring the best interests of a child subjected to neglect or abuse or cruelty or exploitation for the purpose of raising the child and managing the assets belonging to the child.
39. The relevant Court of Law shall:
- a. hear the application under Section (38) and giving primary consideration to the best interests of children, issue a guardianship order and ruling to a parent, grandparent or a biological relative of the child, any other suitable person in their absence, allowing him or her as the guardian to raise the child and manage the assets belonging to the child.
 - b. take the consent of the child into account in issuing a guardianship and custody order and ruling regarding the child depending on the age and maturity of the child.
40. Every child shall have the right to contact with his or her parents, and grandparents after someone who is not a Parent has been appointed as guardian by relevant Court of Law except for cases where it is not in the best interests of the child not to allow such contact.

CHAPTER XI ALLOWANCES

41. Parents of the child shall be responsible for raising the child and providing the basic necessities of the child.
42. a. Every father shall be responsible for providing child allowance for each of his children whether he is divorced or not.
- b. If a father who is responsible to provide an allowance to a child under Sub Section (a) fails to provide child allowance without reasonable grounds, the mother or guardian on behalf of the child may file a case against the father to pay who failed to provide child allowance at the relevant Court of Law.
43. The relevant Court:
- a. may order that a father who is responsible for providing child allowance according to Sub Section (b) of Section 42 to pay a fine not exceeding Kyat 50,000 per child per month where the father fails to provide child allowance without reasonable grounds.
 - b. may impose a fine on someone who breaches a Court order under Sub Section (a), considering such breach to be equivalent to a failure to pay a fine imposed under the Code of Criminal Procedure and collect a fine that would be paid as child allowance to the applicant.

CHAPTER XII THE RIGHTS TO HEALTH

44. All children:
- a. shall have the rights to health without discrimination.
 - b. have the right to receive health care in accordance with the health policies laid down by the State.
 - c. shall have the right to enjoy in line with physical and psychological health standards.

45. The Ministry of Health and Sports:
- a. shall make a submission to the Union Government in order to allocate the necessary support and resources from the State to ensure that children's right to health is fulfilled.
 - b. shall develop and implement health care projects necessary for development of health for every child including infants.
 - c. shall take necessary measures after assessing the community and traditional practices including food, commodities and medications which are harmful to the child's health.

CHAPTER XIII
THE RIGHTS TO EDUCATION

46. All children:
- a. shall have the right to educational opportunities without discrimination.
 - b. have the right to free education at the schools established by the State under the National Education Law.
 - c. have the right to learn and maintain for the development of literature, language, culture, art and traditions of ethnic groups.
47. The Ministry of Education:
- a. shall make a submission to the Union Government in order to allocate the necessary support and resources from the State to ensure that children's right to education is fulfilled.
 - b. shall take necessary measures to provide free education at the schools of basic education established by the State up to a specified level.
 - c. shall take necessary measures to ensure school enrolment, regular attendance of children, and reduce drop-out rates to provide children with full opportunities for education.
 - d. shall implement non-formal education programme including out-of-school education and other practical occupational training for children who cannot attend schools established by the State for various reasons and for children who cannot pursue education for their right and access to education.
 - e. shall support the establishment of courses for the development of ethnic literature, language, culture, art and traditions.

CHAPTER XIV
EMPLOYMENT OF AND WORST FORMS OF LABOUR TO CHILDREN

48. a. No child shall be forced to work or employed in the worst forms of labour.
- b. A child considered employable shall not be younger than 14 years of age. If the free compulsory education system envisaged by the State requires children to be in school until after they have attained the age of 14 years, children in schools younger than that age shall not be considered employable.
- c. A child who has attained the age specified in Sub Section (b) has the right to voluntary employment in accordance with existing labour and employment laws, provided that he or she is in good health and capable of fulfilling the tasks concerned.

49. The Ministry of Labour, Immigration and Population:
- a. shall establish the hazardous types of employment and sites in consultation with the relevant employer and employee organizations.
 - b. shall coordinate with relevant Union Ministries to ensure compliance with this Law in the employment of children, full enjoyment of rights and protection for working children with provision of occupational safety including free from physical and verbal harassment as well as infringement of health rights.

Chapter XV

Children with Disabilities

50. Children with disabilities:
- a. are entitled to human rights and fundamental freedoms including their inherent right to survival, freedom of expression, freedom of religion in the same way as able children.
 - b. are entitled to enjoy rights in addition to the rights prescribed in the Rights of the Persons with Disabilities Law in the same way as able children.
 - c. Parents and Guardians have the right to act and make decisions on behalf of children who are not capable of making decisions and judgements on their own for their best interests.
 - d. shall have the right to protection from abuse, exploitation and discrimination including oppression and domestic violence.
51. Every child with disabilities:
- a. shall have opportunities to education including Early Childhood Care and Development and lifelong learnings.
 - b. shall have the right to free education at the schools established near their community or region by the State up to a level specified by the Ministry of Education in the same way as other persons.
52. The Ministry of Education in coordination with the Ministry, shall:
- a. take measures to ensure the provision of necessary curricula and syllabi, facilities, transportation support and teaching aids for children with disabilities from Basic Education to University Education levels.
 - b. take measures for the inclusion of the rights of disabilities in Inclusive Education System or Special Education System and opportunity to learn teaching methodologies and interpersonal communication systems for different types of disabilities in education colleges and universities.
53. The Ministry of Health and Sports in coordination with the Ministry, shall:
- a. put in place health care programmes for the prevention of disabilities.
 - b. develop and carry out projects to minimize the incidence of disabilities among infants and children.
 - c. put in place programmes for the provision of quality health care and services for children with disabilities to be accessible up to rural areas either free of charge or at an affordable rate.
54. The Ministry shall present and request to the Union Government in order to obtain the Union Funds for children with disabilities to ensure that they can access and enjoy their fundamental rights contained in Section 50 and 51 and implement separate programmes for this purpose.

55. The National Committee shall develop projects and implement them with support from the Fund and contributions from well-wishers from within the country and abroad for the psychological and physical cultivation and rehabilitation of children with disabilities.

CHAPTER XVI
PROTECTION OF CHILDREN FROM VIOLENCE

56. No-one shall commit physical violence, psychological violence or sexual violence that will inflict either losses or injury in any way upon the child.
57. Children who have suffered, or are subjected to any of the following situations including the ones who have experienced violence as described in Section 56 shall be considered as children in need of care and protection:
- a. A child without any parent or guardian;
 - b. A child under the care of cruel or abusive Parent and/or Guardian;
 - c. A child working under worst forms of labour;
 - d. Street child;
 - e. A child facing trial in Court;
 - f. A child sexually exploited;
 - g. Trafficked child;
 - h. A child from divorced or separated Parents;
 - i. A child suffering from AIDS or a child of Parents suffering from AIDS;
 - j. Child beggar;
 - k. A child used in production, sale and transport of narcotic drugs or psychotropic substances;
 - l. Mentally unstable child or child infected with a contagious disease;
 - m. A child who is of so depraved of a character that is uncontrollable by his/her parent or guardian;
 - n. A child who is affected by natural disasters or armed conflicts;
 - o. Poor and disabled child;
 - p. A child categorized from time to time by the Ministry;
58. a. Anyone who believes that a child specified in Section 57 requires protection and care may inform a relevant Social Welfare Officer by providing details.
- b. Upon receiving or obtaining information in accordance with Sub Section (a), the Social Worker shall investigate whether the child is in need of care and protection as per the requirements and submit the findings together with comments to the Department of Social Welfare. Moreover, the Social Welfare Officer may instruct the child to be entrusted to Parent/Guardian, Training School, Shelter or Temporary Care Station.
- c. The Social Welfare Officer shall report the case under investigation to the Police Station concerned if it becomes clear in the course of the investigation that an offence is committed against the child.
59. If the Police Officer or Social Welfare Officer considers that the child who is under temporary care and custody at Training School, Shelter or Temporary Care Station due to being accused of a crime is in need of medical treatment, the child shall be admitted to a nearby hospital or clinic for treatment.

CHAPTER XVII
CHILDREN AND ARMED CONFLICT

60. In order to respect, protect and fulfil the rights of children affected by armed conflict, respective governmental departments, governmental organizations, armed forces and armed groups shall:
- a. take possible measures to prevent and provide protection against physical, psychological and sexual violence against children within State's territory;
 - b. treat all children associated with, affected by or displaced by armed conflict as victims by considering the best interests of children to be paramount;
 - c. take all possible measures against the recruitment and use of those in the armed conflict who have not attained the age of 18 years within the territory of the State and for discharge of such recruits;
 - d. ensure the prosecution of those responsible for violations against children in connection with armed conflict. If the violators are military personnel of Tatmataw, the cases shall be proceeded by transferring to military jurisdiction. After having this transfer, a copy of the ruling from the military tribunal shall be requested and sent to the family of the violated child.
 - e. ensure that all charges against children involved in armed conflict, except serious offences possible to be punished with death penalty, life imprisonment, indefinite imprisonment or 20 years imprisonment, shall be dropped immediately, and that the children be handed over to the Department of Social Welfare for reformation and care at a Training School, Shelter or Temporary Care Station.
 - f. ensure that the children displaced as a result of armed conflict and child victims having access to basic services safely as a priority, taking into consideration the vulnerability of such children;
 - g. implement information dissemination and education programmes in appropriate ways to ensure widespread awareness of the provisions in this Chapter among all adults and children;
 - h. take measures and provide appropriate assistance for the treatment and rehabilitation of children recruited or used or child victims of armed conflict for their education and reintegration into society in order to restore their physical and psychological well-being.
61. Anyone who commits any of the following violations against children during armed conflict constitutes an offence.
- a) Recruitment and use of children in armed conflict;
 - b) Coercing or summoning children by force to transport food, weapons and supplies;
 - c) Maiming or killing;
 - d) Sexual violence;
 - e) Attacking schools or hospitals where children are receiving treatment;
 - f) Denying or hindering access to receive humanitarian assistance, supplies and services.
62. Children shall have the following rights during armed conflict.
- a. The right to protection from physical violence, psychological violence and sexual violence, neglect and exploitation.
 - b. The right to protection of children from coercion, torture or other forms of cruel, inhuman, degrading treatment or recruitment as punishment for non-compliance, or forced involvement in armed conflict.
 - c. Exemption from arrest and detention for any reason or internment in camps where freedom of movement outside the camp is restricted.

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- d. the right to immediate and appropriate assistance to facilitate the physical and psychological rehabilitation of child victims and survivors whose rights have been violated and subjected to physical, psychological and sexual violence and their reintegration into society.
 - e. The right to receive support for damages and losses, rehabilitation and assistance from legal aid body in prosecuting violators.
 - f. The right to obtain required documents corresponding to Child Rights.
63. No one
- a. shall recruit or put into military service under conscription or enlist those who have not attained the age of 18 into Tatmataw of the State.
 - b. shall use those who have not attained the age of 18 in combat roles.
64. No one
- a. shall recruit those who have not attained the age of 18 into other groups which are not Tatmataw of the State.
 - b. shall use those who have not attained the age of 18 in combat roles of any groups which are not Tatmataw of the State.
65. Provisions described in Section 60, Sub Section (c), Section 61, Sub Section (a) and Section 63, Sub Section (a) shall not affect the schools, academies, and universities established, supervised and operated by Tatmataw of the State.

CHAPTER XVIII

SALE, PROSTITUTION, PORNOGRAPHY OF CHILDREN AND EXTRADITION

66. Whoever commits any of the following acts against children with or without the consent of the child shall be considered as criminal offender:
- a. subjecting children to sexual exploitation, transferring body organs of a child for benefits, or subjecting children to forced labour or selling, offering, transferring or receiving a child for such practices.
 - b. prostitution, offering, acquiring, purchase or support for such purpose.
 - c. Production of child pornography or offering, selling, possession, importing or exporting pornographic contents related to children.
67. a. The offences specified in this Chapter shall be considered to be included in the extraditable offences under any extradition treaty that has been made among the members of the Optional Protocol to the Convention on the Rights of the Child.
- b. Extradition among members of the Optional Protocol to the Convention on the Rights of the Child or the cooperation and assistance between such members related to the offences specified in this Chapter shall be proceeded according to existing law.

CHAPTER XIX

ETHICS FOR THE CHILD AND THE DUTIES AND RESPONSIBILITIES OF PARENTS, GUARDIANS AND TEACHERS

68. Every child shall comply with and practise the following codes of conduct and disciplines according to their age.
- a. Abiding by and complying with the law.
 - b. Exercising their rights by respecting and following the admonition of the Parents and Guardians as they grow and become more mature.
 - c. Acquiring an education by adopting the admonition of Parents, Guardians and teachers.
 - d. Conducting oneself as a responsible member of the community abiding by school and community discipline as well as social discipline and religious ethics.
 - e. Preserving the traditions, values, language, religious faith and culture of their community.
 - f. Avoiding alcohol, cigarettes, narcotic drugs and psychotropic drugs, gambling and other behaviour that can compromise moral integrity.
69. Parents, Guardians and teachers shall guide the child to foster the habits of compliance with conduct or discipline described in Section 68 without using any form of penalty including corporal punishment.
70. The National Committee shall conduct awareness raising activities widely among Parents of school children, community elders and teachers in order to ensure that children comply with and practise the codes of conduct and discipline referred to in Section 68 and that parents, guardians and teachers collectively ensure to follow the points described in Section 69.

CHAPTER XX

DIVERSION

71. Concerning with the child accused of an offence,
- a. The following conditions have to be taken into consideration in determining whether or not to put the child in diversion programmes:
 - (1) Nature, reason and situation of the offence.
 - (2) such offence is repeatedly committed or not.
 - (3) Mental development and maturity of the child.
 - (4) Family situation and influence of environment.
 - (5) Any possibility of remedial measures for loss and damages of victim or not.
 - (6) Any sufficient evidence of the offence committed by the child or not.
 - (7) Safety and security of community and society.
 - b. If the child is to be deemed fit to be put into diversion programme, each step of the programme may be implemented under the provisions of this Chapter before the stage of police investigation or during the stage of police investigation.
72. Even though the child accused of committing an offence falls under the provisions in Sub Section (a) of Section 71, if the child corresponds to one of the following conditions, diversion programmes shall not be proceeded:
- a. The child committed an offence is punishable by imprisonment of 7 years and above including death penalty, life imprisonment, imprisonment for an unlimited number of years and 20 years prison sentence.

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- b. Sufficient evidence is found that the child's character has deteriorated beyond reformation or that the child is a delinquent beyond control.
 - c. The child had committed a previous offence punishable by imprisonment of 3 years and above.
73. The Department of Social Welfare shall, under the guidance of the National Committee, provide trainings and capacity building by domestic and foreign experts for responsible persons from governmental departments and governmental organizations including Juvenile Judges, Law Officers, Police and Social Welfare Officers, and volunteers from social organizations and non-governmental organizations in order to implement diversion program for the best interests of the child accused of committing an offence.
74. The Region or State Committee on the Rights of the Child or Union Territory Committee on the Rights of the Child shall, under the guidance of the National Committee, for the purpose of implementing diversion programmes for children accused of an offence, establish Township Mediation Groups which are comprised of relevant responsible persons from township level governmental departments, governmental organizations and non-governmental organizations by coordinating with Region or State Advocate General's Office, General Administrative Department, Police Force and Social Welfare Office.
75. The Township Mediation Groups
 - a. shall take into consideration of the points specified in Sub Section (a) of Section 71 and Section 72 to initially determine whether or not a child should be put in diversion programme concerning with the child accused of an offence.
 - b. may summon the child accused of committing an offence and his or her parent or guardian, the victim and the parent or guardian of the victim if the victim happens to be a child, and provide diversion programme in one or more of the following suitable methods according to mutual agreement from both parties:
 - (1) Issuing warning against the child accused of committing an offence.
 - (2) Submission of the written or oral apology from the child accused of committing an offence or his or her parent or guardian or both to the victim and his or her parent or guardian.
 - (3) Engaging in any works of community service.
 - (4) Appropriate reparation or compensation to victim for damage or consequences incurred.
 - (5) Giving the lost or damaged property back, substituting such property or providing compensation for such property.
 - (6) Subjecting the offender to admonition by community elders and comforting the victim.
 - (7) Putting the child accused of an offence under the reformation and custody of Training Schools, Shelters or Temporary Care Stations to provide him or her with education and vocational training for the best interests of the child.
 - (8) Subjecting the child to engage in a profession or other type of development programme.
 - (9) Consulting with the doctor for recovery and rehabilitation from drugs or alcohol addiction.
 - c. shall implement the diversion programmes chosen under the Sub Section (b) according to provisions.
 - d. may, regarding the implementation of diversion programmes, assign a member of their own Township Mediation Group to lead a sub division of the mediation group which comprised of suitable personnel to further implement if required.
76. The Juvenile Court may close a case, regardless of the case being filed by the Police Force or being directly filed, during the hearing period before the final ruling, by informing the Township

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Mediation Group to provide diversion programmes for the case if the case falls under the Sub Section (a) of Section 71 after taking Section 72 into consideration.

77. The decision of the Township Mediation Group concerning with the provision of diversion programme, either in line with Section 75 or according to the information from the Juvenile Court as per Section 76, shall be final.

CHAPTER XXI

CRIMINAL PROCEEDINGS AGAINST THE CHILD AND EXEMPTION THEREFROM

78. a. No actions of a child who have not attained the age of 10 years shall constitute a crime.
- b. Nothing is an offence which is done by a child above 10 years of age and under 12, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his or her conduct on that occasion.
79. Until documentary evidence of age can be submitted by the child accused of committing an offence, he or she shall be entitled to the enjoyment of child rights as per this law if there is any possibility due to his or her young age or appearance that he or she may not have attained the age of 18 years.
80. When arresting a child accused of committing an offence, the Police Officer shall
- a. identify himself or herself properly.
 - b. explain the reason for arrest and the offence with which he or she is charged in simple language that is understandable to the child.
 - c. avoid any behaviour of threatening, coercion or unnecessary use of force, torture, cruelty or inhuman treatment.
 - d. not use handcuffs or tie him or her with a rope or bind in any other way.
 - e. not keep the child in police custody under any circumstances.
 - f. not keep the child in the company of adult prisoners. If such a child is a girl, she shall be provided with female supervision.
 - g. inform the Parents or Guardians concerned immediately or without delay. The child shall have the right to meet with Parents, Guardians, relatives and attorney.
 - h. only interview the child according to stipulations related to the crime committed.
 - i. send the child to the relevant Juvenile Court promptly in the absence of any diversion process.
 - j. release the child upon signing a bond pledging good conduct if the child cannot be sent to the Juvenile Court promptly in accordance with Sub Section (i). If the child cannot be released with a bond, the child should be placed at a Temporary Care Station or to another appropriate place.
 - k. obtain documentary evidence of age to determine the age of the child.
81. Where a child is accused of or convicted of committing a crime and subsequently absconds from a Training School, Shelter, Temporary Care Station, Parent, Guardian or Caretaker or children convicted with such crime, the Police Officer
- a. may arrest the child without a warrant. No further legal action can be taken against the child under the Penal Code or any other criminal special laws.
 - b. shall return the child after arrest to the care of the respective Training School, Shelter, Temporary Care Station, Parent, Guardian or Caretaker.

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- c. place a child at another appropriate place to receive care before returning the child to the care of the Training School, Shelter, Temporary Care Station, Parent, Guardian or Caretaker in accordance with Sub Section (b).

CHAPTER XXII
JUVENILE JUSTICE

82. The Union Supreme Court

- a. shall establish Juvenile Courts in appropriate locations within the country as necessary. Moreover, Juvenile Judges may be appointed.
- b. may mandate the Township Judge to exercise the powers of the Juvenile Judge in areas where no Juvenile Court has been established in accordance with Sub Section (a).

83. The Juvenile Court

- a. shall have jurisdiction only over children who have not attained the age of 18 years at the time of committing the offence. Before proceeding the hearing of a juvenile offence, documentary evidence of age shall be scrutinized to determine that the offender is a child. Such determination shall be recorded.
- b. shall continue the Court proceedings for the child who has attained the age of 18 years during the process of Court hearing in the same manner as those for a child and make a ruling according to law.
- c. may impose regulations during the court hearing to the child being prosecuted upon signing a bond with bail to stay good conduct of behaviour and entrust for custody to the parent or guardian or Temporary Care Station or another appropriate place.
- d. may place the child with the parent or guardian or a Temporary Care Station or other appropriate place only as the last resort in line with regulations when no bond is signed according to Sub Section (c). Such placement shall be as short as possible.
- e. shall not issue a detention order to hold the child either in a police custody or a prison under any reason.
- f. shall explain the child about the offence with which he or she is charged, for any crime submitting before the juvenile court, in simple language that is understandable to the child.
- g. shall hear cases of juvenile offences that are punishable by capital punishment or imprisonment of more than 3 years in the way warrant cases are heard.
- h. shall proceed in the way summons cases are heard for cases excluding those mentioned in Sub Section (f).
- i. may even in the presence of legal representation, allow parents, guardians, relatives or assigned Social Welfare Officer providing assistance to the child in defending himself or herself.
- j. shall proceed according to criminal codes of procedures in case there is a necessity for the expertise of a doctor who is psychological expert to determine whether there is a mental defect or not.

84. In the Court proceedings of juvenile offences, the Juvenile Court

- a. shall conduct the proceedings in a separate Court or building. If a separate Court or building is not available, a building or a room may be used that is not a regular venue for Court proceedings.
- b. shall not allow anyone at the venue where proceedings are conducted except parents, guardians, staff of the Court, law officers, non-uniformed members of the police force on duty, those concerned with the case and those permitted by the juvenile court.

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- c. shall allow parents, guardians, relatives, friends or any other suitable person to examine, make applications or statements on the child's behalf in order to defend the child.
 - d. shall notify the law office concerned for the child victim to be represented by Law Officer from claimant side where the cases do not fall under police jurisdiction or not.
 - e. shall arrange interpreters for the children and the witnesses where necessary.
 - f. shall hear juvenile cases promptly.
 - g. may employ a video conferencing system that allows the judges, law officers, social welfare officers, police officers, alleged child offender and witnesses at the Court to be able to see, hear, ask questions, answer questions and make recordings in examining witnesses, making statements and conducting proceedings.
85. Regarding the proceedings on the juvenile cases, the Juvenile Court
- a. may continue to hear the case in the absence of the child without requiring the child to appear before the court if it is assumed that the alleged juvenile offender does not need to come to the juvenile court regardless of the situation of the case on trial is.
 - b. shall not allow information on the juvenile cases to be published in newspapers, magazines, journals or periodicals or for child pornography to be produced and distributed on social media networks and internet webpages by using electronic technology or to be broadcast over any of radio station or on a television channel or entering of media persons into the Court except where such actions are in the best interests of the child.
 - c. shall inform the relevant Social Welfare Office to submit the report of the Probation Officer in line with regulations.
86. Regarding the child who turned 18 at the time of investigation by the Police or during the trial at the Juvenile Court or at the time of facing trial at a relevant Court of Law after being apprehended while running from the authorities, the Juvenile Court
- a. shall hear the case and proceed like a child according to the Law if the child is over 18 but has not attained the age of 20.
 - b. shall hear the case and proceed according to the Law in a way for the adults if the child has attained the age of 20. However, penalty shall be imposed as if the offender is a child in line with this law.
- Exception: In such rulings, the offender shall not be placed under the care of parent, guardian, Temporary Care Station or Training School.
87. When it has become clear that the child committed the offence, the juvenile court shall take the following into consideration before handing down a verdict and make a ruling aimed at serving the best interests of the child and reforming the character.
- a. The age and character of the child
 - b. The environment of the child
 - c. The reason of committing the offence
 - d. The report submitted by the Probation Officer
 - e. Priority to be given to methods that do not involve detention and deprivation of the child's liberty including diversion programmes if possible
 - f. Other necessary considerations for the best interests of the child.
88. The Juvenile Court shall
- a. not impose prison sentence to the child normally. Imprisonment can be imposed by considering as the last resort only when there is the absence of alternative care or diversion programmes.

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- b. Regardless of any provision in any existing legislation, capital punishment, life imprisonment, imprisonment for an unlimited number of years or 20 years prison sentence shall not be imposed on the child.
 - c. impose imprisonment only when the Court believes that the following two points apply to the offence committed by the child.
 - (1) The offence is punishable by capital punishment, life imprisonment or imprisonment for an unlimited number of years or 20 years prison sentence.
 - (2) The child's character has deteriorated beyond reformation or the child is a delinquent beyond control.
 - d. For imposing imprisonment according to Sub Section (c), it shall not exceed seven years if the child has not attained the age of 16 and it shall not exceed ten years if the child is over the age of 16 but still under the age of 18.
 - e. A fine may be imposed only on children who have attained the age of 14 years and have an income. No imprisonment may be imposed on the child for failure to pay the fine. If the child does not pay the fine, the fine should be imposed on the parents or on the guardian of the child in the absence of parents.
89. The Juvenile Court may impose any of the following rulings in connection with children who should not be imprisoned as they are not in conflict with two provisions from Section 88, Sub Section (c).
- a. release the child with an admonition.
 - b. place the child in a diversion programme for the best interests of the child.
 - c. For any offence, the child may be returned to the parents or guardian subject to certain conditions for a period not exceeding 3 years, after making a bond to ensure the child's good conduct of behaviour with the purpose of deterring reoffending.
 - d. The child may be placed under the supervision of the Probation Officer for a period not exceeding three years.
 - e. For any offence, if the child's character has deteriorated or if the child has no parents or guardians even though his or her moral character has not deteriorated, or if the child is not likely to benefit from the admonition, protection and safeguarding of the parents or guardians even though they are present, the child may be placed in a Training School for at least 2 years, or until the child attains the age of 18 years or 20 years.
 - f. A sentence may be passed placing the child at a Shelter or a Temporary Care Station for a certain period of time subject to conditions deemed appropriate by the discretion of Juvenile Judge. Any of the rulings specified in Sub Section (a) to Sub Section (e) may be imposed at the end of that period.
90. The Juvenile Court,
- a. may order the child's parents, or guardians, to pay appropriate compensation to victim or loser in case anyone who suffered losses or damage due to the acts of the child, in addition to a prison term under Section 88.
 - b. may issue a revised order for the child to be returned to the care of his or her parents or guardians with or without a bond at any time after the child has complied with the order issued under Sub Section (d) or (e) of Section 89 subject to the following conditions:
 - (1) The child's moral character has improved.
 - (2) The child who has parents or guardians.
 - c. may exercise the power specified in Sub Section (b) upon application by the relevant principal of the Training School, Probation Officer or parent or guardian.

91. a. The Union Attorney General's Office and Law Officers from various levels of Law Offices shall provide legal representation at the Court at the expense of the State by hiring a lawyer for impoverished child offenders who are charged with an offence punishable by capital punishment, according to the regulations.
- b. A child accused, detained, arrested, charged, sentenced or imprisoned for any offence or a child victim of an offence or a witness related to the offence who wishes to request support due to special circumstances may request legal assistance from Legal Aid Body of respective region concerning with Juvenile Offence according to the regulations.
- c. The child shall have the right to submit an appeal or petition for an amendment of the order or decision handed down by Juvenile Court according to this Law.
- d. Copies of the ruling and order handed down by Juvenile Court or the Court which handled the appeal or petition for amendment regarding the Juvenile Offence shall be sent to respective Region or State Social Welfare Office or Union Territory Social Welfare Office, Self-Administered Division or Self-Administered Zone or District Social Welfare Office. If it is handed down by the Union Supreme Court, the copies of such ruling and order shall be sent to the Ministry.

CHAPTER XXIII

DUTIES AND RESPONSIBILITIES OF PROBATION OFFICER

92. The duties and responsibilities of the Probation Office are as follows:
- a. Submitting reports after conducting necessary investigations under the order of the Juvenile Court concerning with the Child.
 - b. Supervision of the child sentenced by the Juvenile Court to be put under one's own probation in line with provisions.
 - c. Informing the Social Welfare Officer concerned and Police Force in case the child is found to be under the risk of danger or is in danger.
 - d. If a child who has run away from Training School, Shelter, Temporary Care Station, guardian or caretaker is found, place the child back into the care of the Training School, Shelter, Temporary Care Station, guardian or caretaker from which the child had run away.
 - e. If the child, who has run away in line with Sub Section (d), had run away due to torture, corporal punishment or some form of degrading punishment, put the child under the category of children in need of care and protection, and protecting the child according to the provisions under this Law.
 - f. Cooperating and coordinating with parent or guardian, community elders, and personnel from social organizations, under the supervision of the Region or State Social Welfare Office, Union Territory Social Welfare Office, Self-administered Region or Self-administered Zone Social Welfare Office, District Social Welfare Office or Township Social Welfare Office, for the best interests of the child.
 - g. Completing other tasks regarding the child assigned by the Department of Social Welfare.

CHAPTER XXIV
CUSTODY AND CARE OF CHILDREN IN PRISONS

93. Regarding the child who has been sentenced to imprisonment, the official in charge of the prison
- a. shall not keep the child together with adult prisoners until the child attains the age of 18 years.
 - b. shall keep the children in a separate building or room where adult prisoners cannot reach or pass through.
 - c. shall allow the child to meet freely with parents, guardians, relatives, friends, attorney and legal counsel. All of the child's communications with them including those in writing should be kept confidential.
 - d. shall permit food and other items except for those prohibited under existing legislation to be sent to the child.
 - e. shall not be subject to hard labour or detention camps under the supervision of Correctional Department.
 - f. shall provide the child with mandatory regular medical check-up and take measures to provide effective health care when necessary.
 - g. shall provide training, education and vocational training that will contribute to the reformation of the child's character, rehabilitation and reintegration into society.
 - h. shall provide the right to reduction of the prison term in accordance with existing law, rules, regulations, provisions, notifications and orders.
94. The official in charge of the prison
- a. shall make the best possible arrangements for pregnant female prisoner with health care, delivery of the child in a hospital outside the prison, and the care of the mother and the child. The birth certificate of a child born in prison shall not be stated that the child was born in prison.
 - b. shall permit the child of a woman prisoner to stay with the mother until he or she attains the age of 4 years if there is no guardian or caregiver for the child outside the prison, or if the child was born in the prison, or if the mother wishes the child to remain with her. Such a child may be allowed to remain with the mother in the prison until he or she attains the age of 6 years, if the mother so wishes.
 - c. shall be responsible for the food, livelihood and health care of the child who stays in the prison with his or her mother who is a prisoner. In addition, shall coordinate and make arrangements with the relevant governmental Departments and governmental organizations in order to establish day care centres for infants and pre-elementary schools and to provide with activities for sports and physical exercise.
 - d. shall inform the Department of Social Welfare promptly when a woman prisoner dies in prison leaving behind a child living with her, or when a child living with a woman prisoner who is his or her mother attains the age of 6 years, in order to make arrangements for the care and guardianship of the child.
 - e. shall coordinate with the ministries concerned for the continued formal education in prison of school-age children with incomplete education and for the supply of teaching aids, for the provision of activities for sports and physical exercise.
95. The Department of Social Welfare shall place the child specified in Sub Section (d) of Section 94 with relatives for the provision of care and protection. If there are no relatives, such a child may be placed with an appropriate caregiver or in an alternative care programme in accordance with this law.

CHAPTER XXV
SUPPORT AND PROTECTION OF CHILD VICTIMS AND WITNESSES

96. During a police investigation or when a case is before the Juvenile Court or at any Court, child victims and child witnesses
- a. are entitled to the following rights, in addition to the other rights specified in this law.
 - (1) Protection of the right to privacy.
 - (2) The right to be interviewed in a child-friendly environment and provide testimony as a witness
 - (3) The right to legal proceedings without delays regardless of the type of the case
 - (4) The right to treatment with respect and the right to ask questions and provide answers in age-appropriate simple language
 - (5) The right to representation with the support of vocal, hand signal or other easily understandable method by a language expert for disabled children who cannot make statement themselves.
 - b. Shall have the right to help and to provide information to parents, guardians, relatives, friends or caregivers for obtaining health and psychological support and other assistance.
 - c. In examining child victims and witnesses,
 - (1) They shall be asked to make a pledge to tell the truth but not placed under oath.
 - (2) Complex questions, a series of questions and repeated questions unnecessarily shall not be asked.
 - (3) Leading questions shall not be asked during the cross examination by the client on the other side, parents, guardians, relatives, those providing assistance or the legal counsel or during cross examination after chief examination of own witness and cross examination from the other side regardless of any provisions in the Evidence Act.
 - d. No one shall be allowed for collecting, publishing or publicizing information on the identity of the child accused of committing an offence or a child involved in a case as a witness or photographing children for inclusion, distribution and use in periodicals and books and for dissemination on the radio, on television and through social media.
 - e. The children who are the victims of the offence, the children who have made statement as witnesses and related individuals shall keep the matters related to the juvenile offence confidential.
97. The Ministry shall take measures for remedial actions and rehabilitation for the physical and psychological losses inflicted upon the child victim.

CHAPTER XXVI
APPEAL

98. a. Any person dissatisfied with a ruling or any decision made by a Social Welfare Officer for registration of adoption may file an appeal at the Department of Social Welfare within 30 days of the ruling or decision.
- b. The Department of Social Welfare may confirm, revoke or modify the ruling or decision made by the Social Welfare Officer for registration of adoption concerned after examining the appeal under Sub Section (a).

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99. a. Any person dissatisfied with any of the following ruling or any decision made by the Department of Social Welfare may file an appeal at the Ministry within 60 days of the ruling.
- (1) Ruling or decision to issue the permission for establishment according to Sub Section (b) of Section 15;
 - (2) Administrative order or decision handed down according to Section 17;
 - (3) Administrative order or decision regarding the failure to take the responsibility of adoption by adoptive parent or violation against a rule or restriction according to Section 31.
 - (4) Ruling or decision handed down according to Sub Section (b) of Section 98.
- b. The Ministry may confirm, revoke or modify the ruling or decision made by the Department of Social Welfare after examining the appeal under Sub Section (a).
- c. The ruling or decision of the Ministry shall be final.

CHAPTER XXVII
OFFENCES AND PENALTIES

100. a. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum one month to maximum six months or with a fine of minimum Kyat 100,000 to maximum Kyat 300,000 or with both.
- (1) Sending a child to buy alcohol or beer; selling a child alcohol or beer; urging or permitting a child to take alcohol or beer.
 - (2) Allowing a child to enter a day club, night club, karaoke room or massage parlour without being accompanied by parents or relatives.
 - (3) Psychological violence.
 - (4) Corporal punishment.
 - (5) Physical bullying.
- b. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 2 months to maximum 9 months or with a fine of minimum Kyat 200,000 to maximum Kyat 400,000 or with both.
- (1) Urging, inducing or abetting a child to gamble.
 - (2) Accepting as pledge any property from a child or aiding the child in taking a pledge.
 - (3) Purchasing any property sold by a child with the exception of purchasing property from a child who earns a decent living by selling property.
- c. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 3 months to maximum one year or with a fine of minimum Kyat 300,000 to maximum Kyat 500,000 or with both.
- (1) Inducing and abetting a child to escape from a Training School, Shelter, Temporary Care Station, parent, guardian or caretaker; harbouring, concealing or preventing the child from going back to the original place, knowing that the child has escaped.
 - (2) Touching the sexual part of the child.
101. a. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 4 months to maximum 1 year or with a fine of minimum Kyat 400,000 to maximum Kyat 600,000 or with both.
- (1) Establishing a Shelter or Temporary Care Station without permission for establishment.
 - (2) Violating the provision in Sub Section (d) of Section 96.

- b. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 5 months to maximum 2 years or with a fine of minimum Kyat 500,000 to maximum Kyat 1,000,000 or with both.
- (1) Employing or permitting the employment of a child to work in a business that trades in alcohol or beer.
 - (2) Employing or permitting the employment of a child to work in places related to sexual industry such as day club, night club, karaoke room, or massage parlour.
102. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 6 months to maximum 3 years or with a fine of minimum Kyat 600,000 to maximum Kyat 1,200,000 or with both.
- a. Failure to prevent a child under his or her guardianship from begging.
 - b. Employing a child to beg.
 - c. making use of the child in his or her livelihood of begging.
103. a. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 8 months to maximum 5 years and may also be punished with a fine of minimum Kyat 800,000 to maximum Kyat 1,600,000.
- (1) Violence, abuse, exploitation or discrimination by coercion against the child with disability.
 - (2) Employing a child to perform work which could pose physical or psychological harm or harm on the child's dignity.
 - (3) Employing or permitting a child to perform work which is hazardous or harmful to health.
 - (4) Forced labour or forced servitude.
 - (5) Subjecting the child to torture, cruelty or inhumane or degrading treatment.
- b. Whoever commits any of the following acts against children during armed conflict shall, upon conviction, be punished with imprisonment for a term of minimum 1 year to maximum 6 years and may also be punished with a fine of minimum Kyat 900,000 to maximum Kyat 1,800,000.
- (1) Use in logistic works such as subjecting to transport food, weapons or supplies, use as a guide or use by any other means.
 - (2) Psychological violence or physical violence.
104. Whoever
- a. commits the offence specified in Sub Section (a) of Section 63 due to failure to inspect systematically shall be punishable with imprisonment for a term not exceeding 2 years and may be fined. If the offence is found to be committed wilfully with intention, upon conviction, the offender shall be punished with imprisonment for a term of up to 5 years.
 - b. commits the offence specified in Sub Section (a) of Section 64 shall be punishable with imprisonment for a term of up to 5 years.
 - c. commits the offences specified in Sub Section (b) of Section 63 and Sub Section (b) of Section 64 shall be punishable with imprisonment for a term of up to 10 years.
105. a. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 1 year to maximum 7 years and may be punished with a fine of minimum Kyat 1,000,000 to maximum Kyat 2,000,000.
- (1) Permitting a child under his or her guardianship to live together with a person who earns a livelihood by prostitution.

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- (2) Neglecting knowingly that a child under one's guardianship is earning a livelihood by prostitution.
- (3) Employing or permitting a child to work for purposes of prostitution at such an establishment as a hotel, motel, guest house, inn, beauty parlour or restaurant.
- (4) Production child pornography or offering, selling, possession, importing or exporting pornographic contents related to children.
- (5) Forced marriage or permitting a child to be subjected to forced marriage.

b. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 2 year to maximum 10 years and may also be punished with a fine of minimum Kyat 1,200,000 to maximum Kyat 1,500,000.

- (1) Employing the child to work as a prostitute.
- (2) Employing a child as a prostitute for his or her own personal benefit and livelihood.
- (3) Using, offering money or properties, persuading or offering the child for sexual abuse or exploitation.

106. Whoever commits any of the following acts shall, upon conviction, be punished with imprisonment for a term of minimum 10 years to maximum 20 years and may also be punished with a fine of minimum Kyat 5,000,000 to maximum Kyat 10,000,000.

- a. Selling the child.
- b. Sale, purchase, illegal removal, transfer in any way or substituting knowingly the body organs of children.

107. Anyone who has been found guilty of attempting or conspiring to commit any of the offences specified in this law or of aiding and abetting any such commission shall be sentenced to the same penalties as the commission of the offence as provided for in this law.

108. Committing any of the offences or prohibitions stipulated in this law including exploitation which was not specified for separate punishment by this law shall be punished by one of the relevant existing legislations.

109. The relevant court shall impose the penalties as provided for the purpose of justice upon those who have been found guilty of any of the offences in this law and may also order the offender to pay appropriate compensation to the child victim for the suffering that has been experienced.

CHAPTER XXVIII

ESTABLISHMENT, MAINTENANCE AND MANAGEMENT OF THE FUND

110. The National Committee –
a. may set up the Fund for the Rights of the Child aiming for the best interests of children with the following revenues.

- (1) Seed funds of the State through the Ministry approved by the Union Government and the annual budget allocations from Public Finances under budgetary law;
- (2) Contributions from United Nations agencies, regional organizations, nongovernmental organizations and well-wishers from within the country and abroad;
- (3) Interest on savings.

b. The Fund Management Committee shall be formed with appropriate persons for the maintenance and utilization of the Fund.

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c. The necessary financial rules, regulations and procedures for the maintenance, utilization, book-keeping and auditing of the Fund shall be prepared in coordination with the Office of the Auditor General and implemented in accordance with those rules, regulations and procedures. Auditing shall be done by a person authorized by the Union Auditor General.

CHAPTER XXIX

TEMPORARY PROVISIONS FOR THE TRANSITION PERIOD

111. Regarding offences for which action has been taken against or sentences handed down upon either children or youth under the Child Law (Law No. 9/93) before this law is enacted,
- a. Penalties or rulings imposed on children who have not attained the age of 10 years shall become null and void.
 - b. Children who have not attained the age of 10 years who are detained at Training Schools, Shelters, Temporary Care Stations or prisons shall be handed over to the care of parents, guardians, caregivers or social welfare officers as soon as possible.
112. Regarding offences committed by the child before this law is enacted,
- a. The proceedings shall be continued, by considering that Sub Section (a) and (b) of Section 28 of the Child Law (Law No. 9/93) that stipulate exemption from criminal proceedings have already been replaced with the Sub Section (a) and (b) of Section 78 of this Law.
 - b. Criminal offences committed by children who have not attained the age of 10 years, for which proceedings have not been completed, shall be closed regardless of the current stage of the proceedings.
 - c. For cases of offences committed by young people who have attained the age of 16 years but have not attained the age of 18 years, for which proceedings have not been completed, the proceedings shall be continued according to this law by Juvenile Courts by considering that those offences were committed by children.

Chapter XXX

Miscellaneous

113. a. Documentary evidence of age shall be inspected according to following priority:
- (1) Birth certificate.
 - (2) True copy of school enrolment document.
 - (3) National Registration Certificate or Foreigner Registration Certificate with permanent residency in the country.
 - (4) Medical certificate of a respective doctor working in the Ministry of Health and Sports.
 - (5) Household list
 - (6) Any other credible documents or records if the documents specified in Sub Sub-Section (1) to (5) are not available.
- b. Concerning with the age of the child, the date of birth shall be 16th of birth month if only the year and month of birth are known; the date and month of birth shall be July 1st of the birth year if only the year of birth is known.

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114. Whoever committed the crime of rape to a child shall, upon conviction, be punished according to the Penal Code.
115. If there are no specific provision in this Law regarding the investigation of and the proceedings for juvenile cases, provisions in the Code of Criminal Procedure shall apply.
116. In accordance with the Child Law (State Law and Order Restoration Council Law No. 9/93)
- a. Training Schools, and Temporary Care Stations established by the Department of Social Welfare shall be considered to be the Training Schools, Shelters and Temporary Care Stations established under this Law.
 - b. Shelters established by volunteers and non-governmental organizations by registering at the Department of Social Welfare shall be considered to be Shelters with permission for establishment under this Law during the valid registration period. Upon the expiry of such registration, permission for establishment shall be applied for and obtained under this law.
117. The offences specified in this Law shall fall under the jurisdiction of the Police.
118. Rules, Regulations and Provisions, Notifications, Orders, Directives and Procedures issued under the Child Law (State Law and Order Restoration Council Law No. 9/93) may remain in force to the extent that they are not in contradiction to the provisions of this Law.
119. Whoever committed the offences specified in this Law shall be taken against and proceeded under this Law.
120. In implementing the provisions of this Law,
- a. the Ministry may issue the Rules, Regulations and Provisions with the approval of the Union Government.
 - b. the National Committee, the Union Supreme Court, respective Union Ministries, and governmental departments and governmental organizations concerned may issue the Notifications, Orders, Directives and Procedures.
 - c. The Department concerned may issue the Notifications, Orders, Directives and Procedures.
121. The Child Law (State Law and Order Restoration Council Law No. 9/93) shall hereby be repealed by this Law.

Signed in accordance with the Constitution of the Republic of the Union of Myanmar,

Sd (Win Myint)
President
Republic of the Union of Myanmar