

LIFT Social Protection Guidelines



Livelihoods and Food Security Trust Fund



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The Livelihoods and Food Security Trust Fund (LIFT) is a multi-donor fund established in 2010 to improve the lives and prospects of smallholder farmers and landless people in rural Myanmar. LIFT is working to ensure that Myanmar’s rural economic transformation is inclusive.

LIFT’s activities lead to improved food security, and help people to cope better with shocks and setbacks. The fund promotes agricultural commercialisation, climate smart agriculture, financial inclusion, business and skills development, and targeted nutrition support for mothers and children. LIFT funds a migration window to make migration safer, and to connect workers to new economic opportunities and jobs. The evidence gathered from LIFT projects is used to encourage greater public and private funding, and to inform the development of rural policies that will improve the lives of poor people.

ACKNOWLEDGEMENTS

We thank the governments of Australia, Denmark, the European Union, France, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Sweden, Switzerland, the United Kingdom, and the United States of America for their kind contributions to improving the livelihoods and food security of rural poor people in Myanmar. Their support to the Livelihoods and Food Security Trust Fund (LIFT) is gratefully acknowledged. We would also like to thank the Mitsubishi Corporation, as LIFT’s first private sector donor.

DISCLAIMER

This internal document is based on information from projects funded by LIFT and supported with financial assistance from Australia, Denmark, the European Union, France, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Sweden, Switzerland, the United Kingdom, the United States of America, and the Mitsubishi Corporation. The views expressed herein should not be taken to reflect the official opinion of the LIFT donors.

Evolving context of LIFT's work in social protection

LIFT's work on social protection has evolved. Social protection in LIFT's early years was mainly centred on public works to help households recover from the cyclones in the Delta and Rakhine. The public works were designed to help poor households meet their basic food needs and prevent households from being forced to sell productive assets (e.g., farm equipment, draught animals) during crises or the hungry season. Post recovery, LIFT began to promote asset building and increased productivity through a range of transfers such as inputs, or subsidies to increase productivity. Tat Lan's work on reclaiming arable land from salt water intrusion through embankment construction in Rakhine is a good example of this.

Under LIFT's new strategy (2014), social protection, and in particular the use of cash transfers was expanded to become a more integral part of the inclusive rural growth narrative. In addition to the retention of public works, social protection is used as an established and effective way to support vulnerable households through structural economic transformation – helping households to 'hang in' and use agriculture as a safety net, while building household member capacity to 'step up' with agriculture or 'step out' over time. There has also been a shift to using cash transfers to better nutrition outcomes such as through LIFT's mother child cash transfer (MCCT) programme running in Rakhine, the Delta and Dry Zone.

LIFT is also supporting Government to build its capacity to deliver managed social protection programmes as part of an effort to integrate social protection into Government systems. Here LIFT is supporting Government to pilot a small mother child cash transfer and an old age pension. With a view to supporting a more comprehensive social protection system in Myanmar, LIFT is also researching the feasibility of community systems as a mechanism for scaling up social protection.

LIFT has also moved to a 'cash first policy'. This means that LIFT's default position is to use cash over other types of transfers like food, or inputs where possible. This is because there is convincing evidence that cash transfers can reduce inequality and the severity of poverty, as well as lead to gains in accessing health and education.

Section 1: Guidelines

1.1 Who will use the guidelines, and how will the guidelines be used?

The guidelines are expected to function as a guiding framework to clearly and transparently describe LIFT's understanding and priorities with regard to social protection, leading to more effective dialogue, programme and project design, policy dialogue, learning and monitoring and evaluation.

Specifically, the guidelines will:

- 1) Provide a framework for strategic and **programmatic decisions** by the LIFT Fund Board and FMO relating to social protection activities.
- 2) Provide a framework for **dialogue and decision making between LIFT and IPs** to sharpen the focus and enhance the effectiveness of social protection activities funded by LIFT and implemented through IPs (what else, what next, what not). This includes guidance on the types of approaches and activities prioritised by LIFT, and key guiding principles relating to technical aspects of design and delivery of social protection within the LIFT programme.
- 3) Provide a framework for **policy dialogue** between LIFT and relevant government stakeholders, whereby LIFT's position in the dialogue is clarified.
- 4) Provide a framework to **generate knowledge**, identify and address knowledge gaps, and further expand and enhance knowledge generation in relation to social protection.
- 5) Provide an accountability framework through which the effectiveness and impact of LIFT's work on social protection can be **evaluated and measured**.
- 6) Provide a framework to promote and appraise inclusion, equitable access¹ and protection of all vulnerable groups in LIFT's projects.

Overall, the guidelines are designed to be descriptive rather than prescriptive, providing a framework which encourages strategic focus, evidence based practice, innovation and learning.

There is considerable overlap between these guidelines and other guidelines, strategy papers and programme documents of LIFT. Where possible, these are linked and harmonized, but these guidelines will not provide specific commentary on programmatic or methodological issues of gender inclusion,² migration³ or nutrition,⁴ given that these areas are well covered by other guidelines and programme documents. There are interventions which are related to, or contribute to social protection, such as financial inclusion and livelihoods, for which some elements of these guidelines may be applicable, but which will not be covered specifically by these guidelines.

¹ This is beyond a 'do no harm' commitment, instead seeking to ensure that LIFT's projects intentionally seek to appraise the likely positive and negative impacts of a project or intervention on vulnerable and at risk groups and actively seek to ensure that measures are taken to prevent exclusion and harm, but also to facilitate inclusion and equitable access. Equitable access differs from equal access, referring to ensuring that a person has an equal opportunity to participate, and is not excluded or discriminated against based on socio-demographic or other factors. This is consistent with the LIFT theory of change which has looked at the need to have equality and inclusion always underlined. Equal access refers to ensuring that people have the same chance of participating in and benefiting from project interventions, or participate in the same way.

² www.lift-fund.org/sites/lift-fund.org/files/uploads/Guidelines/LIFT-Gender-Strategy-August-2012-pdf.pdf

³ www.lift-fund.org/migration-0

⁴ www.lift-fund.org/nutrition

1.2 What does LIFT mean by social protection?

Although there are multiple accepted definitions of social protection, LIFT endorses a two-fold understanding of social protection as related to the overall purpose of LIFT's activities:

- Social protection ensures that consideration is given to the likely positive and negative outcomes of any given activity on vulnerable or excluded groups, and paying particular attention to facilitating inclusion and equitable access to people who may be excluded. To a certain extent, this is captured in LIFT's new strategy, whereby "LIFT will also ensure that gender equality and social inclusion are included as cross-cutting themes in all the activities it supports."
- Social protection is "<a set of> initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalized, with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalized groups."⁵ Social protection is a powerful tool in the reduction of poverty and realization of human development, deployed alongside other developmental measures to reduce poverty and address inequalities.⁶

1.3 What is the purpose of LIFT's work on social protection?

Given the extremely broad scope of what is considered social protection, and the variety of approaches and objectives, LIFT will prioritize social protection approaches and activities which **contribute to LIFT's overall vision, goal and objectives**.

- LIFT's vision is to be "a collective and influential voice for innovation and learning that provides a platform for enhanced policy engagement on resilient, pro-poor rural development." This vision depends on LIFT's "ability to generate, synthesise and facilitate the uptake of robust evidence".
- LIFT's goal is "to contribute to the national goal of sustainably reducing the number of people living in poverty and hunger in Myanmar."

Specifically, LIFT's social protection work will contribute to the four key outcomes of LIFT's programme:

- 1) Increased incomes of rural households
- 2) Increased resilience of poor rural households and communities to shocks, stresses and adverse trends
- 3) Improved nutrition of women, men and children
- 4) Improved policies and effective public expenditure for pro-poor rural development

A substantial evidence base from both global and local evidences demonstrates the linkages between social protection, increased resilience and poverty reduction^{7,8} Results of impact evaluations show that new forms of social assistance have reduced poverty and raised human development.

⁵ Devereax, S. Sabates-Wheeler, R (2004) 'Transformative Social Protection'. IDS Working Paper 232. www.ids.ac.uk

⁶ www.economist.com/news/international/21588385-giving-money-directly-poor-people-works-surprisingly-well-it-cannot-deal

⁷ www.oecd.org/dac/povertyreduction/43573310.pdf

⁸ www.socialwatch.eu/wcm/instrument_for_poverty_reduction_and_social_cohesion.html

However, “only a fraction of social assistance programmes are able to produce robust evidence on impact.”⁹ Hence, it is important for LIFT to support approaches to social protection which are known to be effective, based on evidence, and which further contribute to the production of robust evidence through their implementation.

Social protection can contribute to increased resilience and reduced poverty by:

- Enabling or smoothing consumption (e.g. providing cash or food to meet basic needs)
- Preventing negative coping strategies that undermine future productive potential (e.g. providing support so that households are not forced into distress sales of productive assets); and
- Promoting asset building and increased productivity (e.g. through inputs, distributions or subsidies to increase productivity, or transfers that allow investments in productive assets).

Although including service delivery, the overall objective of LIFT’s work on social protection is a contribution to policy change, learning and knowledge. These guidelines recognize that there is a sequential process whereby service delivery generates knowledge which in turn leads to policy dialogue. This approach emphasizes the need to design programmes that generate knowledge and learning which effectively applies that knowledge towards policy change.

1.4 What are the key principles which guide LIFT’s work on social protection?

Guiding principles are markers rather than fences, describing key considerations about *how* something is done. This should enable sharp focus and provide for flexibility in approach.

- 1) **Alignment** with LIFT’s overall vision, purpose and outcomes.
- 2) **Knowledge generating**: social protection activities should generate knowledge on social protection, which in turn should enable LIFT to engage in effective policy dialogue and intentional learning processes.¹⁰
- 3) **Inclusion**: LIFT’s understanding of social protection includes intentional activities to address inequalities, particularly in the livelihood sector. A key element of LIFT’s work on social protection is enabling the development/utilisation of programme approaches and methodologies which identify and address potential ‘winners’ and ‘losers’ in relation to proposed projects, and which undertake processes to address issues of exclusion and inequality based on issues such as gender, age, disability, ethnicity and socio-economic status.
- 4) **Sustainability**: Any activities should seek to *contribute to emerging social protection frameworks*, and hence should seek to strengthen existing practice, provision and policy to ensure long term sustainability. This means that priority should be given to developing, strengthening and increasing the equity, efficacy and utilisation of government and CSO led social protection policies and programmes where such exist. Social protection activities should model, lead to, and connect with and contribute to current, emerging, proposed or

⁹ [www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=973B0F57CA78D834C12576DB003BE255&parentdoctype=paper&netitpath=80256B3C005BCCF9/%28httpAuxPages%29/973B0F57CA78D834C12576DB003BE255/\\$file/Barrientos-pp.pdf](http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=973B0F57CA78D834C12576DB003BE255&parentdoctype=paper&netitpath=80256B3C005BCCF9/%28httpAuxPages%29/973B0F57CA78D834C12576DB003BE255/$file/Barrientos-pp.pdf)

¹⁰ Specific guiding principles on learning are included in section 2

likely future government social protection activities.¹¹ Sustainability requires projects and programmes to clearly consider how individuals may graduate from a programme,¹² as well as the sustainability of the wider programme.

- 5) **Social cohesion:** Social protection activities should contribute to community social cohesion. Existing community social protection mechanisms should form a basis for strengthening of community social protection capacity. Hence, these should be studied and acknowledged as a potential resource for future social protection work, and where possible, project activities should seek to strengthen and increase the efficiency and efficacy of existing mechanisms.
- 6) **Evidence based:** Social protection activities should reflect international best practice, and seek to contribute to the generation of a stronger local evidence base for social protection in Myanmar.
- 7) **Context-appropriate:** Social protection activities should reflect the Myanmar context, utilizing where possible local research evidence and knowledge to shape practice.
- 8) **Measurable outcomes:** utilisation of meaningful indicators to measure outcomes, which are linked to both accountability and learning. In order to achieve the purposes of both accountability and learning, monitoring and evaluation approaches are expected to utilise more process indicators.

1.5 Priority areas and approaches

The application of the ‘social protection perspective’ applies to all LIFT’s project work, promoting inclusion and equitability. The guidelines for social protection assume the same geographical and socio-demographic prioritisation for social protection as LIFT’s programmes, with an emphasis on women and children, as well as marginalized groups such as persons with disabilities, older persons, landless, migrants and smallholders.

Thematic areas given priority by LIFT where specific social protection activities may be required include nutrition, access to services, financial inclusion, livelihoods, disaster risk reduction and migration. LIFT does not prioritise activities relating to provision of formal education for children, issues of human trafficking, institutional support for vulnerable children and adults or internal displacement.

Whilst fully supporting the rights-based approach, LIFT’s approach to social protection is primarily orientated around increasing resilience. This does not preclude activities which are designed to specifically promote the realisation of rights of particular groups or individuals (e.g. gender equity, rights of persons with disabilities, land rights) as the realisation of these rights are often a significant contributor to inclusion, equitable access and increased resilience. However, LIFT’s work should be able to clearly show the linkages between the realisation of rights and the contribution to LIFT’s overall purpose and outcomes.

¹¹ The guidelines do not limit LIFT’s social protection to current government policy, and do not commit LIFT to supporting ALL aspects of current government policy. For example, there may be aspects of the flagship programmes described in the National Strategic Plan of Action for Social Protection which is not in line with LIFT’s objectives, and there may be activities for social protection which are not current government policy, but for which evidence generation is considered important to inform future policy. However, the guiding principle states that whatever activities are undertaken by LIFT regarding social protection should be done so with full consideration of how such activities relate to current or emerging policy.

¹² Specific guiding principles on graduation are included in section 2

LIFT's primary position is to use cash as a means of social assistance to increase resilience, allowing households to access additional financial resource that they can deploy under their own initiatives. This does not preclude the use of in-kind transfers, capacity building, livelihood inclusion or other measures of social assistance, but recognises that an increasing body of evidence demonstrates the efficacy and efficiency of cash transfers for reducing poverty.¹³ As such, LIFT's activities, being evidence based and offering value for money should prioritise intervention modalities that are known to be effective and efficient. Concerns on the use of cash are frequently around delivery systems, and these concerns are addressed in section 2 (Toolbox).

Section 2: Toolbox

2.1 Definitions and guiding principles: methods and technical issues

Social protection has two main components; social assistance and social insurance, which provide a minimum level of well-being, and a shield against risks. They provide the 'protective' and 'preventive' components of social protection respectively.¹⁴

Social assistance is non-contributory and typically offers support to extremely poor individuals and households, usually through the provision of social grants. This form of social protection is often means tested.

Social insurance "protects people against the risks and consequences of livelihood shocks by providing benefits such as pensions, and unemployment and health insurance. This kind of social protection is contributory, and tends to have very low coverage in LICs and MICs, being largely employment-based, excluding the unemployed and those working in the informal sector. Under social insurance the benefit is paid without regard to financial circumstances.

Cash transfers: Cash transfers are a "direct transfer of money to people (usually) by government."¹⁵ These can be conditional (i.e. subject to the beneficiaries meeting certain pre-specified conditions such as children attending school, families visiting health clinics for check-ups, or immunising children as per the prescribed schedule and the like); or unconditional, often to certain categories (such as pensions for older people or child support grants). Sometimes the condition is that the recipient provides labour in exchange for the cash (see below 'cash for work'). With unconditional cash transfers, there may also be targeting (see below 'targeting') which develops eligibility criteria for recipients. Cash transfers, particularly unconditional transfers, are typically given with the intention that the recipient will use the cash for certain needs, such as children's education, nutrition or healthcare.

Of the eight flagship programmes proposed in the government's national strategic plan of action for social protection, four are targeted, unconditional transfers (cash transfers to pregnant women and children, cash transfers to persons with disabilities and social pensions) and one is conditional (public employment programme). Achieving sustainable delivery mechanisms for these cash transfers is challenging given the relative weakness of government and social and financial

¹³ www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3585.pdf

¹⁴ Meth, C. (2008). Social Income in South Africa, an Economy Marred by High Unemployment, Poverty and Extreme Inequality. HSRC Working Paper, Centre for Poverty, Employment and Growth. HSRC, Pretoria

¹⁵ www.networkideas.org/briefs/dec2011/PDF/03_2011.pdf

institutions in Myanmar, and concerns over corruption and misuse. Some studies raise concerns of a local inflationary effect of cash transfers,¹⁶ particularly in unregulated sectors (e.g. village midwives may raise the cost of 'birthing fees' in the advent of maternal and child cash transfers.)

LIFT prioritises the following general principles for cash transfers:

- Unconditionality for transfers targeted to specific groups such as pregnant women, children, and persons with disabilities.
- Targeting where the benefits of targeting outweigh the costs.
- Consideration of key principles such as sustainability, social cohesion and equitability in designing delivery systems.

Cash-plus interventions: cash-plus interventions describe measures which provide cash transfers with a linked intervention, such as training. A commonly cited concern regarding cash transfers is that the 'hoped for' expenditure (e.g. food, healthcare or education) is either unavailable, inaccessible, or that the households have insufficient knowledge to effectively spend the cash transfer. In such cases, additional interventions may be justified, such as providing training on aspects of maternal and child nutrition, or knowledge of primary healthcare.¹⁷ It should be emphasised that interventions to address issues of service delivery (supply side issues) are often required, particularly where necessary services such as maternal healthcare, or rehabilitation for persons with disabilities, may be inadequate, inaccessible or unavailable. Evidence suggests that the benefit of cash transfers for persons with disabilities is minimal,¹⁸ and that where benefit occurs, it is linked with availability and accessibility of basic services.¹⁹ Such interventions may also be undertaken without being explicitly linked to a cash transfer.

Cash for work: cash for work programmes were employed extensively in the post-Nargis period, frequently for community infrastructure projects. There are clearly recognised advantages and disadvantages of cash for work programmes.²⁰ Not all cash for work programmes are designed in a way that provides social protection, and in some cases, cash for work programmes can lead to increased vulnerability of excluded groups.

In general, LIFT advocates the use of cash for work as a social protection mechanism only where the public works involved can be arranged to meet the primary objective of social protection. There is clear infrastructure need, advantage of adding conditionality to the cash transfer, or of adding a conditional element to the proposed infrastructure need. The works need to be done when there is a labour surplus and deficit in household consumptive needs for the transfer to achieve best effect. In most cases, unless such advantages are clear, the infrastructure project may simply function as a works project which provides labour opportunities, with social protection issues addressed through other means, such as unconditional targeted transfers. If cash for work is utilised, particular

¹⁶ www.networkideas.org/briefs/dec2011/PDF/03_2011.pdf

¹⁷ Handa, S (2001), 'Raising Primary School Enrolment in Developing Countries: The Relative Importance of Supply and Demand', *Journal of Development Economics*, 69, 103–128

¹⁸ Lui Jian (2010) The impact of social protection of the disabled analysis of consumer demand. China Development Research Center of Peking University for Disabled Institute of Population Research, Peking University / World Health Organisation Collaborating Centre for Population Sciences

¹⁹ www.ids.ac.uk/files/dmfile/Schneideretal2011DisabilityandsocialprotectionCSPconferencedraft.pdf

²⁰ www.mercycorps.org/files/file1179375619.pdf

attention should be given to ensuring that those who cannot equally provide labour, such as pregnant women, persons with disabilities, and older persons, are not disadvantaged by the project.

Targeting: financial constraints often require social assistance to be targeted. This can be based on categorical criteria (such as age, disability, pregnancy) geographical criteria or socio-economic criteria, such as poverty defined by different means. Alternatively, targeting, especially at household level, can be based on ‘profiling’ approaches, whereby households with certain characteristics which are known to be associated with higher risks of vulnerability and poverty (female-headed households, households with persons with disabilities, landless households, and small-holders) are targeted. Targeting introduces “a significant trade-off between maximizing the number of poor people that are included in programmes, and minimizing the number of non-poor people that are included.”²¹ Household targeting based on categorical targeting (for example, targeting households with a person with disabilities) does not ensure that benefits are actually received by the individual; individual categorical targeting may provide benefits to individuals whose household context would not necessarily be considered poor. Currently, of the unconditional transfers proposed by the government’s flagship programmes, all are based only on categorical criteria.

Overall, LIFT recommends use of targeting approaches for social protection (e.g. socio-economic) where the benefits of targeting outweigh the costs, and where the criteria to be used are transparent, reproducible and can be linked with current or emerging government policy. Profiling tools such as household vulnerability assessment can be useful in identifying contributory factors to vulnerability, which can be linked to wider socio-economic development interventions.

Community organisations: Government, international agencies, and non-governmental Organisations (NGOs) have all recognized the common benefits of utilising community based groups in development and in targeting of services. Positive elements of working with these groups include: lower cost, better screening and more accurate needs identification, increased accountability, empowerment of the disadvantaged, and harnessing and strengthening social capital.²²

There are also problems with the use of community based groups and critiques of their use are widespread. Some of the most often cited concerns include: a potential increase in social divisions and exclusion of already under-represented groups, an inaccurate setting of community targets without the knowledge of donors/development actors (limited information flow), and the problem of “elite capture” of benefits.²³ Potentially the near-universal existence of traditional social protection groups in Myanmar²⁴ may be a valuable asset. The inclusion of these groups as part of the larger national social protection strategy however, has not yet been thoroughly evaluated.

The following are proposed criteria for assessing the suitability of existing community organisations:

- Does the group represent a significant proportion of the community?
- Is the group active and able to mobilize community resources?

²¹ Slater, R. (2009a) Targeting Cash Transfers, Project Briefing Note. ODI and SDC.

²² Conning, J and Kevane, M. (2001). Community Based Targeting Mechanisms for Social Safety Nets. World Bank Social Protection Discussion Paper.

²³ Cox, F., Orsborn, C. and Sisk, D. Religion, Peace building and Social Cohesion in Conflict-Affected Countries: a Research Report. University of Denver. 2015.

²⁴ Ei Ei Thu (2013) Strengthening Community Based Social Protection Practices for Child Protection. Conference on “Child Poverty and Social Protection” SMERU Research Institute. Jakarta, 10–11 September 2013

- Does the group have the trust of the community? Is it well regarded?
- Does the group co-operate harmoniously with village authorities?
- Does the group have interest in upscaling?

Possible negative criteria:

- Does the group have risk for negative social capital (e.g. history of organising negative or anti-social activities)?
- Does the group show intractable, inflexible and domineering leadership?
- Does the group show strong tendencies to actively exclude certain groups (e.g. women, ethnic minorities, poor)?
- Does the group have a history of misusing funds, authority?

Equitability and inclusion: equitability refers to fairness and impartiality, and in the context of social protection, describes how LIFT's programmes will make conscious efforts to ensure that vulnerable and excluded group's access equal opportunity to participate in LIFT programmes. This does not mean that ALL members of vulnerable or excluded groups are automatically included as beneficiaries; rather, by the use of 'process based inclusion' LIFT requires IPs to promote inclusion of vulnerable and excluded groups as stakeholders in the processes of development, such as planning, implementation and evaluation. Specific measures may be required to address particular vulnerabilities, but these do not imply automatic inclusion as a beneficiary of the programme.

Graduation: Graduation is defined as "exiting from a social protection programme after a certain time period, or after reaching a threshold level of income or assets. This risks people falling back into poverty when the support is withdrawn and the next shock hits them."²⁵ Typically, graduation is achieved by combining social protection and livelihood development with the most successful approaches requiring cross-sectoral coordination, so that households do not exit from social protection support into 'no support', but instead move from social assistance to a broader range of social services and economic opportunities.

However, it is over-simplistic to assume that graduation follows a linear pathway, and the reality is that not all who 'enter' a programme will graduate. There will in all probability be some individuals and households who are not able to 'step up' or 'step out' but for whom assistance is required over long periods of time simply to 'hang in'. Hence, social protection systems should provide a permanent safety net for some poor and vulnerable people, and an opportunity to graduate out of poverty for others.

LIFT's approach to social protection seeks to model and demonstrate approaches to graduation which acknowledge the realities outlined above, avoiding unnecessarily rigid 'benchmarking', which demonstrate a realistic and sustainable approach. LIFT expects projects to provide a clear description of what graduation looks like for those who can graduate, together with realistic proposals for a sustainable approach for those who are less likely to graduate.

Social cohesion: social cohesion is a moving target in any transitional national state; particularly in post-conflict environments. Studies cite the vital need to identify and build on local ways to bridge

²⁵ Devereux S (2014) www.vulnerabilityandpoverty.blogspot.com/2014/05/the-graduation-and-social-protection.html

social cohesion in order to promote peace in such environments.²⁶ Emerging from a recent conflict state, social cleavages based on a myriad of historical perceptions have developed in Myanmar and have the potential to threaten the future of the state.²⁷ Additionally, the nation is facing a decline in already tenuous bonds of social cohesion: this is fed by high levels of migration,²⁸ changing culture, economic pressure and resurgences of various strands of nationalist fervour. Studies across South and Southeast Asian nations note a strong correlation between economics, unemployment, and social cleavages.²⁹

Intentionally preserving and building upon existing social cohesion³⁰ should thereby be a critical component of any social protection programme. Beyond simply offering safety nets for individuals, social protection programmes should seek to enhance and protect trust, co-operation, and mutual interdependence between groups and individuals. It is recognised that development is not neutral, and that even well-intentioned projects can lead to conflict.

Access to finance: recent research has demonstrated clear links between lack of appropriate social assistance instruments and problem debt, whereby almost 70 percent of social assistance for common crises such as food insecurity and health emergencies is accessed in the form of high-risk loans.³¹ Recent forums on poverty reduction have highlighted the need for action to address problem debt, and public opinion surveys amongst rural populations show that the first priority for poverty reduction for nearly 80 percent of all rural households is better access to low-risk credit.³²

Although LIFT does not recommend the use of loans as an instrument for social protection, LIFT's activities relating to access to finance should be scrutinised from a social protection perspective to ensure that access to finance is following established good practice, is contributing to positive socio-economic outcomes, and is not contributing inadvertently to increasing problem debt.³³

²⁶ Cox, F., Orsborn, C. and Sisk, D. (2015). Religion, peace building and social cohesion in conflict-affected countries: a research report. University of Denver.

²⁷ Griffiths, M. (2015). Community Led Action for Social Protection Policy Brief

²⁸ Thai Department of Employment, Ministry of Labour IOM Migrant Information Note (MIN), Issue number 21 (September 2013)

²⁹ Managing Diversity through Development. Edited by Nat J. Colletta Teck Ghee Lim Anita Kelles-Viitanen/ The World Bank. 2001. Washington, DC

³⁰ Managing Diversity through Development. Edited by Nat J. Colletta Teck Ghee Lim Anita Kelles-Viitanen/ The World Bank. 2001. Washington, DC

³¹ Griffiths M, Zarni Min (2015) Dimension of Poverty, Vulnerability and Social Protection in Rural Communities in Myanmar (FAO/DRD/LIFT/SPPRG 29th September 2015)

³² Griffiths M, Zarni Min (2015) Dimension of Poverty, Vulnerability and Social Protection in Rural Communities in Myanmar (FAO/DRD/LIFT/SPPRG 29th September 2015)

³³ www.cgap.org/sites/default/files/CGAP-Focus-Note-Graduating-the-Poorest-into-Microfinance-Linking-Safety-Nets-and-Financial-Services-Feb-2006.pdf

2.2 Guiding questions for programme/project design and appraisal

2.2.1 Overall considerations (for inclusion and equitability)

- Who are the likely 'winners' and 'losers' from this intervention? Which people are most likely to be 'left out'?
- What can be done to include those 'left out' in the development process?
- What measures need to be taken to enable inclusion and equitable access for those excluded (e.g. alternative livelihoods)?
- What measures need to be taken to mitigate or compensate for exclusion if inclusion is not possible (e.g. cash support for those unable to participate in any form of livelihood)?

Description (what is the proposed activity)										
Link to LIFT strategy										
Key Objective(s)	Household resilience	Community resilience			Improved nutrition	Improved income	Policy	Access to services	Other	
Main beneficiaries										
	Children <2	Children <5	School aged children	Pregnant women	Working aged women	All working age	Children with disabilities	Adults with disabilities	Older persons	Other
Benefit type(s)										
	Cash grant		Cash loan	In kind grant		Service	Training	Other		
Beneficiary type(s)										
	Individual		Group		Community		Government		Other	
Conditionality										
	Universal unconditional		Targeted unconditional		Universal conditional		Targeted conditional		Other	
Delivery approach(es)										
	Direct by IP	Traditional social organisation		SHG or group formed by IP		Local NGO/CSO	Central government	Regional government	Other	
Sustainability (link to government policy)										
	Model or trial approach for government to inform future policy		Pilot project to initiate activities based on current government policy			Enhance existing government services	Expand existing government services into unreached areas		Other	
Evidence base (what is the research evidence which shows that this method is effective?)										
Graduation (how will different people 'graduate' from this assistance?)										
Learning contribution (how will this project contribute to knowledge generation on social protection in Myanmar and globally?)										
Policy dialogue (how will this project enable and contribute to policy dialogue on social protection?)										
Contribution to social cohesion (how will this project preserve and strengthen social cohesion?)										
Monitoring and Evaluation (how will success be measured?)										

2.3 Guidelines for Monitoring and Evaluation for Accountability and Learning (MEAL)

The LIFT MEAL framework evaluates LIFT's work using six key questions,³⁴ incorporating aspects of effectiveness, relevance, strategic focus, sustainability, unintended/unexpected consequences, value for money and policy influence.

Understanding the effective learning and policy influence of LIFT's activities in social protection requires the following:

By LIFT:

- identification of the policy areas that LIFT wants to influence;
- establishment of the 'change pathway' to effect the policy influence, which in turn should identify the kind of information and learning which is required to support the policy change initiatives;
- establishment of clear overall learning objectives for LIFT with regard to social protection;
- identification of the type of information and knowledge needed, how to gather the information, and the process to generate knowledge from the information. This avoids the common problem of 'data overload';
- support to IPs to enable them to develop appropriate programme designs to enable knowledge creation;
- common descriptive indicators to enable categorization of activities (e.g. maternal and child cash transfers);
- common and appropriate indicators to describe outcomes.

By IPs:

- establishment of clear learning objectives at the start of each project, and clear indications of 'knowledge portals' to show how knowledge generated at project level feeds into LIFT's overall learning.

³⁴ LIFT MEAL framework

Section 3: Background

3.1 Social protection conceptual overview

Social protection is “an instrument that can promote greater empowerment, which in turn better enables citizens to claim their human rights, including their social protection entitlements as well as the broad-ranging opportunities to participate fully in social, political and economic life. Social protection encompasses a subset of public actions, carried out by the state or privately, that address risk, vulnerability and chronic poverty.”³⁵

Although definitions vary, most focus on objectives tackling poverty, risk and vulnerability. The core objective of social protection programming is to ensure that people are able to meet their basic needs such as food, clothing and shelter. Social protection however, may also significantly impact people’s capacity to achieve secure and sustainable livelihoods, which impact on their own economic situation, and the wider economy.

A recent guidance note from the UK Department for International Development (DFID) identifies ways to maximise the synergies between social protection and economic development by identifying the core knowledge and evidence requirements to inform the design and implementation of programmes. The guidance note identifies approaches that maximise synergies between social protection and economic development and clarifies how ‘graduation’ fits the wider picture of economic development and sustainably improving livelihoods.

The key elements of a checklist produced by DfID include:

- **Evidence base:** gain a working knowledge of the main mechanisms through which social protection can contribute to economic development, and how these mechanisms have worked in practice in low-income countries, in different regions and in different social and economic contexts.
- **Graduation:** determine different forms of graduation in your context.
- **Political priorities:** remember that the first objective of social protection is usually reducing poverty and vulnerability and this should not be lost sight of among economic development objectives.
- **Market analysis:** do contextual analysis of local markets for labour, goods and services and the barriers to poor households’ participation.
- **Mainstreaming potential:** analyse the extent to which complementary programmes exist to pick up where social protection leaves off in terms of supporting economic development.
- **Approaches:** work out what approach to supporting economic development is appropriate:
 - Simple social transfer: where transfers alone contribute in the long term to increases in human capital, especially by ensuring improved health, nutrition and education;
 - Sequencing: sequential interventions where beneficiaries gradually move from programmes supporting and stabilising their basic consumption to those which enhance their productivity;
 - Layering: where households simultaneously receive a range of different kinds of support.

³⁵ www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9096.pdf

- **Co-ordination:** recognise that all these approaches need to be embedded within wider and comprehensive development policy. Social protection is one tool among a variety of policies and programmes that are coordinated to ensure that all of the conditions are in place to allow poor households to accumulate assets that they are able to use efficiently to generate income and insure against shocks.
- **Select appropriate instruments** based on the objectives, the approach chosen and the human and financial resources available, and identify the specific design features.
- **Identify and tackle trade-offs** (between coverage and levels of transfer; between targeting the poorest and targeting those most likely to successfully enhance their productivity; and between entry and exit criteria) in design and, subsequently, during implementation.

3.2 Overview of social protection in Myanmar

The current legislative and constitutional framework for social protection is not coherent, with aspects of social protection referred to in a range of constitutional articles, mainly framed around the responsibility of the state to care in article 32. “The Union shall (a) care for mothers and children, orphans, fallen Defence Services personnel’s children, the aged and the disabled; (b) ensure disabled ex-Defence Services personnel a decent living and free vocational training.” Article 344 states that “A law shall be enacted to provide assistance and care for disabled Defence Services personnel and the families of deceased or fallen Defence Services personnel.”³⁶

There are several indirect references, such as articles 350-354, dealing with non-discrimination and personal liberty, and 358 (anti-trafficking) and 359 (anti forced labour). Articles 366 and 367 indicate the right to healthcare and education. There are more type-specific provisions in the Child Law (1993) the new Social Security Act of 2012, the Maternal and Child Welfare Association Law of 1990 (amended 1993), the Anti-trafficking in Persons Law (2005), the Basic Education Law (1973) ,the Public Health Law (1972), the Vocational Education Law (1974), the Citizenship Law (1982), the Workers’ Compensation Act (1923), the Natural Disaster Management Law (2013), the Early Childhood Care and Development Law (2014) and the Law on the Rights of Persons with Disabilities (2015).

A complete map of the current legislative framework is available in appendix 1.

Myanmar is a signatory to various international conventions relevant to social protection, including The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), The Committee on the Rights of Persons with Disabilities (CRPD) and anti-trafficking conventions. In terms of current policies and programmes, most recently, following consultations as part of the Nay Pyi Taw Accord, the National Strategic Action Plan for Social Protection (NSAPSP) was promulgated (December 2014) with the formation of a high level committee, chaired by the Union Minister for Social Welfare.³⁷ This plan is built around a series of ‘flagship’ programmes designed to link with poverty reduction rural development and disaster risk reduction strategies: cash allowance for pregnant women and children to age 2 (with gradual extension of that allowance to older children), cash allowance for people with disabilities, school feeding programmes, public employment and vocational education programmes, social pension, Older Person Self-Help Groups and Integrated Social Protection Services.

Funding the mechanism and implementation process of the NSAPSP remains unclear. In terms of active delivery of elements of social protection, department-specific programmes deliver a range of instruments, with the Social Security Board (under the Ministry of Labour, Employment and Social Security) overseeing the delivery of a reformed social security plan, with in excess of 750,000 enrolled workers entitled to benefits.³⁸

Implementation by government includes various programmes such as maternal and child health (MoH), support to persons with disabilities and older persons (DSW) and educational stipends for

³⁶ This law has already been passed

³⁷ www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=50377

³⁸ The MOLESS Social Security Board (SSB) provided the number of beneficiaries. Figures on the number of offices and townships covered can be found at ILO (2015).

children (DoE) are implemented, but largely in isolation from each other.³⁹ The Social Security Board scheme also includes access to medical services for enrolled members, and there are plans to expand this service.⁴⁰

The Ministry of Social Welfare, Relief and Resettlement has a theoretically significant role and large portfolio (children, women, persons with disabilities, older persons, rehabilitation of drug offenders, victims of trafficking, disaster relief and resettlement of displaced persons) but in reality has a budget of 0.04 per cent of GDP.⁴¹ The majority of the budget is allocated for running costs. National Plans of Action for Women, Children, Persons with Disabilities and Older Persons are led by the Ministry of Social Welfare, Relief and Resettlement, and to date have not attracted sufficient financial commitment. Recent legislation on minimum wages may have some relevance to income floors.⁴² Mapping of actual activities at State and Regional level as part of the State/Regional Social Protection workshops have so far covered 7 of the 14 States and Regions.

Non-state actor intervention in social protection in Myanmar is fragmented as in many countries, with occasional complementary and often competing interests. A brief survey of key INGO, UN and local NGO involvement in social protection reveals that the main sectors involve child protection (including child-friendly spaces and community based child protection), with key actors including UNICEF, Lutheran World Federation (LWF), Marie Stopes International (MSI) and World Vision International (WV). A number of agencies describe activities under 'Community Based Protection Groups' although activities vary (GNI, LEAD, LWF, Save the Children (SC), WV, UNICEF and UNHCR). Some agencies focus on human rights monitoring (ActionAid Myanmar and Save the Children) and Gender based violence issues (LWF, UNICEF, SDI and ADRA). Donor commitment to social protection has included small-scale piecemeal contributions, with as yet no substantive commitment to a major push on social protection.

Together with the Eden Centre and a number of disabled people's organisations, International disability and development consortium (TLMI) and Accessible Arts and Media (AAM) contribute to rehabilitation for persons with disabilities. Trafficking related project work is carried out by LWF, WV, Kayin Baptist Convention (KBC), Sustainable Development Initiatives (SDI) and ASSOCIATION FRANCOIS-XAVIER BAGNOUD (AFXB), with a range of approaches. Although not clearly reported under the protection agenda, such as HelpAge International with their focus on age-related vulnerability, and various agencies and consortia focus on gender related social protection issues. In terms of systems, ILO, with its commitment to establishing the social protection floor, is focusing mainly on formal sector social protection (as it relates to social security law and provisions). There is growing sectoral interest in mine victim assistance, mine clearing and mine risk education, all of which come under the general banner of social protection.

Traditional mechanisms for social protection confirm the important role that community based mechanisms have in providing varying types and degrees of social protection. Examples include; funeral services, rice banks and donations to enable poor children to attend school. Many communities practice donations to support poor, elderly and vulnerable people, either through the

³⁹ www.documents.worldbank.org/curated/en/2015/07/24764917/inventory-social-protection-programmes-myanmar

⁴⁰ Social Security Board to expand health coverage: Chairman of SSB; Eleven Media, 4th March 2013

⁴¹ www.unicef.org/myanmar/Final_Budget_Allocations_and_Spending_in_Myanmar.pdf

⁴² www.reuters.com/article/2015/08/29/us-myanmar-economy-wages-idUSKCN0QY0A620150829

monastery system or village organisation. SPPRG, LIFT supported research indicates a typical village will collect and redistribute around USD 2,650 per year to beneficiaries in the village, representing an annual expenditure on social protection of USD 220 million when applied nationally.⁴³ Monasteries also provide an option for families who are unable to feed family members. Community based social protection mechanisms are not meant to exonerate the government from providing services and safety nets for the most vulnerable of its people; however they build on existing social capital and acknowledge the still unclear role of government in social welfare programmes in the country.

The majority of rural households are aware of and use social assistance for needs and crises. The most common needs for which assistance is provided are food shortages and health emergencies, with educational support being the most common developmental need. Most assistance is accessed informally, from relatives, neighbours and family members, and in the form of loans, either from relatives or from village money lenders. Only 7 per cent of all assistance reported by rural households was received in the form of cash, service or training from government, and only 4.2 per cent of households reported any assistance relating to an insurance scheme.

Problem debt is closely interlinked with social protection, and careful probing also reveals that a significant proportion of household debt is related to unplanned expenditure such as health emergencies. Evidence shows that poor households, female headed households and households with low levels of social capital and participation are less likely to receive assistance of any kind, are less likely to receive assistance from government or through insurance schemes, and more likely to receive assistance in the form of loans. The overwhelming majority of respondents (90 per cent) reported debt problems as their primary concern in a recent study done in collaboration with the Department of Rural Development (DrD). Education and the need to protect livelihoods (waterways) were second and third priorities respectively.⁴⁴ Although debt and debt relief are not always clearly linked to social protection, the relationship as demonstrated by responses from the fishing community has several dimensions. Firstly, debt relating to livelihoods has significant social consequences, as are described later in the study, such as children not attending school, under-nutrition and risky labour. Secondly, lack of social protection and safety nets leads to accrual of debt relating to emergent healthcare and other social needs. Finally, problem debt leads to a breakdown in social structures, resulting in limitations in access to further credit, assistance and social benefits.

Significant differences in the rates of reporting on access to assistance across all categories was recorded by the study, whereby female headed households, households classified as asset poor, households with low levels of recorded social capital, and households with low levels of community participation all reported significantly lower levels of access to assistance than male-headed households, wealthier households, and households with high levels of social capital or social participation. Within this overall difference, there were also significant differences in rates of access to assistance for certain types of crisis. In general, poorer households, and households with low social capital and low levels of community participation were more likely to access assistance for emergencies such as food shortages and health emergencies, but less likely to access assistance for

⁴³ Ei Ei Thu (2013) Community-based Social Protection Mechanisms in Myanmar. www.spprg.org

⁴⁴ Griffiths M, Zarni Min (2015) Dimension of Poverty, Vulnerability and Social Protection in Rural Communities in Myanmar (FAO/DRD/LIFT/SPPRG 29th September 2015)

development and livelihood related needs such as crop failure, education, disability and ageing related needs.

Vulnerability patterns differ between different socio-economic groups, with households dependent on casual labour more than twice as likely to be classified as vulnerable as other households (35 per cent vs. 14 per cent, landless households more than twice as likely as landed households to be classified as vulnerable (35 per cent vs. 14 per cent) , households in fishing communities more likely to be vulnerable as households in non-fishing communities (38 per cent vs. 24 per cent) and female-headed households more likely to be vulnerable than male-headed households (33 per cent vs. 22.5 per cent). The differences in vulnerability profiles between male and female headed households in areas such as dependency, income/expenditure, assets, social capital, and decision making, suggest significant gender-related linkages between empowerment (as evidenced by involvement in decision making) and economic empowerment (as evidenced by assets and income/expenditure).⁴⁵

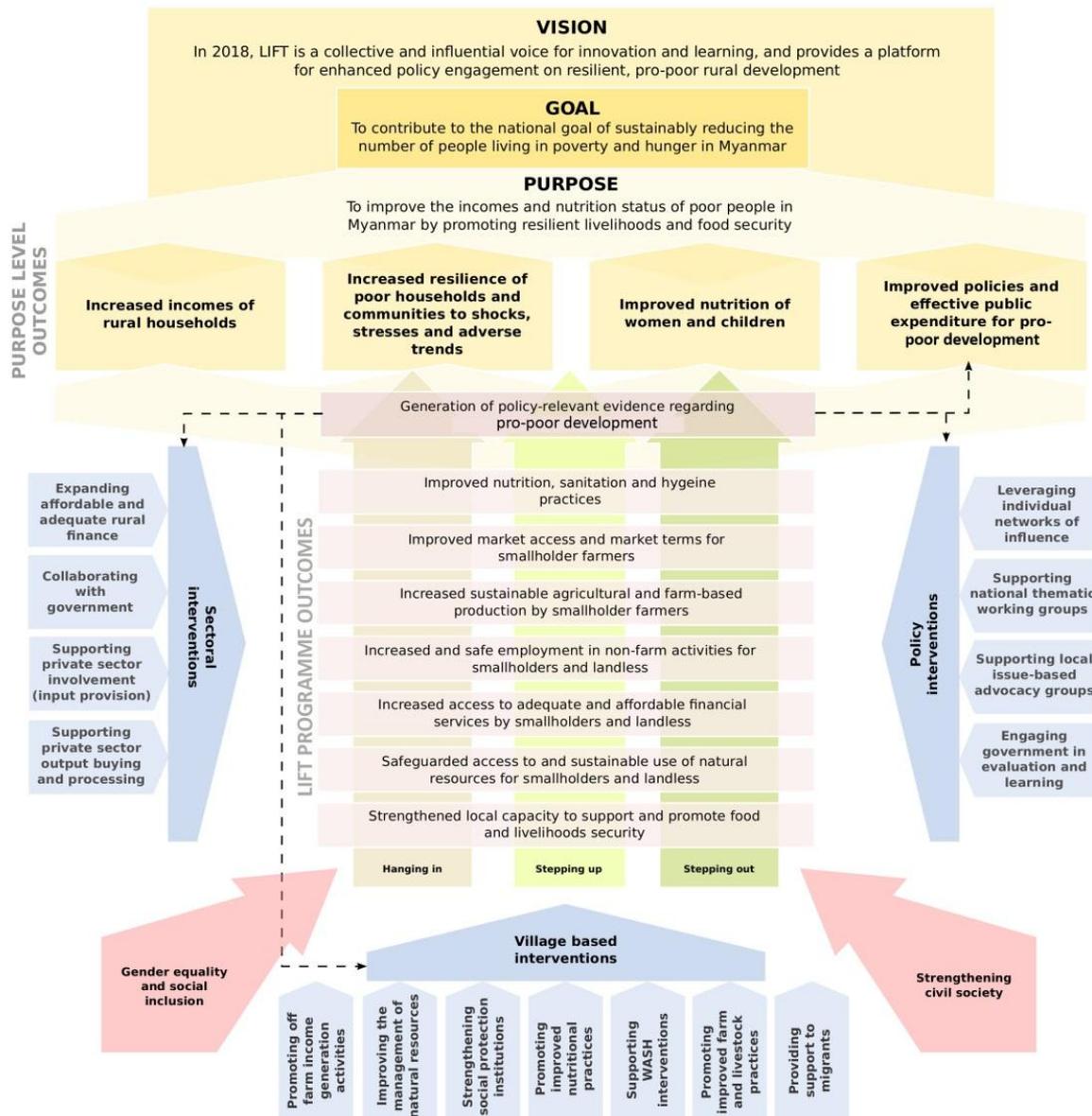
Comparisons between States and Regions demonstrate considerably higher rates of vulnerability in Chin, Rakhine, Kachin, Bago, Tanintharyi and Ayeerwaddy, but the key driver in each area differs. In Chin State, a significantly higher than average proportion of households are categorised as vulnerable in the food security and health sectors, whereas in Rakhine the key drivers are water and sanitation issues, food security, and disempowerment. In Kachin State, the areas sampled had higher than average rates of economic dependency, food insecurity, and health related vulnerability; in Bago, a key issue again was water and sanitation. To note, although Shan State had much lower than average overall vulnerability levels, there were still significant proportions of the population who had suboptimal livelihood diversity.⁴⁶

⁴⁵ Ibid

⁴⁶ Ibid

3.3 Overview of current social protection activities of LIFT

LIFT’s current strategy and theory of change incorporates significant elements of social protection, such as the commitment to gender equality and social inclusion, strengthening social protection institutions and support to migrants. LIFT has engaged in significant social protection programmes both at the service delivery level and the policy-making level.



LIFT’s social protection work to date

The scope of the LIFT partner projects that include a component of social protection is broad, as can be seen by the list of 21 current or past projects with a stated social protection objective (*Appendix 1*). Social protection outcomes are targeted in all four LIFT regions. Specific activities by region are detailed as follows:

Dry Zone: social protection as a priority in the Dry Zone has projects that help villagers to ‘step out’ into employment or small business opportunities in the wider rural economy by learning new skills,

or to 'hang in by improving food security and nutrition, providing access to better financial services, and providing protection for the most vulnerable households in the area. In many cases, this means providing direct cash or asset transfers to those at or below the poverty line to support their financial and nutritional needs. Cash for work programmes providing infrastructure improvements also create employment for casual labourers while benefitting communities with better footpaths, bridges, roads and ponds. Some LIFT partner projects have included rice banks, women's savings groups, village savings groups and the development of commodity exchange centres to help market access. Some have supported livelihood training such as microenterprise training, others the provision of welfare insurance, and projects based on improved nutrition. Transformative change at a policy level has been supported including work with the government to develop local and regional social protection plans. Capacity building of local organisation leaders and government department staff has also been provided.

Delta region: social protection work in the Delta is aimed at increasing the resilience of the most vulnerable households by focusing primarily on livelihood development. A key strategy is developing and supporting existing social protection schemes, but other promising social protection mechanisms are in place by LIFT partners. The provision of emergency conditional cash transfers for the highly vulnerable, the linkage of village revolving funds to social funds, and the provision of social funds to existing social protection groups have all played a part. Some LIFT partners have also been engaged in the design of a regional social protection plan.

Uplands Region: the ability for rural households to be less vulnerable to shocks and stresses through social protection and improved access to collective/public services is one of seven thematic designs for project selection for the newly developing Uplands programme. Social protection for the most disadvantaged community members by helping them meet their nutritional and other basic needs will be a key approach in this region. The needs of IDPs targeted through livelihood interventions is another. Chosen interventions will be aimed primarily at encouraging households to engage in poverty reducing activities or increasing access to existing government services. LIFT will also support projects that improve the scope, sustainability and scale of existing social protection structures. LIFT partners will advocate for policies that support community resilience and encourage the participation of the disadvantaged as stakeholders in development planning.

Rakhine State: the Tat Lan programme in Rakhine State has been operational since Cyclone Giri devastated many villages in 2010. The programme is focused on building resilience and sustainable food security in a region vulnerable to disasters. Social protection is offered alongside wider resilience initiatives including agricultural training, village development committees and village savings and loan associations. An explicit focus on nutrition and WASH is being expanded through Phase II of the programme. Cash for work projects are offered to the most disadvantaged in these communities. **Policy engagement** is an area of LIFT's work that is rapidly expanding. On social protection LIFT has funded:

- HelpAge to provide technical assistance to the Ministry of Social Welfare, Relief and Resettlement to develop a medium term *National Social Protection Strategic Plan* that has now been endorsed by the Social Protection Working Committee and approved by the Cabinet and the President, and launched in December 2014. HelpAge has an office at the Ministry, creating the opportunity to develop mutual trust and close working relationships.

- the development of state and regional social protection programmes, through HelpAge and SPPRG. These have been developed in Chin State, Sagaing Region, Kayah State, Mon State, Kachin State and the Ayeawaddy Region. These plans aim to integrate national initiatives with local priorities and resources. DSW requested that planning be conducted in other states and regions.
- SPPRG to support the Pa-O Autonomous Region government to identify priorities and resources for social protection.
- A *Community Led Action for Social Protection* project (SPPRG), conducted in five villages in Sagaing Region. This has linked community organisations providing services with resources from the Sagaing regional government, as well as national programmes such as the Evergreen Village Programme (by the Department of Rural Development).

Significant opportunities for policy dialogue continue in the following areas:

- Central government: integration of social protection in poverty reduction initiatives of the government (such as rural development);
- Regional government: implementation plans for State and Region social protection plans, incorporating revenue raising strategies;
- Strengthening of traditional social protection organisations as a component of wider social cohesion and building resilient communities.

Appendix 1: LIFT projects (ongoing and closed) with a stated social protection component

Note: Hover the cursor over text to display link

- Acceleration Food Security: Ensuring Food Security among Farmers and Landless Laborers by Provision of Technical, Farming and Livestock Inputs in Kone Gyi and Tei Pin Kaing Village Tracts Of Pyinsalu Sub-township in Labutta District in Ayeyarwaddy
- Building Local Capacities for Livelihoods Systems Approaches in the Ayeyarwaddy Delta
- Community Initiated Livelihood and Poverty Reduction Project
- Farmer Field School to Lift the Food Security of Small and Marginal Land Holders
- Grass-roots Entrepreneurship Education and Pro-poor Enterprise Development
- Inclusive Livelihoods and Social Protection Research
- Livelihood Assistance for Pottery Enterprises in Non-Delta (LAPEN)
- Livelihood Security in Kyauk Mae and Naung Cho Townships in Northern Shan State
- Livelihoods Support for Vulnerable Communities in Bogalay, Maw Gyun and Labutta
- Livelihoods Support of Vulnerable Dry Zone Communities
- Plan Bee: Introduction and Expansion of Modern Beekeeping and Honey Production in Shan State
- Project for Coastal Livelihood and Environmental Assets Restoration in Rakhine (CLEARR)
- Project for Scaling Up Rural Enterprise in Dry Zone (SURE)
- Reducing Economic Vulnerability through an Equitable/Inclusive Approach to Livelihoods (REVEAL)
- Restoring, Enabling and Sustaining of Livelihoods of Vulnerable/Excluded Persons in Kyaiklat
- Socio Economic Development Network for Regional Development
- Sowing Seeds for the Future of People Living with Disability in the Dry Zone Area
- Strengthening Capacities and Market Opportunities for Locally Promising Energy-saving Stoves and Quality Tree Saplings in the Delta
- Strengthening The Ministry of Social Welfare to Fulfil its Role in Expanding Social Protection
- Support for Sustainable Livelihoods Recovery Efforts of the Poorest and Most Vulnerable in Cyclone Nargis Affected Ayeyarwady Delta
- Tat Lan Sustainable Food Security and Livelihoods Programme

Appendix 2: Eight flagship programmes of the National Strategic Plan of Action for Social Protection (Dec, 2014)

Cash allowance for pregnant women and children to age 2

Gradual extension of that allowance to older children

Cash allowance for people with disabilities

School feeding programmes

Public employment and vocational education programmes

Social pension

Older Person Self-Help Groups

Integrated Social Protection Services

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⁴⁷ Pg. 49 www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=50377

Appendix 3: Matrix of social protection services in Myanmar (World Bank, 2014)

Early childhood (equity and opportunity)	School-age children (equity and opportunity)	Working-age population (equity and resilience)	Old age (equity and resilience)	All age groups (opportunity, equity and resilience)
<ul style="list-style-type: none"> * Institutional care for orphans (MSWRR) * Support for triplet and greater sets of newborns (MSWRR) * Early childhood development programs (MOE) * Maternal and child health vouchers (MOH) * Provision of food and micronutrient supplements for pregnant and lactating mothers, fortified food for children (MOH/WFP) * Community case management of illness (UNICEF) * Cash transfers (SC) 	<ul style="list-style-type: none"> * Stipends, scholarships, supply of textbooks (MOE) * School supplies and access to education for vulnerable children (UNICEF) * School-feeding (WFP) 	<ul style="list-style-type: none"> * Social security for formal workers and government employees (MOLESS) * Employment services for migrant workers (MOLESS) * Voluntary homes for women (MSWRR) * Food and cash for work (WFP) * Cash for work and other livelihood programs for vulnerable communities (LIFT and partners, ILO) * Migration centers (MOLESS/IOM, ILO) 	<ul style="list-style-type: none"> * Pensions for formal workers and government employees (MOLESS, MOF) * Voluntary homes for the elderly (MSWRR) * Pensions for over 100 year olds (President's Office) * Support to old people self-help groups (MSWRR/HAI) 	<ul style="list-style-type: none"> * Care for people with disabilities (MSWRR) * Welfare services for people with leprosy (MSWRR) * Rice donations to homes (MSWRR) * Cash and in-kind emergency support after disasters (MOBA, MSWRR, WFP, SC, others) * Cash and in-kind support to internally displaced people (WFP and partners, HAI)

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⁴⁸ Pg. 4 www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2015/07/09/090224b082fe35bb/1_0/Rendered/PDF/Inventory0of0s00programs0in0Myanmar.pdf

Appendix 4: Resources

Background to social protection in Myanmar

Strategic plan of action

www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=50377

Assessment based national dialogue

www.social-protection.org%2fgimi%2fgess%2fRessourceDownload.action%3fressource.ressourceId%3d45799/RK=0/RS=ctxS6kGn7_v3og0DOHfs8btoswg-

Matrix of services

www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2015/07/09/090224b082fe36a6/1_0/Rendered/PDF/Strengthening00provision0in0Myanmar.pdf

www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2015/07/09/090224b082fe35bb/1_0/Rendered/PDF/Inventory0of0s00programs0in0Myanmar.pdf

Descriptive papers

www.gabrielekoehler.net/Data/Sites/1/wp386onholisticpolicyreformandspinburma-myanmar.pdf

www.researchgate.net/publication/264271363_Social_Protection_in_Myanmar_Making_the_Case_for_Holistic_Policy_Reform

Cash transfers

www.sarpn.org/documents/d0002199/Cash_Transfer_Devereux_Oct2006.pdf

www.onlinelibrary.wiley.com/doi/10.1111/j.1467-7679.2006.00344.x/epdf

www.onlinelibrary.wiley.com/doi/10.1111/j.1467-7679.2006.00346.x/epdf

www.capacity4dev.ec.europa.eu/t-and-m-series/document/reference-document-nr-14-social-transfers-fight-against-hunger

Links to micro-finance

www.cgap.org/sites/default/files/CGAP-Focus-Note-Graduating-the-Poorest-into-Microfinance-Linking-Safety-Nets-and-Financial-Services-Feb-2006.pdf

Community based social protection

www.social.nesdb.go.th/social/Portals/0/Documents/AyutthayaWorkshop_35.pdf

www.cpsp.smeru.or.id/Paper,%20Abstact,%20CV/01PD_EiEiThu-paper.pdf

www.core.ac.uk/download/pdf/6314326.pdf

Graduation

www.ntd.co.uk/idsbookshop/details.asp?id=1365

Appendix 5: Summary of social protection laws (Myanmar)

Social protection laws

Summary Table

Note: This is a living document

CRC = UN Convention on the Rights of the Child

CEDAW = UN Convention on the Elimination of Discrimination against Women

CRPD = UN Convention on the Rights of Persons with Disabilities

ILO = UN International Labour Organisation

SSB = Social Security Board

Note: Myanmar is a signatory to each of the above international conventions and a signatory member of the ILO.

The Child Law of 1993 implements most of the provisions of the CRC into domestic law.

A proposed Anti-Violence against Women law currently in progress seeks to implement CEDAW into domestic law.

A proposed Disabilities law seeks to implement CRPD into domestic law.

Area	Laws	Comprehensiveness	Effectiveness	Recommendations
Social Welfare	<ul style="list-style-type: none"> • The Constitution requires the Union to, e.g., care for mothers, children, orphans, aged and the disabled, promote socio-economic development, and guarantee equal rights and equal legal protection (Articles 32, 22, 351, 353, and 347). • New Social Security Act of 2012 establishes national Social Security Board and expands 1954 coverage and benefits (see sections on Labour, Livelihood & Employment and Health for more). • Child Law of 1993 establishes National Committee on the Rights of the Child, establishes the rights of the child to life, protection, care, etc. provides for special care and protection for, e.g., orphans, disabled children and children of “wicked” parents as determined by relevant social welfare officers, and enables separate trials for juvenile offenses. (See section on Children for more). • Maternal and Child Welfare Association Law of 1990, as amended in 1993, establishes national and township-level associations for maternal and child welfare. • Proposed Anti-Violence against Women law and proposed 	<ul style="list-style-type: none"> • Social Security Act addresses benefits for workers with specificity, but does not address, e.g. social assistance, welfare and social services for highly vulnerable groups (see sections on Labour, Livelihood & Employment and Health for more). • Child Law of 1993 incorporates some provisions of CRC, but does not address some holes and discrepancies (see section on Children for more). • Maternal and Child Welfare Association Law establishes associations, but only permits such associations to assist welfare and does not appear to establish any programmes or standards for welfare or powers for such associations (see section on Women for more). 	<ul style="list-style-type: none"> • Generally, laws such as the Social Security Act do not appear to address transparency of review, methods to mobilize resources for financial stability, and legal guarantees for free complaint and appeal procedures (see section on Labour, Livelihood & Employment for more). • See sections on Labour, Livelihood & Employment, Children, and Women for further discussion of effectiveness of specific laws. 	<ul style="list-style-type: none"> • Enact social assistance benefits, such as mandated standards for welfare and social services to highly vulnerable groups such as disabled, orphans, single mothers, homeless people, aged and ageing, families with dependent children, or substance abusers (e.g. cash transfers such as family allowances or food stamps; temporary subsidies such as life-line tariffs, housing subsidies, or support of lower prices of staple food in times of crisis, etc.). • Add provisions set forth in ILO social protection floor to Social Security Act, e.g. provisions for basic income security for children, ageing and those who do not have employment; legal guarantees for free complaint and appeal procedures; essential health care, such as free prenatal and postnatal care for the most vulnerable; employment guarantees; transparency of review of the foregoing (see sections on Labour, Livelihood & Employment and Health for more). • In general, laws should provide for greater transparency of decision-making processes, accountability mechanisms for each decision-making body, and legal guarantees for free complaint and appeal procedures. • Implement methods to mobilize resources (not dependent on donated

	<p>Disabilities law in progress to implement CEDAW and CRPD, respectively.</p> <ul style="list-style-type: none"> • Myanmar is signatory to the CRC, CEDAW and CRPD. • See sections on Education; Health; Housing, Land & Property; Disabled; and Aged & Ageing below for more. 			<p>funds) for financial sustainability, e.g. for Social Security Act: effectively enforce tax and contribution obligations, establish broader and sufficiently progressive revenue base, and enact measures to prevent fraud, tax evasion and non-payment.</p> <ul style="list-style-type: none"> • Regarding Child Law, address discrepancies between Child Law and CRC (see section on Children for more). • Establish maternal and child welfare programmes and standards (see section on Women for more).
<p>Labour, Livelihood and Employment (Working Conditions/ Guarantees)</p>	<ul style="list-style-type: none"> • The Constitution requires that the Union enact necessary laws to protect the rights of workers and peasants and assist to reduce employment and that citizens shall enjoy equal opportunity in public employment, occupation and business (Articles 23, 24, 31, 349, and 370). • New Social Security Act of 2012 establishes national Social Security Board (SSB) and expands (1) coverage, to include not only production industries, but also development organisations, financial organisations, companies doing business, shops, government departments doing business, with the minimum # of employees to be set by the SSB, and (2) benefits, by expanding existing benefits for medical care, maternity, death and employment-related injuries; 	<ul style="list-style-type: none"> • Social Security Act expands and clarifies coverage, but it does not include, e.g., informal, part-time or underage workers and non-profit organisations, and it is unclear whether coverage will reach ILO minimum standards of percentages of population (i.e. either (1) 50 per cent of employees and their wives/children, (2) 20 per cent of all residents and their wives/children, (3) 50 per cent of all residents, or (4) 50 per cent of all employees in industrial workplaces employing 20 persons or more and their wives/children). • Medical care expanded from 13 to 26 weeks, in compliance with ILO Social 	<ul style="list-style-type: none"> • Family assistance includes education allowance for children of insured persons who earn below specified amounts of income, as stipulated by the SSB, but does not specify minimum amounts of education allowance or threshold income level. • Family assistance includes “suitable” benefits for dependent family members as stipulated by the SSB, but does not specify what minimum “suitable” benefits are. • Workers have “right to medical care at public or private hospitals arranged by SSB or employer or, if unable to attend such hospitals, the right for such 	<ul style="list-style-type: none"> • Enact more comprehensive structure of laws, e.g. with respect to factories, shops & establishments, leave & holidays, payment of wages, workmen’s compensation, etc., as such laws are outdated (1923, 1936, 1951) and it is unclear which have been amended (or are in the process of being amended). • Ensure that social security coverage (and medical care) will reach ILO minimum standards of percentages of population, e.g. include informal workers (it is currently unclear what percentage of the population will be covered). • Consider incorporating schemes for social insurance, social assistance, negative income tax, universal benefits, public employment and/or employment support. • Clearly spell out qualifications for unemployment benefits. [What does it

	<p>adding retirement benefits, family assistance, invalidity benefits, superannuation pension benefits, more comprehensive survivors' benefits, and unemployment benefits; and updating benefit amounts to be percentages and as determined by the SSB rather than set amounts that do not take inflation into account.</p> <ul style="list-style-type: none"> • New Minimum Wages Act of 2012 establishes minimum wage across all industries (instead of only agriculture) and a national committee to make determinations of rates. A temporary minimum wage has reportedly been established in the interim before the law takes effect. • Amendments of Factories Act of 1951, Leave and Holidays Act of 1951, Payment of Wages Act of 1936, and Workmen's Compensation Act of 1923 Act are reportedly in progress (unclear about status of Shops & Establishments Act of 1951). • New Employment and Skill Development Law reportedly in progress. • As a member of the ILO, Myanmar is subject to its 8 fundamental conventions, e.g. the Minimum Age Convention of 1973 (which establishes minimum working age 	<p>Security (Minimum Standards) Convention, but it is unclear what percentage of the population will be covered, e.g. wives/children not covered (except for certain maternity benefits) (see section on Health for more).</p> <ul style="list-style-type: none"> • Maternity medical care and remuneration for prenatal examinations are covered for insured women, but not for uninsured women or postnatal examinations. • Unemployment benefits are for removal from work or termination of job "because of permanent close-down of work" (not clear if this covers layoffs or indefinite close-downs). Also, unemployment provisions do not address basic income security, public employment, employment guarantees or free public employment agencies. • Family assistance includes health care and aid in times of natural disasters, but only for insured persons. • No clear minimum age of employment has been established. The Factories Act and Shops & Establishments Act prohibit 	<p>medical care to come to their work establishment." The SSB "may establish and open up hospitals, clinics, etc." However, it is not clear if sufficient hospitals, clinics, etc. will be available if there is no requirement for establishing them.</p> <ul style="list-style-type: none"> • Employers, workers and SSB "shall co-ordinate...and carry out...workers' occupations safety measures." However, it is not clear what occupational safety standards exist, as they are not clearly spelled out in the Social Security Act, and vary in extensiveness and clarity in the Shops & Establishments Act, Factories Act, Fisheries Law, Mines Law, Private Health Care Services Act, etc. • Shops & Establishments Act sets a maximum fine for violations at 1,000 rupees (has this been amended?). Other acts such as the Factories Act, Workmen's Compensation Act and Payment of Wages Act may need to be updated for inflation as well. 	<p>say in Burmese?]</p> <ul style="list-style-type: none"> • With respect to family assistance, establish minimum standards for educational allowances, qualifying levels of income, "suitable" benefits for dependent family members, and consider expanding assistance in the case of natural disasters. • Establish a timeline and plan for opening up hospitals and clinics to meet ILO standards of availability, accessibility, acceptability and quality. • Clearly spell out occupational safety standards for all industries, which are currently minimal or non-existent in the Social Security Act, Mines Law, Fisheries Law, Factories Act, Shops & Establishments Act, Private Health Care Services Act, Prevention of Communicable Diseases Law, Law Relating to the Nurse and Midwife, etc. • Establish country-wide minimum age of employment and minimum age of end of compulsory education (see section on Children for more). • Amend Shops & Establishments Act to increase maximum fine for violations (currently set at 1,000 rupees – was this amended?). • Enact free complaint and appeal procedures, close loopholes for employer retaliation. • Address concern that Constitution's rights to employment, occupation and conducting business in the Constitution only apply to citizens and thus exclude
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	<p>of 15, or 14 for developing states), the Equal Remuneration Convention of 1951 (which prohibits pay discrimination on grounds of gender), and Discrimination (Employment and Occupation) Convention of 1958.</p> <ul style="list-style-type: none"> • Myanmar has signed 19 of 177 ILO “technical” conventions related to work conditions, compensation, etc., e.g. the Unemployment Convention, whereby it agrees to set up free public employment agencies. 	<p>children under the age of 13 to work, and the Factories Act establishes a 4-hour per day maximum for children between 13 and 15 years old. The Oilfield Act of 1918 provides that a child is a person below the age of 15. The Mines Act of 1923 defines a child as a person who has not completed his 15th year, but the act was replaced by the Mines Law of 1994, which does not address age.</p>		<p>a significant segment of the population.</p>
<p>Labour, Livelihood and Employment (Labour Organisations)</p>	<ul style="list-style-type: none"> • New Labour Organisation Law of 2011 permits workers to unionize for the first time in 39 years (related Right to Peaceful Assembly and Peaceful Procession Act was also passed in 2011). • New Settlement of Labour Disputes Law of 2012 establishes mechanisms for arbitration between employers and workers. • Myanmar has signed the ILO fundamental Convention on Freedom of Association and Protection of the Right to Organize of 1948 (which protects against discrimination for joining a trade union and taking collective action). • As a member of the ILO, Myanmar is subject to its 8 fundamental conventions, e.g. the Right to Organise and Collective Bargaining 	<ul style="list-style-type: none"> • Labour Organisation law permits labour organisations, but does not address what workers’ rights are enforceable, occupational safety standards, or collective bargaining rights. • Labour organisations do not have rights to own property or protections for collective bargaining. 	<ul style="list-style-type: none"> • Each level of labour organisation requires approval of lower level organisations. • Loopholes may allow corporation-friendly government officers to make decisions on, e.g., permissions to strike/lock-out. • Forming of Organisations Law of 1988 (reportedly under revision) only allows organisations to be formed if allowed “under existing law,” which technically could exclude labour organisations under 2011 law; language should be amended. 	<ul style="list-style-type: none"> • Clearly articulate workers’ rights, e.g. collective bargaining rights and occupational safety and hazard standards. • Provide labour organisations with rights to, e.g. own property, protections for collective bargaining. • Eliminate loopholes so that unbiased parties (and not government appointees) make decisions on labour disputes, permissions to strike/lock-out, etc. Amend Forming of Organisations Law of 1988 (such amendment reportedly in progress) to specifically permit labour organisations, streamline registration formalities, etc.

	Convention of 1949, which gives the right to collective bargaining with an employer through a trade union.			
Labour, Livelihood and Employment (Forced Labour)	<ul style="list-style-type: none"> • The Constitution prohibits enslaving, trafficking, forced labour (except for convicted criminals) (Articles 358, 359). • Penal Code of 1861, 1949 Suppression of Prostitution Act, and Order Supplementing Order No. 1/1999, 2000 prohibit enslavement and trafficking. • Anti-Trafficking in Persons Law of 2005 aims to halt trafficking and economic exploitation by, e.g., forming a Central Body for Suppression of Trafficking in Persons and providing specific and substantial penalties. • CRC (and optional protocol, signed by Myanmar) requires prevention of sale / trafficking of children and recognizes the right of children to rest and leisure. • CRPD requires ensuring that people with disabilities are not subject to forced or compulsory labour. • Myanmar has signed the ILO Forced Labour Convention of 1930 and, as a member of the ILO, is subject to its 8 fundamental conventions, e.g. Abolition of Forced Labour Convention of 1957, which positively obligates it to 	<ul style="list-style-type: none"> • Anti-Trafficking law requires appropriate training on trafficking issues for persons in positions of authority entrusted with protection of trafficked persons, which does not explicitly include police, border police, or members of the judiciary. • Anti-Trafficking law protects the rights of those with “rights of permanent residence,” but does not address those without such rights. • Proposed disabilities law may specifically address forced or compulsory labour for disabled people (not currently addressed). 	<ul style="list-style-type: none"> • Anti-Trafficking initiatives are funded by government AND donated funds, which means a potential reliance on donated funds. • Although the Anti Trafficking Law protects trafficked victims against prosecution for offences under that law, it still states that the Central Body “shall determine whether or not it is appropriate to take action against the trafficked victims for any other offence arising as a direct consequence of trafficking in persons.” It is unclear what this means and the law does not appear to establish any standards by which the Central Body must abide. (Could victims be prosecuted for actions that they were coerced to do? Would this provision deter victims from coming forward?) • Child Law penalties for allowing or employing children to engage in hazardous or morally 	<ul style="list-style-type: none"> • With respect to Anti Trafficking law, provide for specific training of police and judiciary, spell out government funding for anti-trafficking initiatives to eliminate potential reliance on donated funds, ensure protection of those without “rights of permanent residence,” and eliminate barriers to trafficked victims reporting crimes (such as potential arbitrary or unfair actions taken against them by the Central Body). • Increase Child Law penalties for allowing or employing children to engage in hazardous or morally harmful work (in general, laws should be re-examined to account for recent high rates of inflation). • Ensure that new disabilities law sufficiently addresses forced or compulsory labour with respect to disabled people.

	<p>ensure that all forced labour is abolished.</p> <ul style="list-style-type: none"> Regional agreements: Myanmar has signed the ASEAN Declaration on the Protection & Promotion of the Rights of Migrant Workers (2007), Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (2004) 		<p>harmful work are set at a maximum of 2 years imprisonment “and/or” a fine of up to 10,000 kyats, which is low considering inflation since 1993 (have there been amendments?)</p>	
Education	<ul style="list-style-type: none"> The Constitution obligates the Union to improve education and implement a free, compulsory primary education system, and states that every citizen (note: this is not everyone) shall have the right to education (Articles 28, 366). Basic education laws (Basic Education Law, University Education Law and Technical, Agricultural and Vocational Education Law) are dated 1973/1974 and not available online. These likely need to be updated. Child Law of 1993 states that every child shall have right to acquire free basic education (primary level) at schools opened by the State. CRC establishes right of the child to education, with a view to achieving this right “progressively,” including free 	<ul style="list-style-type: none"> Free compulsory primary education system would be comprehensive if met by reality. Law does not appear to establish minimum age for end of compulsory education. 	<ul style="list-style-type: none"> Law does not appear to contain specific standards to ensure that primary education is compulsory and free (e.g. addressing special fees, the cost of books, uniforms, etc.). The Child Law obligates the State to take measures “as may be necessary” for regular attendance at schools, the reduction of drop-out rates and special arrangements for children who are unable to attend State schools, but standards for such measures are not addressed. The Child Law also states that “every child shall have the right to maintain his or her own cherished language, literature and culture” but it is not specified how this will be 	<ul style="list-style-type: none"> Update basic education laws of 1973 (not available online). Employ a two-pronged approach of enacting child labour laws and working towards free, compulsory primary education, as the two are mutually reinforcing. Ensure the establishment of a minimum age for the end of compulsory education. Establish specific standards to ensure that “free” education is actually free (e.g. address special fees, the costs of books, uniforms, etc.) Establish specific standards to ensure regular attendance, reduction of drop-out rates and special arrangements for children who are unable to attend State schools, and to ensure that every child can “maintain his or her own cherished language, literature and culture.” Ensure that new proposed disabilities law includes provisions for accommodating and not excluding children with disabilities from

	<p>compulsory primary education.</p> <ul style="list-style-type: none"> • Child Law and CRPD provide that children with disabilities have the right to, and will not be excluded from, free and compulsory primary education. • CRPD provides that reasonable accommodation will be made for the requirements of disabled person, e.g. sign language, and that they will be ensured access to general tertiary education and lifelong learning. 		<p>carried out.</p> <ul style="list-style-type: none"> • CRPD provides for reasonable accommodation and access to education for disabled persons, but this has not yet been codified into domestic law. (New proposed disabilities law may change this.) 	<p>education.</p>
Health	<ul style="list-style-type: none"> • The Constitution provides for the Union’s obligations to improve health and for every citizen’s rights to health care in accord with the Union’s health policy (Articles 28, 32, 351, 367). • Child Law provides that Ministry of Health will take measures to provide for, among other things, survival, nutrition, family health. • As described further above, Social Security Act of 2012 provides for free medical care and cash benefits under certain conditions for insured persons. • Assortment of domestic laws (in Burmese): Public Health Law (1972) covering disease epidemics and food safety; Dental and Oral Medicine Council Law (1989) (Revised in 2011), Law relating to the Nurse and Midwife (1990) (Revised in 2002) regarding 	<ul style="list-style-type: none"> • [Note: most health laws in Burmese, so this section focuses on Social Security Act.] • It is unclear the percentage of the population covered for medical care under the new Social Security Act, but it is likely below the percentages prescribed by the ILO Social Security (Minimum Standards) Convention, i.e. either (1) 50 per cent of employees and their wives/children, (2) 20 per cent of all residents and their wives/children, (3) 50 per cent of all residents, or (4) 50 per cent of all employees in industrial workplaces employing 20 persons or more and their wives/children. The Social 	<ul style="list-style-type: none"> • While the Social Security Act provides for free medical care under certain conditions for insured persons at state-run hospitals, it is unclear if and how such medical care will be available, accessible, acceptable, etc. as prescribed by the ILO. The Social Security Act provides that the SSB “may” set up offices, clinics, etc., and has the obligation to “enable opening of clinics” but it is not specified how many, when or according to what standards. We note that the ILO Social Security (Minimum Standards) Convention states that medical care should include, e.g., in the case of morbid 	<ul style="list-style-type: none"> • Provide essential health care for a greater percentage of the population. • Ensure that health care and facilities provided for under, e.g., Social Security Act, meet ILO standard of “availability, accessibility, acceptability and quality,” e.g., in the case of morbid conditions, general practitioner care (including domiciliary visiting), essential pharmaceutical supplies, hospitalization when necessary. A timeline and plan for establishing the relevant health facilities and services would be helpful. • Create a more comprehensive coverage of health standards rather than the current assortment of different domestic laws. • Enact law & policy on early childhood and development to address early childhood health measures.

	<p>registration and regulation of nursing and midwifery practices, Myanmar Maternal and Child Welfare Association Law (1990) (Revised in 2010), National Drug Law (1992), which forms the Myanmar Food and Drug authority, Narcotic Drugs and Psychotropic Substances Law (1993), Prevention and Control of Communicable Diseases Law (1995) (Revised in 2011), Traditional Drug Law (1996) regarding registration and control of traditional drugs, Eye Donation Law (1996), National Food Law (1997), Myanmar Medical Council Law (2000), describing measures to promote high standards and regulate medical professionals, Traditional Medicine Council Law (2000) describing regulation of traditional medical practitioners, Blood and Blood Products Law (2003), Body Organ Donation Law (2004), Control of Smoking and Consumption of Tobacco Product Law (2006), Law Relating to Private Health Care Services (2007)</p> <ul style="list-style-type: none"> • CRC, CEDAW and CRPD all contain provisions for health of children, women and disabled, respectively. 	<p>Security Act does not cover essential health care for uninsured persons.</p>	<p>conditions, general practitioner care (including domiciliary visiting), essential pharmaceutical supplies, hospitalization when necessary. Such provisions and quality of medical care is not addressed in the Social Security Act.</p> <ul style="list-style-type: none"> • The Child Law states that the Ministry of Health “shall lay down and carry out measures for the survival of the child, immunisation of the child, breast-feeding of the child, family planning, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health,” but it is unclear what such measures are. 	
<p>Housing, Land and Property (HLP)</p>	<ul style="list-style-type: none"> • The Constitution does not explicitly recognize citizens’ rights to guarantees of HLP, but does refer to citizens’ equal rights, 	<ul style="list-style-type: none"> • Farmland Act only applies to farmers with “land use certificates,” which only cover approximately 15 per 	<ul style="list-style-type: none"> • Land use certificates under Farmland Act can be reversed if strict conditions of use are not complied 	<ul style="list-style-type: none"> • Need to secure HLP rights of the population as a whole and enact new comprehensive HLP law. Current law is viewed as “intentionally designed to

	<p>equal legal protection, the right to “settle and reside,” protection of property, protection of privacy and security, etc. (See Articles 347, 348, 353, 355, 356, 357, 370, 372).</p> <ul style="list-style-type: none"> • New Farmland Act of 2012 allows farmers with “land use certificates” to sell, exchange and lease land. • Vacant, Fallow and Wasteland Act of 2012 allows state land that has remained unused for 30 years to be leased. • International norms, i.e. Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, 2005 UN Principles on Housing and Property Rights for Refugees and Displaced Persons (i.e. Pinheiro Principles), 1998 UN Guiding Principles on Internal Displacement (GPID), establish (1) right to voluntary return, (2) right to HLP restitution, (3) right to adequate housing and secure tenure, (4) right to protection against forced eviction, (5) right to not be arbitrarily deprived of one’s property. • An assortment of other laws are relevant as well, e.g.: customary laws determining land rights; or laws governing abandonment and restitution, landlords and tenants, security of tenure, property sales 	<p>cent of farmers.</p> <ul style="list-style-type: none"> • Farmland Act does not establish clearly-defined administrative scheme, and does not provide access to independent judicial review. 	<p>with in full.</p> <ul style="list-style-type: none"> • Obligations of farmers under Farmland Act are vague. • Farmland Act contains multi-layered appeals process, with each appellate level appointed by the same central authority. • Definition of “fallow land” in Vacant, Fallow and Wasteland Act could end up including half of the land of the country as “fallow,” which could mean increased displacement. • Permission of privately negotiated property transfers for the first time (under Vacant, Fallow and Wasteland Act) may undermine farmer tenure security as poor farmers may sell land rights for short-term gain and become vulnerable to displacement. 	<p>facilitate, rather than deter, land grabbing and the concentration of land in fewer hands.”</p> <ul style="list-style-type: none"> • Regarding Farmland Act: ensure “full and enforceable protection against arbitrary and forced displacement or land confiscation,” address government’s power to reverse user certificates if strict conditions of use are not complied with in full, set up more clearly-defined administrative scheme, establish independent judicial review. • Regarding Vacant, Fallow and Wasteland Act: revisit definition of fallow land to address potential displacement issues. • Address needs of refugees and IDPs. • “One report recommends...better protection of smallholder rights, improving land titling procedures, recognizing existing land use, and improving the system of land classification, while another paper suggests the government of Myanmar undertake a number of targeted measures to address some of the key HLP challenges facing the country, including creating a land value tax to prevent speculation, setting (temporary) limits on the size of acceptable land acquisitions, strong and public political denunciations of the practices, expanding security of tenure protections under current and future legislation, requiring long-term
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	(including transfer rules), exchanges and leases, provision on improvements, succession rights (particularly the rights of women to access and control land), communal ownership, housing repairs and improvements, housing credit and finance, State property, public health and housing, etc.			occupation of land prior to providing planning permission, beginning the land reform process urgently through the passage of a new HLP law, considering community land trusts as one of several viable alternatives to outright private property ownership and jointly co-hosting a national HLP summit.”
Children	<ul style="list-style-type: none"> • Child Law of 1993, which is the domestic implementation of the CRC, e.g. establishes a National Committee on the Rights of the Child; establishes a child’s rights of life, protection, care, work, rest and leisure; provides for special care and protection for, e.g., orphans and children of “wicked” parents, as determined by social welfare officers; prohibits trafficking of children or allowing or employing a child to engage in hazardous or morally harmful work, and establishes separate procedures for juvenile offenses. • Social Security Act of 2012 provides for “suitable” benefits for dependents, educational allowances for children of low income families, as stipulated by the SSB. • The Constitution requires Union to implement free compulsory primary education, and Child Law provides for the right of children to 	<ul style="list-style-type: none"> • CRC prescribes social programmes for children, social security & social insurance for children, but this has not clearly been implemented into domestic law, except for “suitable” benefits for dependents and low income educational allowances for insured workers under the Social Security Act as determined by the SSB (and minimum amounts for these benefits are not established). • No law & policy on early childhood and development. • No minimum age for end of compulsory education. • Comprehensiveness of a minimum age for employment is unclear. Child Law does not address such minimum age. The Factories Act and Shops & Establishments Act prohibit 	<ul style="list-style-type: none"> • Child Law states children’s “right to rest and leisure” but also “right to work in accordance with law and his own volition,” and “right to hours of employment, rest and leisure and other reliefs prescribed by law.” Standards should be spelled out clearly in, e.g., the Child Law and amendments to the Factories Act, Shops & Establishments Act, Oilfield Act, Mines Law, etc. • CRC and Child Law discrepancies: age defining children (18 v. 16), minimum age of criminal responsibility (10 v. 7), no provisions in Child Law for minimum age of work. • Child Law contains prohibition against wilfully maltreating a child, but contains exception for parental admonition for the 	<ul style="list-style-type: none"> • Establish social programmes, more comprehensive social security & social insurance for children as prescribed by the CRC. • With respect to family assistance provisions in the Social Security Act, establish minimum standards for “suitable” benefits for dependents, education allowances and threshold low income levels. • Enact law & policy on early childhood and development. • Address more specifically Child Law’s statement that children have the “right to rest and leisure” and “right to work, i.e. by establishing a comprehensive minimum age for work (as prescribed by the CRC) at 14 and 18 for dangerous work (as prescribed by the ILO Minimum Age Convention), and an equivalent minimum age for the end of compulsory education. • Clarify what Child Law means by “right to hours of employment, rest and leisure and other reliefs prescribed by law” and what such law prescribes in

	<p>free basic education.</p> <ul style="list-style-type: none"> • CRC requires the establishment of social programmes for children, special protection of orphans, social security & social insurance for children, etc. • CRC recognizes the right of children to rest and leisure, and to be protected from economic exploitation or from hazardous or harmful work, and requires taking appropriate measures to prevent the sale of or traffic of children. • CRC requires setting a minimum age for employment, and ILO Minimum Age Convention (a fundamental ILO convention to which Myanmar is subject as a member of the ILO) prescribes a minimum of 14 years (12 for light work) for developing states, 15 or older (13 for light work) for other states, and 18 for dangerous work. • Maternal and Child Welfare Association Law establishes national and town-level associations for maternal and child welfare (see section on Women for more). 	<p>children under the age of 13 to work, and the Factories Act establishes a 4-hour per day maximum for children between 13 and 15 years old. The Oilfield Act of 1918 provides that a child is a person below the age of 15. The Mines Act of 1923 defines a child as a person who has not completed his 15th year, but the act was replaced by the Mines Law of 1994, which does not address age.</p> <ul style="list-style-type: none"> • No minimum age of marriage (is this codified somewhere? One source says minimum age for girls is 14 with parental consent, no minimum age for boys). 	<p>benefit of the child (i.e. the prohibition is not specific and the exception is not clearly defined).</p> <ul style="list-style-type: none"> • Child Law penalties for allowing or employing children to engage in hazardous or morally harmful work are set at a maximum of 2 years imprisonment “and/or” a fine of up to 10,000 kyats, which is low considering inflation since 1993 (have there been amendments?) • CRC provides that special protection and care of children such as orphans and children of “wicked” parents in homes or hospitals as determined by social welfare officers, but it is unclear how such care will be provided, regulated, etc. • Law provides for free, compulsory basic primary education, but what “free” means (e.g. free books? Uniforms? Special fees?), standards for education and how education will be provided are unclear. 	<p>amendments to Leave & Holidays Act, Factories Act, Shops & Establishments Act, etc.</p> <ul style="list-style-type: none"> • Address discrepancies between CRC and Child Law. • Establish minimum age of marriage. • Enact more specific prohibition against corporal punishment. • Increase Child Law penalties for allowing or employing children to engage in hazardous or morally harmful work (in general, laws should be re-examined to account for recent high rates of inflation). • Establish provision for, and clear regulatory standards for, homes, hospitals and institutions for children requiring special care and protection. • Establish specific standards for free compulsory primary education and provide for necessary funding for implementation.
Women	<ul style="list-style-type: none"> • Proposed Anti-Violence against Women law in progress to implement the provisions of CEDAW. 	<ul style="list-style-type: none"> • Social Security Act maternity benefits only apply to insured persons. • Prenatal examination is 	<ul style="list-style-type: none"> • The Maternal and Child Welfare associations are voluntary. • Duties and powers of 	<ul style="list-style-type: none"> • Establish more comprehensive maternity benefits for highly vulnerable groups. • Establish maternal and child welfare

	<ul style="list-style-type: none"> • Social Security Act expands maternity benefits, etc. but only applies to insured persons. • Maternal and Child Welfare Association Law of 1990, as amended in 1993, establishes national and township-level associations for maternal and child welfare. • Penal Code of 1861 criminalizes rape, and may be updated with new proposed Anti-Violence against Women law. 	<p>covered but not postnatal examination, and only for insured persons.</p> <ul style="list-style-type: none"> • Maternal and Child Welfare Association Law does not establish specific programmes or standards for maternal and child welfare, and does not provide for funding. 	<p>maternal and child welfare associations are to, e.g., “implement programmes of work” and “assist township associations” and are not specific.</p> <ul style="list-style-type: none"> • Associations will subsist on their own funds. • Penal Code does not address marital rape for women older than 14, does not contain adequate definition of rape, does not address restraining orders, witness protection etc. (this may be revised by new proposed Anti-Violence Against Women law). 	<p>programmes and standards (as opposed to only associations), and establish clear duties and powers of, and funds for, such associations.</p> <ul style="list-style-type: none"> • Implement proposed new Anti-Violence against Women Law to address current insufficiencies.
Disabled	<ul style="list-style-type: none"> • Proposed disabilities law in progress to implement provisions of CRPD. • CRPD requires provision of adequate standards of living, social protection, poverty reduction programmes, etc. • CRC requires provision of disabled children with assistance in education, training, health care and rehabilitation services, and preparation for employment. • Child Law states that disabled children have the right to basic education (primary level) or vocational education at special schools, special care and assistance from the State, etc. 	<ul style="list-style-type: none"> • While the CRC states that parties agree to provide disabled children with “assistance in education, training, health care and rehabilitation services, and preparation for employment—whenever possible, taking into account financial resources of caregivers, free of charge,” the domestic implementation under the Child Law is more general, addressing the right to acquire basic primary level education or vocational education at special schools, 	<ul style="list-style-type: none"> • As described in the section on Children, free compulsory primary education is established as a right but is not, in reality, free or compulsory, as laws do not provide for establishment of educational institutions or specific standards to ensure that such education is actually “free” and “compulsory.” 	<ul style="list-style-type: none"> • Implement benefits of protection, poverty reduction programmes, policies against discrimination in new proposed domestic disabilities law, as provided in CRPD. • Implement rehabilitation, training, health care and preparation for employment for disabled children in domestic law (e.g. Child Law), as provided in CRC. • Provide funding for educational institutions and clarify standards.

	<ul style="list-style-type: none"> • We note that the 2012 Social Security Act does not specifically provide benefits to persons with disabilities unless they were disabled due to an employment-related injury or become invalids, but perhaps the new disabilities law will address this. 	<p>and to obtain special care and assistance from the State, but containing no provision for rehabilitation or employment, and no reference to services “free of charge.”</p> <ul style="list-style-type: none"> • Protection and programmes, anti-discrimination policies, etc. prescribed by the CRPD have not yet been implemented into domestic law (but may be in the new proposed disabilities law). 		
Ageing	<ul style="list-style-type: none"> • New Social Security Act provides for superannuation pensions and, after 15 years of contribution, right to medical care after retirement. • No law specifically addresses ageing and ageing issues. 	<ul style="list-style-type: none"> • Only insured ageing persons under Social Security Act are covered for superannuation pensions. • Essential health care is not covered for uninsured persons. 		<ul style="list-style-type: none"> • Expand essential health care for ageing persons. • Enact law specifically addressing ageing and ageing issues.