



Research Brief

The Right to Decent Work for Persons with Disabilities in Yangon, Myanmar: The Impact of Draft Law

This research brief is based on a research project funded by SHAPE SEA and carried out by Nang Shan Aung, during her study in the MA in Human Rights program at IHRP, Mahidol University, Thailand.



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1. Introduction

Myanmar ratified the *Convention on the Rights of Persons with Disabilities* (CPRD) on 7 December 2011. Article 27 of this convention prohibits discrimination against persons with disabilities, such as in situations concerning employment rights and employment opportunities. However, despite Myanmar having established relevant domestic law, *The Rights of Persons with Disabilities Law*, 2015 (30/2015), there still exists a gap between international standards and the protection of persons with disabilities in Myanmar. According to the *First Myanmar National Disabled Survey*, in the years 2008-2009, 80% of persons with disabilities in Myanmar are unemployed (Dept of Social Welfare, 2010).

This research examined why people with a disability are denied their right to work through interviews with persons with disabilities and people working in this sector. It reveals the problems for persons with disabilities to secure good employment are:

- a) the non-implementation of the relevant domestic law;
- b) the traditional mindset of the Burmese people in viewing persons with disabilities; and
- c) the various challenges faced by persons with disabilities which are not taken into consideration in respect of employment opportunities.

The stakeholders, including the government, can rectify the misconceptions about persons with disabilities to generate awareness among employers and implement and enforce the law which safeguards persons with disabilities rights.

2. Domestic Law

Myanmar's Law on the Rights of Persons with Disabilities was established on 15 July 2015. The persons with disabilities Law was passed 67 years after the first draft law was established in the constitution in 1948. However, the implementation of persons with disabilities legislation is severely lacking. Among other things, the new disability law provides that a National Committee be setup to create by-laws and procedural rules within 90 days of the establishment of the 'mother law'. Even by 2017, the National Committee was not established, and the regulations were only distributed in December 2017. Likewise, the Persons With Disabilities Law has not been translated into Braille or English, which results in a lack of awareness about the it among persons with disabilities, the people who were supposed to benefit most from it.

3. Traditional Mindset towards persons with disabilities

Mostly, families living in rural areas, with little or no education, tend to hold strong prejudice against persons with disabilities. Disabilities are stereotyped as a consequence of bad deeds committed in the past lives. Within the household, family members consider persons with disabilities as 'abnormal' and to be kept away from the outside world. Besides poor medical aid or treatment, persons with disabilities are discouraged or prevented from seeking higher education or employment. The perception towards persons with disabilities as 'abnormal' results in them being confined inside the household where they experience rather insecurity, discomfort, and discrimination.

4. Varied Challenges of persons with disabilities

Challenges faced by persons with disabilities while seeking employment are often based on their specific disability. Persons with visual, hearing, and speech impairments will have different difficulties in communicating and learning, while physical impairments, such as a person with a loss of limbs may find it more difficult than others to execute physical tasks or move around at the workplace. Similarly, a person with hearing and/or speech impairment may find it more difficult to engage in work requiring communication than those without such impairments. Specific requirements pertaining to different types of disabilities for persons with disabilities at workplace are often neglected. Many workplaces remain disabled unfriendly or inaccessible for wheelchair users, while others may not make information available to the visually impaired.

The ability of persons with disabilities to secure employment is highly dependent on whether or not the potential workplace is disabled friendly. The willingness and initiatives on part of the Myanmar employers is required in order to make the workplace suitable for persons with disabilities by adapting the environment according to their needs. Creating employment opportunities for persons with disabilities have been on voluntary initiatives rather than as a rights-based approach. The problems faced by persons with disabilities in seeking employment in Myanmar can be attributed to the lack of awareness among employers. Besides the rights of persons with disabilities, the employers may not know the potential positive contribution persons with disabilities can make towards the organization or business.

5. Conclusion

The study undertaken suggests that persons with disabilities in Myanmar continue to face major obstacles and discriminations, whether deliberate or not, regarding job opportunities available to them. Within the household, persons with disabilities being considered as 'abnormal' along with the stigma attached to it has resulted in depriving them of medical aids, at least until they are older. Outside the household, much of Yangon is unfriendly and inaccessible for the disabled. There is a lack of infrastructures and facilities which creates barriers for persons with disabilities to avail job opportunities. In addition, Myanmar, despite having a national law for persons with disabilities and also being State party to the CPRD, lacks implementation of relevant laws. In order to improve the conditions and secure the rights of persons with disabilities, much effort from relevant authorities is required.

6. Policy Recommendations

- a) Awareness about the rights of persons with disabilities, in particular their right to work, needs to be generated among employers.

- b) Capacity-building training should be organized for persons with disabilities aiming at skill development to increase their employability, and strategies to cope with challenges in the workplace environment.
- c) A monitoring mechanism, such as an independent body, must be established to observe the compliance of employers with persons with disabilities rights in their recruitment process, including observing the non-discrimination doctrine.
- d) Stakeholders, such as government departments, organizations working on persons with disabilities, and organizations hiring persons with disabilities, should have more formal and informal dialogues with the objective to implement better the existing laws and to amend laws that are discriminatory towards persons with disabilities, especially on the right to work and work environment.

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Relevant publications

Dept of Social Welfare, 2010. *First Myanmar National Disabled Survey*. Yangon: Ministry of Social Welfare.