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## Myanmar Consumer Report



**August 23, 2016 to September 29, 2017**

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Myanmar Consumers Union

Soft copy of Myanmar Consumer Report is also available at:  
Myanmar Consumers Union's website

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Published year: 2017

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## **Abstract**

The report is mainly based on study of the output of workshops, seminar, trainings conducted by Myanmar Consumers Union (MCU) in 8 states and regions, Key Informant Interviews and complaint system including online consumer complaint system. An online consumer complaint system has been developed by MCU during one year of implementation supported by United States Agency for International Development (USAID) through its Private Sector Development Activity.

The study also reported that most of the consumers are poor in awareness of consumer rights and unfamiliar with consumer complaint system. It is reported that food safety is traditional and the most concerned problem of consumers in Myanmar. Poor quality/substandard of goods and services is also one of the consumer issues, which have most impact on consumers. Transportation services, public utilities services, electricity supply, health care services, telecommunication services are also most claimed by the consumers.

The study from events, interviews, and survey shows that raising consumer education and public awareness is the most important mechanism for consumer protection in Myanmar. Moreover, accountability and transparency of consumer protection authorities, access to safe and quality goods and services are also important measures for consumer protection. The report also includes consumer protection activities, consumer problems, challenges encountered in consumer protection, and state of consumer protection in Myanmar; general consumer protection measures, consumer protection in specific consumer areas, and legitimate needs of consumers.

**Myanmar Consumers Union**

## **Acknowledgement**

Myanmar Consumers Union (MCU) Project Team wish to express our profound gratitude to United States Agency for International Development (USAID) for awarding grant which enabled MCU to conduct the project entitled “Strengthening Organizational Development and Developing an Online Consumer Complaint System” and promote MCU’s activities to accomplish its mission successfully.

The Team are deeply grateful to Ms. Jaleen Moroney, Vice President, Mr. Steve Parker, Chief of the Party, Dr. U Win Maung, Grants Manager and staff from Nathan Associate, Inc. for their helpful guidance and support throughout the grant period.

The Project Team also express special thanks to our respected MCU Patrons, Advisors, President and EC Members for their valuable time, advice and support.

MCU Project Team like to express our gratitude to all resource persons: Dr. U Tun Zaw, Director of Food and Drug Administration (FDA), Naypyitaw, Dr. Daw Khin Saw Hla, Director of FDA, Yangon, U Soe Aung, Deputy Director of Department of Consumer Affairs, Professor Dr. Soe Soe Wai, Head of Public Health and Epidemiology Department, University of Veterinary Science, Dr. Daw Than Than Lwin, Acting Head of Health Department of Yangon City Development Committee (YCDC), U Sithu Lwin, Deputy Head of Markets Department, YCDC, and U Myo Min Aung, Vice President of Myanmar Retailers Association for their valuable advice and kind participation in the interviews.

The Project Team also like to express our gratitude and sincerest appreciation to all resource persons, members, stakeholders, and partners from various governmental departments, INGOs, NGOs, CSOs, CBOs, for their participation in MCU’s workshops, seminar, and trainings, responses of the questionnaires, and discussion on consumer issues to partially fulfill the publication of Myanmar Consumer Report.

Finally, the Project Team are greatly indebted to U Maung Maung, MCU Secretary, for his devotion to the Project Team, Myanmar Consumers Union, and the Consumer Protection in Myanmar.

Myanmar Consumers Union Project Team

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## **ABBREVIATION**

ACCP	ASEAN Committee on Consumer Protection
AEC	ASEAN Economic Community
AMS	ASEAN Member States
ASAPCP	ASEAN Strategic Action Plan for Consumer Protection
ASEAN	Association of Southeast Asian Nations
ATM	Automatic Teller Machine
BEHS	Basic Education High School
CDC	City Development Committee
CICC	Consumer Information and Complaint Center
CPI	Consumer Price Index
CPL	The Myanmar Consumer Protection Law
CSO	Civil Society Organization
DOCA	Department of Consumer Affairs
DSB	Dispute Settlement Body
EC	Executive Committee
FAO	Food and Agriculture Organization
FDA	Food and Drug Administration
FGD	Focused Group Discussion
FOSTA	Food Science and Technology Association
GAD	General Administrative Department
GAHP	Good Animal Husbandry Practices
GAP	Good Agricultural Practices
GBPI	Government/ Business/ Public Interest Groups/ Individuals
GHP	Good Hygienic Practices
GMP	Good Manufacturing Practices
HACCP	Hazard Analysis and Critical Control Points
ICT	Information and Communications Technology
KII	Key Informant Interviews



MCU	Myanmar Consumers Union
MCQs	Multiple Choice Questions
MMK	Myanmar Kyat
MMRA	Myanmar Retailers Association
MoC	Ministry of Commerce
MPT	Myanmar Post and Telecommunication
MSG	Monosodium Glutamate
NCE	No Cost Extension
NGO	Non-Government Organization
NLD	National League for Democracy
SOP	Standard Operating Procedure
TOT	Training of Trainers
UN	United Nations
UNDP	United Nations Development Programme
UNGCP	United Nations Guidelines on Consumer Protection
USAID	United States Agency for International Development
USD	United States Dollar
WHO	World Health Organization
YCDC	Yangon City Development Committee
YBS	Yangon Bus Service
YESC	Yangon Electricity Supply Corporation

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## I. INTRODUCTION

### I.1 Study Background

**Myanmar Consumers Union (MCU)** is a Non-Government Organization and its vision is: "Consumer Justice towards a Better World". Mission of MCU is "MCU will be a highly respectable and reliable organization working for consumer rights locally, regionally and globally". The Union's tagline is "Safety and Rights thru Education" and its three main principles are: Non-Party Politics, Non-Profit, and Not accept funding from commercial or trading companies.

Due to poor quality products, unsafe food issues, and inferior services, there are deteriorating effects on consumers and the environment. Because, nowadays consumers were exploited by some selfish businesses who see their benefits and having adverse effects on consumers who may be illiterate or unaware, etc., in one or more of the followings:

#### **Factors Exploiting Consumers<sup>1</sup>**

- Imposition of Unfair Terms and Conditions
- Under-weight & Under-measurement
- Substandard Products
- Price Gouging (charging prices much higher than is considered reasonable or fair, and is considered exploitative, potentially to an unethical extent)
- Counterfeit or Pirated Goods)
- Adulteration & Impurity
- Lack of Safety Devices
- Unsatisfactory After Sales Support
- Artificial Scarcity
- False or Incomplete Information
- Rough Behavior

There is indeed an urgent need for better and wider understanding of consumer education amongst general consumers, businesspersons and authorities. MCU, therefore, was formed on November 18<sup>th</sup>, 2012 with 15 EC members from different professional backgrounds such as medical, legal, educational, agricultural, engineering, chemical, and economic and so on.

There were still two limitations to accomplish its mission successfully, these were: an external problem - the lack of accessible complaint mechanism for consumers and an internal problem - the lack of operational capacity in the MCU due to the nature of members of volunteering in organizational operations and activities. To address these

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<sup>1</sup> (2012). CBSE papers, questions, answers, MCQ ... source: [<http://cbse-notes.blogspot.com/2012/02/cbse-class-10-economics-consumer-rights.html>]

problems, MCU was awarded a grant from the United States Agency for International Development (USAID) through its Private Sector Development Activity to implement the project entitled “Strengthening Organizational Development and Developing an Online Consumer Complaint System”. The grant activity will also develop a complaint system (web based and mobile application based) according to the Myanmar Consumer Protection Law, together with a validation and justification mechanism. Under the grant, the Myanmar Consumers Union conducted a series of workshops, seminars and trainings that would raise public awareness on consumers’ issues and consumers’ rights.

The project duration was one year from August 23, 2016 to August 22, 2017. However, no cost extension (NCE) was submitted to USAID through Nathan Associate Inc. because MCU put massive workloads in the milestones plan and needed to complete a quality report on time. Nathan Associates approved MCU’s request for a NCE until September 29, 2017. Finally, the Myanmar Consumers Union produced and published the Consumers Report within the time bound of the grant.

Purposes of publishing the Myanmar Consumer Report is to

- raise public awareness about consumers’ rights, consumers’ complaint system, consumers’ education including consumer exploitation
- highlight the current status of the Myanmar consumers and their rights
- update consumers’ information and improve consumers’ affairs
- help MCU to develop future strategy

The report is expected to deliver insights on current consumers’ conditions where listing the businesses who are taking accountability for their business conducts also it would include rights violation, extent of unsafe products and services, unfair business treatments and socio-economic and environmental impacts by those businesses, and strategies to bring consumers’ justice.

Consumer rights referred by Myanmar Consumers Union, are described by Consumers International as below:

1. The right to basic needs
2. The right to safety
3. The right to be informed
4. The right to choose
5. The right to be heard
6. The right to redress
7. The right to consumer education
8. The right to a healthy environment

Myanmar has entered into a new democratic era starting with National League for Democracy (NLD) Party 2015 November election win. As the President of the Republic of the Union of Myanmar, his Excellency U Htin Kyaw delivered an inaugural speech on

30<sup>th</sup> March 2016 pledging 4 keys priorities to be focused on during his presidency. Namely

–

1. National reconciliation;
2. Internal peace;
3. The emergence of a constitution that will lead to effectuation of a democratic, federal union; and
4. Raising the quality of life of the majority of the people

Current approach and vision of Myanmar Consumers Union would greatly be in line with the president's 4<sup>th</sup> priority, especially the protection of consumers will improve the quality of life through having quality services and consumers product in daily living.

## **1.2 Country Background**

Total area of Myanmar is 261,228 square miles (677,000 sq. km). The Republic of the Union of Myanmar is located in Southeastern Asia, bordering on the north and northeast by the People's Republic of China, on the east and southeast by the Lao People's Democratic Republic and the Kingdom of Thailand, on the south by the Andaman Sea and the Bay of Bengal and on the west by the People's Republic of Bangladesh and the Republic of India.<sup>2</sup>

According to the census dated on March 29<sup>th</sup>, 2014, population of Republic of the Union of Myanmar is 51,486,253 with men 24,824,586 and women 26,661,667. In term of urban and rural differentials, 30 percent of population are in urban areas and 70 percent in rural areas. In Myanmar, there are 135 national races residing in seven states, seven regions, and a union territory. Major ethnic groups include Kachin, Karen, Kayah, Bamar, Chin, Mon, Rakhine, and Shan. The proportion of household that use electricity for lighting is 32.4 percent.<sup>3</sup>

Myanmar is ranked 145 of 188 in the 2016 countries and territories. Poverty is still widespread, the life expectancy is 66.1 years<sup>4</sup>, the infant mortality rate is 39.5 per 1,000 live births in 2015<sup>5</sup>, the adult literacy rate is 93.1% in 2015<sup>6</sup>, and the per capita income is USD 1275 in 2016<sup>7</sup>.

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<sup>2</sup> Central Statistical Organization of Myanmar, Ministry of Planning and Finance (2016, December). Myanmar statistical yearbook 2016. 588 p.

<sup>3</sup> The Department of Population, Ministry of Labour, Immigration and Population (2015, March). The Union report: the 2014 Myanmar population and housing census, vol. 2. 278 p.

<sup>4</sup> UNDP (2016). Briefing note for countries on the 2016 Human Development Report: Myanmar, 7 p

<sup>5</sup> World Bank (2015). Source: [<https://data.worldbank.org/indicator/SP.DYN.IMRT.IN?locations=MM>]

<sup>6</sup> UNDP (2015). Human development report: adult literacy rate, source: [<http://hdr.undp.org/en/indicators/101406>]

<sup>7</sup> Trading Economics (2016). Myanmar GDP per capita, source: [<https://tradingeconomics.com/myanmar/gdp-per-capita>]

## II. LITERATURE REVIEW

### 2.1 Overview

Its geographic location at the intersection of China and India<sup>8</sup> two of the most populated countries in the world and among Asian countries, combined share world of population both countries is 61.07%.<sup>9</sup> Myanmar is the largest country in Southeast Asia and a potentially wealthy country that has rich natural resources. Before a military junta seized control of Myanmar in 1962 it was the world's leading rice exporter.<sup>10</sup> But under the military regime, Myanmar, formerly known as Burma became a Least Developed Country in 1987.<sup>11</sup>

Myanmar transitioned to an elected government in March 2011 with largely former military officers<sup>12</sup>. Myanmar took the rotating chair of ASEAN for the first time in 2014 after joining ASEAN in 17 years.

The current government of National League for Democracy (NLD) won the second election in November 2015 and inherited high inflation, sizeable budget and current-account deficits, a volatile exchange rate and institutions both ossified and hollow after decades of corruption, stagnation and top-down rule. Consequently there lacks of effective consumer protection mechanism in Myanmar and needs enforcement.

Myanmar's government consider e-Government as an important component in order to achieve rounded development covering administration, social, economic, education and health sectors. The government, aiming at economic development, has included the policy "to establish Data ID Card System, Digital Government Strategy and e-Government system" in the economic policy as a national objective in August, 2016, for the successful implementation of e-Government. In order to be in line with changing administrative conditions of the country and fast-moving advancement of information technology, the Ministry of Transport and Communications, to be compatible with current Myanmar context, has revised Myanmar e-Governance Master Plan in 2016.<sup>13</sup> It is hoped that the e-Governance Master Plan would improve administration, social, and economic sectors and support traceability system which is importance in consumer protection.

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<sup>8</sup> World Bank, source: [<http://www.worldbank.org/en/country/myanmar/overview>]

<sup>9</sup> (2015, February). China vs India population. source: United Nations Department of Economic and Social Affairs [<http://statisticstimes.com/population/china-vs-india-population.php>]

<sup>10</sup> The Economist. Myanmar's economy: the Burma road - a long and painful journey awaits Myanmar's new government, source: [<https://www.economist.com/news/finance-and-economics/21695944-long-and-painful-journey-awaits-myanmars-new-government-burma-road>]

<sup>11</sup> Department of Economic & Social Affairs, The United Nations. Least development country category: Myanmar profile, source: [<https://www.un.org/development/desa/dpad/least-developed-country-category-myanmar.html>]

<sup>12</sup> John J. Brandon (2014, January). ASEAN Chairmanship offers opportunity for Myanmar, source: [<http://asiafoundation.org/2014/01/08/asean-chairmanship-offers-opportunity-for-myanmar/>]

<sup>13</sup> Ministry of Transport and Communications. "Myanmar e-Governance Master Plan", 85 p.

## 2.2 Consumer Protection Activities in Myanmar

### 2.2.1 Myanmar Consumer Protection Law<sup>14</sup>

The Myanmar Consumer Protection Law (CPL) (The Pyidaungsu Hluttaw No.10, 2014) has been enacted in Myanmar on March 14<sup>th</sup>, 2014 at the time of ASEAN chairmanship.

In Chapter I, CPL defined that “**Consumer**” means person who takes or uses goods or services not for trading.

However, there are (8) consumer rights described by Consumers International, there are only (5) consumer rights in Myanmar Consumer Protection Law (2014) as follows:

1. enabling to use safety of the goods or services;
2. enabling to choose the goods or services and enabling to obtain the promised value, terms and conditions and warranty;
3. having right to obtain completely and correctly of information relating to the condition and warranty of the goods or services;
4. claiming to hear and settle on dispute related to goods or services used by the consumer, enabling to obtain consumer protection and enabling to obtain correct settlement.
5. receiving fair relationship that is non-discriminatory treatment and service.

Under the CPL, depending on their nature and severity breaches may result in:

- Warnings for minor initial offences
- Administrative actions such as compensation, prohibition of products, or license revocation where necessary
- For more serious or repeat offences, fines up to MMK 5 million (approximately USD 3,600)
- Again, for serious or repeat offences, imprisonment up to three years

### 2.2.2 Recent development

The new Consumer Protection Law has been drafted and passed the Office of the Union Attorney General’s Office and submitted to the Myanmar Union Parliament (Pyidaungsu Hluttaw) for approval. Before the new law is enacted, there exists the Central Committee and for the district level, Dispute Settlement Bodies have already been set up for consumer protection, said the Director of Department of Consumer Affairs (DOCA), Yangon Region on World Consumer Rights Day 2017.

**[In Addition:** The Draft Consumer Protection Law has been passed by Pyidaungsu Hluttaw and announced in Myanmar Newspaper for public consultation.]

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<sup>14</sup> The Republic of the Union of Myanmar (2014, March). The Consumer Protection Law (The Pyidaungsu Hluttaw No.10, 2014) (The 14th Waxing of Taboung, 1375 M.E.)



Online Consumer Complaint System (via web-based and mobile application) was recently launched by Myanmar Consumers Union (MCU) with USAID's support. The website and mobile application provide a simple method for processing consumer complaints in either Myanmar or English languages. The complaint form is based on the form used by the Department of Consumer Affairs. MCU inspects required information and documents for complaints and then transfer relevant information to the Central Dispute Settlement Committee. The web-based complaint system can be accessed at: <http://www.myanmarconsumersunion.org> and mobile application for Android and iOS can also be downloaded from the Google Play Store and App Store.

The Consumer Information and Complaint Center (CICC) was also opened by Department of Consumer Affairs and now a total of 46 CICCs have been opened in states and regions, and some districts. Currently, consumers can complain by phone to CICC.

### **2.2.3 Dispute Settlement Body (DSB)**

The Consumer Protection Central Committee shall, in order to carry out systematically the functions of consumer protection and to settle the disputes of consumers, form the Consumer Dispute Settlement Bodies in Regions or States, Districts, Townships with suitable persons. The functions and duties of the Consumer Dispute Settlement Bodies are as follows:

- (a) mediating and conciliating consumer disputes;
- (b) distributing knowledge to consumer relating to consumer protection;
- (c) accepting and examining the complaint in writing or oral of consumer relating to the goods or services;
- (d) carrying out duties conferred by the Central Body from time to time.

### **2.2.4 Food safety**

Myanmar, whose economy has recently changed into a market orientated one, has a challenging task in dealing with Food Safety measures as exports and imports of food commodities are now having a booming business.

Legislations: The National Food Law was enacted in 1997 and the Amendment of the National Food Law was made in 2013. Currently a new National Food Law is being drafted.

Myanmar Food and Drug Board of Authority is chaired by the Minister of Health and Sports and Central Food and Drug Supervisory Committee is chaired by the Director General, Department of Food and Drug Administration (FDA). FDA is the regulatory/implementing agency for food and drug safety, guided by above-mentioned steering bodies.

Food safety control system in Myanmar is a multiagency approach along the food-chain. In collaboration with other stakeholder departments and agencies;

- Department of Agriculture
- Livestock Breeding and Veterinary Department
- Department of Fisheries
- Department of Consumers Affairs
- Municipal Health Departments (Naypyitaw Development Committee and City Development Committees – CDC in Yangon and Mandalay)
- Custom Department
- Disease Control Unit, Department of Public Health
- Consumer Organizations etc.

City Development Committees are concerned with street food and food service establishments for food safety. CDCs have licensing authority within their jurisdiction. Under the Industrial Law, the Directorate of Industrial Coordination & Inspection under Ministry of Industry is the licensing authority for industrial establishment; it has to issue a license for all food manufacturing establishments.

Food safety control works are: (1) GMP Inspection and Certification of food industries; (2) Food Import and Export Inspection and Certification; (3) Post-market Surveillance; and (4) Switching to Risk-based approach.

FDA encourages Myanmar food industries to practice HACCP (a systematic preventive approach to food safety from biological, chemical, and physical hazards in production processes that can cause the finished product to be unsafe, and designs measurements to reduce these risks to a safe level) based Food Hygienic Practice on food inspection that makes the food industry should apply this guideline. FDA utilizes Codex Alimentarius Commission materials as working materials as an interim measure before developing national standards, practices and guidelines.<sup>15</sup>

### **2.2.5 Consumer organizations**

Although there are many organizations working for the many areas which would benefit consumers, there are only two registered consumer organizations dedicated to consumer rights and consumer protection. These are (1) Myanmar Consumers Union and (2) Consumer Protection Association.

## **2.3 Consumerism Trends**

Consumerism trend and status in Myanmar could be implied through available statistics. The Myanmar Consumer Price Index (CPI) grew by 11.44% in 2015-2016 as compared to the previous period of 5.9% recorded in 2014-2015.

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<sup>15</sup> Yi Yi Htwe. Myanmar country report presented. In FAO/WHO Regional Conference on Food Safety for Asia and the Pacific, source: [<http://www.fao.org/docrep/MEETING/008/AD813E.HTM>]

Value of completed residential buildings in 2014/2015 131,442.3 and 2015/2016 131,336.29 in kyat million. Total electric power consumption in 2014-2015 and 2015-2016 are 11,407 and 13,551 (Million K wh) respectively.

Volume of passengers carried by all types of transport (railways, road, waterways, and airways) (values in thousands) in 2014-2015 and 2015-2016 are 74,666 and 66,908 respectively. The volume of passengers is declining compared to 132,471 (values in thousands) in 2005-2006.

According to the Central Video Supervision Committee’s statistics, videos from 2011 to 2015 are declining. Total absolute value of videos are: 34,127, 28,727, 24,367, 22,222, 19,310 in 2011, 2012, 2013, 2014, and 2015 respectively.<sup>16</sup>

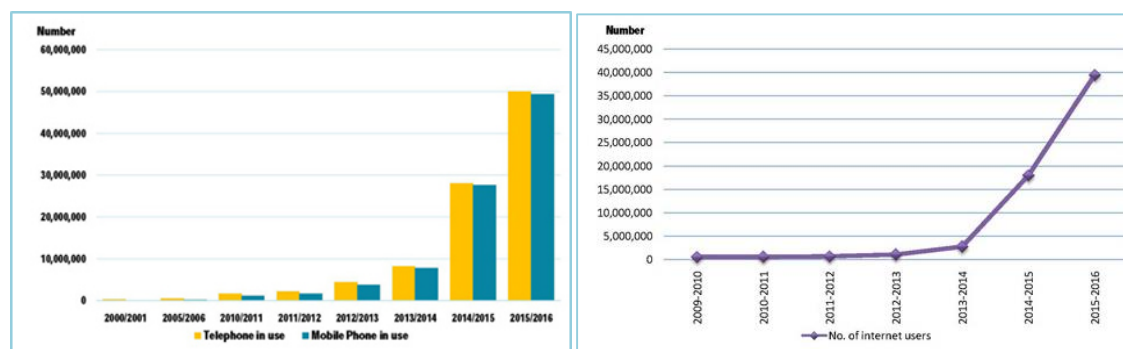


Figure 1: Communication statistics, source: Ministry of Teleport and Communications.

According to the statistics, phone and internet users have increased abruptly from the previous year. More than 39.9 million telephones and more than 39.4 million mobile phones were in use, and number of internet users are about 39 million in 2015-2016. In 2013-2014 according to the above figure, phone users is under 10 million and internet users under 5 million.

Due to the relatively cheaper prices, high quality and accessible border trade, Thai products such as Beverages, Confectionery, Packaged Foods, and Personal Hygiene Products are widely popular in Myanmar. Chinese brands, on the other hand, have to deal with the sometimes negative perceptions of safety and quality. Although Chinese goods are present in all product categories, with relatively higher success in the categories of Household Appliances, Personal Hygiene Products and Tobacco, they tend to be chosen only by consumers who are extremely price-sensitive or who face limited options.

In general, Myanmar consumers who prefer traditional trade channels (grocery stores and roadside/stalls) tend to prioritize considerations such as location and lower price, whereas those who prefer modern trade channels are more focused on stock availability, variety and the level of service. Nevertheless, modern trade channels are poised to take

<sup>16</sup> Central Statistical Organization of Myanmar, Ministry of Planning and Finance (2016, December). Myanmar statistical yearbook 2016. 588 p.

of in Myanmar, particularly in urban cities where household incomes have risen significantly.<sup>17</sup>

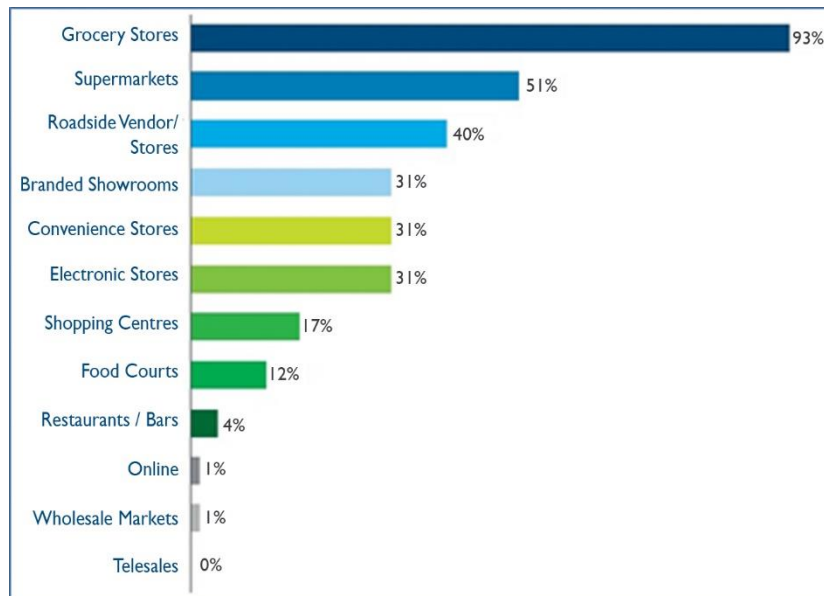


Figure 2: Market outlets, source: Deloitte's Myanmar Consumer Survey 2016

According to the Deloitte's Myanmar Consumer Survey (2016), 99% of survey respondents in Yangon and Mandalay used cash in their payment, despite a fair proportion of them having access to bank accounts and bank cards. Although barrier to card usage remain, the majority of consumers (78%) had expressed a willingness to use card payments in the future.

The Deloitte's Myanmar Consumer Survey (2016) indicated that taste, quality, and price are the top three attributes prioritized by Myanmar consumers when purchasing beverages, confectionery and packaged foods.

## 2.4 Consumer Protection in ASEAN countries

### 2.4.1 Consumer Protection Actions to be implemented under ASEAN Economic Community (AEC)

The establishment of the ASEAN Economic Community (AEC) in 2015 is a major milestone in the regional economic integration agenda in ASEAN, offering opportunities in the form of a huge market of US\$2.6 trillion and over 622 million people. In 2014, AEC was collectively the third largest economy in Asia and the seventh largest in the world. The AEC Blueprint 2025, adopted by the ASEAN Leaders at the 27<sup>th</sup> ASEAN Summit on 22<sup>nd</sup> November 2015 in Kuala Lumpur, Malaysia, provides broad directions through strategic measures for AEC from 2016 to 2025. Blueprint will not only ensure that the 10 ASEAN Member States (AMS) are economically integrated, but are also sustainably

<sup>17</sup> Deloitte (2016, September). The Myanmar consumer survey: golden land, golden opportunities. 28 p.

and gainfully integrated in the global economy, thus contributing to the goal of shared prosperity.<sup>18</sup>

#### **2.4.2 ASEAN Committee on Consumer Protection (ACCP)**

Consumer protection is therefore, a priority agenda of the ASEAN Economic Community (AEC) that calls for equal commitment of stakeholders to achieve an equitable single market. Consumers, regulators and businesses need to be further equipped to respond to the impact of globalisation such as greater cross-border purchasing, new market trends, varying consumer demographics and increased use of the internet. The digital revolution is transforming the world in which consumers live.

The ASEAN Strategic Action Plan for Consumer Protection or the ASAPCP sets out ASEAN's strategy for consumer policy over the next ten years (2016-2025). The ASAPCP builds upon the ACCP work on consumer protection since its establishment of the ACCP in 2007. The focus of the ACCP work has been to ensure that consumer protection legislation is in place in all AMS, ASEAN Member States, consumer access to information is enhanced, mechanisms for consumer redress and recalls are effective and running, and institutional capacity are strengthened. Further legislative change in the region may also come in the wake of burgeoning bilateral and regional free trade agreement.<sup>19</sup>

#### **2.4.3 Myanmar and ASEAN countries**

Most ASEAN countries have general Consumer Protection Laws that prohibit unfair and wrong practice, selling substandard or counterfeit products, misleading conduct by traders. Many ASEAN Member States have legislation in place that provides minimum standards of quality in contracts for the sale of goods, for example through statutory guarantees or implied terms.

Some ASEAN countries contain a cooling-off period which specifies a period in which consumers may terminate the contract for the goods or services purchased through the unsolicited sales method without incurring any financial penalty. Cooling-off periods give consumers time to reflect on the purchase, free from pressure of the salesperson.

ASEAN Member States continue to experience serious safety failures involving various consumer goods, as evident from the ASEAN Committee on Consumer Protection (ACCP) 'Product Alerts' as well as media coverage. Voluntary recalls of motor vehicles, for example, are widely reported. In mid-2013, Kanebo recalled around half a million skin whitening cosmetics in North and Southeast Asia. Most ASEAN Member States have general Consumer Protection Laws that prohibit misleading conduct by traders.<sup>20</sup>

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<sup>18</sup> ASEAN Economic Community. Source: [<http://asean.org/asean-economic-community>]

<sup>19</sup> ASEAN (2015). The ASEAN strategic action plan for consumer protection (ASAPCP) 2016-2025: meeting the challenges of a people-centered ASEAN beyond 2015, 6 p.

<sup>20</sup> Jakarta: ASEAN Secretariat (2014, November). Consumer protection digests and case studies: a policy guide, vol. 1. 202 p., ISBN 978-602-0980-08-9.

Table 1: Status of Principal Consumer Protection Laws in ASEAN Member States<sup>21</sup>

Country	Principal Consumer Protection Act
Brunei Darussalam	Consumer Protection (Fair Trading) Order, 2011
Cambodia	Being drafted
Indonesia	Consumer Protection Act No 8/1999
Lao PDR	Law on Consumer Protection 2010
Malaysia	Consumer Protection Act 1999
The Republic of the Union of Myanmar	Consumer Protection Law (The Pyidaungsu Hluttaw No.10, 2014)
Philippines	Republic Act No. 7394 - The Consumer Act of 1992
Singapore	Consumer Protection (Fair Trading) Act 2009
Thailand	The Consumer Protection Act 1979
Vietnam	Ordinance of Protection of Consumer's Interests 1999

## 2.5 National Policies for Consumer Protection

A national policy for consumer protection in Myanmar is “on going” status. UN Guidelines on Consumer Protection (UNGCP) stated that Member States should establish consumer protection policies that encourage:

- (a) Good business practices
- (b) Clear and timely information to enable consumers to contact businesses easily, and to enable regulatory and law enforcement authorities to identify and locate them
- (c) Clear and timely information regarding the goods or services offered by businesses and the terms and conditions of the relevant transaction
- (d) Clear, concise and easy to understand contract terms that are not unfair
- (e) A transparent process for the confirmation, cancellation, return and refund of transactions
- (f) Secure payment mechanisms
- (g) Fair, affordable and speedy dispute resolution and redress
- (h) Consumer privacy and data security
- (i) Consumer and business education.

## 2.6 Consumer Education and Information Programmes

Regarding to MCU involvement in introduction of general consumer education to consumers in Myanmar, U Yan Lin of Kyaiklat Constituency who was a former president of Myanmar Consumers Union (MCU) put forward a motion at the 2<sup>nd</sup> Pyithu Hluttaw 5<sup>th</sup> Regular Meeting 8<sup>th</sup> Day Session on June 2, 2017, urging the Union Government to include consumer education subjects in existing education curricula especially in Grades 6, 7 and 8, to which Hluttaw agreed to discuss.

<sup>21</sup> ASEAN. Road mapping capacity building needs in consumer protection in ASEAN: policy brief, 9 p.

The total of 16 Hluttaw representatives debated the motion at the 2<sup>nd</sup> Pyithu Hluttaw 5<sup>th</sup> Regular Meeting 15<sup>th</sup> Day Session on June 15, 2017, yet the motion was not approved but just recorded because of Deputy Minister of Education U Win Maw Tun's explanation regarding to the motion, that currently Ministry of Education is disseminating information about the Food and Drugs Administration's official announcements on foods, drugs and cosmetics that are not fit for consumption to schools through the state and region education offices in order to get students and their parents to avoid them.

The minister also said that the new curriculum that was being drawn up includes the subject of consumer education that would be understandable and appropriate for the students' age, knowledge and understanding level. Teachings about foods, drugs and services that were not fit for consumption, and selecting healthy and appropriate foods and drugs. The subject will be taught after confirmation from the National Curriculum Committee through the National Education Policy Commission. At the basic education level, there is no subject title of Consumer Education, but in the present "Experiences for Life" subject as well as subjects in the new curriculum being drawn up would include knowledge on this matter and the Deputy Minister recommended to put the motion on record.

But the United Nations Guidelines on Consumer Protection (UNGCP) stated clearly on how UN Member States should develop inclusive consumer education and information programmes as follow:

Consumer education should, where appropriate, become an integral part of the basic curriculum of the educational system, preferably as a component of existing subjects. Businesses should, where appropriate, undertake or participate in factual and relevant consumer education and information programs. Bearing in mind, the need to reach rural consumers and illiterate consumers. In developing such programs, special attention should be given to the needs of vulnerable and disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or illiteracy levels. Consumer groups, business and other relevant organizations of civil society should be involved in these educational efforts.<sup>22</sup> Moreover, there are many statements about consumer education, and some of them are present here:

"Consumer Education contributes towards the formation of a participative, critical and competent citizenship. All governments should be urged to incorporate consumer education as a part of the basic school curriculum, and to have this applied in practice in the classroom. Teachers should be trained to impart knowledge that consumers need..." *Consumers International Policy Statement, 17<sup>th</sup> Congress, Lisbon 2003.*

"Consumers need not only, to access information about the goods and services offered in the market, but also assess those offers and finally act on accessed information in order to make informed decisions when purchasing goods or services in the market place (accessibility, assessment and acting on information about the market-are the three elements of consumer decision making process).<sup>23</sup>

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<sup>22</sup> United Nations Conference on Trade and Development (2016, July). United Nations Guidelines on Consumer Protection. 29 p.

<sup>23</sup> Martha Kisyombe (2012). Session 3: Emerging issues in consumer protection: complementarities and areas of tension. Presented at Ad Hoc Expert Meeting on Consumer Protection: the interface between competition and consumer policies, Geneva, 12 to 13 July 2012.

### **III. METHODOLOGY**

#### **3.1 Scope of the Study**

The study is part of the Myanmar Consumers Union's project entitled "Strengthening Organizational Development and Developing a Consumer Complaint System (Web-based and Mobile App.)".

MCU's project activities included conducting a series of workshops, seminars and trainings that would raise public awareness on consumers' issues and consumers' rights. At the time of implementing those activities, the project team developed survey questionnaires, collected quantitative data, conducted Focused Group Discussion, Group Discussion, and Key Informant Interviews. MCU conducted a total of 9 workshops, 1 seminar, 3 meetings with participants from selected areas, 6 trainings on consumer education, and 3 TOTs in Hakha, Lashio, Mandalay, Mawlamyaing, Naypyitaw, Patheingyi, Sagaing, and Yangon during October 2016 – July 2017. Most of the questionnaire respondents are MCU members, EC members and other stakeholders from different sectors such as government, business, individuals and public interest groups/civil societies. Although there were three more workshops for organizational development and strategies, these workshops were not counted in the activities mentioned above.

Under the grant, MCU also developed an Online Consumer Complaint System via web-based and mobile applications. All data received from the online system, seminar, workshops, and trainings were fed into the report. Besides the primary data collected from the project activities, secondary data will also be fed into the report. The report is not mainly focused on product-based and market related issues but also may highlight current consumer issues that Myanmar consumers are suffering from, such as rights violation, substandard and unsafe products and services, unfair business treatments and socio-economic and environmental impacts by those businesses. The study provides highlights and strategies to bring consumers' justice towards a better world.

#### **3.2 Data Collection and Analysis**

Quantitative and qualitative data were collected and analyzed in this study.

##### **3.2.1 Quantitative data**

Quantitative data was collected through survey questionnaires with multiple choices that allowed the respondents to choose an option that was more related to their view. The questionnaire was composed of (24) questions related to knowledge on consumer education, consumer rights, food hygiene, practices, products and services. The questionnaires were aimed at not only testing respondent's knowledge, but also to educate and share of knowledge on consumer affairs, and to get information on consumer problems. At some trainings and workshops, the participants were asked to answer the



pre-test and post-test questions which could examine the level of consumer knowledge of them and the effectiveness of the events.

(29) respondents from (22) organizations were surveyed with two questions to choose the most important (3) mechanisms that can strengthen consumer protection in Myanmar and the top (3) consumer issues/concerns which Myanmar needs to focus on for the next 3-5 years.

### **3.2.2 Qualitative data**

Qualitative data was also collected through semi-structured questionnaires as a guide, Focus Group Discussion (FGD), group discussions, and Key Informant Interviews (KII). The first three types were conducted in the workshops and trainings, and KII were conducted at the interviewees' place.

Semi-structure questionnaires were composed of four questions which could have open-ended answers and opinions of the respondents upon their experience about consumer problems. The qualitative question guides were simply developed to enable asking (1) what consumer problems/services they are facing in their lives, (2) their opinions on why these problems were occurring, and (3) their suggestions on how these problems could be overcome. A respondent can claim more than one problem, one product or one service. In the analysis, the problems claimed by the consumers were grouped into different categories, transformed to quantitative data and analyzed in a simple way such as counting number of frequency. For example, a problem would be firstly categorized into two main groups whether "Product" or "Service". Then groups either from product or service based problems were sub-categorized again into different product or service types respectively. Later the most claimed products or services were grouped again into different minor categories. The total respondents of the questionnaires was 396.

The FGD question guides were simply developed to enable asking performance of Government/ Business/Public Interest Groups/Individuals (GBPI) on consumer protection (1) how they see the GBPI's performance (2) what are their problems or weakness of GBPI in consumer protection, and (3) suggestions for how GBPI can improve for better consumer protection.

Group discussions were also conducted for detail discussion about consumer issues and their opinions. Information and issues obtained from such workshops and trainings were selected and discussed in the issue-based workshops. Issue-based workshops were used to substantiate or supplementary qualitative information obtained from the group discussions, FGD, and survey questionnaires.

Key Informant Interviews (KII) were also conducted for qualitative research and data collection. KII interviewed questions were based on UN Guidelines on General Consumer Protection Measures, Consumer Protection in Specific Consumer Areas, Legitimate Needs of Consumers, Consumer Rights Movement, and Challenges

encountered in working for consumer protection and Suggestions for consumer rights and better protection. Few questions were varied from person to person according to the expertise field they are working for. The interviews were conducted with Directors of Department of Food and Drug Administration in Naypyitaw and Yangon, Deputy Director of Department of Consumer Affairs in Naypyitaw, Acting Head of Health Department of YCDC and Deputy Head of Markets Department of YCDC, Professor and Head of Public Health and Epidemiology Department, University of Veterinary Science, Vice President of Myanmar Retailers Association, and Legal Advisors of Myanmar Consumers Union.

### **3.3 Limitation**

As there were many activities needed to be carried during the one year project, there was not enough time to survey the respondents randomly. The most respondents were participants who attended the workshops, seminar and trainings conducted by MCU and residents who live in the cities where MCU implemented the activities.

Pre and Post-test were not done in all of the trainings and workshops due to the time limit of the some events. Only (204) participants were asked to answer the tests and the tests were mostly conducted in 2-day workshops rather than in 1-day training.

## IV. FINDINGS

### 4.1 Awareness on Consumer Rights and Education

#### Findings from Pre-Test and Post-Test

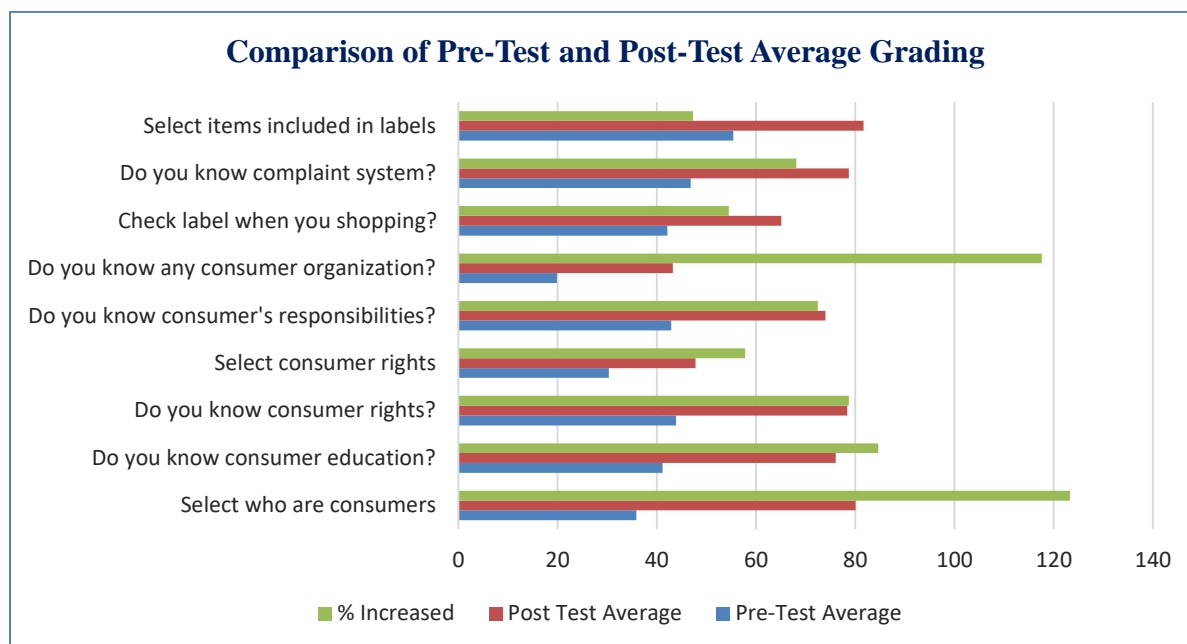


Figure 3: Findings from pre-test and post-test, source: MCU's primary data.

Pre-test and post-test were conducted before and after the workshops/trainings respectively. Grading for each question and answer was made and percentage of grading was calculated. Based on average grade percentage, increased % of pre & post-tests grades were also obtained and put in same axis. Pre & post-test average grade % were primarily compared to see how different their grades were. Total respondents of the tests was 204.

From the test result no. 1, it can be concluded that participants became more aware of who is a consumer. The question asked the participants to select the consumers from 6 given groups of people namely, government, businesspersons, students, workers, consumer organizations, and civil societies. Grade of no. 1 answer was increased from 35.87 of pre-test to 80.08 of post-test. From the all questions, increased percentage (123.37%) is the highest at no. 1 question which reflects on what participants understand about consumers. According to the post-test grading % of no. 1 question, even after the workshop/training, only 80.8% of the participants understood well what a consumer is.

Average total grade was increased from 42.63 of pre-test to 72.02 of post-test with 68.92 % increased. The test results indicated that participants became more aware of what is a consumer, consumer education, consumer rights, consumer responsibilities, consumer organization, labelling, and complaint system during the workshop and training time conducted by MCU.

It was obviously observed that most of the people properly did not know the meaning of “consumer”. Mostly they think about “Food” whenever it concerns “Consumer” because “Consumer” is called “Sar-Thone-Thu” (eater) in Myanmar.

## 4.2 Findings from Questionnaires (Quantitative Data)

### 4.2.1 Profile of the respondents

Total respondents 396 (men 172, women 220, no answer for personal data 4). 42% of the respondents’ age falls between 21-35 years and the rest are fallen at age group; 36-50, 51-65, >65 and <21.

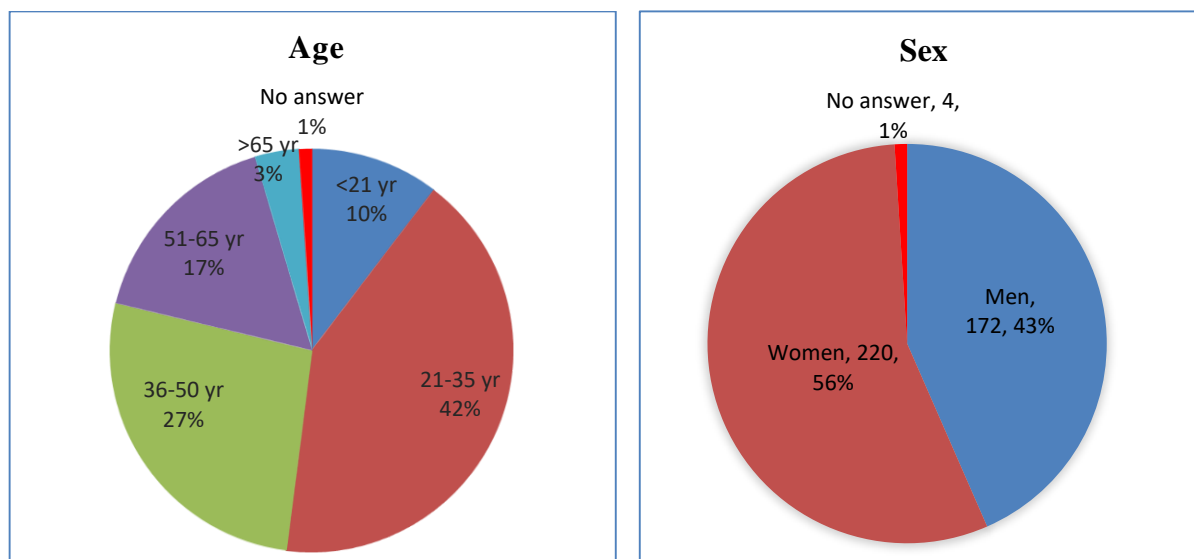


Figure 4: Profile of respondents in disaggregated data on age and sex, source: MCU’s primary data.

Most of the respondents attended the MCU’s workshops and trainings and few respondent also live in the towns/cities where the events were held. Location of the respondents did not cover all selected towns, cities and all over the country however the respondents were from 7 states/regions in Myanmar. Although the names of the locations are described as shown in the below figure, a few respondents in fact came from the places nearby the mentioned places. For example, respondents from Lashio included Kyoukme, Namsam, Namatu, Mandalay included Patheingyi, Pathein also included Myaung Mya, so on.

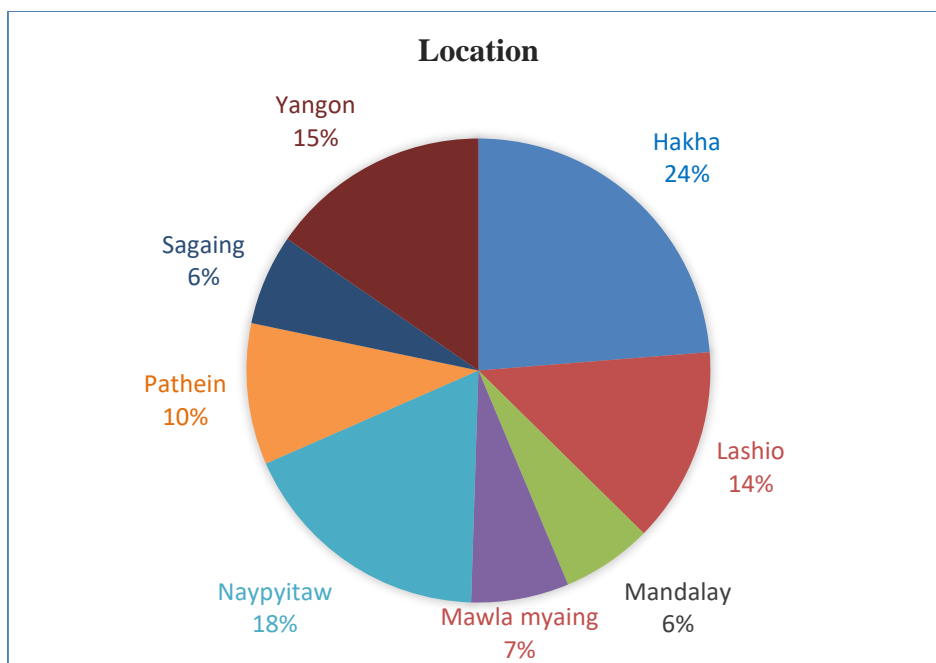


Figure 5: Profile of respondents - disaggregated data on location, source: MCU's primary data.

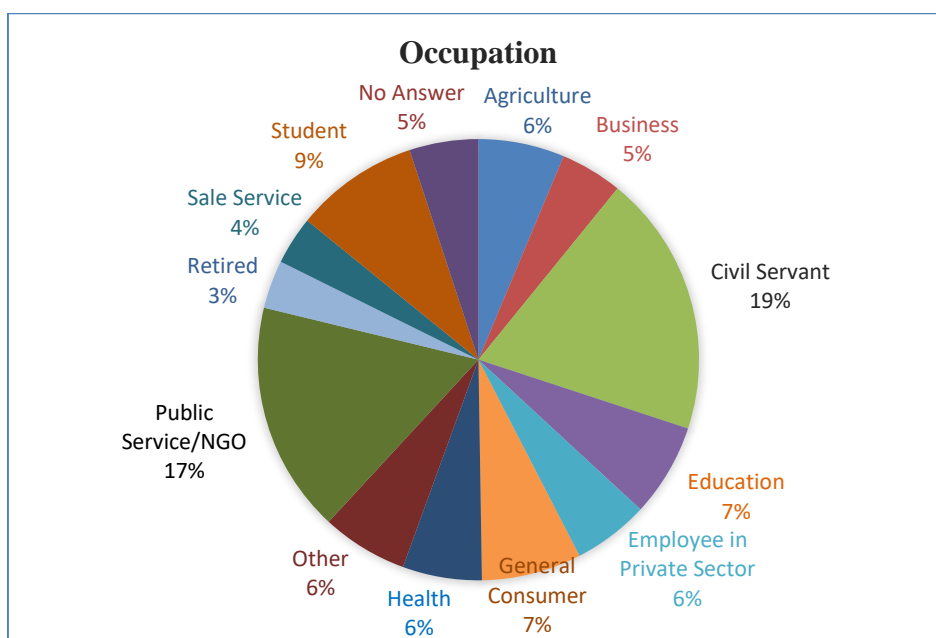


Figure 6: Profile of respondents - disaggregated data on occupation, source: MCU's primary data.

General consumers mean homemakers and dependents. Other includes taxi drivers, nanny, carpenter, miscellaneous jobs, and so on with few numbers of respondents. Student also includes high school students and university students.

#### 4.2.2 Multiple Choice Questions

Unfortunately, the results from the answers to 24 questions on the MCQ obtained by collecting data from 396 participants was not included in this report because the method of data collection was not correct. Rather than collecting survey data through one-on-

one interviews, MCU circulated questionnaires to save the time of participants who attended into workshops. Then MCU collected answers at the end of workshops. Unfortunately, participants appeared to have answered those questions by discussing them with each other as the answers obtained from each workshop are almost identical instead of being diverse. When MCU analyzed the answers, the results were statistically insignificant. Therefore, MCU management decided not to include the results from the 24 MCQs. That was a lesson for MCU, actually MCU did not put this activity in the plan to ask one on one. In the future, questionnaires will be pre-tested before being used.

#### 4.2.3 Problems stated by consumers

Total consumer problems claimed by 396 respondents in open-ended answers were: 225 products and 272 services. It could be said that some participants answered about more than one product or service problems. According to the result of semi-structure questionnaires, most of the problems are concerned with foods and drugs, i.e. mostly food products followed by substandard products. Although fuels, cosmetics, electronic and phone products are separately described because of the relatively higher number of their responses, some of them are also related to substandard products, for example, low quality of automobile fuels, substandard electronic products.

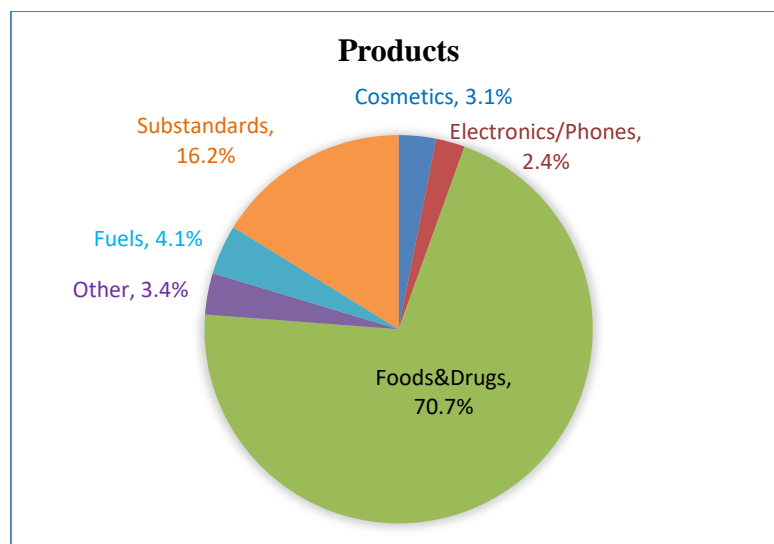


Figure 7: Problem stated by consumers - disaggregated data on products, source: MCU's primary data.

As food products are 70% of the total product problems listed, they are also described in different food categories as below:

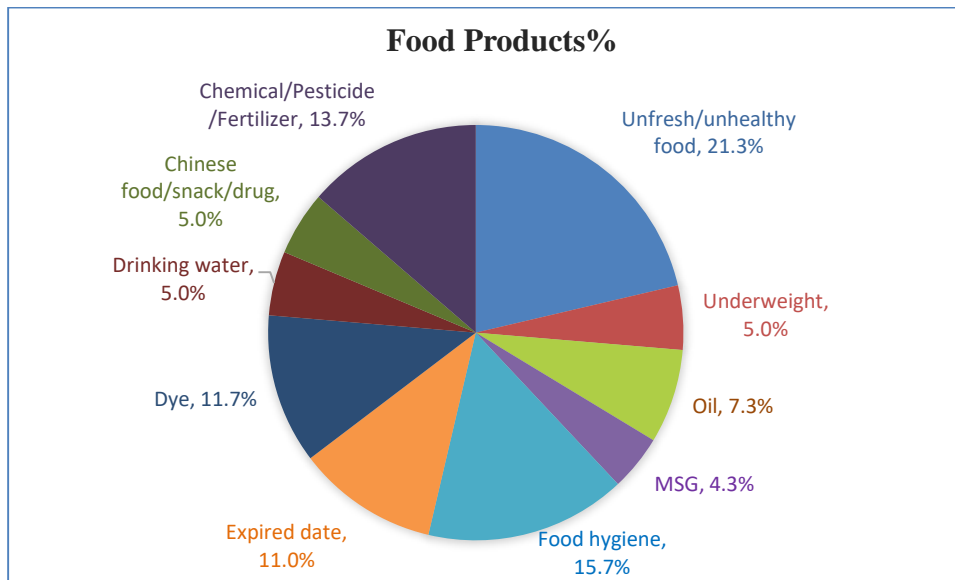


Figure 8: Problem stated by consumers - disaggregated data on product - food products, source: MCU's primary data.

Most of the food problems are concerned with lack of freshness or unhealthy and unhygienic foods followed by food containing residues of chemicals/pesticides/weed killers, and dyes. Problems related to expired dates are: lack of labelling and expired date, and selling expired foods. Cheap and low quality Chinese foods/snacks and drugs; drinking water, low quality or adulteration with low quality or reused cooking oil were mostly complained by consumers. Receiving underweight of foods such as meats, fish, oils, rice, etc. are also problems related to purchasing of food products from the markets.

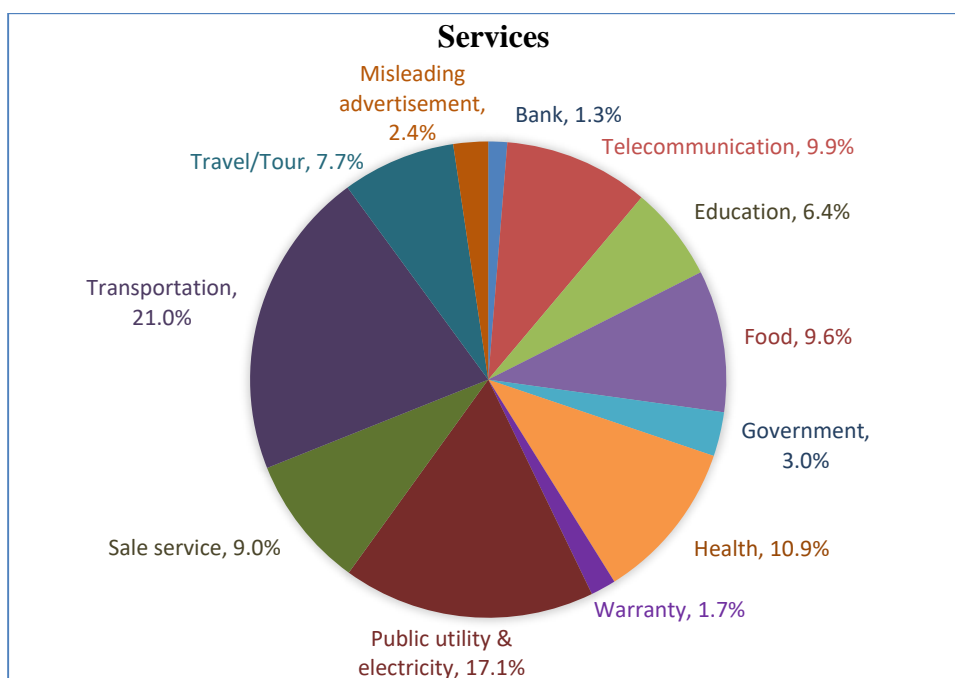


Figure 9: Problem stated by consumers - disaggregated data on services, source: MCU's primary data.

Most of the services complained about by the respondents are transportation (21%) and public utility services (17.1%). Health care service, telecommunications including internet and phone service, food related service, sale service, travel/tour/hotel service, education service, misleading advertisement, maintenance & warranty service, and bank services are also described as most inconvenient services in respondents' daily life.

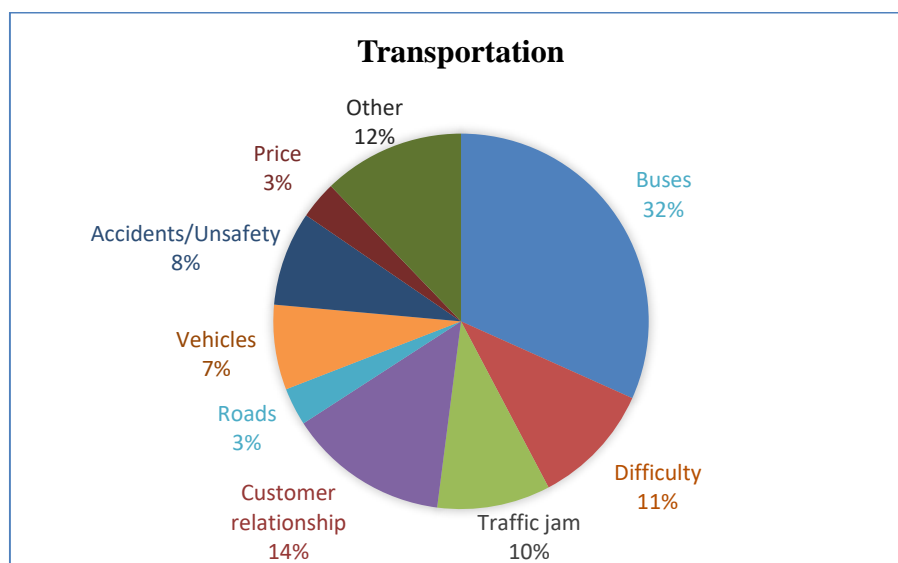


Figure 10: Problem stated by consumers - disaggregated data on services - transportation, source: MCU's primary data.

Complaints about the transportation sector are mostly about city buses, high way buses, rude behaviors and bad customer relations provided by transportation companies, conductors and drivers, difficulties and inconveniences in transportation, traffic jams, accidents & unsafety conditions, poor quality or old conditioned buses and vehicles, road conditions, and prices including frequent changes or irregular price of the tickets. Other category includes, overload carry, gate fees, buying tickets, lack of punctuality and delays. There are many complaints about Yangon Bus Service (YBS), public transportation in Yangon, the former capital of Myanmar. Many people complained about YBS, it caused many working people to be impatient, worried, exhausted, and to lose their attention at work affecting their productivity more or less. The inconveniences caused by YBS might be due to implementation period of the YBS project, which has not been completed yet.

It was said that driver's carelessness was also one of the main causes of transportation inconveniences, and passengers felt worried during the trip because of careless drivers, such as drunk drivers, angry drivers or aggressive drivers driving too fast violating the traffic rules, etc. Lack of a regular maintenance system also might be the cause of accidents.



There was the “Aung Soe Moe Kyaw 2” ferryboat travelling between Homalin and Monywa, sinking at Kani District on October 15, 2016. Deaths were due to violations of the consumers’ rights of safety, choice, information, and complaint. The authority did not care about the safety of the ship and passengers. There was a complaint from a passenger that no more passengers should be allowed on the boat, and the authority did not care about the complaint, said a participant. About 300 passengers were carried which is far over the limit. Passengers were eager to go with that ship because there was no other choice for them.



Photo by: The Irrawaddy

If a sufficient number of ship were available, the passengers would choose another one. The information about the maximum passenger number and maximum weight of the ship also must be clearly displayed. An overweight alarm system also could help passengers to stop boarding the ship.

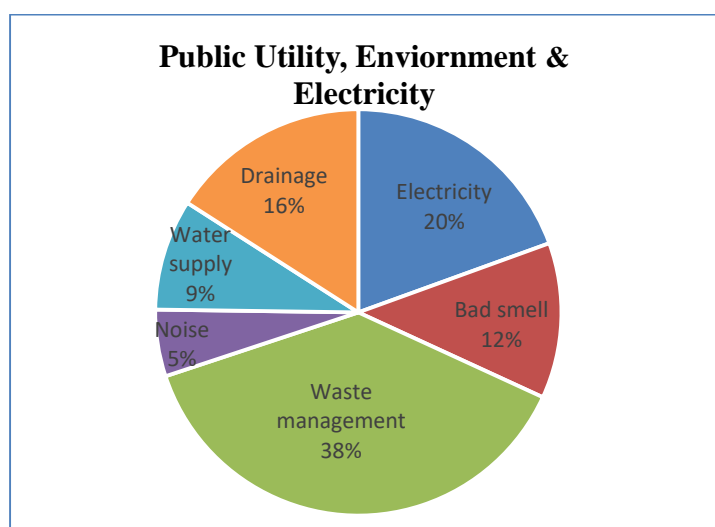


Figure 11: Problem stated by consumers - disaggregated data on services - public utility, environment & electricity, source: MCU’s primary data.

The problems mostly related to public utility, environment and electricity supply services are electricity: unavailability, frequent electricity blackouts, and unstable electricity supply; waste disposal management system; lack of sanitation and problems caused by its consequences such as producing bad smells; burning solid waste/plastics; drainage system; blocked drainage system due to garbage thrown on the sides of the roads; lack of space for pedestrians or platforms occupied by street vendors; flooded city roads; lack of dutifulness of municipal staff; poor water supply and noise pollution, etc. Some problems were concerned with disturbances of noise produced from unethical businesses, loudspeakers of social events, and neighbors.

The third most common problem claimed by the respondents concerned health care services. Most of the problems were: expensive service fees, carelessness of health care service staff, incomplete and unclear instructions for the treatment, unreliable laboratory test results, delay time or long waiting time to see the doctors, and the unaffordability of medical expenses due to low income. There were life losses due to careless medical staff and people had to die unnecessarily. Some medical specialists also spend a short time (very few minutes) examining and treating their patients. Consequently, they get tired and sometime lose attention, are absent minded, make wrong diagnosis or treatment. However, some participants also said that improvement in medical services at public/private hospitals are seen compared with in the past.

Telecommunication services included phones, mobile phones, and internet services, and online shopping. Most of the problems concerning with phones were with phone bill charges and unclear promotion packages and messages. Slow internet connection and disconnection of the internet were also problems claimed by the respondents. Some respondents talked about online shopping and its tricky marketing. A teacher from Mandalay reported that a female student from Mandalay University bought a medicinal and whitening soap made of fruits with 12,000 MMK via online and then she saw the exactly same brand soap at Yadanarpon market for only 4,500 MMK. He added that quality shown for products online is sometime different from the delivered one.

Issues with food related services were also one of the claimed problems. Most of the complaints concerned food preparation sanitation, processing or selling environment, carelessness of food hygiene, inconvenience at restaurants and food shops, tax payment without stamps, long waiting times for food orders, providing different items than ordered ones, unhealthy packing such as plastic bags, and use of cheap and low quality food ingredients. It was said that even a famous restaurant lacks sanitation. There were pets in the some restaurants/food shops. Some people sell their food near the trash. It was found that unsealed drinking water bottles were offered in a hotel room and open drinking water bottles are served at meal time in the dining room of the hotel.

#### 4.2.4 The most important measures that can strengthen consumer protection

The most important (3) mechanisms that can strengthen consumer protection in Myanmar chosen by (29) respondents from (22) CSO/NGO/Government Departments are shown as follow:

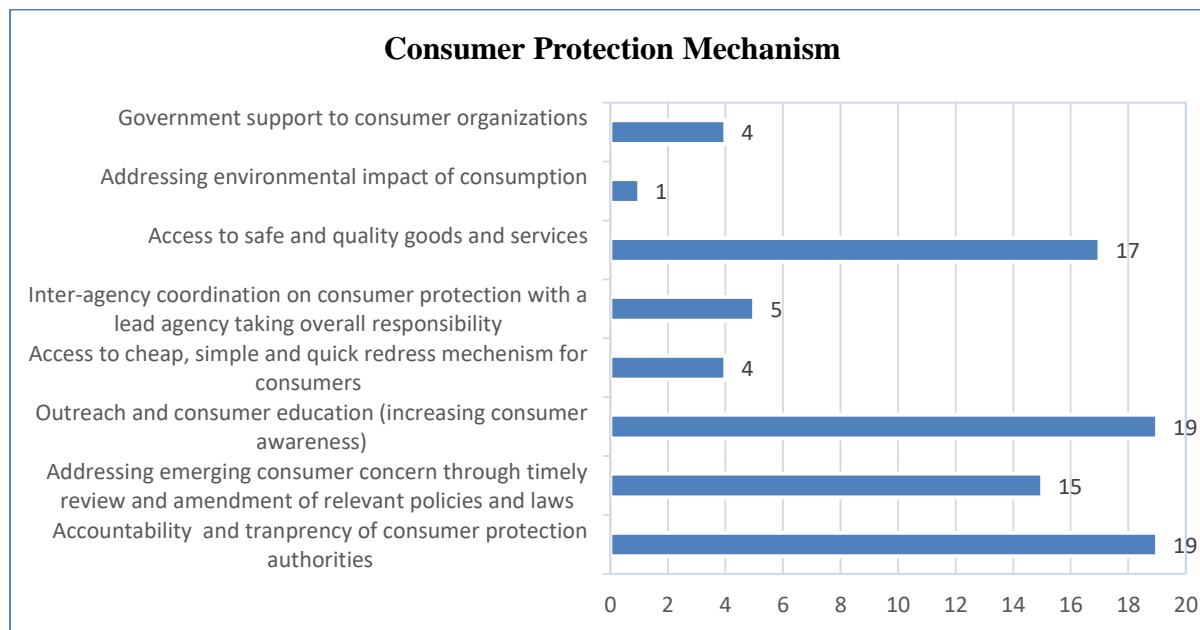


Figure 12: The most important mechanisms that can strengthen consumer protection, source: MCU's primary data.

Outreach consumer education (raising consumer awareness) and Accountability and transparency of consumer protection authorities are the most important mechanisms that can strengthen consumer protection in Myanmar were chosen by (22) organizations (CSOs, NGOs, and Governmental Departments). Survey results make clear that outreach consumer education and raising consumer awareness is the most important mechanism for strengthening consumer protection in Myanmar as well as high priorities in many countries such as high income, medium income, and low income countries. While administrative principles such as accountability and transparency of consumer protection authorities are low priorities in developed countries<sup>24</sup>, this mechanism is predominant mechanism to govern consumer protection in Myanmar.

The second most important mechanism is “Access to safe and quality goods and services”. In fact, consumer safety is a wide ranging area of consumer protection such as food safety, product safety, and safety of the services such as health care service, transportation service, financial service, etc. Since there is a lack of standards in many areas of goods and services, the mechanism also really reflects the current situations of Myanmar.

<sup>24</sup> Consumers International (Revised 2013, April). The state of consumer protection around the world. 40 P.

#### 4.2.5 Emergent consumer issues selected by organizations

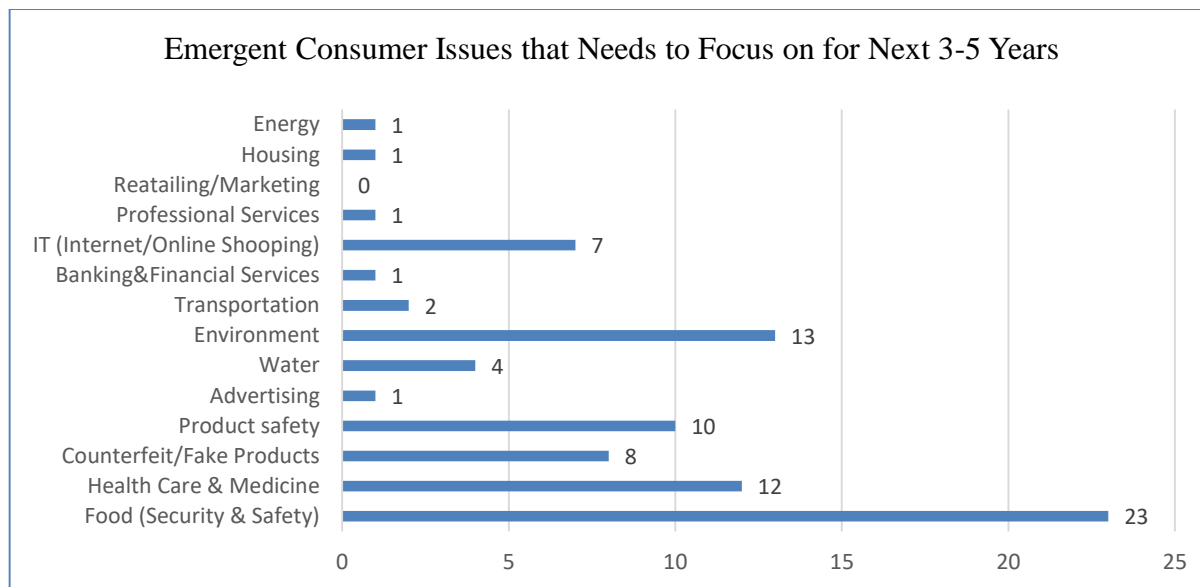


Figure 13: The emergent consumer issues that needs to focus on in next 3-5 years, source: MCU's primary data.

The top (3) consumer issues/concerns which Myanmar needs to focus on for the next 3-5 years chosen by (22) organizations are: Food (security & safety), Environment, and Health Care & Medicine. The traditional concern, food safety is seriously the first priority that Myanmar needs to focus on.

#### 4.3 Describing Consumers Issues Having Most Impact on Consumers (Qualitative Data)

This section was composed of issues received from focused group discussion of the workshops, trainings conducted in 7 states/regions of MCU project activities, 2 issue based workshops conducted in Yangon, online consumer complaint system (web-based and mobile application), and complaints received from other ways such as messenger, post mail, etc. There are total (204) attendants who participated in focus group discussion and group discussion at workshops, trainings, seminar, and issue-based workshops with male (101) and female (103). These are from Hakha (16), Lashio (17), Mandalay (20), Mawlamyaing (28), Naypyitaw (19), Patheingyi (28), Sagaing (18), and Yangon (58) participants.

##### 4.3.1 Cloudy particles found in cooking oil bottles

A consumer brought a bottle of Saji vegetable oil (expired date in May 2017) bought from Market Place by City Mart, Bahan Township and complained about finding cloudy particles in the oil bottle. She complained to Myanmar Consumers Union Office about a one liter oil bottle having sediments. When MCU asked about if the problem was whether a single case or not, she went to that City Mart again and bought another bottle from the same shelf. She said that she found cloudy particles in other bottles on the shelf and the particles in the oil bottle was not an accidental case. Then she showed it to the staff at counter,

City Mart and the staff said that they would change it with another bottle. But the complainant replied to the staff that she bought it intentionally to prove it was not an accidental case. She left two bottles of Saji oil at the MCU Office in the same day of purchase date from City Mart on September 28, 2016 as proof.

An EC member of MCU presented the Saji oil case to Consumer Dispute Handling Committee, Yangon Region on October 4<sup>th</sup>, 2016. Then MCU sent the oil bottles to FDA,



Yangon as suggested by the Dispute Handling Committee. MCU project staff completed the form guided by the Director of FDA, Yangon, and left the bottles at FDA. Because MCU staff had to fill the form for approval of registration of the product and the form was not quite suitable for complaint, the director helped him fill out the existing form of sample test for registration. A bottle of Saji oil was opened for checking at FDA, Yangon, and said that they would send another bottle to FDA, Naypyitaw.

Later, the MCU staff met FDA Director at a Workshop on Food Safety at Restaurants and Street Food Vendors at Grand Amara Hotel, Naypyitaw on November 15, 2016, and asked about the Saji oil test result. It was said that the oil bottle had already been sent to Naypyitaw and they were waiting for the decision and instruction from Naypyitaw as the case was at FDA, Naypyitaw. But as of the beginning of the August 2017, MCU still had not heard anything about test result on the oil. Only when the project staff met the Director of FDA for an interview about consumer protection by the project team and asked about the test result of the oil, was the answer supplied that the results showed that the oil was edible with Iodine Value 59 and fine particles. However, although the sample test result was learned verbally at the interview conducted by MCU staff, there no official test result was issued at the time of the writing of this report (before grant period end).

**[In Addition:** Later MCU requested the official result through Yangon Regional Dispute Handling Committee. MCU also talked to FDA Officer, Yangon that it was known there was rancid smell in sample oil bottle and received no official result yet. Finally MCU received official test result from FDA on October 27, 2017 before publishing the report. According to the result, there is Import Recommendation, but no Health Certificate for Import of the Saji trademark refined palm olein, and the sample bottle oil is not suitable to consume.]

According to the presentation about consumer dispute handling, DOCA at the MCU Quarterly Meeting on May 5<sup>th</sup>, 2017, it was also known that it takes a long time over one year to get test results from FDA. For example, it was known that there was a complaint dated March 28<sup>th</sup>, 2016 on Monosodium Glutamate (MSG) taken from bags (about 10 kg) sold in small packs at the Kha Yen market, and the group of Dispute Handling Committee investigated and sent the sample to FDA. When an attendant of the meeting raised the question “Did DOCA receive that test result?” the officer from DOCA said that FDA has not yet issued the result to date (May 5<sup>th</sup>, 2017).

It can be concluded that there is a lack of interdepartmental cooperation concerning consumer protection. It could be said that existing laboratories and human resources are not sufficient to fulfill the needs of the testing samples of the foods and drugs.

#### **4.3.2 Using poison and batteries in fishing**

The participant from Mawlamyaing Kyun, Ayarwaddy Region, said that there were poisons and use of batteries in fishing in the rivers. Because of them, it causes food poisoning, death of small fish, and adverse effect on genetics. When the villagers complained to the Police Station of the Mawlamyaing Kyun, the officer said “please arrest and bring the person who used the poison or battery in fishing”. Actually, polices have to investigate and arrest the violators instead of asking the complainant about it. The participant said that they were ordinary farmers and how could they arrest and bring the persons who violated the law. It is added that using poison and batteries in fishing is being practiced not only in Mawlamyaing Kyun, but also in Bogalay, Awarwaddy Region now.

#### **4.3.3 Mobile phone (Handset)**

At the second time issue based awareness workshop, the participant from Yangon complained about service from one of the famous mobile handset companies. The participant bought a mobile phone from Brand Company for 300,000 kyats. He said that he chose that handset with expectation of less radio frequency and decided to buy famous brand. He just knew Myanmar font cannot be used on the phone only after he paid for it. The participant used the hand phone only one day and the power was off automatically and cannot be used anymore. Then he went to service center and left the phone at the center and collected next day as the company staff said. But when he went to company for collection of his phone, the service center did not keep their promise and it was not finished. The participant had to go the service center again and again for 3 days.

When he collected the phone, the center said that the company launched the phone for a week and it was sold at a promotion rate. Therefore there was no warranty and asked him to wait for a month. The participant replied to them that he had to use phone and asked the company to replace it with a new one of the same brand and same model, but the company refused to give him a new one. Company staff also said that if the company replaced it with a new one, it also could not be guaranteed to work. The staff also asked him to go to another branch service center. After he went to that center 3-4 times, finally the staff from service center said that the phone could not be repaired. Only when the participant warned the company that he would go and complain soon to the authority, the company gave him a new one as a replacement. He also concluded that there was no proper procedures even in a branded company and that consumers would lose their rights if they kept quiet about an injustice.

#### **4.3.4 Mobile phone bill**

The participants from Yangon discussed about mobile phone service providers. They said that phone operators sent many promotional messages to consumers such as social packages, special packages, monthly packages, daily packages, etc. But the operators did

not provide adequate information to consumers about these packages. For example, Ooredoo promotion phone call rate reduce to 15 kyats/min to any phone numbers in Myanmar, but after subscription, consumer got 15 kyats/min for phone calls, but internet charges increased from 6 kyats/MB to 8 kyats/MB. The operator/promotion message or advertisement did not tell about the increased rate for internet usage. When the participant complained to the company, it was said that the company provided full information on their website about promotion package charges. It is not fair for the people who did not use internet or visit the company's website. It was said that nowadays, people often complain about phone bill charges not only by Ooredoo but also by the other mobile phone services, MPT and Telenor.

#### **4.3.5 Automatic Teller Machine (ATM)**

There was a complaint about an ATM's error and the machine issued less money than the amount listed on the ATM slip. A foreigner, withdrew 200,000 kyats with Visa card at AYA Bank ATM in Ma Po Street, Sanchaung Township, Yangon on May 14<sup>th</sup>, 2017. But the complainant said that actually he received only 160,000 kyats but 200,000 kyats was printed on the ATM slip as withdrawn amount. Then he complained to AYA Bank the next day on May 15<sup>th</sup>, 2017 and the bank sent him a template email. He said there was also a language problem when he talked to the bank.

Later when he saw the news of MCU Online Complaint System in mid-June 2017 after MCU launched the system with Medias on June 14, 2017, he submitted his complaint via MCU Online Complaint System. When MCU project staff asked him for evidence, he provided copies of his ATM slip and his and his wife's passport. He also provided bank statement which verified the withdrawn amount in US dollar equivalent to 200,000 kyats from his original bank to MCU. After MCU received the required documents from him, MCU transferred his complaint with the ATM slip, bank statement from Bank of America, and a copy of his passport to the Director of DOCA, Napyitaw, on July 12, 2017. As MCU did not received any response from DOCA, MCU contacted the complainant and learned that nobody had contacted him from DOCA or AYA yet till July 28, 2017.

Therefore, MCU project staff went to AYA Bank, Ma Po Street, Sanchaung Township, to talk about the machine problem and asked what the bank would do on July 28<sup>th</sup>, 2017. At the time, the Branch Manager of the AYA Bank said that an officer from DOCA came to talk to him about the problem on July 27<sup>th</sup>, 2017. The manager also said that the complainant left the ATM without checking his cash money and knew the issued money was fewer than he withdrew. The project staff also suggested to the manager that the ATM user informed the bank on Monday the day after his problem on Sunday, so the bank might check CCTV. But 90 days after the problem occurred, the bank staff said that complainant can request to see the CCTV within the 90 days.

On August 15<sup>th</sup>, 2017, DOCA sent an official email reply for the complaint about receiving less cash than withdrawn statement from an ATM to the complainant. The report mentioned that complainant was paid with two hundred thousand kyats in cash at that

time. The report also suggested the complainant enquire or make complaint to original VISA issuing bank if you have not satisfied enough. The email was attached with ATM transaction and log records of that withdrawal without header or footer.

The complainant also admitted that they left the ATM without checking cash. But the complainant said that he received the email letter from DOCA and he had to do many things to follow up the case and he was disappointed and decided to give up. He complained via online because he expected that a third party could help him without the need of contacting the bank abroad.

#### **4.3.6 Transportation service**

A participant from Sagaing attending the second time issue based workshop said that she sent a parcel to Myawaddy and the parcel was wrongly sent to Magwe by mistake by the transportation company. When the participant followed up her parcel, the company asked her to pay for the Magwe to Myawaddy carrier fee. The participant then said that she knew about the Consumer Protection Law and would complain officially about the delay and extra charges for the mistake of the company. After she spoke out about her complaint, the company apologized to her and agreed to send her parcel to Myawaddy without any extra charge.

#### **4.3.7 Graphics card warranty**

There was also a complaint about warranty service for a graphics card. The consumer bought a graphics card with USD256 and 2 years warranty from a company. But after 2 months, it was out of order and he went to the company and complained about it. As it took time for fixing the problem, the complainant asked the company to change with a new one. But the company refused to change with new one and took time to repair the card. Therefore he complained to MCU via the online complaint system.

Five days after his complaint was transferred to DOCA on June 30<sup>th</sup>, 2017, MCU called and asked the status of the complaint, and he said that he requested to finish before July 19<sup>th</sup>, 2017. When MCU called him on July 18<sup>th</sup>, evening, he said that it was completed with a repair in accordance with the warranty card. He added that no body from the government department contacted him about his complaint.

MCU President has sent a request letter to the Director General of the Department of Consumer Affairs to discuss cooperation with DOCA for effective consumer protection on July 31<sup>st</sup>, 2017. There was a meeting held by DOCA about cooperation with consumer organizations through an online complaint system, and representatives from MCU and FOSTA attended and discussed a procedure for online complaint receiving and transferring to DOCA.

#### **4.3.8 Suspected fake eggs**

It was said there were fake eggs found in the market outside of Lashio, Northern Shan State. The participant said that in her town, real eggs were sold at 2,000 kyats/10 eggs (200 kyats/egg), and fake eggs were sold at 1000 kyats/11-12 eggs (i.e. less than 100



kyat/egg). She said that size of fake eggs were larger and price was also cheaper than natural eggs. People in that town have low incomes and they had to choose larger and cheaper eggs, but it was dangerous to consume fake eggs for a long time since it is not a natural food, said the participant.

Therefore, MCU staff suggested the participant complain about the fake eggs, and she replied that she would send information with some photos soon. But she did not contact MCU for 2 weeks and MCU staff asked her about fake eggs. At that time, she became reluctant to complain about eggs and said there were armed forces and that people in her hometown knew each other and it was difficult for her to complain, said the participant over the phone conversation. She also said that she was busy and asked her brother to complain about fake eggs. MCU project staff explained to her that MCU would not disclose who complained about the case, then she submitted a complaint letter to MCU via Facebook messenger with some photos of the eggs.

After receiving a complaint from the complainant, MCU transferred the complaint to the Head of the Department of Consumer Affairs, Northern Shan State via email. The head of the DOCA, Northern Shan State (Lashio) welcomed the complaint and called MCU that they would find out and check the markets in Lashio. Because the officer also said that DOCA staff could not go to the hometown of the complainant as there were armed forces in that area. But according to the addresses in the complaint message, there was also an address in Lashio market, the DOCA staff bought and checked the suspected eggs. The officer said that there was a line on the outside of the egg shell and when he rubbed the egg with his fingers he felt there was a line not of the same surface as the other part of the shell. But when the eggs were broken and checked, the smell were also same as other eggs. The yolk also looked the same. The price of eggs was 1,300 kyat/10 eggs in Lashio market. Finally, the officer confirmed that suspected eggs from Lashio were real eggs, not fake ones.

#### **4.3.9 Car battery warranty**

There was a complaint about car battery warranty. The consumer bought a new car battery in Mingalardone, Yangon. It was said that the seller of car battery did not give a warranty card for the purchasing of a new battery and said there was one year guaranteed verbally. The battery was out of order 20 days after purchased date. Then the consumer went to the battery shop and requested to replace with a new battery according to the verbal guaranty. Dispute was occurred between seller and buyer or consumer.

Therefore, the consumer complained to the Dispute Handling Committee of DOCA. After mediation led by the District Officer of DOCA, there was an agreement between the seller and the complainant, and the consumer or complainant got the new battery as a replacement.

#### **4.3.10 Underweight and unhygienic food in Hakha Market**

A participant from Hakha, Chin State said that vegetables and meats sold at Hakha market were not fresh. When they complained about the underweight of meats/fish/food, the

shop owner said that the owner had to pay over 20,000,000 kyats for tender offer for the sale permit and the total cost of the meats/products were increased and they tried to cover the cost by any means. It can be concluded that finally consumers were affected due to the high charges from the authority. A policeman wife in Hakha also bought one viss (one viss is equal to 1.6 kg or 3.52 pound) of meat and got only 0.7 viss. When she went to complain at the Municipal Department, the municipal staff and police confiscated the meat. Sometimes there was a fine for an underweight sale.

#### **4.3.11 Environmental issue in Mon State**

There is a lake that belongs to three villages. It is 18 miles far from Mawlamyaing and 9 miles far from Mu Done. The lake size is about 15 acres. The lake can prevent flooding in the rainy season and provide drinking and irrigation water for agriculture in summer for villages nearby. Later some selfish people and persons from the General Administrative Department auctioned the lake for personal use. Due to powerful monks from the villages, half of the lake remains in its original condition. The other half of the lake later did not store water in raining season anymore. The villagers requested the organization to help them. Therefore, the participant said that they collected evidence, records, and presented it to parliament and the state government. They advocated for improvements to policy weaknesses and poor wrong practices to the authority. It was said that if the other half of lake was returned to the villages as before, they would get back water for drinking and irrigation in the summer. At the time of writing of this report, it was being investigated by authorities including Members of Parliament, Mon State. There are also many similar cases affecting environmental degradation.

#### **4.4 Findings from Key Informant Interview**

##### **4.4.1 Interview with Deputy Director, DOCA**

MCU Project Team had a key informant interview with Deputy Director, Department of Consumer Affairs, Naypyitaw on May 23<sup>rd</sup>, 2017. The interview is summarized as below:

Government agencies protect consumer rights by law. If CSOs also collaborates with government in consumer protection, it would be more successful. Businesspersons should also manufacture their products in accordance with business ethics in order to avoid consumer right violations.

Regarding comments about the Myanmar Consumers Union, we welcome consumer organizations like MCU as it is a non-profit organization and works for consumer education and rights. It was suggested that MCU should have more awareness programs. People do not know about consumer rights. If general consumers, businesspersons, and producers do not know about consumer rights, consumer protection will not be successful.

After establishing DOCA, in its first year, it mainly focused on awareness, and in the second year, it began to do enforcement. There will also be an online consumer complaint

system soon; it is being developed. He said that the three most important things for consumer protection are safety, Consumer Protection Law, and consumer education.

#### **4.4.2 Interview with Director of FDA, Naypyitaw**

MCU Project Team had a key informant interview with Director, Department of Food and Drugs Administration, Naypyitaw on May 23<sup>rd</sup>, 2017. The interview is summarized as below:

Government is mainly responsible for consumer protection. Department of Consumer Affairs under Ministry of Commerce is the focal department for consumer protection. Government should protect consumer rights by laws and regulations. Although the Consumer Protection Law was enacted on March 14, 2014, there are many loop holes in the law and now a new Consumer Protection Law is being drafted and about to be finalized. The existing law could not be exercised practically. It is hoped that the new law will be much better than the existing one and can protect consumer rights effectively.

Business operators have primary responsibilities to ensure consumer rights fully, and government needs to regulate them by laws. Government is not supposed to exercise everything in consumer protection. If we look back to the past, the public depended solely on government. Government also counted themselves they were solely responsible for the public. Before 2014, there were not many activities on consumer protection from both government and CSO sides. It is now approaching a new era of consumer protection. Till now, the general public do not know what a consumer is and what their consumer rights are.

Regarding the CSO in consumer protection, it is very good to have CSOs like MCU for the country. If Myanmar is to practice democratic country, CSOs play an important role in consumer protection. In the past, MCU was not even officially accepted by the government. MCU is now registered and needs to develop. Government also should share some activities for consumer protection. At least CSOs could raise public awareness and consumer education. The public has to be aware of what the consumer is and what consumer rights are. Only when people know their rights, they can protect their rights.

#### **4.4.3 Interview with Professor and Head of the Public Health and Epidemiology Department, University of Veterinary Science**

A Professor, University of Veterinary Science, Yezin was also interviewed on May 23<sup>rd</sup>, 2017. The Professor said that food safety was taught in their lectures. Animals for slaughtering are not going through meat inspection, because transportation to that point causes cost increases. Meat inspection including Ante Mortem, Post Mortem is also taught as theory. But there are no practical sessions. She said that when she went to the market, the seller of tohu (bean) asked her how much formalin has to be added to tohu? She said, you are not supposed to add formalin to tohu. The Professor concluded that sellers' lack of knowledge about basic health education and food safety. She also said that nowadays,

food safety in Myanmar is very important. Because she heard that pesticide were also used even in polished rice.

It was observed that the Professor was not aware of consumer rights well although she knew there was a consumer protection law in Myanmar and had expertise in food safety. She concluded that the main cause of these consumer problems was poverty. Because many of consumers decided to choose cheaper goods due to their low income. Finally, for consumer protection, she suggested safety measures, consumer education, and public awareness are the most important among the other things.

#### **4.4.4 Interview with Acting Head of Health Department, YCDC**

Acting Head of Health Department of YCDC was interviewed during her visit to Basic Education High School (BEHS) No. (2) Bahan Township, Yangon, for Health Education to Students on August 17, 2017. From her interview, it could be summarized the services provided by the Health Department of YCDC are as follow:

**Issuing health certificate:** Health Certificate issued by Health Department, YCDC after inspecting the restaurants, businesses, guest houses and hostels in the area of YCDC. Service providers have to pay service fee to the health personnel in the office of the Health Department of YCDC Township Administration concerned to check the service providers. Then Health Department of Township YCDC transfers fees to YCDC Committee. Valid for 1 year and withdraw if violation detected on inspection.

**Laboratory tests:** Microbiological and chemical laboratory tests for drinking water, Nasal swab C & S, Food test, Laboratory test for quality of edible oil, Test for food dye, Test for lead poisoning, Test for venereal diseases for trishaw paddlers, Test for dissolved ions in water, and Test for toxic element in drinking water. Test results will be issued within 3-10 days according to the type of test.

Due to limited human resources, the department needs to collaborate with other staff from Ministry of Health and Sports, Nurses, Maternal and Children Affairs, Myanmar Federation of Women Affairs, and Communities in health education and prevention of infectious diseases such as dengue fever, diarrhea, HINI, etc. If the department alone cannot do for the detection of food safety additives, it is transferred to FDA. The department is also responsible for inspection of food sellers' hygienic practice. The department also cooperates with FDA in market surveillance for food safety. Nowadays, formalin and borax are found in some food samples.

The department is responsible for medical check-up and OPT treatment of all the staff from YCDC. They inspect health of staff from YCDC by mobile team. The most potential risk for health is for workers of Pollution Control and Cleansing Department, especially garbage collection, waste disposing, and waste water treatment centers. The department checks Hepatitis B and injects vaccine for those who have a negative result. But it was sad to say that they refer to where treatment and investigations are available.

Though FDA takes responsibilities of safety of packed food, Health Department of YCDC takes responsibilities for restaurants. In some developed countries, for instance, there are private organizations like 3 or 4 pork production or beef production farms corporate together and if their production or technology is better than governments' own, they share and support government departments. The farms also follow Codex Alimentarius guidelines and standards. Myanmar farms mostly do not have such a kind of good practices and standards. Regarding foods and snacks sold outside of the schools, these cannot be controlled yet by the department. If something happens such as a food safety problem, people can complain to the relevant authority. At this moment, food safety problems are not yet completely controlled due to the poverty reduction program, and security problem of the staff. Therefore, the department mainly focuses on food safety of the school canteens and health education program at schools.

#### **4.4.5 Interview with Director of FDA, Yangon**

The Director of FDA, Yangon was interviewed at FDA office, Yangon, on August 18, 2017. FDA is responsible for certification for local food production, applying licenses for imported foods, and issuing health certificates for imported food, market surveillance for quality and safety of food. If it is packed foods, trademark and labelling must be provided on the pack. Instructions for usage, ingredients, expiry date, distributor or manufacturer's address, potential risk of consuming product, etc. are to be included on the label. FDA is governing for quality and safe use of food and drugs and cosmetics. After a producer applied for a license, FDA inspects documents and manufacturing site to see whether it is in accordance with GMP or not, and takes samples of food and sends them to the laboratory for testing. The inspection procedures for manufactured food, imported food, and packing of partially or fully processed food are different.

The director also said that government staff may not stay forever at the department, they may be transferred or retired. Therefore systematic filing or documentation procedure is important for proper handover among staff. One of the challenges in comply with the laws is conflict of laws. Another challenge encountered in consumer protection is the role conflict in collaboration among authorized agencies. DOCA, FDA, and Health Department of YCDC are responsible for food safety and consumer protection. The roles and responsibilities of the governmental departments are not concise and clear. Licenses for food without labels, unpacked foods is also issued by YCDC. There are many overlapping areas and it would cause area lagging rather than effectiveness. Each needs to work effectively in its domain area and should have concise and clear roles and responsibilities in the inter-departmental collaboration.

There are intrinsic and extrinsic factors affecting food safety. FDA could control for intrinsic factors. Most of the food problems are concerned with extrinsic factors which are beyond the factors controlled by the ministry such as contamination from atmosphere of the food shops like sellers on the roads, nearby garbage, trash. Food safety is interesting and there are so many areas including wastes disposal management of the foods,

unregistered foods and many ministries needing to work with good cooperation, coordination, and a proper mechanism for consumer protection.

There are over 300 brands of drinking water bottles. Public water supply is not available for all over the city and they install their own tube wells. It could affect landslide erosion and the environment in Yangon, and “right to a safety” in the future. Therefore, licenses for new brands of drinking water will not be issued. Moreover, businesspersons want to get profit and the authorities also need to consider that. If there is no chance to make a profit in a proper way, there would be a potential risk of producing lower quality of goods, and finally it would affect consumers.

Moreover, the director also mentioned about foreign assistance and how to use it in Myanmar. She suggested there should be a National Steering Committee for aid and projects to be in the right place and right choice, and to monitor how affective they are and their benefit consumer rights and the environment. Consumer education is also important. When they inspect at the industrial zone, there is no FDA approval, the manufacturers say that it is not necessary to register at FDA since they can do manufacturing without FDA approval. It was found that industrial zones are not interested in cooperating with government agencies and the government needs to apply strong pressure for compliance. The New National Food Law is also being drafted and it needs to cover all areas and satisfy all stakeholders, and they need to work together to comply with the law in harmony. FDA also receives complaint about food by phone calls at: 01-377028.

#### **4.4.6 Interview with Deputy Head of Markets Department, YCDC**

Deputy Head of Markets Department of YCDC was interviewed at YCDC office on August 25, 2017. He said that department makes market surveillance from time to time. Veterinary and Slaughter Houses Department inspects for chickens and ducks before culling wholesale at markets. Animal health of pigs and cattle are also inspected before slaughtering at the slaughterhouse.

At present, now bean sprouts production uses chemical for rapid production. Nitrogen wet cloth is also used for keeping water spinach fresh. Those in charge of the markets also lack health knowledge. The Markets Department cooperates with other departments such as FDA, DOCA, and Health Department of YCDC and also would like to cooperate with other NGO for consumer protection. For example, when the department collaborated with FDA in market surveillance at Mingalar Wholesale Markets, drugs for cancer were found as empty capsule, but its price was 20,000 to 30,000 MMK per capsule. For this case, FDA knows about the drugs better than Markets Department.

The Deputy Head of the Department also said some of Myanmar traders’ attitudes were very bad because when there was a scarcity of a drug, they ordered such kind of drug from China or India to produce double amount with same ingredients/net weights. It meant the traders order to produce a drug with half of its ingredients.

The department is responsible for creating market and post for hawker, systematic maintenance and supervision of the security and cleanliness of the market. The department is also responsible for prohibiting foods banned by relevant departments, and health education in the markets. In the present days, sellers inject water into meats and fish to get more weight. If a consumer sees and complains about injection of water or chemicals into the foods, the department takes an action for such a kind of unfair practices with fines from 10,000-500,000 MMK up to one year imprisonment.

There were drugs/chemicals injected into some fruits and vegetables such as papaya, banana, and tomatoes for rapid ripeness, and dye, formalin used bamboo shoots and tofu, respectively. Although the department has to check and see such kind of malpractices, it is thoughtful to consider about low-income sellers and the need to follow up to wholesalers and producers with traceability.

Many farmers nowadays spray with water or salt liquid over chili at the time of storage to get more weight. Due to moisture, it produces fungi and aflatoxin which leads to cancer. Myanmar farmers grow good quality peanuts and export them to China and import low quality oil, adulterated oil, and recycled oil to Myanmar. The Deputy Head of Markets Department also added that vegetables and fruits like tomatoes, chili, drumstick (*Moringa oleifera*), oranges, pears, grapes, and flowers are also imported from Thailand and sell at wholesale market (Thiri Mingalar market) in Yangon. It is sad to know that some kind of foods cannot be produced in Myanmar are imported from other country. Because farmers in Myanmar grow the same product based on what products made good profit in the previous season and sometime, they produced more than demands in Myanmar and cannot sell them and their products are spoiled or sell at a lower price and they lose a lot. Myanmar farmers or producers still lack knowledge and technology on producing value-added products and processed foods which can enhance the income of the farmers.

#### **4.4.7 Interview with Vice President of Myanmar Retailers Association**

The interview with Vice President of MMRA was done at Tatmadaw Convention Hall during their exhibition on August 25, 2017. The Vice President of Myanmar Retailers Association (MMRA) said that there are traditional and modern retailers in Myanmar. Even traditional retailers, some of them are interested in and have been trying to transform into modern retailers. MMRA educates retailers to encourage them to do business in accordance with laws enacted by the nation, what kind of products are not accordance with consumer protection law and approved by FDA or not, etc. But he said that they could not do outreach education programs. Educating retailers to sell only FDA approved products also implies that suppliers also need to do so. It was said that suppliers were also willing to do modern trade. There are also changes in indigenous medicine by MMRA's effort.

There are more than 300 brands of drinking water bottles and some of them do not have FDA registration. MMRA requested FDA the list of items that are valid and invalid to sell.

But FDA could not provide the requested list. MMRA suggested that FDA's information should be up to date.

Retailers are not aware of Consumer Protection Law yet, and even if the retailers would like to learn about the law, it is not ready from government side at this moment.

Regarding consumer protection, MMRA scrutinizes whether the items are registered by FDA or not. Besides FDA registration, items certified by YCDC, the Directorate of Industrial Coordination & Inspection, Ministry of Commerce, are accepted to sell. There are about 350,000 shops in Myanmar and only 10% become modern trade according to the research data. MMRA also advocates for a law for online shopping and illegal trading without paying taxes. Facts concerning consumer protection also are provide in the law. Drafting a law for online shopping, only consumer protection law is not enough but also need to incorporate it with a trading law, tax law, etc. It needs to ensure quality of online shopping needs to be the same as offline shopping.

#### **4.5 Findings from Focused Group Discussions conducted in events**

##### **4.5.1 Government's performance**

It was concluded that government is the most powerful body in a country so that they could be able to protect the consumers the best. But the existing government's laws and regulations, and actions for consumer protection are still weak and do not effectively work yet. DOCA staff said that they also go and conduct consumer education and raise awareness of consumer safety in various places including schools. The single department only cannot do yet and it needs support from all others to improve consumers' affairs. It is also suggested that consumer education should be introduced since basic education.

There is no strict control over advertisements, said respondents. The government should control the misleading advertisements. Some people misunderstand that if the advertisements are shown on mass media like TV, radio, newspaper, they think as if these advertisements are true and approved by the government. There is no transparency to contact and the government's procedure for doing business, for instance, an applicant cannot know the waiting period to receive the registration after a business applied for their food product registration.

There needs law enforcement. Most of the wrong practicing businesses are still alive under the corruption. It is concluded that the corruption should be seriously controlled. A respondent from a state said that government was doing their jobs but they did not know how the government staff were interested in their jobs. For example, municipals, police, and nurses came and investigated the some cases, and collected the information where they were informed, they did not enthusiastically inquiry about or trace the case to other available sources. The staff seemed to go and see the case according to their duties without service-minded.



#### **4.5.2 Business sectors' performance**

It is concluded that most of the businesspersons do not know their responsibilities and obligations. Businesspersons are doing their business for their benefits rather than for the consumer rights and conservation of the environment. There often lack ethical business and businesspersons are not practicing in fair and justice for instance, the advertisements are describing more than reality of their products or services. Small scale enterprises also need training on consumer education and to be aware of consumer rights.

A businessperson said that sometimes, there were needs of infrastructure to comply with the law. It was said that some businesspersons were interested in consumer protection, consumer education, but they seemed to be reluctant to join invited meeting/ workshop/ trainings. It needs to organize and encourage businesspersons to cooperate in consumer protection. It also needs to advocate how it is beneficial to the businesspersons by attending such a kind of events and applying good standards or practices.

There are also many substandard products or services and most of the business do not use proper standards for the quality and safety. Producers/manufacturers/service providers should practice the proper standards, guidelines and GMP to provide the safety foods, products, and services accordingly.

#### **4.5.3 Public interest groups' performance**

It was said that NGO/CSO's performance on consumers' affairs is also not good enough in overall. Civil societies also cannot effectively protect the consumers' rights yet.

Public awareness raising should be carried out not only on the cities but also need to be reached to grass root levels. It is advised that MCU should provide consumer education up to villages at rural areas. The participant suggested that consumer organizations also provide consumer education on TV like a lecture as well as short story to attract to the public. The organizations should present the consumer issues and suggestions how to cooperate and what to do. The participants said that consumers need more consumer organizations and the organizations also need to be grown up and developed enough to stand for them. The role of consumer organization is also important for consumer protection, said participants.

#### **4.5.4 Individual consumers' performance**

Many participants said that they did not know about consumers' rights before they attended the MCU's workshop/training. Consumers also have lack of knowledge and information on consumer education. The most of consumers do not know about Myanmar CPL, consumer rights and responsibilities. It was said that consumer education also should be reached to the grass root levels, and provided more lectures/talks or training at their villages often. They said that only one time education may not be the effective for some people.

Regarding with the safety, consumers are not confident that all foods, products, services they consuming are safety. Some participants said that they got to choose cheap and low quality products because they were not affordable to pay for high quality ones due to their low income.

Consumers also should have critical awareness. Consumers should also take their responsibilities and take action whenever they find the malpractice. Most of consumers have little knowledge about consumer complaints or do not know about complaint system and not accustomed to complain for the defective and unfair product or service. Some people even never heard about it. Consumers also lack of credibility on dispute handling system and reluctant to make an official complain. Therefore it needs to encourage consumer complain whenever they have a consumer problem by publicizing complaint system in mass media, dissemination of successful consumer complaints, etc.

For the individual consumers, who attend this workshop become a leader of their family or friends in consumer education and should share knowledge gained to their circles of friends or family. The homemakers are also leaders of the family and they can at least share their knowledge to their family.

#### **4.6 Online Consumer Complaint System**

There were complaints about the service charge and commercial tax payment at restaurants. Some participants complained that though they paid the tax, they received stamps of less amount than their tax payment. Some consumers complained that unless the customer asked for the stamp, the restaurant did not stick the stamps on payment receipt. There was also a complaint about electricity bills left at common place at the ground floor of the apartment. But when MCU transferred the cases to Department of Consumer Affairs, it was said that should be handled by the Tax department and YESC and asked consumers to complain directly to the relevant departments.

The other complaints were regarding graphics card warranty, restaurant hygiene (dead cockroach found in the dish), unhealthy food, ATM errors on cash withdrawal, warranty of car tier, bad service from express tour bus, selling substandard or lower quality of iron than labelling, counterfeit and electronic products, etc.

There have been (14) complaints received since the online complaint system has been launched in May 2017. It was observed that many people were unfamiliar with internet use however they use Facebook in Myanmar. Approximately 10-15% of the participants attending in workshops, trainings conducted during the project period use World Wide Web Internet.

## 4.7 The State of Consumer Protection in Myanmar

### 4.7.1 General consumer protection measures

*Measures refer to policies, laws, programs or initiatives related to consumer protection.*

#### 4.7.1.1. A national policy on consumer protection?

- A national consumer policy No (on going)
- A master plan/strategic plan (e.g., 5 year /10 year) No (on going)
- A principal (Main) Consumer Protection Act? Yes

#### 4.7.1.2. Are there any legal provisions in place related to the following basic needs?

*Table 2: Legal provision in place related to the basic needs*

	Constitution	Law/Act	None
Adequate food		√	
Energy		√	
Shelter/housing		√	
Healthcare		√	
Education			√
Water and sanitation		√	
Social security		√	

#### 4.7.1.3. Which of the following mechanisms to ensure safety of consumers are present in your country?

*Table 3: Presence of mechanisms to ensure safety of consumers in Myanmar*

	Yes	No
Voluntary standards	√	
Mandatory standards	√	
Labelling of products	√	
Laws relating to product safety	√	
Laws relating to marketing and sale of specific products (eg, food)	√	
Bans on the supply of unsafe goods	√	
Market monitoring/surveillance schemes	√	
Product recall systems	√	
Public service announcements to alert consumers to the presence of unsafe consumer products in the market	√	
Mechanisms to prohibit entry of products banned elsewhere into national markets		√
Institutions/agencies that regulate safety aspects of products and services in the market	√	

**4.7.1.4. Have any of the following enforcement actions been used in your country by the authorities in response to consumer protection violations?**

*Table 4: Enforcement actions used by the authorities in response to consumer protection violations in Myanmar*

	Yes	No
Criminal prosecution	√	
Civil action		√
Imprisonment	√	
Fines	√	
Regulatory orders (e.g., price limits imposed)		√
Orders for compensation for consumers	√	
Requirement for exchange or refund of defective or miss-sold goods	√	
Requirement for refund of payment or rescindment of contract for miss-sold services	√	
Suspension or revocation of business license	√	
Naming and shaming' of errant businesses		√
Seizure of goods	√	

**4.7.1.5. How does the government support consumer organizations and/or programs?**

*Table 5: The way how the government support consumer organizations and/or program*

	Yes	No
Specific legal provision/requirement establishing mechanisms to support consumer organisation		√
Government funding to support costs of consumer organisation		√
Government funding to conduct consumer education and awareness programmes		√

## 4.7.2 Consumer protection in specific consumer areas

### 4.7.2.1 Information and Communication Technologies (ICT): Which of the following measures/mechanisms are present in your country?

Table 6: Presence of ICT measures/ mechanisms in Myanmar

	Yes	No
Laws to prohibit cybercrime	√	
Laws to regulate spam		√
Laws that require consumers to be explicitly informed of the existence and impact of any applicable technical protection measures applied to digital products	√	
Laws that protect consumer's privacy in relation to online transaction (personal data protection)	√	
Regulatory body on ICT and multimedia	√	
A specialised alternative dispute resolution mechanism for consumers of telecommunications		√
A specialised alternative dispute resolution mechanism for e-commerce transactions		√
Legal provision for a cancellation period that applies to consumer contracts entered into online	√	
Legal provisions on copyright exceptions that allow consumers to move e-books, music or videos between their own devices	√	

### 4.7.2.2 Financial services: Which of the following measures/mechanisms are present in your country?

Table 7: Presence of financial service measures/ mechanism in Myanmar

	Yes	No
Legislative framework with explicit reference to consumer protection in relation to financial services		√
Regulations and safeguards on personal data protection		√
Legal protection of consumers' bank deposits guarding against bank collapse		√
Mandatory provisions/measures on disclosure for financial products		√
A public authority that regulates consumer credit		√
A public authority that regulates retail banking		√
A dispute resolution mechanism for consumers specifically on financial services		√
Standards/guidelines on complaint resolution mechanisms related to financial services		√
Programmes to promote wider access to basic financial services		√

**4.7.2.3 Environmental protection/impact: Which of the following measures/mechanisms are present in your country?**

Table 8: Presence of environmental protection/ impact measures/ mechanisms in Myanmar

	Yes	No
Laws, regulations or guidelines on environmental labelling (including for example, emission claims, energy efficiency, water quality)	√	
Measures that require the disclosure of energy consumption of home appliances (eg, amount of energy use by a TV for certain number of hours in terms of its wattage or energy consumption)	√	
Standards/guidelines on providing information on consumer’s energy and water use (eg, through billing)	√	
Government programmes on sustainable consumption and/ or production	√	

**4.7.2.4 Healthcare and pharmaceutical products: Which of the following measures/mechanisms are present in your country?**

Table 9: Presence of healthcare and pharmaceutical products measures/ mechanisms in Myanmar

	Yes	No
A national drug/pharmaceutical/medicines policy	√	
A policy to ensure access to affordable and quality healthcare	√	
A policy to promote generic pharmaceutical products		√
A national authority that oversees consumer protection related to healthcare services	√	
Mechanisms to protect consumers from fake/counterfeit medicines	√	

**4.7.3 Legitimate needs of consumers**

The UN Guidelines specify a set of legitimate needs that Governments should include in developing or maintaining a strong consumer protection policy in accordance with the economic, social and environmental circumstances of the country and the needs of its population.

**4.7.3.1 Is access to “adequate information to make informed choices” enabled through any of the following measures or mechanisms?**

Table 10: Accessibility to “adequate information to make informed choice” enabled through any of measure or mechanism.

	Yes	No
Mandatory labelling standards for any consumer products		√
Prohibition of deceptive/misleading labelling and/or advertising	√	

**4.7.3.2 Is the “promotion and protection of economic interests of consumers” advanced through any of the following measures?**

*Table 11: Advancement of “promotion and protection of economic interests of consumers” through any of measure*

	Yes	No
Regulations for warranties against defects (eg, a written guarantee to the purchaser with a promise to replace or repair if necessary)		√
Provision requiring “cooling-off” or return/exchange policy on newly purchased consumer products or services		√
Measures that restrict anti-competitive behavior and exploitation by monopolistic companies		√
Measures to prohibit unethical marketing practices		√
Measures to control prices for essential goods and services (eg, food, energy and water. Please specify)		√
Measures to regulate weights and measures		√
Measures to prohibit unfair contract terms and conditions		√

**4.7.3.3 Is the “availability of effective consumer redress” and access to justice enabled through any of the following mechanisms or measures?**

*Table 12: Availability of effective consumer redress and accessibility to justice enabled through any of measure or mechanism*

	Yes	No
A body within the government structure with a specific mandate to intervene on individual cases		√
Simplified and cheap consumer claims procedures, or consumer tribunals to settle consumer complaints		√
Formal courts to settle consumer complaints		√
Industry-led or sector specific alternative dispute resolution schemes (eg, Financial Mediation Bureau, ombudsmen)		√
NGO-led complaints handling mechanisms		√
Consumer organizations acting on behalf of consumers in civil proceedings to seek redress		√

**4.7.3.4 Is “consumer education” promoted through any of the following measures or mechanisms?**

*Table 13: Promotion on consumer education through any measure or mechanism*

	Yes	No
Government mechanisms to monitor consumer awareness and use of their rights		√
Programmes to generate awareness on rights and responsibilities of consumers, run by government agencies in a systematic and strategic fashion		√
Incorporation of consumer education into school curricula and national education policy		√
Consumer education included in the curriculum of higher education qualifications		√
Other forms of consumer education (eg, through extra-curricular activities or informal learning)		√

**4.7.3.5 Is the “promotion of sustainable consumption patterns” enabled through any of the following measures or mechanisms?**

*Table 14: Promotion on sustainable consumption patterns enabled through any measure or mechanism*

	Yes	No
Measures to incentivise producers and suppliers of goods and services to be ethical and socially responsible (eg, through tax reduction or exemptions, subsidies, labels, awards, etc. Please specify.)		√
Legal measures to enable and/or encourage consumers to choose environmentally friendly and/or socially responsible products.		√
Measures that warn/instruct consumers for the safe use and disposal of hazardous products harmful to the environment (eg, e-waste)		√
Programmes to provide basic services to prevent environmental degradation (eg, take-back policy, waste collection and management, recycling, etc.) Please specify by whom (eg, producers, government, waste services)		√
Specific programmes targeting consumers to encourage sustainable lifestyles (managing personal or household budget, pesticide-free food, energy or water)		√



**4.7.3.6 Is “the opportunity for consumer organizations to present their views in decision-making processes” enabled through any of the following measures or mechanisms?**

*Table 15: Opportunity of consumer organizations to present their views in decision-making process enabled through any measure or mechanism*

	Yes	No
Government involves consumer organizations in the development of consumer protection laws and policies	√	
Draft laws and policies are made available for public consultation before they are enacted	√	
Government implements joint programmes with consumer organization	√	
Government involves consumer organizations in conducting market surveillance/monitoring in a systematic fashion		√

## V. CONCLUSIONS

As consumer protection is not widely known nationwide, many people still do not know what a consumer is. To most of the people, a consumer means someone who eats foods as the meaning of a consumer is known as “Sar Thone Thu” (eater). People think about only foods whenever they talk about a “consumer” and not aware of consumer rights and their responsibilities. Since they lack knowledge on consumer education: consumer rights and responsibilities, it is far step for them to seek their rights.

Food safety is traditional and the most concerned problem of consumers in Myanmar. Because good practices for production (agriculture/food) are generally unfamiliar in Myanmar and most of them also lack of knowledge on using these practices. Traceability within supply chains is often poor or unavailable, which is a challenge for local retailers who want to source safely and responsibly. Even though, packed foods and imported foods must be approved by FDA for licensing, there are many food items without FDA registration even in the famous supermarkets in Myanmar. Regarding FDA registration of food products, a retailer said that retailers also want to sell only foods with FDA approval, but the registration process is not easy or and convenient. After applying for registration for the foods, it takes a long time to get it. However the items certified by other relevant agencies are sold at supermarkets, there is no label of certified agency on package food like FDA.

According to the participants of project activities from both Yangon and other cities, the transportation sector is the second most sector with problems claimed by consumers. The problems in the transportation sectors are mostly due to vehicles, road conditions, and human errors. Actually, transportation is very important for productivity.

Accountability and transparency of the authorities in Myanmar also plays an important role in consumer protection. Corruption may cause negative effects on safety of the products and services. Practicing international standards may not only benefit consumers but also enhance consumerism, promoting businesses up to reach international markets and standards.

There are conflicts over roles in inter-departmental cooperation, thus it needs a “Single Agency” to protect consumer rights effectively with more powerful personnel at a high level of authority.

Myanmar consumers are not familiar with the complaint system. It's important to complain when a consumer has a problem. Because complaining about poor quality products and services can help oneself and others by doing this and can change the behavior of businesses operating improperly/malpractices which affect “safety”.

## **5.1 Challenges Encountering in Consumer Protection**

- Lack of consumer education in both urban and rural areas
- Lack of ethical business practices by many businesses
- Corruption
- Weakness of existing consumer protection law
- Lack of proper facilities for testing quality of products
- Lack of proper SOP for product safety and liability
- Insufficient capital and human resources to carry out laboratory works
- Lack of good practices such as GMP, GHP, GAP, GAHP, etc.
- Lack of transparency and traceability in supply chains
- Poverty
- Conflicting or unclear laws and regulations
- Weakness of law enforcement
- Role conflicts in inter-departmental cooperation due to lack of clear roles and responsibilities of the major departments involved in consumer protection.

## **VI. RECOMMENDATIONS**

### **6.1 Recommendations for Improving Consumer Protection**

- More consumer education for consumers, producers, businesspersons need to be provided often up to grass root levels
- Raising public awareness of consumer education is important for consumers as well as businesspersons. The more people are aware of consumer rights, the better consumer protection.
- Take legal action for malpractices including misleading advertisements
- Better to control large-scale businesspersons to not import/produce unsafe/sub-standard products than small scale businesses it may lead to a reduction in the unsafe products available nationwide.
- Pre-market should be controlled rather than post-market.
- Staff should get proper training before joining services whether working in shops/ business/ company or government offices.
- Government needs to make rules and regulations to be transparent and let the public know so that people can adjust themselves, and know how to choose, and make a complaint.
- Provide more information for unsafe foods in public
- Cooperation among MoC, FDA, CDC, Department of Agriculture, Department of Education, Ministry of Home Affairs (Police), etc., in consumer education, taking action for violators, to be more effective
- Cooperation among government, civil societies, manufacturers, and traders, is necessary in consumer education, and taking action for violators, for effective consumer protection
- Avoid overlapping works and should have clear responsibilities for the authorities
- Government should strictly control bribes/corruption to gain transparency in consumer protection.
- Government should support businesspersons/manufacturers with clear procedures, information and job done in a reasonable timeframe without bribes/corruption. Clear SOP and instructions visible to the public might reduce corruption in government offices.
- To promote the complaint system, share successful evidence to the consumers. Consequently, it would encourage consumers to make a complaint whenever they find unfair practices from businesses. Publicize the “Complaint System” to be well-known with informative instructions through mass media.
- Job creation can increase people’ income and enable them to afford to make better choices, and reduce poverty.

- Open access online database providing retrievable list of products which were totally or temporary banned by product category, status, and consumer injuries due to unsafe products and inadequate labelling
- Raise national awareness of the importance of responsible sourcing
- Producers/suppliers must provide evidence to their consumers that they are applying good practices/standards in their supply chain for quality and safety of their goods.
- Enhance the efficiency of monitoring and enforcement of safety of foods and other products.
- Needs rule of law.
- Needs “Single Agency” for effective consumer protection.
- Needs a national consumer education strategy

## **6.2 Recommendations for Further Study**

- Conduct survey assessing consumer knowledge covering the entire country.
- Conduct survey on the most counterfeited products in specific areas in the Myanmar Markets (e.g., electronics, cosmetics and medicines).
- Identify gaps between business (producer, importer, distributor, and retailer) and the consumer protection law.
- Identify gaps between local producers (local initiatives) and international standards and challenges in meeting them.
- Measures for rule of law as well as their impact will need to be closely monitored.
- Evaluate how well the consumer protection law and programs are actually implemented and enforced.

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## **8 Consumer Rights**

1. Right to basic needs
2. Right to safety
3. Right to be informed
4. Right to choose
5. Right to be heard
6. Right to redress
7. Right to consumer education
8. Right to a healthy environment