

**FINAL – APPROVED BY THE CABINET OF THE GOVERNMENT OF THE
REPUBLIC OF THE UNION OF MYANMAR 5 JULY 2012**

**JOINT GOVERNMENT OF THE REPUBLIC OF UNION OF
MYANMAR/INTERNATIONAL LABOUR ORGANIZATION STRATEGY FOR
THE ELIMINATION OF FORCED LABOUR.**

This strategy is based on the Memorandum of Understanding (MOU) signed by the parties on 16 March 2012. That MOU provides the framework under which the parties will work together for the successful achievement of the objective.

The objective:

The elimination of all forms of forced labour by 31 December 2015.

The approach:

The strategy will be overviewed by a joint working group chaired by the Minister of Labour, with the Deputy Minister of Labour, the Deputy Minister of Defense and the ILO Liaison Officer acting as joint secretaries. Membership shall consist of the members of the Government Working Group for the elimination of forced labour (membership of which is determined by the Government) supplemented by two further representatives of the Ministry of Defense and two further representatives nominated by the ILO.

It is the hope and intention of the parties that the above objective can be attained at an earlier date – 31 December 2014. Action plans (attached) will therefore be front loaded and will address identified priorities. They will be applied in a coordinated manner so as to maximize impact. The joint working group shall undertake (4) monthly reviews of progress against benchmarks and will adjust geographic and sector targeting with corresponding resource reallocation being made as appropriate.

In the application of the strategy a proactive stance will be adopted – each of the seven identified MOU elements will be addressed in a separate action plan with causes identified, challenges to progress addressed and positive action steps proposed to put in place policies and practices which are compliant with both Myanmar Law and Convention 29.

During the implementation of this strategy the operation of the complaints mechanism under the Govt/ILO Supplementary Understanding will continue. The ILO, MOL and MOD will, subject only to the availability of necessary funds, deploy appropriate human resources for the efficient receipt, assessment and investigation of complaints and their move to closure with, as appropriate, the provision of justice, with restitution as appropriate, to complainants and the criminal prosecution of perpetrators.

Common practices, developing patterns and/or geographic priorities will be identified from analysis of complaints received. The media will be monitored for the same purpose. Both will serve to inform strategy reviews.

The MOU identifies three elements for parallel attention in this strategy – these are consistent with the recommendations of the 1998 commission of inquiry.

1. Ensuring that the laws, policy, rules, regulations and instructions making forced labour illegal are in place, are consistent with each other and comply with both the Constitution right to freedom from forced labour and the Governments obligations under Convention 29.
2. Ensuring that the above laws, policy, rules, regulations and instructions are known, understood and applied for the ending of remaining practice of the use of forced labour.
3. Ensuring that the rule of law is applied, through justice systems (civilian and military), which deal with breaches of the law against forced labour under formal criminal proceedings, administering appropriate penalties to perpetrators and providing justice to the victims.

The previous efforts of the Government in these respects are recognized, particularly in respect of extensive awareness raising activities undertaken. This strategy will build on that positive foundation through a broader and more targeted educational activity, the addressing of identifies causes and the provision of specific support to the justice system.

| ACTION PLAN 1. AWARENESS RAISING | | | | |
|---|---|-----------------------|--|-------------------|
| OBJECTIVE: | TO ENSURE THAT ALL MYANMAR CITIZENS ARE AWARE OF WHAT CONSTITUTES FORCED LABOUR, HAVE ACCESS TO INFORMATION AS TO THEIR RIGHTS AND RESPONSIBILITIES UNDER THE LAW AND HAVE THE ABILITY TO EXERCISE THOSE RIGHTS AS APPROPRIATE. | | | |
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 1. 1 BROCHURES: further development and distribution | 1.1.1 Complete translations into Karen (Sakaw), Rakhine and Mon languages | 30-Jun-12 | MoL & Ministry of Culture | GoRUM |
| | 1.1.2 Print National Language translations | 31-Jul-12 | ILO | ILO donor funding |
| | 1. 1.3 Distribution through ILO awareness raising seminars | On-going | ILO | |
| | 1.1.4 Distribution through Joint ILO/GoRUM awareness raising seminars | On-going | GoRUM/ILO | ILO donor funding |
| | 1.1.5 Targeted distribution of National Language translations | 30-Sep-12 and ongoing | GoRUM/ILO through National Race Organizations, NGO's and CBO's | ILO donor funding |
| | 1.1.6 Distribution through General Administration Department to Township, Ward and Village Tract Administrators | 30-Sep-12 | MOL/MoHA/ Regional / State governments | GoRUM |
| | 1.1.7 Distribution through Ministry of Defence to Military Units | 30-Sep-12 | MOL/MOD | GoRUM |

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| 1.2 AWARENESS THROUGH THE MEDIA | 1.2.1 Brochure in appropriate languages reproduced in full in local newspapers | 30-Nov-12 | MOL/M of INFO | GoRUM |
| | 1.2.2 Feature articles in National newspapers/journals | On-Going | MOL/M of INFO | GoRUM |
| | 1.2.3 Series of 60 second radio ads in Myanmar and agreed National languages as per brochures | Commencing 1-Dec-12 and ongoing | ILO/MOL/MIN of INFO | Subject to ILO obtaining donor funding |
| | 1.2.4 Series of TV ads | Commencing 1 Feb 13 and ongoing | ILO/MOL/MIN of INFO | Subject to ILO obtaining donor funding |
| | 1.2.5 Key message billboards commissioned at strategic points at Township level nationwide. | Commencing 1 Dec 12 and ongoing | ILO/MOL/MIN of INFO | Subject to ILO obtaining donor funding |
| 1.3 TARGETED JOINT SEMINARS | 1.3.1 New round of joint State/Division seminars for all Government Authorities, UN agencies , INGO's and local NGO's in the region | 1 per month commencing 1 July 12 | MOL/ILO/MoHA/Regional / state government | Each party carries own costs |
| | 1.3.2 One off targeted joint seminars for all stakeholders in locations identified by the SWG as hot-spots from Complaints analysis | Commencing 1 Oct 12 and on-going | MOL/ILO and other Authorities as relevant to the issues. | Each party carries own costs |
| | 1.3.3 Joint presentations to Police new recruit and officer in-service training sessions | Commencing 1 Jul 12 and ongoing | MOL/ILO/MoHA | MoHA |
| | 1.3.4 Joint presentations to registered national NGO's | Commencing 1 Sep 12 and ongoing | MOL/ILO | Each party carries own costs |
| | 1.3.5 Joint presentations with prior permission to each new Military Academy intake | Commencing 1 Jan 13 and ongoing | MOL/ILO/MOD | Each party carries own costs |

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| 1.3 TARGETED JOINT SEMINARS | 1.3.6 Joint presentations with prior permission to Tatmadaw Commanding Officers and other Officer and NCO in service training sessions | Commencing 1 Jan 13 and ongoing | MOL/ILO/MOD | Each party carries own costs |
| | 1.3.7 Continuation of Joint presentations to Judges and trainee judges in-service training sessions | On-going | MOL/ILO/Supreme Court | Each party carries own costs |
| | 1.3.8 Joint presentations facilitated by SWG to relevant universities, faculties for use in appropriate courses of study. | Commencing 1 Mar 13 and ongoing | MOL/ILO/Min of Ed | Each party carries own costs |
| | 1.3.9 Joint presentations to National, State and Regional Parliamentarians and Parliamentary Commissions/Committees in agreement with the appropriate parliamentary authorities | Commencing 1 Jan 13 and ongoing | MOL/ILO | Each party carries own costs |
| | 1.3.10 Joint presentations/workshops at planned trainings for Labour inspectorate and other labour department staff | Commencing 1 Oct 12 and ongoing | MOL/ILO | MOL |
| | 1.3.11 Joint presentations/workshops/TOT training to teachers | Commencing 1 April 13 and ongoing | MOL/ILO/Min of Education | Each party carries own costs |
| | 1.3.12 Joint presentations to Fire Service Officers and NCO in service training sessions | Commencing 1 Jan 13 and ongoing | MOL/ILO/Fire Service | Each party carries own costs |
| 1.4 ILO WORKSHOPS [with MoL support, as required] | 1.4.1 Continuation of ILO one day Workshops and TOT programs for private citizens and CBO rep. | On-going 1-2 per month - in Yangon or the field subject to demand | ILO | Subject to continuation of funding |
| | 1.4.2 Half day workshops for Journalists | Commencing 1 Sept 12 and ongoing as required | ILO | Subject to continuation of funding |
| | 1.4.3 Presentations to INGO forums | On-going | ILO | ILO |
| | 1.4.4 Training workshops UN agencies, INGO and NGO staff | On-going | ILO | ILO/UN agencies/INGO's |

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| 1.5 GoRUM AWARENESS RAISING [With ILO support, as required] | 1.5.1 Issuance in consultation with the SWG of new (SWG approved instructions/) practical guidelines to all Government Departments and Authorities in follow up to the introduction of the Ward and Village Tract Administration Act and its Rules. | Within 60 days of the Act and Rules coming into force | SWG | MoHA |
| | 1.5.2 Issuance of practical guidelines to all Military personnel on the application of the Ward and Village Tract Administration Act and its Rules. | Within 60 days of the Act and Rules coming into force | MOD/SWG | MOD |
| | 1.5.3 TOT for selected military personnel for delivery of extended awareness activities | Commencing 1 April 13 and ongoing | MOD/MOL with ILO support as required | MOD |
| | 1.5.4 The register of forced labour prosecutions (refer 6.4.below) be published for public information on a quarterly basis. | 1 June 12 and ongoing | SWG and Min of INFO | Subject to ILO donor funding |
| | 1.5.5 Other activities to be determined | | | |

ACTION PLAN: 2. CONTINUED ACTIVITIES UNDER THE SUPPLEMENTARY UNDERSTANDING

| OBJECTIVE: | TO SUPPORT THE OVERALL STRATEGY FOR THE ELIMINATION OF FORCED LABOUR THROUGH THE EFFECTIVE OPERATION AND USE OF THE COMPLAINTS MECHANISM | | | |
|-------------------|--|---|----------------|-------------------------------|
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 2.1 | Establish Focal Point Group for the day by day management of cases with representative from MoL, MoD, MoHA ILO with initial membership being the four persons who attended the Turin Training Course April 2012. | 01-Jul-12 | SWG | Each party carries own costs |
| 2.2 | To support the operation of the voluntary facilitators network and to work in collaboration with the local department of labour office ILO appoint 4 local focal points one each in Kalay, Mandalay, Bago and Mawlamyaing Townships. | All to be in place by 1 Aug 12 | ILO/ MOL | Donor funding in place |
| 2.3 | Review cases submitted, 4 months and older, towards their movement to satisfactory closure | ILO list submitted by 1 Aug 12 to the SWG to review progress no later that 1 Dec 12 | ILO/MOL/SWG | Each party carries own costs |
| 2.4 | Analysis of complaint patterns to inform awareness raising/special intervention activities | 1st list submitted to SWG by 1 Aug 12 and thereafter to each formal SWG review | ILO/MOL/SWG | ILO |
| 2.5 | Introduce a Forced Labour public Hot-Line | Target Launch 1 Mar 13 | MOL/ILO | Subject to ILO donor funding. |

ACTION PLAN 3: UNDERTAKE INVESTIGATION AND TAKE NECESSARY REMEDIAL ACTION IN RESPECT OF UNANSWERED ALLEGATIONS AS DOCUMENTED IN THE COMMENTS OF ILO SUPERVISORY BODIES

| OBJECTIVE: | TO SATISFACTORY FULLFIL LEGAL REQUIREMENTS UNDER ILO SUPERVISORY MECHANISM | | | |
|------------|--|---------------------------|-----------------------------|---|
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 3.1 | Schedule of as yet unanswered allegations contained in Committee of Experts' comments to be developed by category, geographic location and alleged perpetrators. | By 1 Nov 12 | ILO HQ Standards Department | ILO |
| 3.2 | SWG sub committee/ Focal Point Group to review schedule and propose a joint investigation procedure and timetable | By 1 Jan 13 | SWG Sub-committee | Each party carries own costs |
| 3.3 | SWG to adopt procedure and timetable and initiate commencement. | By 1 Feb 13 | SWG | Investigation costs covered by party under investigation possibly supplemented by donor funding |
| 3.4 | SWG to receive investigation reports as each investigation completed and initiate remedial action as appropriate | On-going | SWG | Each party carries own costs |
| 3.5 | Reports on process and outcomes to be submitted to responsible ILO supervisory body | As requested and on-going | MOL | MOL |

| ACTION PLAN 4 : | SPECIFIC ACTIVITIES IN POLICY AREAS AND CATEGORIES OF WORK IDENTIFIED AS ACTUAL OR POTENTIAL CAUSES OF THE USE OF FORCED LABOUR | | | |
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| OBJECTIVE: | TO PROVIDE FOR SUSTAINABLE POLICY AND SOUND PRACTICE WITHOUT RECOURSE TO FORCED LABOUR | | | |
| 4 A: FORCED LABOUR DIRECTLY OR INDIRECTLY ASSOCIATED WITH PUBLIC WORKS AND MAJOR CONSTRUCTION PROJECTS INCLUDING SEZ's | | | | |
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 4 A 1 | List of major public works and construction projects to be developed. | By 01 Nov 12 | SWG | Each carries their own cost |
| 4 A 2 | Government focal point (Project labour officer) to be appointed in Kyaukphyu SEZ as is the case in Dawei and Thilawa SEZs). | On Project commencement | MOL | MOL |
| 4 A 3 | Special awareness raising seminars to be held for Management and supervisory staff of project principal, contractors and subcontractors, associated Government Authorities (Military and Civilian) and local communities | Within 90 days of Government focal point appointment | ILO/SWG | Costs covered by Project Principal. |
| 4 A 4 | Local community groups to be established for liaison and consultation throughout the length of each identified project | Within 60 days of Government focal point appointment | Project Principal/ State / regional Government / MoL | Costs covered by Project Principal. |
| 4 A 5 | In each SEZ's and major construction project a tripartite consultative committee will be formed with equal representation of the Project Principal and the Workers and/or their Registered Organisation(s), chaired by the Government Focal Point which in addition to working together on Labour related issues for the effective undertaking of project activities shall monitor labour practices in and associated with the project to ensure an absence of forced labour. | Within 60 days of Government focal point appointment | SEZ's management committee/MOL/Project Principal/ | Costs covered by Project Principal. |
| 4 A 6 | Each SEZ's Project Focal Point and responsible township labour officers shall report to the SWG through the MoL on their activities for review and appropriate responses. | For each meeting of the SWG | SWG/MOL/Gov. project Focal Point | MOL |

4 B: FORCED LABOUR DIRECTLY OR INDIRECTLY ASSOCIATED WITH ENERGY PROJECTS.

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|---|---|----------------------------|-------------------------------------|
| 4 B 1 | List of major energy projects including pipelines to be developed. | By 01 Nov 12 | SWG | Each carries their own cost |
| 4 B 2 | SEZ project officers and / or township labour officers shall be responsible for major project liaison activities. | At the commencement of the project | MOL | MOL |
| 4 B 3 | Special awareness raising seminars to be held for Management and supervisory staff of project principal, contractors and subcontractors and associated Government Authorities (Military and Civilian) | Within 30 days of the confirmation of 4 B 2 | SWG/MOL/ILO/Min of Energy | Costs covered by Project Principal. |
| 4 B 4 | Special joint awareness raising seminars to be held for residents (village community committees) affected by and/or in proximity to the project activities. | To be commenced within 60 days of the completion of 4 B 2 | MOL/ILO/Project Principal | Costs covered by Project Principal. |
| 4 B 5 | Each Project Government Focal Point shall report to the SWG on their activities for review and appropriate responses. | For each meeting of the SWG | SWG / MOL/Gov. Focal Point | MOL |

4 C: FORCED LABOUR RESULTING FROM THE ABSENCE OF LOCAL LEVEL FUNDING

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|--|---|--|------------------------------|
| 4 C 1 | Specific guidelines for Township, Ward and Village tract Administrators developed for their understanding of the forced labour definition, procedure for funding and the engagement of workers for necessary local project activities. | For distribution: in parallel with the rules on the Ward and Village Tract administration Act or 1 September 2012 whichever is the earliest | Drafting: MoL/MoHA/ILO Distribution: MoHA | Each party carries own costs |
| 4 C 2 | Joint MOL/ILO presentations to any planned in-service training sessions for District, Township, Ward and/or village tract administrators with reference to the previously issued instructions / guidelines (refer Action Plan 1.5.1. | On-going | MOL/MoHA/ILO | MoHA |
| 4 C 3 | Reporting requirement for Township Administrators in respect of complaints received alleging forced labour for submission to SWG through the appropriate channel. | 01-Nov-12 | MoHA / State / regional Government | MoHA |
| 4 C 4 | State or Regional Audit Offices to undertake random audits of local project activity, funds utilization and employment practices with those reports together with advice as to any remedial action taken provided to the SWG on request and on case by case basis. | Procedure to be in place by 1 Mar 13 | SWG/National Audit Office/MOD Audit Office | Regional Audit Offices |

4 D: FORCED RECRUITMENT INTO THE DEFENCE SERVICES AND MILITIA

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|--------------|--|--------------------------------|-----------------------|-----------------------------|
| 4 D 1 | Instructions to be issued to all Defence services units reconfirming military regulation that recruitment into the military is voluntary and that any breach of this regulation will be the subject of criminal prosecution | By 1 July 12 | MOD | MOD |
| 4 D 2 | All recruits to sign a declaration that their recruitment is voluntary in the presence of the Commanding Officer of their Basic Training Camp prior to commencement of training. The Commanding Officer to co-sign verifying that the recruit understood the declaration he is making. | Policy introduced by 1 July 12 | MOD | MOD |
| 4 D 3 | Investigation to be undertaken in respect of any recruit declaring his recruitment involuntary with a summary report of the outcome of each such investigation submitted to the SWG | On-going | MOD | MOD |
| 4 D 4 | In the event that any declaration of voluntary recruitment is proven to have been gained by application of threat or physical assault or by trick all responsible personnel will be the subject of criminal prosecution | On-going | MOD | MOD |
| 4 D 5 | Militia group leaders to be included in general and targeted awareness raising seminars under Action Plan 1 with the approval of the Government Peace Negotiating authorities | On-going | MOL/MOD/ILO | Each party covers own costs |

4 E: UNDERAGE (UNDER 18 YEARS) RECRUITMENT INTO DEFENCE SERVICES AND MILITIA

See separate action plan No: 5

4 F: HUMAN TRAFFICKING FOR FORCED LABOUR

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|--|--------------|----------------|-----------------------------|
| 4 F 1 | ILO representative to be appointed to the COMMIT Task Force | By 1 July 12 | MoHA | Each party covers own costs |
| 4 F 2 | Trafficking for forced labour complaints received under the SU to be received by the Government WG for the elimination of forced labour and referred to the Anti Human Trafficking WG for investigation with outcomes being reported back. | By 1 July 12 | SWG/AHTTF | Each party covers own costs |
| 4 F 3 | Activities under this strategy related or connected to Human Trafficking for forced labour and Underage recruitment to be integrated into the Anti-Human Trafficking Action Plan. | By 1 Nov 12 | AHTTF/MOL/ILO | Each party covers own costs |

4 G: FORCE/BONDED CHILD LABOUR

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|---|---|--|---|
| 4 G 1 | Announcement of Government consideration for the ratification of Convention 182 on the worst forms of child labour | By 1 September 12 | MOL/GoRUM /MoL/ Attorney Gen Office/MoSW | |
| 4 G 2 | Consideration be given to the introduction of an International Programme for the Elimination of Child Labour (IPEC) project into Myanmar based on IPEC provided concept documentation to support the Government in addressing the worst forms of child labour | Concept document provided by IPEC by 31 December 2012 | MOL/ILO IPEC | Subject to agreed position and availability of finance. |
| 4 G 3 | Awareness raising activity and media activity under Action Plan 1 to include specific information on forced child and bonded labour . | On-going | MOL/ILO/Min of INFO | As per general awareness raising |

4 H: FORCED LABOUR IN THE PRIVATE SECTOR INCLUDING IN DOMESTIC WORK

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|--|---|---------------------|----------------------------------|
| 4 H 1 | Workshops with RUMFCCI and Registered Employer Organisations Nationally and Regionally | Commencing 1 Oct 12 and ongoing as required | ILO/MoL | Each party covers own costs |
| 4 H 2 | Workshops with Registered Worker Organisations Nationally and Regionally | Commencing 1 Jan 13 and ongoing as required | ILO/MoL | Each party covers own costs |
| 4 H 3 | Awareness raising activity and media activity under Action Plan 1 to include specific information on forced labour in domestic sector. | On-going | MOL/ILO/Min of INFO | As per general awareness raising |

4 I : THE USE, BY THE DEFENCE SERVICE, OF CIVILIAN (OR CONVICT) PORTERS PARTICULARLY IN CONFLICT ZONES.

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|--|---|----------------|-----------------------------|
| 4 I 1 | The policy for the non-use of civilians as porters in conflict zones be confirmed with all operational units, publicized and strictly enforced. | Immediate and on-going | MOD | MOD |
| 4 I 2 | Practical guidance for the voluntary contracting of civilian porters and or civilian modes of transport for the transportation of supplies and equipment in non-conflict environments provided to operational units. | By 1 Oct 12 | MOD | MOD/GoRUM |
| 4 I 3 | The policy for the non-use of convicted convicts as porters in both conflict and non-conflict zones be confirmed and applied | Immediate and on-going | MOD | MOD |
| 4 I 4 | The draft Prisons Act incorporating the proposals out of consultation undertaken with ILO experts to ensure compliance with C29 and incorporating inputs from other International Organizations to ensure compliance with International Standards be enacted | As soon as possible and after appropriate consultation. | MoHA/GoRUM | Each party covers own costs |

4 J: THE FORCED USE BY THE DEFENCE SERVICES AND CIVILIAN AUTHORITIES OF CIVILIANS ON GUARD AND/ OR SENTRY DUTY

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|--|-------------|-----------------|---|
| 4 J 1 | The principle that civilians shall not be forced to undertake work in support of military activity be formally confirmed with appropriate instructions issued and publicized noting the definition of forced labour contained in the Ward and Village Tract Administration Act and the exemptions thereto. | By 1 Oct 12 | MOD/Min of INFO | Each party covers own costs |
| 4 J 2 | Practical Guidance be available to operational units and local authorities for the voluntary contracting of civilians to undertake military and community support activities including sentry or guard duty in non-conflict environments. | By 1 Oct 12 | MOD / MoHA | Each party covers own costs |
| 4 J 3 | Persons accused of breach of the above principle to be the subject of criminal forced labour prosecution | On-going | MOD/Police | Each party covers own costs |
| 4 J 4 | SWG guidelines on the difference between forced labour and voluntary community work be developed and distributed to all Township, Ward and Village Tract administrators | By 1 Dec 12 | ILO/SWG/MoHA | GoRUM - supported by donor funding as available |

| 4 K: FORCED LABOUR IMPOSED THROUGH LAND ACQUISITION/CONFISCATION ACTIVITY | | | | |
|---|--|----------------------------|---|---|
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 4 K 1 | Support to be provided for the on-going development and application of the Agricultural Land Law and Fallow land and Waste Land Management Law providing enhanced security of land users' rights. | Immediate and on-going | SWG | Each party covers own costs |
| 4 K 2 | Policy for the payment of realistic compensation or provision of alternative land use rights in cases of authorized land acquisition be confirmed, with instructions issued and publicized | 01-Aug-12 | Relevant Government Authorities with the support of the SWG | Each party covers own costs |
| 4 K 3 | Policy confirmation and distribution of publicized instructions recognizing that the acquisition of land by and for any party with the subsequent imposition of rent, in cash or kind, on the traditional occupier under threat of losing traditional land usage rights constitutes forced labour. | 01-Aug-12 | Relevant Government Authorities with the support of the SWG | Each party covers own costs |
| 4 L: FORCED LABOUR ASSOCIATED WITH THE MINISTRY OF DEFENCE SELF-SUFFICIENCY POLICY | | | | |
| <p>Operational modality: In addressing this issue the agreed objective of the parties is to facilitate the provision of the necessary practical support and assistance required for the efficient operation of Government/Ministry of Defence policy within the framework of Myanmar law fully recognizing the legitimacy of the self-sufficiency principle.</p> | | | | |
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 4 L 1 | Procedures ensuring on-going efficient operations which comply with both Myanmar Law and International obligations under C29 developed with necessary implementation support. | By 1 March 13 and on-going | MOD/ILO/MOL | GoRUM - supported by donor funding as available |

4 M: FORCED LABOUR IN ASSOCIATION WITH THE CONSTRUCTION AND/OR MAINTENANCE OF MILITARY CAMPS

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|--------------|---|------------------------|-----------------------|----------------|
| 4 M 1 | Specific instructions to be issued on recruitment process for camp construction/maintenance activity incorporating definition of forced labour and confirming its use as a criminal offence subject to prosecution. | By 1 Sept 12 | MOD/ILO/MOL | MOD |
| 4 M 2 | Promulgation of policy that civilians not to be engaged for any duties including camp construction, maintenance or fortification in conflict zones in association with instruction under 4.I 1 above. | Immediate and on-going | MOD | MOD |
| 4 M 3 | The contracting of civilian workers for camp construction, maintenance or fortification work shall be contingent on sufficient funds being available for their engagement. | By 1 Oct 12 | MOD | MOD/GoRUM |

ACTION PLAN: 5. FORCED LABOUR BY WAY OF UNDERAGE (UNDER 18) RECRUITMENT INTO THE DEFENCE SERVICES AND MALITIA INCLUDING SUPPORT FOR THE FINAL AGREEMENT AND IMPLIMENTATION OF A JOINT ACTION PLAN IN RESPECT OF CHILDREN IN ARMED CONFLICT (SECURITY COUNCIL.RES 1612)

Operational modality: Underage recruitment by definition is forced labour in context of C.29 - as such complaints received under the SU alleging underage recruitment are and continue to be receivable. Child soldiers in context of Res 1612 includes the recruitment and/or use of children under 18 years of age in the military. The GoRUM is negotiating a joint action plan with the Country Task Force for Monitoring and Reporting (CTFMR) under Res 1612 towards ensuring compliance with international obligations and subsequent delisting . The ILO is a member of the CTFMR. On this basis the operation of the SU will serve to inform the CTFMR activities and support the implementation of the 1612 Joint Action Plan with both procedures operating in parallel on an added value basis. Such an approach will support enhanced awareness raising programs, support consistent application of Government policy and provide necessary accountability responses towards both the stopping of the practice of underage recruitment and the Tatmadaw subsequent delisting.

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|---|---------------------------------------|-------------------|-----------------------------|
| 5.1 | Support the early conclusion of a comprehensive Res 1612 Joint Action Plan (JAP). | [Target date for signing 30 June 12] | SWG | Each party covers own costs |
| 5.2 | Modality for communication/coordination/cooperation between SWG and 1612 JAP Structure developed | within 60 days of signing of 1612 JAP | SWG/ JAP Mgt Body | Each party covers own costs |
| 5.3 | Analysis of ILO Case Register identifying recruitment practices and procedures associated with underage recruitment completed | By 1 Sept 12 | ILO | ILO |

| | | | | |
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| 5.4 | Consultation on findings from analysis (see 5.3 above) undertaken towards development and promulgation of alternative practices and procedures. | By 1 Dec 12 | SWG | Each party covers own costs |
| 5.5 | Analysis of ILO Case Register identifying practices and procedures associated with the arrest and prosecution of underage recruits completed | By 1 Sept 12 | ILO | ILO |
| 5.6 | Consultation on findings from analysis (see 5.5 above) undertaken towards development and promulgation of alternative practices and procedures. | By 1 Dec 12 | SWG | Each party covers own costs |
| 5.7 | Identify current or ex-military personnel serving prison sentences for the production of a schedule listing those recruited underage. | By 1 Dec 12 | MOD/MoHA/SWG | MOD |
| 5.8 | Consultation on findings from review (see 5.7 above) undertaken, including schedule verification as required, towards initiating individual review of prosecution validity. | By 1 Feb 13 | SWG | Each party covers own costs |
| 5.9 | As part of review under 2.3. above review cases submitted, 4 months and older, towards their movement to satisfactory closure | ILO list submitted by 1 Aug 12 to the SWG to review progress no later than 1 Dec 12 | ILO/MOD/SWG | Each party carries own costs |
| 5.10 | On site meetings held and troop inspections undertaken with listed militias for awareness and intervention purposes with the approval of the Government Peace negotiating authorities. | By 1 Oct 12 and on-going | MOD/ILO/MOL | Each party carries own costs |

ACTION PLAN: 6. SUPPORT FOR THE JUSTICE SYSTEM (CIVILIAN AND MILITARY) AND OTHER INSTITUTIONS SUCH AS PARLIAMENTARY COMMISSIONS/COMMITTEES AND THE NATIONAL HUMAN RIGHTS COMMISSION IN THE EVOLUTION OF THEIR ROLES PARTICULARLY IN THE CONTEXT OF THE CONTINUED DEVELOPMENT AND ENFORCEMENT OF LEGISLATION AND POLICY AGAINST THE USE OF FORCED LABOUR.

| OBJECTIVE: | TO ENSURE THAT POLICY AND LEGISLATION CONTINUES TO COMPLY WITH THE CONSTITUTION, CONVENTION 29 AND OTHER RELEVANT INTERNATIONAL INSTRUMENTS AND TO SUPPORT CITIZENS RIGHTS THROUGH RULE OF LAW. | | | |
|-------------------|--|------------------------|--|------------------------------|
| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
| 6.1. | Continuation of Joint presentations to Judges and trainee judges in-service training sessions (see 1.3.7 above) | On-going | Supreme Court/MOL/I | Each party carries own costs |
| 6.2. | In conjunction with 1.3.6 above, introduce Joint presentations to Military Officers in respect of their responsibilities in conducting Summary Trials. | 1 Sept 12 and on-going | Judge Advocates Office/MOL/ILO | Each party carries own costs |
| 6.3. | Modality for consultation between the responsible drafting authority / body and the SWG to support the development of policy and drafting of legislation/regulation with direct or indirect forced labour implications be established. | 01-Feb-13 | GoRUM/SWG | Each party carries own costs |
| 6.4 | A register of forced labour prosecutions, both military and civil, be developed, maintained and reviewed on a quarterly basis to identify areas of further training need and/or necessary intervention.. | 1 July 12 and ongoing | MOL/ILO supported by Supreme Court and Advocate General's Office | Each party carries own costs |
| 6.5 | Modality for cooperation, information sharing and process knowledge transfer in respect to the operation of their parallel complaints mechanisms be established between the SWG and the National Human Rights Commission. | 1 Dec 12 and ongoing | SWG / National Human Rights Commission | Each party carries own costs |

ACTION PLAN: 7. PROVIDING ASSISTANCE IN POVERTY REDUCTION AND EMPLOYMENT CREATION IN THE BORDER AREAS WHERE PEACE AGREEMENTS HAVE BEEN ACHIEVED THROUGH GOOD EMPLOYMENT PRACTICE MODELLING.

OBJECTIVE: To ensure that the parties to cease-fire and/or peace agreements respect the laws against the use of forced labour and through community led labour intensive infrastructure programming support post conflict rural community development encompassing ex-combatant reintegration, job creation, small and medium enterprise development, vocational skills transfer and access to markets whilst providing good practice modelling against the use of forced labour. The below activities being subject of approval by the Government Peace Negotiating Authorities.

| Index | ACTIVITY | DATE | RESPONSIBILITY | FUNDING |
|-------|---|-------------|--|---------------------------|
| 7.1. | Location of potential pilot project locations in Karen State to be identified | By 1 Aug 12 | ILO in consultation with SWG, the parties to cease-fire/peace agreements, and other relevant National and International stakeholders with approval of the Government Peace Negotiating Authorities | ILO subject to donor fund |
| 7.2. | Location of potential pilot project locations in Shan State to be identified | By 1 Aug 12 | ILO and United Nations Office on Drugs and Crime (UNODC) in consultation with SWG, parties to peace agreements, and other relevant National and International stakeholders with approval of the Government Peace Negotiating | ILO subject to donor fund |

| | | | | |
|------|--|--|---|---|
| 7.3. | Consultation with local communities in respect of 7.1 and 7.2 above undertaken to identify project parameters | By 1 Sept 12 | ILO in Karen and ILO/UNODC in Shan in consultation with other parties planning any parallel projects so as to maximize added value. | ILO subject to donor fund |
| 7.4. | Project proposals for funding support developed and submitted to potential donors | By 1 Oct 12 | ILO in respect of Karen and UNODC/ILO in Shan | Each party carries own costs |
| 7.5. | Preparation, planning and initial orientation/training of selected local communities undertaken | Between 1 Oct 12 and 30 Nov 12 | ILO in respect of Karen and ODC/ILO in Shan | Each party carries own costs |
| 7.6. | Project work commences | 1 Dec 2012 or as soon as possible thereafter | ILO in respect of Karen and UNODC/ILO in Shan | Subject to project approval and availability of donor funds |
| 7.7 | Schedule for joint workshops with parties to cease-fire groups/parties to peace agreements agreed and commenced - beginning with those related to project areas identified in context of 7.1 and 7.2 above | 1 Aug 2012 and on-going | MOL/ILO | Subject to donor funding support. |