

MYANMAR (2000-2019)
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

REPORTING	Fulfillment of Government's reporting obligations	<p>YES, except for the 2000, 2001 and 2002 Annual Reviews (ARs). No change reports under the 2006 and 2007 ARs.</p>	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>2019 AR: No.</p> <p>2018 AR: The Government indicated that the report has been shared with the following organizations and that no comments were received: The Republic of the Union of Myanmar Federation of Chambers of Commerce And Industry (UMFCCI) the Confederation of Trade Unions Myanmar (CTUM); Agriculture & Farmer Federation of Myanmar (Food Allied of Workers) (AFFM-IUF) Agriculture & Farmers Federation of Myanmar (AFFM); and the Myanmar Industries Craft and Services Trade Unions Federation (MICS-TUsF).</p> <p>2016 AR: The Government indicated that the report has been shared with the following organizations and that no comments were received: Myanmar Seafarers Employers Services Federation; The Republic of the Union of Myanmar Federation of Chambers of Commerce And Industry (UMFCCI) Garment Industry, Township Employers' Organization, Hlaing Tharyar Township, Yangon; Confederation of Trade Unions Myanmar (CTUM); Myanmar Seamens' Federation (MSF); Myanmar Maritime Workers' Federation (MMWF); Myanmar Maritime Trade Unions Federation (MMTUF); Myanmar Maritime Pilots Association (MMPA); Independent Federation of Myanmar Seafarers (IFOMS); Agriculture & Farmer Federation of Myanmar (Food Allied of Workers) (AFFM-IUF) Agriculture & Farmers Federation of Myanmar (AFFM); Myanmar Industries Craft and Services Trade Unions Federation (MICS-TUsF).</p> <p>2015 AR: YES, according to the Government: Involvement of employers' organizations such as the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), and workers' organizations such as: the Confederation of Trade Unions of Myanmar (CTUM) - formerly known as the Federation of Trade Union of Myanmar (FTUM) and the Federation of Trade Unions – Burma (FTUB) -, the Workers' Welfare Associations and the Ceramic Industrial Labour Organization (CILO), the Myanmar Trade Union Federation (MTUF), and the Agriculture and Farmers Federation of Myanmar (AFFM).</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2015 AR: Observations by the UMFCCI.</p> <p>2014 AR: Observations by the UMFCCI and the most representative employers' organizations.</p> <p>2012-2013 AR: Observations by the UMFCCI.</p> <p>2010 AR: Observations by the UMFCCI.</p> <p>2008 AR: Observations by the UMFCCI.</p>	
	Workers' organizations	<p>2015 AR: Observations by the CTUM. Observations by the MTUF.</p> <p>2014 AR: Observations by the FTUM and the most representative workers' organizations.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	<p>Myanmar ratified in 1955 the Forced Labour Convention, 1930 (No. 29) (C.29). However, it has not ratified the Abolition of Forced Labour Convention, 1957 (No. 105) (C.105).</p>
		Ratification intention	<p>Under consideration, since 2012, for C.105.</p> <p>2018 AR: The Government reports that C. 105 is unlikely to be ratified.</p> <p>2015 AR: According to the Government: The ratification of C.105 would be considered at the appropriate time. The Government indicated that Myanmar is in the process of studying the alignment of its national laws to the requirements of the Convention, and hence ratification would be considered at an appropriate time in the future.</p> <p>UMFCCI reiterated its support for the ratification of C.105, but emphasized that ratification alone is not sufficient and building capacity for implementation is important. CTUM expressed support to the ratification of C.105 and continued to lobby the Government to move ahead with ratification. MTUF expressed its support for the ratification of C.105.</p>

		<p>AR 2014: The Government reiterated that ratification of C.105 would be considered at the appropriate time. The UMFCCI and the FTUM expressed their support for the ratification of C.105.</p> <p>2013 AR: The Government stated that ratification of C.105 would be considered at the appropriate time.</p> <p>The UMFCCI expressed its full support for the ratification of C.105 by Myanmar and mentioned that new laws are being discussed to create adequate institutional bodies to better enforce the principle and right (PR) in the country.</p> <p>2010-2011 ARs: According to the Government: The new States Constitution adopted in May 2008 reflects the Government's intention to ratify C.105, and ILO should cooperate with Myanmar for the ratification of all ILO fundamental Conventions. Ratification of C.105 would be considered in appropriate time to do so.</p> <p>The UMFCCI considered that Myanmar was not enough institutionally mature to ratify C.105.</p> <p>2008 AR: The UMFCCI supported the ratification of C.105.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>2010: According to the Government: The new State Constitution adopted in May 2008 reflects the Government's intention to ratify C.105.</p>
	<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: 2016 AR: There is an anti-trafficking plan of action for 2012-2016 in Myanmar. 2015 AR: According to the Government: The PR is being implemented by enacting new Labour Laws, reviewing and amending the existing Labour Laws in cooperation with ILO and other international organizations as a national policy. 2013 – 2014 AR: According to the Government: The PR is being implemented in Myanmar as a national policy. 2003-2005 ARs: According to the Government: The PR is recognized in Myanmar and is supported by a national policy. • Legislation: The Penal Code, covered by the existing laws, orders and regulations. 2013 AR: According to the Government: The Penal Code (Section 374), the Ward or Village Tract Administration Law, the Amendment Law to Ward or Village Tract Administration Law. 2012 AR: According to the Government: New drafts are being drawn, to replace the Village Act 1907 and the Town Act 1908 in compliance with C.29. • Regulations: Order No. 1/99 of 14/05/199 and its Supplementing Order of 27/10/2000.
	<p>Basic legal provisions</p>	<p>2016 AR: The labour recruitment and placement process are supervised under the 1959 Employment Restriction Act and 1960 Employment Restriction Rules. The existing labour laws are being reviewed to be in line with the socio economic situation. The law relating to the oversea employment, 1999 has been in the process of reviewing and amending in line with the present situation. (i) Penal Code (section 374); (ii) The Amendment Law to Ward or Village Tract Administration Law (section 27(a)); (iii) The Law to Ward or Village Tract Administration Law; (iv) Order No. 1/99 of 14/05/1999, and; (v) Supplementing Order No. 1/99 of 27/10/2000.</p>
	<p>Definition of forced or compulsory labour</p>	<p>2005 AR: According to the Government: Forced labour is defined as a situation in which a person is forced to work without his/her consent and contrary to law.</p>
	<p>Judicial decisions</p>	<p>NIL.</p>
<p>Exercise of the principle and right</p>	<p>Special attention to particular</p>	<p>2015 AR: There is a Central Body for Suppression of Trafficking in Persons, a Coordinated Mekong Ministerial Initiative Against Trafficking in Persons (COMMIT), and an</p>

		<p>situations</p>	<p>‘Action Plan under the Joint Strategy for the Elimination of Forced Labour by 2015 in Myanmar’.</p> <p>2013 AR: According to the Government: There is: (i) A Plan of Action on the Prevention against recruitment of minors for military service, and; (ii) A central government body for the suppression of human trafficking.</p> <p>2011 AR: According to the Government: The Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Persons Preventive Committee have been established.</p>
		<p>Information/ Data collection and dissemination</p>	<p>2016 AR: No statistical data are collected or analyzed.</p> <p>2015 AR: According to the Government: There is a Joint Strategy for the Elimination of Forced Labour by 2015 in Myanmar led by the Union Minister for Ministry of Labour, Employment and Social Security, comprising of the representatives from Ministry of Home Affairs, Ministry of Defense, Supreme Court, Attorney General Office, Ministry of Foreign Affairs, Ministry of Agriculture and Irrigation. ILO (Yangon) disseminates the PR by holding awareness raising seminars around the country cooperating with ILO liaison officer.</p> <p>2011 AR: According to the Government: The ILO Working Group led by Deputy Minister for Labour comprising of the representatives from Supreme Court, Attorney General Office, Ministry of Foreign Affairs, Ministry of Home Affairs disseminate the PR by holding awareness raising seminars around the country cooperating with ILO liaison officer.</p> <p>2004 AR: According to the Government: The Department of General Administration collects statistics and other information relevant to the PR.</p>
	<p>Prevention- Monitoring, enforcement and sanctions mechanisms</p>		<p>2015 AR: According to the Government: A monitoring process is being implemented by the Joint Strategy Working Group under the Joint Strategy for the Elimination of Forced Labour by 2015 in Myanmar and ILO Working Group under the Supplementary Understanding 2007. Complaints on forced labour can be referred to relevant court.</p> <p>2013 AR: According to the Government: Complaints on forced labour can be referred to relevant Courts in accordance a complaint mechanism established in cooperation with ILO.</p> <p>2011 AR: According to the Government: In instances where the PR has not been respected, Order No. 1/99 and its Supplementing Order explicitly provide that action will be taken against offenders under section 374 of the Penal Code (charges of negligence and public nuisance, respectively). Complaints can be referred to Peace and Development Councils, the Courts and the Police.</p> <p>2008 AR: According to the Government: The Government and the ILO reached an agreement on 26 February 2007 that the Supplementary Understanding (SofU) and others matters relating to C.29 would be covered under the mechanism dealing with the complaint of forced labour under the SofU. Up to June 2007, the liaison officer received 21 cases, and 9 out of them have been transmitted to the Deputy Minister for Labour, Chairman of the Working Group (WG) for further investigations. This WG is headed by the Director General of the Department of Labour and also comprised of officials from related departments.</p> <p>2003-2005 ARs: According to the Government: In instances where the PR has not been respected, Order No. 1/99 and its Supplementing Order explicitly provide that action will be taken against offenders under section 374 of the Criminal Code (charges of negligence and public nuisance, respectively). Complaints can be referred to Peace and Development Councils, the courts and the police. Furthermore, the following measures have been implemented: (i) legal reform; (ii) inspection/monitoring mechanisms; penal sanctions; and (iii) civil/administrative sanctions.</p>
	<p>Involvement of the social partners</p>		<p>2015 AR: According to thr Government: Workers’ and employers’ organizations are being involved in the process together with ILO, UN bodies, CBOs and CSOs.</p> <p>2013 AR: The Government indicated that the employers’ and workers’ organisations were being involved in the implementation of the PR in the country along with civilian society, ILO and other UN bodies.</p> <p>2010-2011 ARs: According to the UMFCCL: Promotional activities are being carried</p>

	<p>out through tripartite consultations. 2003-2004 ARs: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of government measures.</p>
<p>Promotional activities</p>	<p>2016 AR: Awareness-raising meetings about forced labour in the ward or village tract administrators are held twice a month and direct them if they forced the people in vulnerable situations, they will be prosecuted and punished. Pre-departure or orientation trainings are provided for the workers who will work in other countries occasionally. Migrant Resources Centers (MRCs) have been opened in cooperation with ILO and IOM in order to disseminate the information concerning migration. Senior officials from the Ministry of Labour, Immigration and Population provide lectures on the elimination of forced labour in the training for police officers, fire safety officers, judges, ward or village tract administrators, teachers from the basic/ highs education level and military officers. Moreover, military officers were also given training of trainers. 2015 AR: According to the Government: The agreement for the extension of the Supplementary Understanding for an additional one year trial period until 2016 has been signed between Myanmar and ILO to eradicate forced labour. 2014 AR: The Government indicated that a tripartite delegation of Myanmar had participated in the ILO/TURIN Pre- Conference Course on International Labour Standards held in May-June 2013 where issues concerning the PR were addressed. 2013 AR: According to the Government: A Memorandum of Understanding (MOU) signed with ILO in March 2012 has drawn a Plan of Action for the elimination of all forms of forced or compulsory labour in Myanmar by 2015. Moreover, national awareness raising seminars were organised in cooperation with ILO, and various publications on the PR in multiple languages were distributed on these occasions. 2012 AR: According to the Government: In August 2011, ILO Liaison Officer delivered a lecture, organized by the Ministry of Home Affairs, on the promotion and realization of the PR. Moreover, an easily understandable brochure on the PR has been widely distributed in Myanmar language. 2011 AR: The Government indicated that training programmes and awareness raising campaigns were jointly organized by the Government and the ILO Liaison Officer. 2009 AR: According to the Government: Several training and awareness-raising activities were organized by the Government and the ILO Liaison Officer in 2008. 2008 AR: The Government indicated that it had translated the Order No. 1/99 and its Supplementing Order prohibiting the requisition of forced labour into many languages such as Kachin, Kayar, Kayin (Pole, Sakaw), Mon, Shan and Chin (Tetaim, Hacha, Matubi, Mintub), and subsequently transmitted to the relevant states and divisions of the country. 2003-2004 ARs: According to the Government: Awareness raising/advocacy have been implemented to promote the PR.</p>
<p>Special initiatives-Progress</p>	<p>2018 AR: The Government reports training activities and cooperation between Governmental Departments and social partners. 2016 AR: If there are any forced labour victims in townships, ward or village tracts, the rehabilitation and professional reintegration will be undertaken in cooperatopm with relevant departments to have a sustainable livelihood and employment. The Ministry of Social Welfare, Relief and Resettlement is taking measures for the rehabilitation and social and professional reintegration of victims in collaboration with UNICEF. In order to address problems which migrant workers are encountering, the Complaints Mechanism Centers have been opened in Nay Pyi Taw and Yangon for receiving complaints and providing 24 hours services. Labour attaches are appointed in the countries where most of Myanmar migrant workers are working. 2015 AR: According to the Government: A Stakeholders Forum on Labour Law Reform was conducted on 18-19 May 2015 in Yangon in cooperation with United States, Japan, Denmark and the International Labour Organization (ILO). The Stakeholder Forum (SF) was intended to complement and strengthen domestic tripartite consultations and existing labour- related initiatives, provide international support for Myanmar's labour reforms, and foster collaboration among international</p>

		<p>and domestic stakeholders. Ultimately, this engagement was intended to contribute towards constructive industrial relations and progressive improvement of worker rights and working conditions as Myanmar’s economy integrates into the global economy.</p> <p>2014 AR: According to the Government: A joint Action Plan to combat forced labour is successfully being implemented in the framework of the Myanmar/ILO MOU signed in March 2012. The joint strategy is to eliminate forced labour in Myanmar 2015. The Army has issued new instructions referring to sanctions under the Penal Code, section 374, instead of military rules and regulations.</p> <p>The FTUM further states that since then the situation of forced labour has significantly improved in the country.</p> <p>2013 AR: According to the UMFCCI: The suspension of the international embargo will facilitate the implementation and realization of the PR.</p> <p>2008 AR: According to the Government: The Government and the ILO reached an agreement on 26 February 2007 that the SofU and others matters relating to C.29 would be covered under the mechanism dealing with the complaint of forced labour under the SofU.</p> <p>2005 AR: According to the Government: Successful example: field inspections were carried out based on allegations and measures were taken.</p> <p>2004 AR: According to the Government: The major change concerning the PR consisted in the acceptance in October 2002 of an ILO Liaison Officer in the country; and a Joint Plan of Action was launched subsequently.</p> <p>2003 AR: According to the Government: Successful example: Adoption of Order No. 1/99 and its Supplementing Order (in case of negligence, public nuisance, etc.).</p>
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers’ organizations</p> <p>2015 AR: According to UMFCCI: The country’s transition process has been delaying the pace of progress in the ratification of C.105.</p> <p>2010-2011 ARs: According to the UMFCCI: The international embargo is the main difficulty that Myanmar is facing.</p> <p>2008 AR: According to the UMFCCI: The economic conjuncture is very fragile due to the economic embargos and sanctions placed on Myanmar by several western countries.</p>
		<p>Workers’ organizations</p> <p>2015 AR: According to MTUF: Existing poor economic conditions pose challenges that undermine the ratification of C.105.</p> <p>2014 AR: According to the FTUM, although the situation of forced labour has substantially improved, some challenges have to be overcome in very remote rural areas.</p>
<p>TECHNICAL COOPERATION</p>	<p>According to the Government</p>	<p>2018 AR: The Government indicates that the main difficulties are: a) Lack of information and data ; b) Social and economic circumstances ; c) Lack of capacity of employers’ organizations ; and d) Lack of capacity of workers’ organizations.</p> <p>2016 AR: Lack of social dialogue on the principle has been identified as a challenge.</p> <p>2015 AR: The Government indicated insufficient capacity and awareness of government staff and the private sector as an issue to be addressed. Employees and staff members who are responsible for the reporting process should have access to the International Training.</p> <p>2014 AR: In response to the FTUM’s observations, the Government indicated that high ranking military officials were being sensitized on the need to eradicate forced labour in all its forms, including in recruitment cases.</p>
	<p>Request</p>	<p>2018 AR: The Government indicates that the main technical cooperation needs are: a) Assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle ; b) Awareness-raising, legal literacy and advocacy ; c) Strengthening data collection and capacity for statistical collection and analysis ; d) Training of other officials (e.g. police, judiciary, social workers, teachers) ; e) Strengthening capacity of employers’ and workers’ organizations ; and f) Employment creation, skills training and income generation for vulnerable workers.</p> <p>2016 AR: According to the Government: Technical cooperation would be important in the following areas: capacity building for the competent authorities; vocational training, job-creation and income-generation programmes for at-risk populations; exchange of experiences between countries or regions; and international cooperation.</p> <p>2015 AR: According to the Government, UMFCCI, FTUM and MTUF: There is a need for technical cooperation to increase awareness at different levels, and to build up technical capacity of tripartite partners.</p> <p>2014 ARs: According to the Government, the UMFCCI and the FTUM: There is a need for ILO technical cooperation to facilitate the realization of PR in</p>

	<p>Myanmar, in particular in the following areas: (i) sharing of experiences across countries/regions; (ii) capacity building of responsible government institutions and employers’ and workers’ organisations; (iii) training of other officials (police, judiciary, social workers, teachers), and; (iv) awareness-raising campaign on the PR and dissemination in local languages.</p> <p>2013 AR: According to the Government and the UMFC CI: There is a need for ILO technical cooperation to facilitate the realization of this PR in Myanmar, in particular in the following areas: (i) sharing of experiences across countries/regions; (ii) capacity building of responsible government institutions and employers’ and workers’ organisations; (iii) training of other officials (police, judiciary, social workers, teachers), and; (iv) awareness-raising campaign and dissemination in local languages.</p> <p>2012 AR: The UMFC CI requested ILO’s support with a view to strengthen the capacity of employers, in particular in training of trainers (TOT) on the fundamental principles and rights at work (FPRW).</p> <p>2011 AR: According to the Government: Training courses should be provided by the ILO for the capacity enhancement of the responsible governmental institutions.</p> <p>2010 AR: According to the Government: Collaboration between ILO and Myanmar for the ratification of Core Conventions needs to be continued.</p> <p>2005 AR: According to the Government: To facilitate the realization of the PR in Myanmar, ILO technical cooperation would be needed in the following areas: (1) awareness-raising, literacy and advocacy; (2) assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the PR; and (3) sharing of experiences across countries/regions.</p>
	<p>Offer</p>
<p>EXPERT-ADVISERS’ OBSERVATIONS/RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) were also concerned that Myanmar (and another State) had not yet expressed their intention to ratify C.29 and/or C.105. They also reminded all the governments that it was of their primary responsibility to ensure that forced labour does not exist in their countries for any reason (cf. paragraphs 42 and 44 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs urged the Government of Myanmar and another government to express their intentions concerning ratification of C.29 and/or C.105 (cf. paragraph 40 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p>
<p>GOVERNING BODY OBSERVATIONS/RECOMMENDATIONS</p>	<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office’s resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p> <p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

	<p>Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>
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