



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: MYANMAR

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000. No change report under the 2007 AR.		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the most representative employers' and workers' organizations (the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Workers' Welfare Association (WWA)) by means of consultations and communication of Government's report.		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the UMFCCI		
	Workers' organizations	NIL		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Myanmar has ratified neither the Equal Remuneration Convention, 1951(No.100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No.111) (C.111).	
		Ratification intention	2008 AR: The Government indicated that it would consider the ratification of C.100 and C.111 once the new Constitution is promulgated.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2008 AR: The Government indicated that it was currently reviewing the Constitution in order to include the PR.	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2002 AR: According to the Government: There is a national policy concerning the principle and right (PR). • Legislation: The «Law Defining the Fundamental Rights and Responsibilities of the People's Workers» (1964) covers all workers who are using their physical or mental capacities in order to earn their living. 	
		Basic legal provisions	The 1964 «Law Defining the Fundamental Rights and Responsibilities of the People's Workers».	
		Grounds of discrimination	2008 AR: According to the Government: There is no discrimination in respect of employment and occupation, in equal opportunity in race/colour, sex, religion, political opinion, national extraction and social origin.	

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

			2004 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of: race/colour; sex; religion; political opinion; national extraction; and social origin.
		Judicial decisions	NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Special attention to particular situations	2002 AR: According to the Government: Specific measures have been implemented to respect, promote and realize the PR for the following categories of workers: (i) all categories of workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers and (vii) workers in the informal economy.
		Information/Data collection and dissemination	2005 AR: According to the Government: Statistics and information relevant to the PR are collected on a regular basis.
	Prevention/Monitoring, enforcement and/or sanction mechanisms	2005 AR: According to the Government: The PR is implemented through monitoring bodies.	
		2003 AR: According to the Government: In case of violation of the PR, sanctions include dismissal, fines, or imprisonment up to two years.	
	Involvement of the social partners	UNICEF supporting the Women and Child Health Development Project and Prevention of HIV/AIDS, Prevention of Mothers to Child Transmission.	
	Promotional activities	Institutions to promote equality	2008 AR: The National Women's Committee (NWC) was formed on 3 July 1996 and the focal point is the Ministry of Social Welfare Relief and Resettlement. Moreover, the Myanmar Women's Affair Federation (MWAF) was constituted on 20 December 2003 as an NGO. The Myanmar Women Entrepreneur Association was also established on 12 February 1995.
Other activities		2008 AR: According to the Government: Activities were held within the NWC, namely developing protective measures for women and health, and HIV/AIDS. It also attended the 8 th Global Conference of Women Entrepreneurs, held in Bali in 2003. Finally, the ARCPPT-Asia Regional Cooperation to fight against trafficking was set up on 20 December 2003.	
	Special initiatives/Progress	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the UMFCCI, the economic conjuncture is very fragile due to the embargos and economic sanctions placed on Myanmar by several Western countries.
		Workers' organizations	NIL
	According to the Government	NIL	
TECHNICAL COOPERATION	Request	NIL	
	Offer	NIL	

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Myanmar, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The ILO Expert-Advisers noted that the regular supervisory system was closely following the national situation Myanmar concerning a variety of violations under different principles and rights, including this one (Cf. Paragraph 22 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>