



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

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPUSORY LABOUR (FL)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2000, 2001 and 2002 Annual Reviews (ARs). No change reports under the 2006 and 2007 ARs.		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Myanmar Industrial Association, Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the most representative workers' organizations 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 ratified in 1932 the Forced Labour Convention, 1930 (No.29) (C.29).	
		Ratification intention	2008 AR: The UMFCCI supports the ratification of C.29.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy 2003-2005 ARs: According to the Government: The principle and right (PR) of the elimination of all forms of forced or compulsory labour is recognized in Myanmar and is supported by a national policy. • Legislation: the Criminal Code, covered by the existing laws. • Regulations: Order No. 1/99 and its Supplementing Order. 	
		Basic legal provisions	(i) Criminal Code (section 374); (ii) Order No. 1/99; and (iii) Supplementing Order No. 1/99.	
		Definition of forced or compulsory labour	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.	
		Judicial decisions	NIL	
Exercise of the principle and right	Special attention to particular situations and human trafficking	NIL		

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

		Information/Data collection and dissemination	2004 AR: According to the Government: The Department of General Administration collects statistics and other information relevant to the PR.
	Monitoring, enforcement and sanctions mechanisms	<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>	
	Involvement of the social partners	2003-2004 ARs: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of government measures.	
	Promotional activities	<p>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 (Tetai, Hacha, Matubi, Mintub), and subsequently transmitted to the relevant states and divisions of the country.</p> <p>2003-2004 ARs: According to the Government: Awareness raising/advocacy have been implemented to promote the PR.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Special initiatives/Progress	<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.</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>	
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 economic embargos and sanctions placed on Myanmar by several western countries.
		Workers' organizations	NIL
	According to the Government	NIL	
TECHNICAL COOPERATION	Request	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.	

	Offer	ILO
EXPERT-ADVISERS' RECOMMENDATIONS	<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>	
GOVERNING BODY RECOMMENDATIONS	NIL	