



Governing Body

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Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013)

Purpose of the document

This document provides an update on progress made on issues relating to ILO activities, including elimination of forced labour and freedom of association, establishment of an effective complaints mechanism and reform of labour legislation (see the draft decision in paragraph 42).

Note: The consideration of this item was deferred from the 338th Session (March 2020) of the Governing Body. This document is a revised version of GB.338/INS/10, updated with developments that have occurred since March 2020.

Relevant strategic objective: Fundamental principles and rights at work.

Main relevant outcome: Outcome 7: Adequate and effective protection at work for all.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Ongoing application of the ILO programme of work.

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Related documents: Resolution concerning remaining measures on the subject of Myanmar adopted under article 33 of the ILO Constitution by the Conference at its 102nd Session (2013).

▶ Introduction

1. At its 337th Session in October–November 2019, having considered the report submitted by the Director-General on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013), the Governing Body:
 - (a) acknowledged the progress made by the Government, in particular the new action plan on forced labour, the passing of the Child Rights Law and proposals to ratify the Minimum Age Convention, 1973 (No. 138), and encouraged the Government to continue its efforts to cooperate with the ILO and social partners to fully implement the Decent Work Country Programme (DWCP);
 - (b) urged the Government to consult with social partners, through the National Tripartite Dialogue Forum (NTDF), to put in place a credible and effective national complaints mechanism that includes victim protection measures, to address and eliminate forced labour;
 - (c) urged the Government to continue to apply procedures that enable the ILO to receive complaints and to intensify its cooperation with the ILO to implement an effective forced labour complaints process until such time as a suitable national complaints mechanism is in place;
 - (d) requested the Director-General to include in his future reports to the Governing Body progress made in the establishment of a complaints mechanism as agreed under the DWCP;
 - (e) noted the ongoing work to reform labour legislation and called for further efforts to ensure that genuine tripartite social dialogue takes place during the labour law reform process and that the views of representative organizations of employers and workers are fully taken into account;
 - (f) expressed concern at the charges laid against eight trade unionists under the Peaceful Assembly and Peaceful Procession Law and the use of this Law by the authorities as a means of denying trade unions the right to peacefully exercise their right to freedom of association;
 - (g) expressed the expectation that the Government can report in March 2020 concrete results in addressing key concerns raised in the Governing Body discussion, particularly with respect to freedom of association, the elimination of forced labour, and the putting in place of an effective national complaints mechanism.

▶ Implementation of the DWCP and responding to COVID-19

2. The DWCP was signed by the Government, workers' and employers' organizations and the ILO on 21 September 2018. Notable progress has been made in a range of areas by the tripartite partners, supported by the ILO, on the DWCP's three priorities, as follows:
 - (a) Priority 1: Employment, decent work and sustainable entrepreneurship opportunities are available and accessible to all, including for vulnerable populations affected by conflict and disasters.

- (i) The ILO has provided special training packages through its project on entrepreneurship and small and medium-sized enterprises (SMEs). To date, over 43,000 entrepreneurs and potential entrepreneurs in Myanmar have been trained on ILO business management training packages. The project impact assessment study, conducted in June 2019, highlighted that the project helped create 16,000 jobs via 2,000 business start-ups and supported more than 5,500 SMEs. Of the total number of participants in the project, 60 per cent were women, 30 per cent were from rural areas and 20 per cent were from conflict-affected areas.
 - (ii) Through the ILO's community-based infrastructure work, an additional 8,000 fair wage workdays (43 per cent for young people and 35 per cent for women) were created in conflict-affected communities in Mon State.
 - (iii) The second five-year national plan of action on the management of international labour migration was launched in May 2019. Training on financial literacy was provided to labour exchange staff from ILO-supported migrant resource centres in six cities. A further 73 members of the Myanmar Overseas Employment Agencies Federation signed a code of conduct that was developed with ILO technical input, bringing the total number of signatories to 272 of the 300 members of the Federation.
 - (iv) A skills development project in Rakhine State has established, in partnership with the private sector in Sittwe, the first skills assessment centre in the region recognized by the National Skills Standards Authority (NSSA), to help improve access to skills assessment capacities and employability in conflict-affected areas. It has equipped at least 400 individuals with employable skills based on the results of the labour market needs assessments that the ILO conducted in line with the recommendations of the Advisory Commission on Rakhine State.
- (b) Priority 2: The application of fundamental principles and rights at work is strengthened through improved labour market governance.
- (i) The Government adopted the Child Rights Law on 23 July 2019 and Myanmar ratified Convention No. 138 on 8 June 2020. The ILO held a webinar in July 2020 with the Technical Working Group on Child Labour and the Yangon Region Youth Committee on implementation of the Convention and its reporting requirements.
 - (ii) The NTDF was successfully convened in March, May, July and October 2019 and during February and June 2020. The Government has involved the social partners in the discussion of the national complaints mechanism on forced labour and labour law reforms in the NTDF.
 - (iii) The Myanmar Garment Manufacturers Association adopted a self-assessment checklist to measure members' compliance with national labour laws and international standards and an "onboarding" toolkit that aims to raise members' awareness of national labour laws. The ILO has contributed to strengthening the capacity of trade unions to provide social dialogue training services to their affiliates. With the support of the International Training Centre of the ILO, the ILO has provided training on social dialogue to representatives of the Government, workers' and employers' organizations. In addition, the ILO has provided assistance to a number of

factories in the garment industry and one sectoral trade union federation to develop guidelines on freedom of association and sound industrial relations.

- (iv) In November 2019, in collaboration with the Department of Labour, the ILO organized a forum on youth employment through decent work in Myanmar, with the participation of representatives from Cambodia, Indonesia, the Philippines and Viet Nam.
 - (v) In 2019, child labour in pilot target communities was significantly reduced: 323 children from Yangon, Ayeyarwady and Mon State received the ILO's non-formal education interventions and life skills training, while 167 households received support to improve their livelihoods, such as skills training, "start and improve your business" training and microfinance.
- (c) Priority 3: Social protection coverage is extended for all, especially for vulnerable workers and populations.
- (i) The Occupational Safety and Health Law was passed by the Myanmar Parliament in March 2019, a critical milestone in the development of Myanmar's national occupational safety and health (OSH) system. The new OSH Law establishes an overarching national framework, addressing several elements of the current legal fragmentation and promoting bipartite OSH management at the workplace, in alignment with the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), on establishing a promotional framework for OSH. Importantly, the OSH Law mandates the establishment of a tripartite and interministerial OSH council, as well as of bipartite OSH committees and OSH safety personnel at workplaces. The OSH Law also covers sectors previously excluded from earlier legislation, such as agriculture, construction, mining, oil and gas. Regulations are to be drafted to guide implementation of the OSH Law in these key sectors. In the mining sector, the frequency of landslides leading to the loss of lives, including the landslide at Hpakant jade mine that killed more than 160 people in July 2020, reflects the importance and urgency of developing, implementing and enforcing regulations applying to mines and other high-risk sectors.
 - (ii) With ILO technical support, the Factories and General Labour Laws Inspection Department has started drafting fundamental and operational regulations to complete the enactment of the OSH Law.
 - (iii) The tripartite national OSH training centre was launched in August 2019, with support from the Japanese Government, and its business plan was developed with ILO technical support.
 - (iv) With ILO technical support, the Social Security Board is implementing a new comprehensive Social Security Board Information System (SSB-IS) and standard operating procedures to improve the efficiency of the employment injury insurance scheme. Nine additional private medical centres were contracted to provide outpatient care to insured workers in 2019 and 2020. The SSB-IS received an award in 2019 from the Association of Southeast Asian Nations (ASEAN) Social Security Association for its information and communications technology (ICT) innovation efforts. With ILO technical support, the Board piloted an enhanced version of the employment injury insurance scheme in June–November 2019, benefiting 198,000 workers in two townships, and preparations to scale up the scheme are under way.

- (v) The Social Security Board has taken several COVID-19 response measures, such as contributing 50 billion kyats (K) from the Social Security Fund to the COVID-19 Fund for low-interest loans to enterprises that were most affected by the pandemic; extending the time employers have to pay contributions; providing medical care and cash benefits for income support to insured workers who are unable to work owing to factory closures; and granting medical leave and cash benefits to insured pregnant workers, as well as to insured workers who are quarantined or become ill.
 - (vi) In 2019, the ILO provided technical comments to the Government on ongoing national pension reform and a draft Central Provident Fund Law; the Law was subsequently passed in August 2020 without further reference to matters raised by the ILO. The ILO also provided technical comments on the draft National Health Insurance Law to achieve universal health coverage in Myanmar. In addition, the ILO provided many training and awareness-raising events for domestic workers and employers on working and living conditions and organized OSH awareness-raising campaigns in industrial zones.
3. In addition to the continued implementation of the DWCP, the ILO has provided support to employers' and workers' organizations for immediate COVID-19 response efforts on labour issues. This included support to workers' organizations to establish an emergency employment and reskilling centre for workers who lost their jobs and providing training to laid-off workers for self-employment and reskilling; support to the employers' organization to develop business continuity plans, strengthening its legal advisory services to support employers in complying with labour laws where legal issues have arisen as a result of COVID-19; and OSH trainings.
 4. The ILO has supported the Government's social security measures in responding to COVID-19. This has included distributing awareness-raising material on measures for insured workers, as well as information for employers on income replacement support to partially cover workers' wages during a period when factories were closed. The ILO has also supported the Government, workers and employers on workplace OSH awareness and preparedness in responding to the pandemic, and has distributed OSH guidance for factories prepared by the Government. In addition, the Government convened a meeting of the NTDF by videoconference in June 2020, at which tripartite constituents shared experience of good practice and post-pandemic recovery responses.
 5. The ILO Liaison Office is actively participating in the initiative under the UN framework for the immediate socio-economic response to COVID-19 in Myanmar (UN-SERF), which will provide short- and medium-term strategies and resource mobilization for the UN and the ILO to respond to COVID-19 in Myanmar. The ILO is the co-chair of pillars 2.1 on social protection, 3 on economic recovery and 5 on social cohesion.

▶ Establishment of the national complaints mechanism on forced labour

6. As reported to the Governing Body in March 2019, the Supplementary Understanding, which provided a complaints mechanism for cases of forced labour, expired on 31 December 2018, with forced labour elimination now a core component of the DWCP. The DWCP specifies continued engagement between the ILO and Myanmar to ensure

the elimination of forced labour and to develop national and local mechanisms for addressing forced labour.

7. On 25 May 2019, the Government presented its proposals for a national complaints mechanism on forced labour elimination to the NTDF. Pending its formal establishment, the Government established an interim mechanism and announced that complaints should be submitted directly to that mechanism.
8. In June 2019, at its 108th Session, the International Labour Conference adopted a number of conclusions in respect of the application by Myanmar of the Forced Labour Convention, 1930 (No. 29), in which the Committee of Experts urged the Government to:
 - (a) take all necessary measures to ensure that, in practice, forced labour is no longer imposed by the military or civilian authorities;
 - (b) strictly enforce the Ward or Village Tract Administration Law of 2012 and the Penal Code to assure that those responsible for perpetrating forced labour be effectively investigated and prosecuted and receive and serve sentences that are commensurate with the crime in all cases;
 - (c) ensure that the victims of forced labour have access to effective remedies and comprehensive victim support without fear of retaliation;
 - (d) refrain from imposing any punishment on those who have spoken out against or reported incidents of forced labour.
9. In July 2019, the Government began to publicly advertise the establishment of the national complaints mechanism and, at the October 2019 meeting of the NTDF, confirmed that complaints could continue to be submitted through the ILO. Subsequently, on 8 November 2019, the Government announced via local media that during the interim period complaints could be sent to both the High-Level Working Group and the ILO.
10. On 7 August 2019, the ILO was informed of the President's approval of the establishment of the national complaints mechanism. The Government provided the proposed framework for the national complaints mechanism, together with an action plan encompassing transition arrangements.
11. In August 2019, the ILO received a request from the Government for technical assistance for the establishment of the national complaints mechanism under the auspices of the DWCP. The Office has expressed its readiness to mobilize financial and human resources to provide assistance with: (a) structuring a grievance mechanism, including the prevention of forced labour, focusing on awareness-raising, protection of victims with access to remedies and justice and the prosecution of perpetrators; (b) capacity-building measures, including countrywide training activities for first responders, law enforcement authorities and other key partners; (c) IT support for complaints management; and (d) staff training for complaints management, including the design of a reporting mechanism for increased transparency and credibility.
12. Since the 337th Session of the Governing Body in October–November 2019, the Office has convened three separate meetings with the Government and social partners to discuss the implementation of the Governing Body decision, highlighting the importance of three key elements for a credible and effective national complaints mechanism: the involvement of the social partners and the ILO; the establishment of a parliamentary oversight committee; and assurances of victims' protection.

13. The new action plan for the elimination of forced labour was discussed by the NTFD in October 2019. The action plan established a National Forced Labour Complaints Mechanism Committee, chaired by the Minister of Labour, Immigration and Population, with officials from the ministries of home affairs and defence as vice-chairs and a membership drawn from 21 ministries and agencies, including the Myanmar Human Rights Commission.
14. The Government convened the first meeting of the National Forced Labour Complaints Mechanism Committee in Nay Pyi Taw on 17 July 2020 to review progress and present the standard operating procedures (SOPs) on forced labour to members. Representatives of the ILO attended this meeting. The Government convened a further coordination meeting on 30 July 2020, attended by representatives of the Ministry of Defence, the Ministry of Labour, Immigration and Population and the ILO, to discuss finalizing pending cases. A further technical working group meeting was held on 28 August 2020 to continue the process of finalizing pending cases.
15. In February 2020, following a request from representative organizations of workers and a discussion at the NTFD meeting in November 2019, the mandate of Parliament's Immigration and Local and Overseas Labour Affairs Committee was extended to receive and consider complaints of forced labour. However, it is not confirmed whether the Committee will have any wider oversight functions relating to the national complaints mechanism.
16. The Government also requested ILO support to develop a mobile phone application that would facilitate the submission of complaints, as well as training to support government staff in maintaining a database on forced labour and managing complaints on a day-to-day basis. In February 2020, government ministries, with support from the ILO, participated in training for personnel on assessing cases of forced labour, managing data and other administrative tasks. In July 2020, the ILO mobilized internal resources to deliver further technical support, following a request from the Government in 2019. This includes support for:
 - (a) establishing a credible and impartial national complaints mechanism, including the prevention of forced labour, focusing on awareness-raising, protection of victims through access to remedies and justice, and the prosecution of perpetrators;
 - (b) capacity-building measures, including countrywide training activities for first responders, law enforcement authorities, workers' and employers' representatives, parliamentarians and other key partners;
 - (c) IT support for complaints management; and
 - (d) staff training for complaints management, including the design of a reporting mechanism for increased transparency and credibility.
17. In line with the recommendations of the ILO supervisory bodies, the ILO has stressed the following elements necessary for a credible and effective complaints mechanism:
 - (a) it must address all forms of forced labour, including forced labour imposed by the military or civilian authorities or the private sector;
 - (b) impartiality in the assessment of forced labour, based on a consistent interpretation of what constitutes forced labour, in line with international standards;
 - (c) impartiality in the investigation of complaints;

- (d) reasonable efforts to protect the safety of victims of forced or compulsory labour and of family members and witnesses, including protection from intimidation and retaliation, directly or indirectly;
 - (e) credible accountability, backed up by statistical data of complaints received, investigations carried out, prosecutions undertaken and convictions secured;
 - (f) credible and transparent accountability for the fair conduct of grievance processes;
 - (g) decentralization of responsibility to eliminate forced labour;
 - (h) awareness-raising programmes, in particular for those who live in remote and conflict-affected areas.
- 18.** While the Government has made efforts to develop interim procedures and a framework for dealing with complaints under the DWCP, the victim protection measures remain unclear and the decentralization of responsibility to state and regional governments to eliminate forced labour still needs to be addressed. The Government is encouraged to consult with social partners through the NTFD, to review its proposed structures, processes and protections in order to ensure that the national complaints mechanism is credible and effective, and to continue to work with the ILO as a full partner in the elimination of forced labour in Myanmar.
- 19.** The ILO will continue to receive new complaints and to support the Government in processing complaints, to ensure the effectiveness of the complaints mechanism. The Government has been encouraged to keep the ILO informed of the outcomes of complaints submitted by the Office after verification and to ensure fair, impartial and credible investigation procedures and the protection of complainants.

▶ Progress in the elimination of the use of forced labour

- 20.** Since the ILO database on forced labour complaints was established in February 2007, the Office has received a total of 5,680 cases, of which 3,046 were within the scope of forced labour; 2,596 were related to other issues, such as wage disputes, compensation and crimes; and 38 were duplicate complaints.
- 21.** Among the 3,046 cases within the scope of forced labour, 1,113 have been closed, 538 are pending with the Government for investigation and 305 concerned underage recruitment and have been submitted to the United Nations Country Task Force on Monitoring and Reporting (CTFMR). The remaining 1,090 cases are still being reviewed by the ILO and will be submitted to the Government as early as possible. The ILO Liaison Office has accelerated the process of clearing pending cases and recruited two new staff by using internal funds since the beginning of August 2020; 110 cases were closed in August alone, after several meetings with the Government. Continued efforts will be made to mobilize more resources to ensure that the ILO Liaison Office is able to complete this critical work.
- 22.** The ILO received a total of 145 new complaints alleging forced labour in 2019, a reduction over previous years (559 cases were received in 2016, 337 in 2017 and 240 in 2018). A total of 64 complaints were assessed as being within the definition of forced labour, including 52 cases of underage recruitment, 2 cases of forced recruitment of adults, 6 cases of traditional forms of forced labour and 4 cases of trafficking for forced labour.

23. In the category of underage recruitment by the military, 52 complaints were received, in a similar reduction over previous years (336 cases were received in 2016, 196 in 2017 and 116 in 2018). New instances of underage recruitment remain low compared to earlier years, with only 10 of the 52 underage recruitment cases received in 2019 reported to have occurred in 2019, suggesting a trend towards the elimination of underage recruitment.
24. In 2019, the ILO submitted 313 forced labour cases to the Government and closed 174 cases successfully. The ILO also submitted 88 cases to the CTFMR and 22 cases were discharged through this mechanism.
25. At the time of reporting, the ILO had received a total of 54 complaints in 2020. Of these, 32 complaints fall within the definition of forced labour. These comprise 22 cases of underage recruitment, 5 cases of forced recruitment of adults, 4 cases of forced labour and 1 case of trafficking for forced labour. Twenty-two other complaints were classified as not related to forced labour, and included: allegations of corruption and harassment; land, labour or private disputes; and complaints relating to migration and law enforcement.
26. Of the 22 complaints alleging underage recruitment, 6 related to recruitment in 2019, 2 in 2018, 2 in 2016 and 1 in 2015. Eleven other complaints outside of the CTFMR mandate will be submitted to the national complaints mechanism. These include six complaints of underage recruitment taking place in 2019, and a further five cases recruited in 2018, 2016 and 2015. Of the five complaints of forced recruitment of adults, four related to recruitment in 2019 and one related to recruitment in 2020.
27. The ILO has received a copy of the instruction issued by the Office of the Commander in Chief (Army) on 11 June 2019 to all national and regional military and operation commands on the prohibition of recruiting and using children under 18 years of age in any military workplaces. However, the ILO remains concerned that the Government has not responded to the issue of underage recruits who run away being declared as absent without leave or charged with imprisonment. This practice still continues and no instruction has been issued requiring the checking of age at recruitment prior to arrest.
28. Throughout 2019, the ILO received reports from its network in conflict areas (Kachin, Shan and Rakhine States) related to the involuntary use of civilians, including children, as guides, porters and labourers in infrastructure projects by the military and armed groups. Several such cases reported to the ILO before 2019 remain unresolved owing to restricted access to these areas. The restrictions on travel within the country continue to have a significant impact on the ability of ILO Liaison Office staff to travel independently in order to assess and verify information submitted by complainants, especially in rural and conflict-affected areas.
29. The Government reported to the ILO Committee of Experts in 2019 that the Ministry of Labour, Immigration and Population had submitted a proposal to the Joint Parliamentary Committee established to amend the Constitution to consider the amendment of its article 359, which, under chapter VIII, "Citizenship, fundamental rights and duties of citizens", permits the imposition of "duties assigned by the Union in accordance with the law in the interest of the public". The ILO supervisory bodies have noted that this provision exceeds the scope of the specifically defined exceptions in Article 2(2) of Convention No. 29 and could be interpreted in such a way as to allow a generalized exaction of forced labour. In December 2019, the Committee of Experts urged the Government to ensure that the procedure for amending article 359 of the Constitution would be carried out in the very near future. An amendment to article 359 was

considered by the national Parliament in March 2020, but it did not receive the 75 per cent of the votes required to pass an amendment to the Constitution.

30. In June 2020, the annual report of the UN Secretary-General on Children and armed conflict (A/74/845-S/2020/525) delisted the Tatmadaw from the list of parties recruiting children into the armed forces established pursuant to Security Council resolution 1612 (2005). In line with this decision, the Tatmadaw, in collaboration with the CTFMR (of which the ILO is a member), is required to prevent the recruitment and use of children over the next 12 months, to ensure the sustainability of all existing measures and thereby confirm the Secretary-General's decision to delist it.

▶ Labour law reform and freedom of association

31. With technical support from the ILO, the Government convened meetings of the Tripartite Technical Working Group on Labour Law Reform in October 2019 as well as in January 2020 to discuss a revised July 2019 draft of the Labour and Employer Organization Law. A further meeting was planned for March 2020, but it took place in July owing to the impact of the COVID-19 pandemic. At the meetings, tripartite constituents engaged in clause-by-clause discussions of the draft provisions.
32. The draft Labour and Employer Organization Law contains prescriptive structural requirements for labour organizations and employer organizations, several of which have given rise to concerns on the part of representative organizations of both workers and employers. In line with the previous comments of ILO supervisory bodies, the ILO has recommended that the structural requirements be revised to keep consistent with the freedom of association principles contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), while the amendments to the draft Labour and Employer Organization Law should take into account the views of employers and workers, as well as the ILO. Revisions to the draft law are an opportunity for the Government to also revise the existing registration requirements, which have been reported by trade unions to be excessively onerous.
33. As reported in November 2019, amendments to the Settlement of Labour Disputes Law (SLDL) were adopted by Parliament in June 2019 to make modest changes to the composition of dispute settlement bodies. In addition, consistent with the recommendations of the Direct Contacts Mission of October 2019, sanctions of imprisonment for breaches of the law were not included in the final text. However, it is noted that the definition of "worker" was narrowed to exclude workers in the public sector and in state-owned enterprises. The Direct Contacts Mission also recommended that the promotion of collective bargaining should not include non-unionized workers as negotiating actors where trade unions exist at the enterprise and sectoral level; however, this recommendation was not included in the final text of the law.
34. Following the adoption of the SLDL amendments, the Government has been consulting with social partners on the development of accompanying subsidiary legislation – the SLDL rules. Tripartite workshops were convened in August, September and November 2019, as well as in February 2020, to discuss the draft rules, with technical support from the ILO, seeking feedback from representatives of employers' and workers' organizations on the content of the draft and endeavouring to reach a consensus on areas where there were different views. The draft rules have yet to be finalized.

35. The Government presented the final draft of the Hazardous Child Labour List to the NTDF in October 2019 and sought feedback from the social partners and the ILO. It will have the effect of a regulation and was developed by the Government with the assistance of the ILO, in consultation with a tripartite-plus technical working group on child labour. The Government has indicated that the Hazardous Child Labour List will be formalized when the new regulations under the Child Rights Law 2019 are finalized.
36. The Office is currently revising and finalizing the *ILO Guide to Myanmar Labour Law*.

▶ Other matters

37. As reported to the Governing Body at previous sessions, in February 2019, eight trade union leaders from the Confederation of Trade Unions of Myanmar and the Myanmar Industries, Craft and Services Trade Union Federation were charged under the Peaceful Assembly and Peaceful Procession Law 2016 with participating in a protest in Mandalay. The eight cases were heard by the Pyigyitagon Township Court and a decision was delivered in February 2020. One defendant was acquitted as he did not participate in the protest. Seven defendants were convicted and ordered to pay a fine of K10,000 (about \$7) each under section 20 of the Peaceful Assembly and Peaceful Procession Law 2016. The Court found that the seven defendants did not comply with clauses 38 and 64 of the Disciplines set by the Pyigyitagon Township in Mandalay District, which prevent persons living outside the region from applying to stage a peaceful assembly or procession. As a consequence, the resulting protest was unlawful because the Disciplines were not complied with.
38. The Government is requested to consider repealing the Disciplines set by Pyigyitagon Township and those disciplines set by other townships in Mandalay Region which prevent persons living outside the region from staging a peaceful assembly or procession, and to specify the principles of freedom of association and freedom of assembly in the new draft Labour and Employer Organization Law.
39. The first five-year National Action Plan on the Elimination of Child Labour was approved by the National Committee on the Elimination of Child Labour in December 2019 and has been implemented since January 2020. A webinar on the requirements of Convention No. 138 was held on 30 July 2020, at which participants highlighted the need to initiate the identification of light work activities.
40. With respect to responsible investment under the DWCP framework, consideration is being given to including Myanmar in the global Better Work programme and to strengthening the labour inspection system in order to enforce labour laws more effectively. Progress in these areas and in the general implementation of the DWCP will continue to depend on increased development cooperation support and resource mobilization from Member States.
41. The Government of Myanmar has made significant progress in implementing the DWCP since March 2019, in particular the development of action plans, the adoption of the Child Rights Law and the parliamentary decision on the ratification of Convention No. 138. The Government is continuing its efforts to cooperate with the ILO Liaison Office and social partners in order to fully implement the DWCP.

▶ Draft decision

42. The Governing Body:

- (a) acknowledged the progress made by the Government and social partners since March 2019 in implementing the Decent Work Country Programme (DWCP) and encouraged the Government to continue its efforts to cooperate with the ILO and social partners to establish a credible and effective national complaints mechanism;
- (b) called for further efforts to ensure that the views of social partners are fully taken into account in the process of labour law reform and that any amendments to laws are consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), with special attention given to the protection of labour rights during the COVID-19 pandemic;
- (c) urged the Government to continue its efforts with Parliament to amend article 359 of its Constitution in order to bring it into conformity with the Forced Labour Convention, 1930 (No. 29), and to strengthen parliamentary oversight functions relating to forced labour;
- (d) expressed concern at the charges made against eight trade unionists under the Peaceful Assembly and Peaceful Procession Law and the use of the Law by the authorities as a means of denying trade unions the right to peacefully exercise their right to freedom of association; and requested the Government to repeal the Disciplines set by the Pyigyitagon Township in Mandalay and those disciplines set by other townships in Mandalay Region which prevent persons living outside the region from staging a peaceful assembly or procession in Mandalay, and to specify the principles of freedom of association and freedom of assembly in the new draft Labour and Employer Organization Law;
- (e) called on Member States to support resource mobilization efforts to enable the effective implementation of the DWCP in Myanmar, in particular taking into account the COVID-19 situation and its implications on the elimination of forced labour and the worst forms of child labour, the establishment of a credible national complaints mechanism, the strengthening of the labour inspection system to ensure the effective enforcement of labour laws and, potentially, the implementation of the Better Work programme should it be decided to introduce this initiative in Myanmar.