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Follow-up to the report of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of Conventions Nos 87 and 29, and to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions

► Contents

	Page
I. Introduction	3
II. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions	4
A. General developments	4
B. United Nations and international response	5
C. Situation of the ILO social partners	6
D. ILO operations in Myanmar	7

III. Follow-up to the Commission of Inquiry's recommendations	9
A. The Commission's recommendations	9
B. Communications from the military authorities	10
C. Assessment of progress made regarding compliance with the Commission's recommendations	12
IV. Action that may be recommended by the Governing Body to secure compliance, including within the framework of article 33 of the ILO Constitution	15
Process	16
Draft decision	17
Appendix	19

► I. Introduction

1. At its 351st Session (June 2024), having recalled the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), and having noted with utmost concern the absence of any action towards the implementation of the recommendations of the Commission of Inquiry in its 2023 report, which had emphasized the urgency of the national situation, the Governing Body: ¹
 - (a) deplored once again the continued absence of progress towards respecting the will of the people, democratic institutions and processes, and the fact that, over three years since the military coup, the democratically elected government had yet to be restored;
 - (b) once again called on the military authorities to end immediately all acts of violence, and the arbitrary arrest, detention and torture of trade unionists, labour activists and others, including the Rohingya, in the exercise of their human rights and ensure the immediate release of those detained;
 - (c) repeated its call for Myanmar to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, by means of the full implementation of the recommendations of the Commission of Inquiry, which include the revocation of any military orders, legislative or other measures, decreed since February 2021 and identified as restricting freedom of association and the basic civil liberties of trade unionists;
 - (d) expressed once again its profound concern over the conclusions of the Commission's report concerning the exaction of forced labour by the military authorities and called for immediate action to be taken to put an end, in law and in practice, to any forced recruitment into the military contrary to Convention No. 29, including the forced recruitment of children;
 - (e) called once again on the military authorities, in accordance with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to take immediate action to remove all restrictions on the operation of the ILO's bank account, approve international staff visa extensions and facilitate the ILO's continued operations to bring benefits to the people of Myanmar despite the expiry of the Memorandum of Understanding on the Decent Work Country Programme in September 2022;
 - (f) requested the Director-General to continue to inform it of the ILO's engagement within the framework of the UN system to ensure that the Commission's recommendations are acted upon within each body's respective mandates; and
 - (g) requested the Director-General to submit to the Governing Body at its 352nd Session (October–November 2024) a document providing an update on any developments and detailing options, taking account of the views expressed, for measures under article 33 of the ILO Constitution as well as other measures to secure compliance by Myanmar with the recommendations of the Commission of Inquiry, including setting out a draft resolution under article 33 of the ILO Constitution for decision.
2. This document has been prepared in response to that decision. It examines the continued follow-up to the resolutions concerning Myanmar adopted by the International Labour

¹ GB.351/INS/9(Rev.1).

Conference at its 102nd (2013) and 109th (2021) Sessions ² and the follow-up to the report of the Commission of Inquiry. ³ The document summarizes the developments in the country and communications received from the military authorities. It also details options for measures under article 33 of the ILO Constitution to ensure compliance with the recommendations of the Commission of Inquiry and sets out a draft resolution to this effect, as per the decision taken by the Governing Body at its 351st Session (June 2024).

► II. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions

A. General developments

3. This section provides an update on the situation in Myanmar and covers developments up to September 2024.
4. Despite the calls made by the Governing Body and the International Labour Conference, there has been no progress towards restoring democratic order and civilian rule in Myanmar or towards respecting the will of the people. The democratically elected government has yet to be restored. On 31 July 2024, the state of emergency declared by the military authorities was extended until 31 January 2025.
5. The humanitarian and human rights crisis continues to further deteriorate. The United Nations (UN) reports that, as of August 2024, an estimated 3 million people were internally displaced, with escalating conflict in northern Shan, Mandalay Region and Rakhine State driving new displacement. ⁴ In northern Shan, a resurgence of fighting since late June 2024, including the reported capture of the town of Lashio by opposition armed groups, has displaced an estimated 33,000 people, with civilian casualties and the destruction of numerous homes and structures; in Mandalay Region, escalating conflict has forced thousands of people to flee their homes from townships north of Mandalay City. ⁵ The United Nations reports that since the end of June 2024, torrential monsoon rains and the overflow of various rivers have submerged several states and regions, exacerbating already severe humanitarian needs and affecting an estimated 393,000 people. ⁶
6. The UN Secretary-General's August 2024 report to the UN General Assembly highlights the deteriorating human rights situation and the erosion of civil liberties in Myanmar following the military coup of February 2021. Credible reports continue to be received of brutal actions committed by the military authorities, including indiscriminate aerial bombardments, mass killings of detainees, dismemberment and desecration of bodies, sexual and gender-based violence – mostly targeting women and girls – and the deliberate burning of civilian

² ILO, [Resolution concerning remaining measures on the subject of Myanmar adopted under article 33 of the ILO Constitution](#), International Labour Conference, 102nd Session, 2013; and ILO, [Resolution for a return to democracy and respect for fundamental rights in Myanmar](#), International Labour Conference, 109th Session, 2021.

³ ILO, *Towards Freedom and Dignity in Myanmar: Report of the Commission of Inquiry*, 2023.

⁴ UN Office for the Coordination of Humanitarian Affairs (OCHA), *Myanmar Humanitarian Update No. 40*, 16 August 2024.

⁵ OCHA, *Myanmar Humanitarian Update No. 40*.

⁶ OCHA, *Myanmar Humanitarian Update No. 40*.

infrastructure. Credible sources have also verified that over 5,000 civilians, including more than 600 children, have been killed since the military takeover.⁷ The Secretary-General's report further notes that no meaningful action has been taken by the military authorities to address the root causes that led to the forced displacement of the Rohingya population. Amid worsening socio-economic conditions, including rising poverty and food insecurity, the military's actions have significantly hindered humanitarian aid and services.⁸

7. On 10 February 2024, the State Administration Council (SAC) activated the People's Military Service Law, 2010, by circulating a notification on the subject. The law is based on the 2008 Constitution and requires every citizen to undergo military training and services in the armed forces. The duration of military services will be between 24 to 36 months for men aged 18 to 35 and women aged 18 to 27. Military service can be extended up to five years in emergency situations, as in the current context. In April 2024, the Office requested the military authorities to submit the final version of the conscription rules, as a standard operating procedure (SOP) for the recruitment process, but has not yet received a reply in this respect. On 3 September 2024, the military authorities held the sixth coordination meeting of the Central Body for Summoning People's Military Servants, which discussed the SOP and the scope of exemptions.
8. The Confederation of Trade Unions Myanmar (CTUM) reports that the military authorities are engaged in a policy of forced conscription, which has driven many people to flee the country. Numerous individuals have escaped to Mae Sot, Thailand, to avoid being drafted into military service, where they now face new hardships, including lack of documentation, making it difficult to secure employment. Many who fled to avoid military conscription are struggling to survive in their new environments, living in constant fear of being forced into military service and separated from their families. Many of these are former workers from the garment and agricultural sectors and their situation highlights the extreme difficulties faced by young people, workers and their families in Myanmar as they attempt to escape the regime's oppression.
9. The 2021 military takeover has also severely affected livelihoods, employment opportunities and labour migration. Following the September 2023 announcement that Myanmar migrant workers remit 25 per cent of their earnings through banks regulated by the Myanmar Central Bank, a further notification (108/2024) was issued on 28 August 2024, requiring remittances to be made monthly or quarterly via official channels, with licensed agencies responsible for facilitating the process and providing receipts. Non-compliance results in bans on re-migration and the denial of essential identity documents like the Overseas Worker Identification Card and passport renewals. On 4 September 2024, the military authorities listed 138 agencies that failed to show remittance receipts, leading to a suspension of new requests for worker migration through these agencies. This follows a May 2024 order suspending overseas work permits for men as large numbers are seeking to leave the country due to public concern over the conscription law.

B. United Nations and international response

10. On 5 April 2024, Ms Julie Bishop was appointed as the UN Secretary-General's Special Envoy on Myanmar. Following her appointment, the Special Envoy held consultations at UN Headquarters and then conducted a regional tour, including visits to Indonesia, the Lao

⁷ UN General Assembly, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*, Report of the Secretary-General, A/79/275, August 2024.

⁸ UN General Assembly, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*.

People's Democratic Republic and Malaysia (the previous, current and incoming Chairs of the Association of Southeast Asian Nations (ASEAN)), as well as China and Thailand, thus showing her commitment to working closely with ASEAN and neighbouring countries in support of a Myanmar-led process.

11. On 25 July 2024, the 57th ASEAN Foreign Ministers' Meeting was convened. The meeting focused on reviewing and setting future directions for ASEAN cooperation, and expressed deep concerns about the escalating conflicts, the deterioration of human rights and the humanitarian crisis in Myanmar, reaffirming support for the ASEAN Leaders' Five-Point Consensus (5PC).
12. The International Court of Justice (ICJ) continued its proceedings in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide, which was lodged by the Gambia against Myanmar in 2019. In respect of these proceedings, on 3 July 2024, the ICJ decided that the declaration of intervention filed by the Maldives with reference to Article 63 of the Statute of the Court, as well as the declaration of intervention jointly filed by Canada, Denmark, France, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, with reference to the same Article, were admissible, insofar as they concerned the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. The seven States concerned would therefore be allowed to submit their written observations on the subject matter of their interventions.⁹
13. The Independent Investigative Mechanism for Myanmar (IIMM), established by the UN Human Rights Council pursuant to resolution 39/2 dated 27 September 2018, continued to gather and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, so as to facilitate justice in national and international courts and tribunals. In its July 2024 report to the Human Rights Council, covering the period from 1 July 2023 to 30 June 2024, the IIMM noted that the conflict in Myanmar had escalated substantially, with reports of more frequent and brutal crimes committed across the country. The IIMM reports that evidence had been collected relating to violent suppression of protests; torture and other abuses in detention, including sexual and gender-based crimes; unlawful imprisonment of perceived opponents of the military regime, including arbitrary detention and manifestly unfair trials; indiscriminate or intentional artillery and aerial attacks against civilians or civilian objects; killings of civilians or fighters detained during operations; and the intentional burning of civilian dwellings and other civilian buildings. The IIMM further observes that while the great majority of information collected concerns crimes committed by the military authorities or affiliated militias, it had also received credible information regarding crimes committed by some armed groups fighting against the military. The IIMM also collected information in relation to underage recruitment and conflict-related crimes committed by various armed actors, the vast majority of which concerned crimes committed by the Myanmar security authorities or affiliated militias, but no information was received about any military or civilian official having been investigated or prosecuted for these actions.¹⁰

C. Situation of the ILO social partners

14. Workers and trade unionists in Myanmar continue to face severe oppression and exploitation in a deteriorating situation characterized by widespread labour rights abuses and continued repression of trade unions. Many factories lack trade unions, as no one dares to lead the

⁹ International Court of Justice, [press release No. 2024/55](#), 3 July 2024.

¹⁰ UN General Assembly, [Report of the Independent Investigative Mechanism for Myanmar](#), A/HRC/57/18, July 2024.

workers due to the military oppression of unionists following the military coup. Trade unions report cases of abuse and harassment by the military regime, including wage exploitation, forced overtime without proper compensation and direct intimidation by soldiers. In some instances, workers were detained for days and threatened with further retaliation if they sought redress for these violations. These actions have forced many workers to resign in fear, further eroding the labour rights landscape in Myanmar.

15. Members of the Agriculture and Farmers Federation of Myanmar–Food Allied Workers (AFFM–FAW), particularly in conflict-ridden areas like northern Shan and Kachin States, reported having been severely affected by the ongoing civil conflict, leading to injuries, displacement and missing persons among union leaders and members. Additionally, natural disasters, such as flooding in the Bago Division, have forced hundreds of AFFM–FAW households into emergency camps, further compounding their struggles. While the AFFM–FAW continues to operate openly in Myanmar, its functioning has been seriously restricted. Despite the challenges, the AFFM–FAW continues to support its members through various operations, including skill development programmes.
16. The CTUM continues to monitor the situation of workers despite extreme security risks to its members and leaders who have been primary targets of repression since the military coup. While its capacity to openly engage with workers has been heavily constrained by the repressive context, the CTUM remains committed to supporting its members and raising awareness on labour rights and democracy. Another trade union reported being threatened after submitting information to the ILO.
17. The CTUM and the Industrial Workers’ Federation of Myanmar (IWFM) further maintain that while the SAC has announced plans for a national election, which is widely regarded as illegitimate, the data collection effort purportedly to be conducted for the election raised suspicions that its true intention was to conscript workers, both men and women, into military service. The timing and nature of this request exacerbated fears among the population.
18. The Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) reports that it conducted a range of activities for the period 2023–24, including seminars on labour law and risk mitigation, the handling of five labour dispute grievances, and advocating for compliance with national labour laws through initiatives such as the Voluntary Labour Compliance Assessment tool. The UMFCCI report highlights its efforts to support workers’ freedom of association, including through engagement in a garment industry forum and responding to concerns raised by EuroCham Myanmar. In September 2024, the UMFCCI launched the *ILO Employer Guidebook on the Elimination of Child Labour* and it has also developed and begun disseminating guidebooks on the elimination of child and forced labour, with further activities planned in this area. It further indicates that it has assisted workers in obtaining Citizen Scrutiny and Labour Registration Cards and supported workers in the registration of trade unions with the SAC.

D. ILO operations in Myanmar

19. Since the military takeover, the ILO’s operations in Myanmar, focusing on forced labour, child labour and labour migration, have been aligned with the UN Country Team programmatic engagement guidelines and all work supporting the military authorities has stopped.
20. Two projects on child labour have continued their efforts to support social partners and the civil society stakeholders by enhancing knowledge, raising awareness, building capacity and providing direct support to communities. Findings from recent studies highlighted changes in child labour trends as a result of the current crisis: more children are on the move, live in

poverty and face restrictions to their movements (such as checkpoints and documentation requirements that are difficult to meet). While agriculture remains the primary sector for child labour, there is a growing vulnerability to the worst forms of child labour, including forced recruitment into armed conflict and criminal activities. From the gender point of view, boys are more likely to be recruited into armed conflict, while girls are more likely to be recruited for domestic work or forced into early marriages.

21. The child labour projects also conducted social media campaigns for a windmill art competition and 25 community-level activities across the country that reached 2,975 people for the World Day Against Child Labour. The projects have jointly continued to strengthen the roles of social partners and civil society organizations and their capacity to tackle child labour issues, particularly child labour monitoring and the referral system.
22. The ILO TRIANGLE in ASEAN and Ship to Shore Rights South-East Asia programmes have provided crucial support to the tens of thousands of Myanmar migrant workers forced to seek work abroad following the 2021 military takeover. The two programmes continued to support community-based organizations and labour organizations in operating several migrant centres and similar services that have been providing direct services to migrant workers and their families across seven states and regions. The projects have been collaborating with several partners to ensure that workers seeking jobs overseas have access to up-to-date information, legal assistance, counselling and support for sustainable reintegration upon return.
23. Furthermore, the Ship to Shore Rights programme has supported several migrant centres that organized pre-departure training as well as individual information and counselling sessions for migrant workers. The migrant centres have also been delivering information materials, such as flyers on safe migration, occupational safety and health, and labour rights.
24. In September 2024, the ILO Liaison Office participated in an underage recruitment case review meeting organized by the UN Country Task Force on Monitoring and Reporting (UNCTFMR). This task force is based on UN Security Council resolution 1612 (2005), which mandates the United Nations to establish UNCTFMRs in countries, including Myanmar, where there is verified evidence of grave violations against children committed by parties to a conflict. The UNCTFMR in Myanmar is tasked with establishing a Monitoring and Reporting Mechanism to document, verify and report to the UN Security Council on grave violations against children, including forced recruitment. The ILO Liaison Office emphasized the importance of discharging victims of underage recruitment and providing guarantees of protection and compensation.
25. The ILO Liaison Officer continues the practice of briefing the Governing Body and communicating with the military authorities through their Ministry of Labour, in particular to press for the implementation of Governing Body decisions. In June 2024, the ILO Liaison Office received a bank notice of transfer of the replenishment for programming activities into the ILO local bank account. A subsequent bank transfer of the replenishment fund for the programming activities was received in September 2024. With respect to the question of visa extensions, while the ILO Liaison Officer had received visas, the Ministry of Labour informed the ILO on 4 June 2024 that the visa application for the Deputy Liaison Officer had been rejected. Subsequently, in a letter dated 10 September 2024, the Ministry of Labour reiterated its request for the nomination of another suitable Deputy Liaison Officer and requested information on when the child labour project for which they had given a visa could resume, given that they were informed that the previous Chief Technical Adviser was occupied in another country.

► III. Follow-up to the Commission of Inquiry's recommendations

A. The Commission's recommendations

26. It should be recalled that the Commission of Inquiry presented its report to the Governing Body at its 349th Session (October–November 2023). In its report, while observing that the UN General Assembly and the International Labour Conference have not recognized the military authorities as representing the Government of Myanmar, it concludes that the military remains answerable for its actions. The Commission made a number of recommendations concerning the action to be taken by the military authorities, pending the country's return to a situation characterized by governance through democratic institutions and processes. These recommendations are outlined below.
27. With regard to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Commission urged the military authorities to take the following action immediately and no later than 1 October 2023:
 - (a) immediately cease all forms of violence, including gender-based violence, torture and other inhumane treatment against trade union leaders and members and other persons in relation to the exercise of legitimate workers' or employers' activities, including ethnic, religious and other minorities; this includes, in particular, violence perpetrated in the context of the suppression of peaceful public protests and demonstrations, at the time of arrests, during detention, as well as military attacks against civilian infrastructure, which all together create a climate of violence and terror that undermines the effective exercise of freedom of association;
 - (b) unconditionally and without delay release all trade unionists arrested, sentenced and detained in relation to the exercise of their civil liberties and legitimate trade union activities, including those that have been arrested, sentenced and detained for having expressed opinions critical of the military authorities, or for having participated in, or organized, peaceful protests or otherwise peacefully demonstrated opposition to the military authorities following the coup d'état;
 - (c) withdraw all criminal charges pending against trade unionists and others peacefully exercising their civil liberties in relation to legitimate trade union activities; and immediately stop all forms of intimidation, threats, stigmatization, harassment and surveillance of trade unionists and their families, as well as attacks against and destruction of trade union premises and property;
 - (d) revoke any military orders or other measures, including those of a legislative nature, decreed since February 2021 and identified as restricting freedom of association and the basic civil liberties of trade unionists; and fully restore the protection of the basic civil liberties necessary for the exercise of freedom of association that have been suspended or restricted, including freedom from arbitrary arrest and detention, the right to a fair trial by an independent and impartial tribunal, freedom of assembly, opinion and expression and the protection of private property;
 - (e) cease all disproportionate or arbitrary punitive measures against those peacefully exercising their civil liberties in calling for the return to democratic rule in which their freedom of association rights could be fully exercised;
 - (f) revoke the withdrawal of citizenship and return travel documents to the trade union leaders and members concerned without delay;

- (g) stop any form of interference in the establishment, administration and functioning of trade unions at all levels, including interference in the election of trade union leadership, labour dispute resolution, conduct of collective action and administrative dissolution or suspension of trade unions;
 - (h) refrain from taking any action and measures or issuing statements that condone, facilitate or encourage union-busting, interference and other abuses of trade union rights by private and public employers.
- 28.** With regard to the Forced Labour Convention, 1930 (No. 29), the Commission urged the military authorities to take the following action immediately and no later than 1 October 2023:
- (a) act to end the exaction of all forms of forced or compulsory labour, as defined by the Convention, by the army and its associated armed forces and groups, including any forced labour exacted from ethnic, religious or other minorities; and to end any forced recruitment into the military, including the forced recruitment of children;
 - (b) cease any action interfering with the freedom of businesses to open and close their establishments, contrary to the Convention;
 - (c) cease with immediate effect the exaction of prison labour as a consequence of a criminal conviction imposed since 1 February 2021 through proceedings manifestly lacking independence, impartiality and due process guarantees.

B. Communications from the military authorities

- 29.** In August 2024, the military authorities requested clarification on a number of points relating to the Governing Body's June 2024 decision, including the names of persons detained for the exercise of their freedom of association rights and the orders and measures that the Governing Body had asked to be revoked. The Office recalled that the report of the Commission of Inquiry and reports of the Committee on Freedom of Association already contained some names of detained trade unionists and that for others, given the significant security risks faced by the concerned individuals, the Office would maintain full confidentiality of their details. The Office indicated that to enable further engagement on this matter, it would need to receive full guarantees and assurances at the highest level that no retaliation, sanction or prejudice of any sort to any person, or their families and organizations, would occur as a consequence of their being in contact with the ILO to ascertain their right to full freedom of association and civil liberties. The Office also clarified that the report of the Commission of Inquiry, as well as comments of the Committee of Experts on the Application of Conventions and Recommendations and Case No. 3405 before the Committee on Freedom of Association provided full details as to the laws, orders or other measures not complying with Conventions Nos 29 and 87. The Office provided additional guidance on matters relating to pending forced labour cases and actions, and drew attention to the full set of recommendations made by the Commission of Inquiry, as detailed in paragraphs 641 to 648 of its report, inviting the military authorities to inform the Governing Body of their willingness to engage for the full and good faith implementation of these recommendations.
- 30.** In another August 2024 communication, the military authorities encouraged the ILO to recognize Myanmar's implementation of the recommendations of the Commission of Inquiry. In particular, they reported that the question of visa applications for ILO staff and the functioning of the ILO bank accounts have already been addressed and should therefore be removed from the decisions of the Governing Body. The communication also requested ILO support and assistance to raise public awareness about Convention No. 87 (training and

appointment of a technical expert) and to implement projects that benefit workers and employers.

31. On 6 September 2024, the military authorities submitted a report on progress made on the recommendations of the Commission of Inquiry (see appendix) and on 7 October 2024, they submitted updated information. They indicate that a 5-point road map with 12 objectives was adopted to put the country back on track to democratization, that general elections should be held in 2025, and that a population and housing census will be conducted in October 2024. Information is provided on general developments, including the provision of legal benefits to workers (healthcare services, maternity benefits, cash benefits), an increase in the minimum wage in August 2024, and the promotion of a skilled labour force through skill assessments and certification systems.
32. With regard to Convention No. 87, the military authorities point to the formation of several basic and township labour organizations since July 2024 and indicate that Convention No. 87 was discussed at the Tripartite Dialogue Forum in August 2024. They assert that no one has been arrested in the country for exercising labour rights peacefully and the allegations in this regard made by different ILO mechanisms are not substantiated. Many detainees were released through pardons and amnesty orders. The General Secretary of the Myanmar Industry, Crafts and Services Trade Unions Federation (MICS-TUsF), who was convicted in November 2023 and sentenced to seven years of imprisonment for recruitment to a terrorist organization, is currently serving his sentence in good health and with family visits allowed. Information on two other union leaders had been previously provided to the Governing Body and the two individuals had been released.
33. Concerning legislative matters, the military authorities claim that no legislation, orders or other measures have been adopted in connection with labour-related matters. They further point to awareness-raising activities conducted, including the distribution of brochures and pamphlets explaining the Labour Organization Law, 2011.
34. The military authorities further inform about the settlement of labour disputes through workplace coordination committees, township conciliation bodies, arbitration bodies and the Arbitration Council. They also refer to the role of the Factories and General Labour Laws Inspection Department and to instances of collective bargaining. Finally, the military authorities reiterate the previously formulated request for ILO assistance to implement a number of projects and to reinstate the position of the Chief Technical Adviser on Convention No. 87.
35. Regarding Convention No. 29, the military authorities indicate that the National Complaints Mechanism (NCM) continues to coordinate with the relevant ministries and to review forced labour cases submitted to it. They indicate that: (i) out of 387 cases transferred to the NCM by the ILO Liaison Office in October 2020, 2 were closed and the others are being verified; and (ii) out of the 276 cases transferred by the ILO Liaison Office in 2019, 271 have been settled and information has been requested from the ILO on the remaining 5 cases. Awareness-raising programmes on forced labour and information sessions on the NCM have been broadcast on the radio since August 2024.
36. With regard to underage recruitment, the military authorities state that since 2012, 475 military personnel were brought to justice and that in 2024 there has not been any case of underage recruitment into the Tatmadaw and therefore no action taken. Between January 2021 and August 2024, a total of 156 individuals were returned to their guardians and 7 individuals discharged from military recruitment training due to being underage or lacking consent. In the same period, only one case received from the UNCTFMR was validated as underage

recruitment, showing that cases of underage recruitment are not significant and that the national mechanisms have been functioning. In this regard, cooperation is ongoing with the UNCTFMR and other measures are being taken to prevent underage recruitment, including bone examination to determine the age of individuals, field inspections and verification of civil documents. The authorities state that they are committed to continuing to strengthen efforts to prevent forced labour and to verify any further alleged cases of forced labour that the ILO has information on.

37. Concerning the People's Military Service Law enacted in February 2024, the military authorities indicate that compulsory military service is not considered as forced labour under Convention No. 29, that the fourth batch of recruitment included eligible volunteers and that complaints of forced recruitment can be filed to the Central Body for Summoning People's Military Servants.
38. The military authorities further inform about legal action taken against 33 offenders under the Anti-Trafficking in Persons Law in 2023 and preventive measures taken to monitor forced labour at the workplace, including regular inspections by the Factories and General Labour Laws Inspection Department and payment of salary for overtime work. Prison labour is also monitored by the Myanmar National Human Rights Commission, which conducted 18 visits and issued 108 recommendations in 2024. The military authorities assert that there have been no reports of interference in opening or closing businesses beyond existing laws and regulations. They further elaborate on various awareness-raising activities undertaken with the military but also targeting the broader population at schools and ministries, through educational sessions, courses, leaflets, flyers and a radio programme.
39. The military authorities conclude by indicating that they have been implementing the recommendations of the Commission of Inquiry, which are constructive and aim for the benefit of the workers. In their view, imposing pressure on Myanmar by exploiting the ILO platform will not bring any benefit to the people of the country, and invoking article 33 of the ILO Constitution with the aim of enforcing economic sanctions goes opposite to expressions of concern over political, economic, social and humanitarian matters.

C. Assessment of progress made regarding compliance with the Commission's recommendations

40. As with previous communications from the military authorities, it may be observed that the information provided does not demonstrate any action on the specific recommendations made by the Commission of Inquiry, but rather constitutes general information on labour relations, dispute resolution, training, awareness-raising and inspection activities, and other general developments, while totally denying the grave situation in the country in relation to freedom of association and forced labour described in the Commission's report. It may be noted that even though the military authorities requested clarification on several recommendations, on which the Office provided guidance, no further concrete information has been submitted with regard to the implementation of the recommendations. Furthermore, reports from trade unions suggest that workers in Myanmar continue to face severe oppression and exploitation, denial of basic employment rights, widespread labour rights abuses and violent suppression of workers' protests, exacerbated by the military regime's oppressive tactics.

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

41. The military authorities continue to assert that no one has been detained in relation to trade union activities, that these allegations are not substantiated and that many detained individuals were released through pardons and amnesties. They provide concrete information only in relation to the detention of three individuals, previously notified to the Governing Body, but no further progress has been reported on specific steps taken to ensure the unconditional release of all trade unionists arrested and detained in relation to the exercise of their civil liberties and legitimate trade union activities. This is despite the Office having recalled that the list of names of some persons concerned was included in the recommendations of the Commission of Inquiry and the reports of the Committee on Freedom of Association, while for others confidentiality of their details would be maintained due to security risks, until the Office received full guarantees and assurances at the highest level that no retaliation, sanction or prejudice of any sort to any person, or their families and organizations, would occur as a consequence of their being in contact with the ILO to ascertain their right to full freedom of association and civil liberties.
42. While the military authorities point to the supposedly functioning dispute settlement mechanisms, as well as to awareness-raising activities conducted with the purported aim of raising awareness on the Labour Organization Law, they fail to report on the measures taken to implement the Commission's recommendations to immediately stop all forms of intimidation, threats, stigmatization, harassment and surveillance of trade unionists and their families, as well as attacks against and destruction of trade union premises and property. Similarly, no information has been provided on the recommendation to cease all disproportionate or arbitrary punitive measures against those peacefully exercising their civil liberties in calling for a return to democratic rule in which their freedom of association rights could be fully exercised. Furthermore, there is no mention of any measures taken to address the Commission's recommendation that the military authorities revoke the withdrawal of citizenship and return travel documents to the trade union leaders and members concerned without delay.
43. The military authorities further assert that no legislation, orders or other measures have been adopted in connection with labour-related matters and therefore do not inform of any steps taken to revoke the military orders and other measures decreed since February 2021, identified by the Commission of Inquiry as restricting freedom of association and the basic civil liberties of trade unionists, despite the Office having pointed to various ILO sources providing full details as to the laws, orders or other measures not complying with the Convention.
44. Besides pointing to the formation of several basic and township labour organizations since July 2024 and indicating that Convention No. 87 was discussed at the Tripartite Dialogue Forum (in which the most representative trade unions in the country do not participate) in August 2024, the military authorities do not address the Commission's recommendation to stop any form of interference in the establishment, administration and functioning of trade unions at all levels.
45. In a communication dated 16 September, contrary to the information provided by the military authorities, the CTUM and the IWFM report that they monitored an increasing amount of labour rights abuses in the first half of 2024 and collected over 700 testimonies of labour rights violations concerning Conventions Nos 87 and 29, mostly in the garment sector, including physical and verbal abuse, denial of leave, employer collaboration with the military to suppress workers demanding their rights, and the creation of workplace coordination committees

composed of employer-selected workers, thus undermining genuine worker representation. They report that trade unions in Myanmar have faced unrelenting challenges under the military regime, which has effectively outlawed any form of organized labour by threatening arrests and persecution. Indeed, the CTUM and the IWFM indicate that trade unions and their members continue to face severe repression, with many factories lacking workers' coordination committees or trade unions, as no one dares to lead the workers due to the military oppression of unionists following the military coup. As a result, union leaders have been forced into hiding, operating clandestinely to continue advocating for workers' rights.

46. These concerns are further substantiated by the IIMM, which collected evidence relating to the violent suppression of protests, torture and other abuses in detention (often used to acquire information or obtain confessions, the illegal nature of which, when raised at trial, was dismissed out of hand), unlawful imprisonment of perceived opponents of the military regime, including arbitrary detention, and manifestly unfair trials.

Forced Labour Convention, 1930 (No. 29)

47. In relation to the recommendation of the Commission of Inquiry related to the exaction of forced labour by the army, the military authorities report on preventive measures and awareness-raising activities. They assert that recruitment under the People's Military Service Law is conducted on a voluntary basis, that there are mechanisms to submit complaints of forced recruitment and that there has not been any case of underage recruitment into the Tatmadaw in 2024. At the same time, they indicate that between 2021 and 2024, one case was validated as underage recruitment and that over 160 individuals were returned to their guardians due to being underage or lacking consent. Besides these general assertions and statistical information, the military authorities have yet to respond to the specific conclusions and recommendations of the Commission of Inquiry in respect of this Convention.
48. While the military authorities further claim that prison labour is monitored by the Myanmar National Human Rights Commission, no concrete information was provided regarding the Commission's recommendation to cease the exaction of prison labour as a consequence of a criminal conviction imposed since 1 February 2021 through proceedings manifestly lacking independence, impartiality and due process guarantees.
49. Regarding the recommendation to cease any interference with the freedom of businesses to open and close their establishments, the military authorities simply assert that there have been no reports of such interference beyond existing laws and regulations.
50. Contrary to the above affirmations of the military authorities, the CTUM reported that the practice of forced labour, particularly sentry duty, the use child labour and the use of human shields in conflict zones, remains ongoing in Myanmar. In their communication to the Office, the CTUM and the IWFM report numerous instances of child recruitment into the military (inclusion of minors, both boys and girls, in the conscription lists, often due to their physical fitness or recruitment through a lottery system), forced portering, as well as overtime work in factories without workers' consent, or not paid for or exhorted under threat. Information on risks of forced recruitment is further supported by the evidence collected by the IIMM, which reported incidents of underage recruitment and conflict-related crimes by various actors, with the vast majority having been committed by the Myanmar security authorities or affiliated militias. Despite repeated requests, the IIMM received no information on the steps taken to investigate or prosecute these grave crimes.
51. The CTUM also expressed concern as to the data collection and population census announced by the military regime, which would supposedly be conducted to allow for general elections,

but which unions fear are intended to allow conscription of workers into military service. The recent formation of the People's Security and Counter-Terrorism Central Committee by the SAC on 16 August 2024, which aims to arm and train local communities, has raised further concerns.

52. The CTUM further reported that on 21 August 2024 the Ministry of Labour announced the reactivation of the NCM on forced labour. In response to this announcement, the CTUM and the MICS-TUsF have both categorically rejected and refused to participate in the mechanism due to serious concerns regarding its legitimacy and effectiveness, claiming that the junta, as the primary perpetrator of forced labour in Myanmar, cannot be trusted to administer such a mechanism. The CTUM and the MICS-TUsF both emphasize that the NCM is not endorsed by legitimate labour federations and that its implementation under the junta poses significant security risks to those who might engage with it. Both unions urge the ILO and the international community to reject this mechanism, as it undermines workers' rights and fails to meet the standards of transparency, impartiality and accountability necessary for a credible complaints mechanism.
53. Furthermore, UN sources indicate receiving recent reports of an escalation of forced labour practices involving Rohingya internally displaced persons (IDPs). Infantry battalion No. 22 is said to have been coercing individuals from each household in several IDP camps and the surrounding host community to provide labour for road construction in a major town in the region. Since early September 2024, approximately 100 Rohingyas per day have been taken from the camps to work on a road leading through areas previously vacated by local residents under military orders. These individuals are neither paid with wages nor provided with any support, further exacerbating their vulnerabilities due to restricted movement and limited livelihood opportunities. Local authorities, under pressure and fearing reprisals, are reportedly complying with the military's directives.

► IV. Action that may be recommended by the Governing Body to secure compliance, including within the framework of article 33 of the ILO Constitution

54. It should be noted that while the military authorities have not explicitly stated that they reject the Commission's recommendations, they have not specifically informed of their acceptance of the recommendations either, but rather refer to the implementation of "the Commission's constructive recommendations". In addition, there has been no specific indication of concrete actions to implement the numerous recommendations, nor is there any demonstration of a meaningful understanding on the part of the military authorities of the gravity of the situation and the need for specific and urgent action. In these circumstances, and as requested by the Governing Body at its 350th and 351st Sessions, this section recalls the steps that can be taken to ensure compliance with the Commission's recommendations, all of which can further be considered within the framework of a resolution under article 33 of the ILO Constitution.
55. It should be recalled that pursuant to article 33 of the Constitution, the purpose of the discussion of the Governing Body is to recommend action to the International Labour Conference to induce the military authorities to comply with the recommendations of the Commission of Inquiry. The Governing Body is not invited to decide on the action, but to formulate recommendations that would enable the Conference to take appropriate decisions

at its next session in June 2025. The wording of the recommendations should be designed to give the Conference every latitude to retain one or other or even all the measures proposed, while also making it possible for the Conference to add further measures in the light of any developments that might occur in the meantime.

56. With regard to the scope of the measures to be proposed, the Office recalls that article 33 of the Constitution refers to measures that are “wise” and “expedient” for achieving the implementation of recommendations of the Commission of Inquiry. The rationale of article 33 is to leave the Governing Body full discretion to adapt its action to the circumstances of the particular case. Concretely, measures under article 33: (i) may be of an economic or other character; (ii) must lie within the competence of the Conference; and (iii) must satisfy the principles of proportionality and necessity, meaning that they should not exceed what is practically necessary for ensuring effective and timely compliance with the recommendations of the Commission of Inquiry.
57. Drawing upon the experience of the action recommended by the Governing Body to the Conference in previous cases, including the case of Myanmar in March 2000, three broad categories of measures could be considered: (i) measures involving the bodies of the Organization; (ii) measures involving the constituents; and (iii) measures involving other international organizations acting within their own terms of reference, all of which were outlined in the June 2024 Governing Body document.¹¹
58. It should be noted in this respect that reinforced engagement and collaboration with other international and regional organizations is crucial to assisting with the implementation of the recommendations of the Commission of Inquiry and to ensuring full realization of freedom of association and freedom from forced labour in Myanmar.

Process

59. In line with the course of action followed by the Governing Body at its previous sessions (277th Session (March 2000) with respect to Myanmar and 347th Session (March 2023) in respect of Belarus), a draft resolution, as requested by the Governing Body at its 351st Session (June 2024), is attached for further consideration by the Governing Body under article 33 of the Constitution.
60. In preparation for an eventual Conference discussion, the Governing Body could request the Director-General to:
 - (a) continue to ensure that no development cooperation or technical assistance to Myanmar takes place, except for the purpose of direct assistance to implement the immediate cessation of violations as per the recommendations of the Commission of Inquiry or in accordance with the UN Country Team programmatic engagement guidelines;
 - (b) continue to inform it of the ILO’s engagement within the framework of the UN system to ensure that the Commission’s recommendations are acted upon within each body’s respective mandates;
 - (c) submit to the Governing Body at its 353rd Session (March 2025) a document providing an update on the developments in the country and progress made by Myanmar regarding compliance with the recommendations of the Commission of Inquiry.

¹¹ GB.351/INS/9(Rev.1), paras 22–28.

61. In addition, the Governing Body could request the Office to conduct a study and to present a document to the 353rd Session (March 2025) of the Governing Body, assessing the effectiveness and the practical impact of various measures carried out by the Office or previously adopted by the Governing Body in its follow-up to the recommendations of the two Commissions of Inquiry concerning Myanmar. This would enable the Governing Body to explore, in its discussions and decisions, different approaches to achieving Myanmar's good faith implementation of the Commission's recommendations, while emphasizing the interconnected nature of freedom of association and forced labour.

► Draft decision

62. **The draft decision, together with any financial or other implications, will be made available to the members of the Governing Body after consideration by the Officers of the Governing Body.**

► Appendix

Progress made by Myanmar following the report of the Commission of Inquiry (6 September 2024)



Permanent Mission of the Republic of the Union of Myanmar to the
United Nations Office and other International Organizations

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Note No. **454** /31/03-23/39

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva presents its compliments to the International Labour Office and has the honour to refer to the latter's Note dated 26 June 2024, regarding the up-dated information on measures taken, if any, to give effect to the Commission of Inquiry recommendations.

In this regard, the Permanent Mission of Myanmar in Geneva has further the honour to enclose herewith the document entitled "Progress made by Myanmar following the report of the Commission of Inquiry" and annexes forwarded by the concerned Ministries of the Republic of the Union of Myanmar.

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the International Labour Office in Geneva the assurances of its highest consideration.

Geneva, **6** September 2024

**International Labour Office,
GENEVA.**



Progress made by Myanmar following the report of the Commission of Inquiry

Introduction

Myanmar has adopted 5-points roadmap and 12 objectives for its development and to put the country back to the track to democratization. It devotes to achieve peace and stability as well as rule of law in the nation. It has been preparing to hold independent, free and fair multi-party general elections in 2025. As part of the preparation for the general elections, a population and housing census will be conducted from 1 to 15 October 2024. As the workers serve as the main workforce for the development of the county, the Government has been prioritizing in promotion and protection of workers' rights.

The Governing Body, at its 351st Session, adopted a decision entitled “Decision concerning the follow-up to the report of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of Conventions Nos 87 and 29, and to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions” [GB.351/INS/9(Rev.1)/Decision]. In the decision point (g), the Director-General of the International Labour Organization is requested to submit a document providing an update on any developments and detailing options, taking into account of the views expressed, for measures under article 33 of the ILO Constitution as well as other measures to secure compliance by Myanmar with the recommendations of the Commission of Inquiry. As a responsible Member State of the ILO, Myanmar updates the matters related to the recommendations made by the Commission of Inquiry and in this document, it includes the measures carried out by Myanmar in implementing provisions of the Convention no. 29 and Convention no. 87 as well as the general developments in labour matters.

Convention no.29

Cooperation with ILO liaison office in implementation of Convention no.29

A Memorandum of Understanding (MoU) was signed between Myanmar and the ILO on 19 March 2002 to assist the Myanmar government in implementing the obligations under ILO Convention No. (29) adopted in 1955, and started receiving an ILO liaison officer in Myanmar. The Supplementary Understanding (SU) was signed on 26 February 2007. The complaints of forced labour were initially

2

received by the ILO liaison officer and joint investigations were carried out by the Working Group comprised of representatives from relevant ministries and the ILO Liaison Officer from 2007 to 2018 by annual extension of the Supplementary Understanding. Additionally, Myanmar signed the Memorandum of Understanding on Joint Strategy for the Elimination of Forced Labour by 2015 on 16 March 2015. While the Supplementary Understanding was expired on 2018, Myanmar signed the Memorandum of Understanding on the Decent Work Country Programme (2018-2022) with the ILO on 21 September 2018 to normalize the relations with the ILO and to upgrade the Liaison Office to the level of Country Office.

While Myanmar has adopted the Decent Work Country Programme with priorities in addition to the implementation of Convention no.29, it has been continuing in prevention of forced labour. Accordingly, Myanmar established the National Complaint Mechanism (NCM) in 2019 and the ILO Liaison Office transferred 387 cases to National Complaint Mechanism (NCM) on 28 October 2020. Among these cases, case No. 3714 and 5067 were closed by the ILO according to the ILO's letter dated 13 January 2022. The NCM requested the ILO Liaison Office to provide additional information in connection with the said pending cases on 1 July 2024. Feedback from the ILO Liaison Office was received on 23 July 2024 and the NCM has been coordinating with relevant ministries and verifying the cases.

Upon the expiry of the Supplementary Understanding, the ILO liaison office transferred 276 pending cases to the Ministry of Labour in 2019. Among them, 271 cases have been settled including the 4 cases which were transferred to the United Nation Country Task Force on Monitoring and Reporting (CTFMR) for alleged underage recruitment. During the process, Myanmar communicated with the ILO liaison office in connection with the conclusion of 3 cases in 2019, 110 cases in 2020, 114 cases in 2021, 43 cases in 2022 and 1 case in 2023 respectively together with the relevant supporting documents. Myanmar has further requested necessary data from the ILO liaison office for the remaining five cases.

Prevention of underage recruitment

In addition to the work of eliminating and preventing forced labour, Myanmar has been paying serious attention to the underage recruitment through enacting the Child Rights Law in 2019 with specific chapter on the issue and legal

actions have been taken against perpetrators in case of violations. From 2012 to present, a total of 475 military personnel including 109 officers and 366 other ranks were brought to justice for their violations. In 2024 as of now, there was no case of underage recruitment into the Tatmadaw, so there was no case of action being taken.

In doing so, Myanmar extends and maintains its cooperation with the CTFMR which communicated Myanmar for a total of 29 suspected minor cases which include 6 individuals in 2021, 8 individuals in 2022, 11 individuals in 2023 and 4 individuals as of April 2024. Among them, the cases of 12 individuals were delisted due to insufficient information as per the discussion between the two sides during the small case review meeting in December 2022. The cases of three individuals are not valid and it was also communicated to the CTFMR during the small case review meeting and through a communication in March 2023. The remaining cases are being verified while further information have been requested from the CTFMR due to some discrepancies. One underage recruitment case was found and the process is underway to discharge the person and return to family.

The issue of underage recruitment in Myanmar is never policy or practice of the military but it had occurred due to insufficient civil documentation to verify the age of persons who joined the military. To prevent underage recruitment into military, Tatmadaw have been conducting field inspections, verifying civil documents and taking bone age examination. From 1 January 2021 to 31 July 2024, a total of 154 individuals have been returned to their guardians after bone age examination. Similarly, a total of 7 individuals was discharged from military recruit trainings from 1 January 2021 to 31 July 2024 due to either underage or lack of consent.

Punitive measures under the Anti-Trafficking in Persons Law

In addition, forced labour cases have been taken legal action under the Anti-Trafficking in Persons Law. 9 forced labour cases were investigated in 2023 and a total of 33 offenders (18 males and 15 females) were charged under the Anti-Trafficking in Persons Law. 28 forced labour victims including 18 males and 10 females were identified and rescued. Among the 9 cases, legal proceeding of 7 cases have been concluded and 2 male offenders were sentenced to life imprisonment, a total of 8 offenders (5 males and 3 females) were sentenced to

maximum 10 years and 1 female offender was sentenced to 5 years imprisonment respectively.

People Military Service Law

Article 2(2)(a) of the Forced Labour Convention, stated that the term Forced or compulsory shall not include any work or service exacted in virtue of compulsory military service laws for work of a purely military character. Myanmar is not the only country which implements the People's Military Service Law and similar laws have been enacted by some other countries. Myanmar enforced the People's Military Service Law on 10 February 2024 and Myanmar duly notes its obligations under relevant international law including Convention No. (29). The Government announced in February 2024 that anyone who has the knowledge of forced recruitment can file the complaint with the Central Body for summoning People's Military Servants. The fourth batch of training for the military service have been organizing with eligible persons including volunteers.

Prevention forced labour at workplace

Regarding the prevention of forced labour at workplace, Factories and General Labour Laws Inspection Department (FGLLID) has been monitoring overtime charges of the workers for work more than the specified working hours per day or per week in accordance with the Laws and Rules. It further approves requests made by the factories for overtime work submitted in line with specific requirements including agreement of workers to perform overtime. The inspectors from the department has been taking regular inspections. Actions have been taken in case of no compliance was found during inspections or upon receipt of complaints as per the relevant provisions of the Laws, Rules, Orders and Instructions. From January to July 2024, Ministry of Labour of Myanmar makes sure a total of 3,568,217 employees from 7,066 factories, shops and establishments receive their overtime charges of 233,017.39 million kyats.

Awareness raising

To ensure the prevention and elimination of forced labour, Judge Advocate General, Vice Judge Advocate General, Deputy Assistant Judge Advocate General and law officials from the Regional Military Commands, General Headquarters and Regional Operation Commands and Military Administration Academy (Military Law Training Center) have included a module on forced labour in their monthly lectures in respective

military units and the subject has also been integrated in various military training schools.

Since there are cases of forced labour related to human trafficking, robust awareness raising measures have been taken. The following activities were carried out from 2023 to August 2024:

- (a) a total of 47 educational sessions with a total of 17,010 teachers and students at basic education schools, universities and degree colleges;
- (b) a total of 4 lectures with 704 participants at the courses organized by Civil Service Academy and other related ministries,
- (c) a total of 14 lectures in regions and states with 1034 people and leaflets distribution for 357 times with 29,429 flyers.

Additionally, 3-minutes human trafficking awareness program namely "Lives Behind Lies" has been broadcasted for three times on Myanma Radio and Television. Educational short messages to the public through telephone operators have been sending at least once per month about the risk of trafficking in person and hot line phone numbers to file complaint if someone is at the risk of being trafficked. Photos of awareness raising activities on trafficking in persons including forced labour are attached as Annex-1.

Prison Labour

The prisoners who were sentenced to hard labour are assigned to work without exceeding 8 hours per day. The Prison Department has been facilitating the prison visits of the Myanmar National Human Rights Commission and follows the recommendations made by the Commission. The Commission paid 20 prison visits and made 183 recommendations in 2021, 39 visits and 309 recommendations in 2022, 14 visits and 124 recommendations in 2023 and 18 visits and 108 recommendations as of August 2024. Furthermore, ICRC has resumed its prison visits and it has visited Sittwe, Myitkyina and Kyeikmayaw prisons in May, June and July 2024 respectively.

Opening and Closing of Businesses

Although activities of businesses were interrupted by incitements in early 2021 during riots and violence, business and shops are free to open or close their establishments and there is no interference by the Government. Myanmar has been issuing investment permits in accordance with the Myanmar Investment Law. After

receiving the investment approval, business can be conducted in accordance with the existing laws and regulations. There have been no reports of interference to open and close businesses beyond the existing laws and regulations.

Request for information from the ILO for alleged forced labour cases

While there have been functioning mechanisms between the ILO and Myanmar, the country does not receive any new complaints of forced labour from the organization. The cases mentioned above are dated back to 2010 to 2019 and earlier. Therefore, following the recommendations of the Commission of Inquiry and allegations contained in its report on forced labour, Myanmar requested the ILO to provide verifiable information in connection with forced labour and forced recruitment of children to the military. The ILO stated that it has documented cases of underage recruitment since February 2021, although some families have not consented to pursue these cases further. Myanmar stands ready to verify the cases if the ILO has sufficient information while requesting the ILO to treat unsubstantiated allegations as allegations. Furthermore, Myanmar has been maintaining its cooperation with the CTFMR in connection with alleged underage recruitment cases and the ILO is part of the task force. Following 2021, Myanmar received 29 suspected minor cases from the CTFMR which goes contrary to the excuse made by the ILO. More importantly, only one case was able to validate as underage recruitment between 2021 and 2024 while among many cases which have to be delisted due to insufficient information during the small case review meeting in which the representative from ILO liaison office was present and the small number of remaining cases are under verification. It clearly indicates that the national mechanisms have been functioning well and the cases of forced labour as well as underage recruitment are not significant as a result of enforcement measures under the Anti Trafficking in Persons Law and strict screening mechanisms throughout the military recruitment process. Myanmar is committed to continue and strengthen its efforts in prevention of forced labour and in light of its political will, commitment and implementation on the ground, it is not appropriate to assert that Myanmar is not compliance with Convention no. 29.

Convention no. 87

Cooperation with the ILO in implementation of Convention no. 87

To assist Myanmar's efforts in implementation of Convention no. 87, a Chief Technical Advisor was present in ILO liaison Office in Myanmar from 2012

to 2014. Myanmar with the assistance of the ILO focused on enhancing the formation of labour organizations, conducting awareness-raising activities, organizing tripartite workshops involving government, employers and labours and offering for educational trainings related to convention-87. One of the priorities set out the Memorandum on Understanding of Decent Work Country Program (2018-2022) was implementation of Convention no. 87. Even though the said MoU was expired, the relevant ministries particularly the Ministry of Labour continues their work in fulfilling obligations as per the Convention.

Labour Organizations

As of July 2024, a total of 3042 labour organizations are active in Myanmar. Recently, two basic labor organizations namely GTIG Guohua Glory and Gysen were formed in April 2024 and Basic Goods Transportation Workers' Organization and Cargo Basic Workers' Organization (3) (Yadaran Sri Market) were formed in July 2024. The process is underway for formation of one township level labor organization and two basic labor organizations which have submitted their applications. The Government has been facilitating the formation of labour organizations and lawful trade union activities.

In order to promote the interests of workers, national Tripartite Dialogue Forums (employee, employer and government) led by the Labour Union Minister were held three times in 2018, three times in 2019, three times in 2020, two times in 2021, two times in 2022 respectively. Recently, tripartite discussion led by the Union Minister for Labour was conducted with the participation of workers' and employers' organizations on 23 August 2024 and implementation of Convention no. 87 was one of the topics discussed in the meeting. Photos of tripartite discussions are attached as Annex-2.

Isolated cases

No one has been arrested in Myanmar for exercising labour rights peacefully. There are certain individuals who have been facing charges for their unlawful acts but not for being a member of trade union. Myanmar provided facts in connection with Daw Myo Myo Aye and Ah Htaw (aka) Mogyi in its previous updates to the 351st Session of the Governing Body and the said two persons were released in 2021 and 2022 respectively.

In June and July 2023, a total of 12 persons from Ho Seint Myanmar garment factory, Sun Apparel garment factory, Kaung (1) tea shop and Action Labor Right were briefly detained and with the intervention of the Ministry of Labour, they returned to their places on 4 September 2023.

Thet Hnin Aung, General Secretary of Myanmar Industry, Crafts and Services Trade Union Federation (MICS – TUF) was charged under the section 17 (1) of the Unlawful Associations Act. He was sentenced to 2 years imprisonment and fined 20,000 Kyats on 5 December 2022. Thet Hnin Aung was released on 26 March 2023 after completion of his prison term. It was further found that Thet Hnin Aung recruited persons for the PDF terrorist training. He was sentenced to 7 years imprisonment under Section 52(a) of the Anti-Terrorism Law on 15 November 2023. Thet Hnin Aung is in good health and he has been serving his prison term in Insein Prison where eight family visits between November 2023 and August 2024 were facilitated and details can be found in Annex-3.

Request for information from the ILO

Regarding the call for the release of trade unionists for exercising their trade union activities peacefully, the reports of CoI, CFA and CEACR clearly mentioned the name of Thet Hnin Aung only. Therefore, in August 2024, Myanmar requested the ILO to provide the list of trade unionists who have been reportedly subject of violence, torture, arbitrary arrest and detention for exercising their legitimate trade union activities along with their names and their labour organizations' names. Response from the ILO again specifies only Thet Hnin Aung while expressing its willingness to receive full guarantees and assurances from the highest level that no retaliation to any person as a consequence of their being in contact with the ILO.

Myanmar highlights the facts that other United Nations agencies communicate the Government for interested individuals providing verifiable information. There were no such report of retaliation and for instance, the cases of Daw Myo Myo Aye, Ah Htaw (aka) Mogyi and individuals from different factories were brought to the attention of the Government and its intervention led settlement. Myanmar further considers the allegations made by different mechanisms of the ILO are not substantiated at the absent of supporting facts.

There is no legislations or orders or other measures which were taken in connection with labour related matters. Since legislative amendments fall within the

domestic jurisdiction of Myanmar and such legislative reviews will be made if and when necessary following domestic procedures.

Awareness raising activities

Extensive awareness campaigns and talks on the Labour Organization Law 2011 and by law have been being conducted to ensure the workers and employers are aware that they can freely establish labour organizations under the Law and to ensure that the organizations which already received certificates can perform their lawful activities in protection of the rights and benefits of the workers. Awareness raising activities were conducted for 32,467 workers in 687 workplaces and factories from December 2023 to July 2024. Moreover, the Ministry of Labour has been distributing 3,000 brochures and 3000 pamphlets, related to Labour Organization Law to the workers and employers across Divisions, States and Union Territory since May 2024 so that workers have better knowledge on the provisions of the law and can establish labour organizations. Awareness raising activities can be found in Annex-4.

Settlement of employer-employee disputes with Government's intervention

If the workers submit that Workplace Coordinating Committee (WCC) has not been formed or has been formed solely at the employer's discretion, complaints can be filed with the Department of Labour Relations as it has been supervising the formation of WCC to be consistent with the Settlement of the Labour Dispute Law. The Labour disputes occurred at the workplace are settled through negotiation between workers and employers at the WCC. Interest related labour disputes which cannot be solved at this level are brought to and settled by the Township Conciliation Bodies, Arbitration Bodies and Arbitration Council formed by the representatives of the government, the employers and workers.

Township Conciliation Bodies received (1104) cases and settled (906) cases from 2021 to the first week of August, 2024. Arbitration Bodies received (265) cases and settled (251) and Arbitration Council received (134) cases and decided (133) cases from 2021 to the first week of August 2024. The status of the settlement of labour disputes can be accessed in the website (www.mol.gov.mm) and a photo in this respect is attached as per Annex-5.

Factories and General Labour Laws Inspection Department (FGLLID) has received (672) labour complaints from 2021 to July, 2024 and solved (654) disputes and therefore, (18) disputes have been remaining. Central Level of the Head Office

has been monitoring and supervising the conditions of the settlement of the complaints monthly.

From February 2021 to the first week of August 2024, (20) cases of collective bargaining occurred and all these cases were solved by labour coordination teams. The staff from the Department of Labour Relations who are undertaking the settlement of Labour disputes were provided capacity building trainings for three times in 2022, two times in 2023 and one time in 2024 respectively.

General Developments

Status of the provision of legal benefits to the workers

Factories and General Labour Laws Inspection Department (FGLLID) has been supervising to make sure that the employees enjoy their rights at the factories, shops and establishments in line with the Occupational Safety and Health Law (2019). From January to July 2024, (182,394.79) million kyats were provided to (2,908,808) employees from (8,753) factories, shops and establishments and (2,788) employees from (152) factories were provided cash benefits of US\$ (1,143,764) in accordance with the Laws and Rules. A photo of field inspection to a factory in Shwe Pyithar Industrial Zone is attached as Annex-6.

Social Security Board (SSB) has been providing healthcare services and cash benefits to the insured workers who are eligible under the social security scheme. In July 2024, there are (1,257,673) workers from (36,165) workplaces who are registered under the social security scheme. Among them, (830,320) eligible workers received the healthcare services. Moreover, SSB had provided cash benefits of (11,390.103) million kyats for (209,317) cases from January to July 2024. Photos of providing services by Social Security Board are as per Annex-7.

Moreover, regarding the maternity benefits of insured women workers, SSB had provided (993.801) million kyats for treatment and cash benefits for (5,443) insured women workers from January to July 2024.

Labour coordination teams comprised of four departments under the Ministry of Labour, from different Regions, States, Districts and Townships has solved (86) complaints received from February to July 2024. (381) eligible workers were provided cash benefits of 491.778 million kyats during this period.

Increasing Minimum Wage

In addition, National Committee on Fixation of Minimum Wages had allowed 4800 Kyats (exactly four thousand eight hundred Kyats) for 8 working hours per day to every worker from the factories with 10 or more workers in accordance with the Minimum Wage Law. The Government increases 1000 Kyats for minimum wages in 9 October 2023 and additional 1000 Kyats in 9 August 2024. Accordingly, minimum wage for a worker becomes 6800 Kyats per day under the Leave and Holidays Act.

Promoting skilled labour force

The National Skills Standards Authority (NSSA) has been conducting skills assessment and certification systems from 2014 to July 2024, a total of 26,900 skilled workers out of 29,331 applicants have been recognized and certified by NSSA. Additionally, 855 Assessors, 102 Inspectors and 267 Assessment Centers were accredited by NSSA.

Since NSSA has been implementing the skills development processes in cooperation with the relevant sectoral committees and Assessment and Certification Committee, 3,817 candidates have completed skills assessment within 2023-2024 financial year which exceeded the targeted of assessing 3,500 candidates. In 2024-2025 financial year, NSSA has targeted to complete skills assessment for 5,000 candidates and as of July 2024, 814 out of 865 candidates have been certified.

Cooperation with the ILO

The Permanent Secretary of the Ministry of Labour met with the ILO liaison officer on 19 August 2024 and he was informed that the office could make bank transaction for its local bank account on 12 June 2024. Myanmar further facilitated the visa request for the Chief Technical Adviser on Elimination of Child Labour on 25 June 2024. Nonetheless, it was informed later that the Chief Technical Adviser will not arrive Myanmar since he has been taking of a project in other countries. For another applicant, Ministry of Labour sent a letter dated 4 June 2024 to ILO liaison office to nominate a new person for the post of additional international staff. Matters related to visa and bank mentioned in the decision point (e) of the 351st Governing Body meeting have already been resolved and therefore, it should not be

included in the report of the ILO Director-General to be submitted to the upcoming session of the ILO Governing Body.

The Permanent Secretary of the Ministry of Labour sent a letter addressed to the Director General of ILO on 28 August 2024 requesting the ILO to provide the necessary support and assistance to Myanmar in order to develop and implement the projects in the areas covered by previous ILO Decent Work Country Programme, as well as in the filed of Child Labour and Occupational Safety and Health. While Myanmar focuses on enhancing the formation of labour organizations, conducting awareness-raising activities, strengthening tripartite consultations, ILO is further requested to reinstate the position of the Chief Technical Advisers related to implementation of Convention no.87 in Myanmar.

During the multiple meetings of Permanent Secretary and ILO Liaison Officer from October 2023 to August 2024, Permanent Secretary invited ILO liaison officer to join the visits of Union Minister, Deputy Minister, Permanent Secretary and Director- Generals to the factories and workshops to observe the working conditions on the ground.

Conclusion

Since Myanmar highly values the contribution of its workers to the county's development and cooperation with the ILO, the Steering Committee led by the Union Minister for Labour comprising of the Deputy Ministers and Senior Officials from the relevant Ministries has been implementing the Commission of Inquiry's constructive recommendations which aim for the benefits of the workers in Myanmar. Through pardons and amnesty orders, many detainees were released while a few others have been continuing their prison terms not for exercising trade union activities or civil liberties peacefully but for imposing threat to peace and stability of the country. In early 2021, peaceful protests lasted for several days turned to riots and violence which claimed lives of 132 police personnel during riot control. Later, violence in Myanmar are terror acts committed by PDF and other armed terrorist organizations for territorial gains through blanket attacks against the people and public infrastructures. The significant difference should be noted carefully. Amid such challenges and political pressure through the Commission of Inquiry, it is regrettable to see some countries asserted fabricated allegations against Myanmar. Imposing pressure on Myanmar by exploiting the ILO platform will not bring any benefit to the people of the country particularly to the workers. The act to invoke Article 33 of the ILO Constitution with the aim of enforcing economic

13

sanctions goes opposite to the words expressing concerns over political, economic, social and humanitarian related matters of Myanmar. Therefore, Myanmar encourages the discussion in the forthcoming Governing Body should be constructive, practical and considerate.
