

**MYANMAR (2016-2019)**

**THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR**

**Protocol of 2014 (P029) to the Forced Labour Convention**

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	Yes.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<p><b>2019 AR:</b> No.</p> <p><b>2018 AR:</b> Copies of the report were sent to the following organizations: the Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), the Confederation of Trade Unions Myanmar (CTUM), the Agriculture &amp; Farmer Federation of Myanmar (Food Allied of Workers) (AFFM-IUF), the Agriculture &amp; Farmers Federation of Myanmar (AFFM), and the Myanmar Industries Craft and Services Trade Unions Federation (MICS-TUsF).</p> <p><b>2016 AR:</b> The Government's report was shared with the following organizations, and no comments were received: Myanmar Seafarers Employers Services Federation; The Republic of the Union of Myanmar Federation of Chambers of Commerce And Industry (UMFCCI) Garment Industry, Township Employers' Organization, Hlaing Tharyar Township, Yangon; Confederation of Trade Unions Myanmar (CTUM); Myanmar Seamens' Federation (MSF); Myanmar Maritime Workers' Federation (MMWF); Myanmar Maritime Trade Unions Federation (MMTUF); Myanmar Maritime Pilots Association (MMPA); Independent Federation of Myanmar Seafarers (IFOMS); Agriculture &amp; Farmer Federation of Myanmar (Food Allied of Workers) (AFFM-IUF) Agriculture &amp; Farmers Federation of Myanmar (AFFM); Myanmar Industries Craft and Services Trade Unions Federation (MICS-TUsF).</p>	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Myanmar has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	<b>2018 AR:</b> The Protocol is unlikely to be ratified.
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<p><b>2018 AR:</b> There is a national policy and/or plan of action for the suppression of forced or compulsory labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour.</p> <p><b>2017 AR:</b> There is an Action plan that is being updated through the participation of all relevant stakeholders through a series of High-Level Working Group (HLWG) meetings.</p> <p><b>2016 AR:</b> There is a 2012-2016 Plan of Action for anti-trafficking in Myanmar.</p>	
		<b>Measures taken or envisaged for systematic and coordinated action</b>	<p><b>2018 AR:</b> At present, the Plan of Action on elimination of forced labour, 2018 is being implemented. The High Level Working Group-HLWG on cooperation of labour affairs was held with 22 representatives of 10 ministries including the Minister of Ministry of Labour, Immigration and Population, and that the Decent Work Country Programme with the purpose of developing all- round country including elimination of forced labour is being implemented by signing Memorandum of Understanding on 21-9-2018.</p>

		<p><b>2017 AR:</b> A series of High-Level Working Group (HLWG) meetings have been held to agree on the updated action plan for the elimination of forced labour.</p> <p><b>2016 AR:</b> The labour recruitment and placement process are supervised under the 1959 Employment Restriction Act and 1960 Employment Restriction Rules. The existing labour laws are being reviewed to be in line with the socio economic situation. The Law relating to the oversea employment, 1999, has been in the process of review and amendment in line with the present situation.</p>
	<p><b>Measures taken or envisaged to prevent forms of forced labour</b></p>	<p><b>2018 AR:</b> The following measures have been taken or envisaged: a) Strengthening and broadening of the coverage of legislation, particularly labour law; b) Regulation and supervision of the labour recruitment and placement process; c) Supporting due diligence by the public and private sectors; d) Promotion of safe and regular migration; e) Education/vocational training; f) Capacity building for the competent authorities; g) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and h) Basic social security guarantees.</p> <p><b>2017 AR:</b> The measures taken or envisaged include: a) the Supplementary Understanding (SU) was signed for one year trial basis in 2007 to establish a complaint mechanism and since then, the forced labour complaints are being resolved and the SU has been extended until December 2017; b) in regards to the updated action plan on elimination of forced labour, a series of HLWG meetings were held with the representatives of the Ministry of Defense, the Ministry of Home Affairs, the Ministry of Foreign Affair, the Ministry of Labour, Immigration and Population, and the ILO; c) continuous negotiations are being made with the Ministry of Deference to approve Action 1.5, which is related to the Ministry of Defense among the 24 schedules under the four priorities of the draft action plan; and d) awareness raisings and trainings which are crucial in the elimination of forced labour have been conducted in cooperation with the Ministry of Labour, Immigration and Population, and ILO. Such awareness raising events were held 140 times from July 2012 to September 2017, and 24 times from April to November 2017. Moreover, 114 forced labour awareness raising Billboards were set up throughout the country.</p>
	<p><b>Measures taken or envisaged to protect victims of forced labour</b></p>	<p><b>2018 AR:</b> The following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Material assistance for victims; d) Medical and psychological assistance for victims; e) Measures for the rehabilitation and social and professional reintegration of victims; f) Protection of privacy and identity; g) Appropriate accommodation; h) Specific measures for children; and i) Specific measures for migrants.</p> <p><b>2017 AR:</b> Awareness raising and education on forced labour, including the legal point of view, have been undertaken for military officials, other ranks and cadet, including the family members of those by the Adjutant General, Deputy Adjutant General, Assistant Adjutant Generals and legal officials. Approximately 1.4 million officials and their family members have participated in education and awareness activities during the period 2012 to September 2017.</p> <p><b>2016 AR:</b> If there are any forced labour victims in townships, ward or village tracts, the rehabilitation and professional reintegration will be cooperated with relevant departments to have a sustainable livelihood and employment. The Ministry of Social Welfare, Relief and Resettlement is taking measures for the rehabilitation and social and professional reintegration of victims in collaboration with UNICEF. In order to address problems, which migrant workers are encountering, the Complaints Mechanism Centers have been opened in Nay Pyi Taw and Yangon for receiving complaints and providing 24 hours services. Labour attachés are appointed in the countries where most of Myanmar migrant workers are working.</p>

	<b>Measures taken or envisaged to facilitate access to remedies</b>	<p><b>2018 AR:</b> The following measures have been taken or envisaged: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; e) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; and f) Provision for authorities not to prosecute victims for acts which they have been compelled to commit.</p> <p><b>2017 AR:</b> The Tatmadaw (the Armed Forces of Myanmar) prescribes underage recruitment as illegal. When such recruitment occurs, the perpetrators are punished under the section 374 of the Penal Code. In addition, action has also been taken against responsible persons who did not systematically examine the (new) recruits who enter into the military with false documents, under the Section 65 of the Defense Services Act, 1959. From 2006 to August 2017, 87 military officials and 342 other ranks altogether 429 were punished.</p> <p><b>2016 AR:</b> There is a legislation that defines forced or compulsory labour in its various forms. Under section 374 of the Myanmar Penal Code, if anyone unlawfully compels any person to labour against the will of that person, the offender shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Article 27 (A) of the Ward and Village Tract Administration Law stipulates that “whoever forces labour or service from any person not offering his own volition by threatening that his interest will be affected or that he will be punished, shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand Kyats or with both by the relevant court”.</p>	
	<b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b>		
	<b>Cooperation with other Member States, international / regional organizations or NGOs</b>	<p><b>2018 AR:</b> The Government cooperates with other member States as well as with international, regional and non-governmental organizations.</p> <p><b>2017 AR:</b> The Government has been cooperating with ILO in a number of areas aimed at building capacity and awareness, as well as with Cambodia and Lao in implementing the mutual skills recognition process with the assistance of the ILO.</p>	
	<b>Promotional activities</b>	<p><b>2016 AR:</b> Awareness-raising meetings about forced labour in the ward or village tract administrators were held twice a month. Pre-departure or orientation trainings are provided for the workers who will work in other countries occasionally. Migrant Resources Centers (MRCs) have been opened in cooperation with ILO and IOM in order to disseminate the information concerning migration. Senior officials from the Ministry of Labour, Immigration and Population provided lectures on the elimination of forced labour in the training for police officers, fire safety officers, judges, ward or village tract administrators, teachers from the basic/ high education level and military officers. Moreover, military officers were also given training of trainers.</p>	
	<b>Special initiatives/Progress</b>	<p><b>2018 AR:</b> Two major developments were underlined: signing the Memorandum of Understanding on Plan of Action for the Elimination of Forced Labour, 2018; and signing the Memorandum of Understanding for the Decent Work Country Programme (2018-2021).</p>	
<b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>According to the social partners</b>	<b>Employers’ organizations</b>	
		<b>Workers’ organizations</b>	
	<b>According to the Government</b>	<p><b>2018 AR:</b> The following challenges were identified: a) Lack of information and data; b) Social and economic circumstances; c) Lack of resources in the institutional framework; d) Lack of resources in</p>	

		<p>employers' organizations; and e) Lack of resources in workers' organizations.</p> <p><b>2016 AR:</b> Lack of social dialogue on the principle has been identified as a challenge.</p>
<b>TECHNICAL COOPERATION NEEDS</b>	<b>Request</b>	<p><b>2018 AR:</b> The Government requires ILO technical cooperation in the following areas: a) Collection and analysis of data and information; b) Capacity building for the competent authorities; c) Basic social security guarantees; d) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; e) Awareness-raising and mobilization activities; f) Inter-institutional coordination; g) Promotion of fair recruitment and placement practices; h) Promotion of fair migration policies; i) Vocational training, job-creation and income-generation programmes for at-risk populations; j) Capacity building for employers' and workers' organizations; k) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; l) Exchange of experiences between countries or regions; international cooperation; m) Guidance on the development of the national policy and plan of action; and n) Strengthening the legal framework.</p> <p><b>2017 AR:</b> The ILO has been providing assistance in the following areas: provision of public awareness on mutual recognition of skills (MRS); opening of Migrant Resource Centers in Mandalay, Kyaukse, Myingyan, Dawei and Kyengtong; organization of workshop for presentation on Complaint Mechanism Code of Conduct; Labour Migration Management training; provision of training on recruitment process, and Training of Trainers for Government Staff to guide employees who would be assigned to work abroad; preparation of a Handbook for Trainers Pre-departure to Malaysia and Thailand (via ILO Triangle Project); Gender equality and women's empowerment training; National Preparatory Meeting for ASEAN Forum on Migrant Labour; National Preparatory Meeting on the Role of Countries of Origin; and workshop on internal migration and legal protection of domestic workers at Mandalay, Taunggyi, Pathein. The Government is also expecting ILO technical assistance in drafting the Law relating to Overseas Employment, and in developing a National Plan of Action on Labour Migration (2018-2022) and data collection.</p> <p><b>2016 AR:</b> Technical cooperation would be important in the following areas: capacity building for the competent authorities; vocational training, job-creation and income-generation programmes for at-risk populations; exchange of experiences between countries or regions; international cooperation.</p>
	<b>Offer</b>	