



# Governing Body

341st Session, Geneva, March 2021

Institutional Section

INS

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

### Purpose of the document

This document provides a brief update on developments since the 340th Session (October–November 2020) of the Governing Body. In view of the current situation in Myanmar a revised version of this document is being prepared for discussion by the Governing Body.

**Relevant strategic objective:** Fundamental principles and rights at work.

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

**Policy implications:** None.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** None.

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



## ▶ Introduction

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1. At its 340th Session (October–November 2020), having considered the report submitted by the Director-General on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013), the Governing Body:
  - (a) acknowledged that some progress had been made by the Government, and through the efforts of the social partners, since March 2019 in implementing the Decent Work Country Programme (DWCP) and strongly urged the Government to continue to cooperate with the ILO and social partners to step up its efforts to establish a credible and effective national complaints mechanism;
  - (b) called for further efforts to ensure that the views of social partners are fully taken into account in the process of labour law reform and that any amendments to laws are consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), with special attention given to the protection of labour rights during the COVID-19 pandemic;
  - (c) urged the Government to step up its efforts with Parliament to amend article 359 of its Constitution in order to bring it into conformity with the Forced Labour Convention, 1930 (No. 29), and to strengthen parliamentary oversight functions relating to forced labour;
  - (d) expressed concern at the charges made against eight trade unionists under the Peaceful Assembly and Peaceful Procession Law and the use of the law by the authorities as a means of denying trade unions the right to peacefully exercise their right to freedom of association; and requested the Government to repeal the Disciplines set by the Pyigyitagon Township in Mandalay and those disciplines set by other townships in Mandalay Region which prevent persons living outside the region from staging a peaceful assembly or procession in Mandalay, and to specify the principles of freedom of association and freedom of assembly in the new draft Labour and Employer Organization Law;
  - (e) called on Member States to support resource mobilization efforts to enable the effective implementation of the DWCP in Myanmar, in particular taking into account the COVID-19 situation and its implications on the elimination of forced labour and the worst forms of child labour, the establishment of a credible national complaints mechanism and the strengthening of the labour inspection system to ensure the effective enforcement of labour laws.

## ▶ Implementation of the DWCP and responding to COVID-19

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2. Myanmar held its national election in November 2020, with the ruling party winning its second term. The new Government structure is expected to be announced in early March 2021.
3. Since 1 October 2020, Yangon has been operating in emergency mode, as decided by the United Nations Country Team in Myanmar due to a COVID-19 surge in the district, and the ILO staff has continued to telework.

4. Despite the restrictions, ILO-Yangon continued to support the tripartite constituents responsively and efficiently under the framework of the DWCP in a number of areas, including occupational safety and health, social protection, COVID-19 response, job creation, skills training, labour rights, elimination of forced labour and child labour, and business continuity planning.
5. ILO-Yangon has briefed the constituents on the discussion and decision of the October–November 2020 session of the Governing Body, and discussions are continuing on ensuring its implementation.

## ▶ Progress on the elimination of forced labour

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6. Since the ILO database on forced labour complaints was established in February 2007, ILO-Yangon Office has received a total of 5,692 cases, of which 3,055 were determined to be within the scope of forced labour. Among the 3,055 cases, 1,228 have been closed, 805 are pending with the Government for investigation, 318 were submitted to the United Nations Country Task Force on Monitoring and Reporting (CTFMR), and 244 cases have been closed temporarily following an assessment by the ILO. In the context of the newly established National Complaints Mechanism (NCM), 26 cases received by the ILO have been referred to the NCM and three additional new cases are pending assessment awaiting referral to the NCM. The remaining 431 cases are being reviewed in accordance with the regular assessment procedures undertaken by the Office prior to submission to the Government.
7. In 2020, the ILO-Yangon received 67 new complaints alleging forced labour, which is a reduction compared to previous years (145 cases in 2019). Of these, 42 complaints were assessed as being within the definition of forced labour, including 30 cases of underage recruitment, five cases of forced recruitment of adults, five cases of forced labour, and two cases of trafficking for forced labour.
8. In the category of underage recruitment by the military, 30 complaints were received in 2020, which is a reduction compared to previous years (52 complaints in 2019). No cases of underage recruitment received in 2020 related to alleged incidents of underage recruitment during 2020. Six of the 30 cases allege underage recruitment in 2019 and four in 2018. This suggests a continued trend towards the elimination of underage recruitment.
9. In 2020, the ILO submitted 387 forced labour cases to the Government and closed 203 cases successfully. The ILO also submitted 17 cases to the CTFMR.
10. Since the previous report in November 2020, on 16 December 2020 the ILO provided technical support to a joint technical meeting of members of the NCM to discuss its standard operating procedures (SOPs) to assist in giving effect to the principles referred to by ILO supervisory bodies concerning a credible and effective NCM. The ILO is preparing a template for SOPs for further discussion with the NCM.

## ▶ Labour law reform

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11. The Technical Working Group on Labour Law Reform held a meeting on 19 and 20 January 2021 to continue discussions on the draft Labour and Employer Organization

Law. This is the first meeting to have taken place since July 2020. The Office has encouraged the Government to convene more frequent meetings to consider each clause in the draft law and give consideration to comments by the Office and social partners.

## ▶ Child labour

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12. Since the previous report in November 2020, the Office has shared further information on the Minimum Age Convention, 1973 (No. 138), and experiences in other countries with the Technical Working Group on Child Labour (TWG-CL). ILO-Yangon also hosted a knowledge sharing session on light work with the members of the TWG-CL. The Office is also encouraging the Government to release the Hazardous Child Labour List.