



Governing Body

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Institutional Section

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

▶ Introduction

1. At its 345th Session (June 2022), having considered the developments in Myanmar¹ and recalling 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), the Governing Body:
 - (a) deplored once again the lack of progress towards respecting the will of the people, democratic institutions and processes, and the fact that the democratically elected government has not been restored;
 - (b) called on the military authorities to end immediately the large-scale lethal violence against civilians, including children, and the arrest and torture of trade unionists;
 - (c) called on the military authorities to end immediately the harassment, intimidation and arbitrary arrests and detentions of labour activists, trade unionists and others, including the Rohingya, in the exercise of their human rights;
 - (d) repeated its call for Myanmar to restore immediately the citizenship of prominent democracy activists, including trade unionists;

¹ GB.345/PV, para. 140.

- (e) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and 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, and again called for the immediate release of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation (MICS-TUF) and other trade unionists and activists who have been detained;
- (f) repeated its profound concern over reports of increased use of forced labour by the military authorities and the fact that progress towards the elimination of forced labour has reversed since the military takeover, and called for the military authorities to end forced labour practices immediately;
- (g) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy;
- (h) called 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; and
- (i) called upon Myanmar to fully cooperate with the Commission of Inquiry and facilitate its work, including as regards a possible country visit.

► General developments

2. This document provides an update on the situation in Myanmar since the Office reported to the Governing Body in June 2022 and covers developments up to early February 2023.
3. There has been no progress to restore the democratically elected government of Myanmar and respect the will of the people following calls by the Governing Body and International Labour Conference.² The State of Emergency declared by the military authorities has been extended until the end of July 2023. President Win Myint and State Counsellor Aung San Suu Kyi are serving sentences of 12 and 33 years respectively, after being convicted of numerous charges that have been widely condemned as fabricated.
4. In the previous six months, the humanitarian and human rights crisis has deepened. The United Nations reports that, as of January 2023, at least 2,890 people have been killed by the military or others working with them. In July 2022, the United Nations Secretary-General condemned the executions of four political activists: Phyo Zeya Thaw, Kyaw Min Yu (Ko Jimmy), Hla Myo Aung and Aung Thura Zaw. According to the United Nations, more than 130 people have also been sentenced to death.
5. The United Nations also reports that, as of 9 January 2023, an estimated 1,545,000 people have been internally displaced within Myanmar, including 1,215,000 people newly displaced since

² ILO, [Resolution for a return to democracy and respect for fundamental rights in Myanmar](#), International Labour Conference, 109th Session, 2021.

1 February 2021. In addition, it is estimated that 39,000 civilian properties have been burned or destroyed since February 2021. The military authorities also continue to impose other measures to suppress dissent and control the population. In February 2023, martial law was imposed in 37 townships, adding to orders already in place in 6 townships in Yangon and in one in Chin State.

6. In 2022, the United Nations confirmed 66 attacks on schools and hospitals, including attacks against healthcare and school personnel attributed to the Tatmadaw. A total of 114 schools and 7 hospitals were used by the Tatmadaw and its related forces. One case was confirmed of the use of schools by the People's Defence Force. In addition, 204 children were abducted by the Tatmadaw for the purposes of, inter alia, extortion indoctrination, investigation, guides, human shields and porters. Of the children abducted, 188 were released, 15 were killed and the whereabouts of 1 child is unknown.
7. New laws promulgated by the military authorities continue to suppress democratic principles and fundamental rights. A new Organization Registration Law, promulgated in October 2022, requires national and international non-governmental organizations to be registered and placed under significantly greater oversight by the authorities. The Political Parties Registration Law, promulgated in January 2023, imposes a high threshold for any party intending to contest a future general election at a national level and retains parts of the previous law preventing the registration of parties with connections to unlawful, terrorist or insurgent organizations. Only the military-backed Union Solidarity and Development Party is likely to meet the law's new registration requirements to contest elections nationally.

► United Nations and international response

8. In February 2023, marking two years since the military takeover, the United Nations Secretary-General strongly condemned all forms of violence and expressed concern at the military's stated intention to hold elections amid intensifying aerial bombardment and burning of civilian houses, along with ongoing arrests, intimidation and harassment of political leaders, civil society actors and journalists.
9. The Special Envoy of the Secretary-General on Myanmar released a statement urgently calling for international unity on humanitarian aid and a unified stance on elections and civilian protection. She had previously met with State Administration Council Chairman Senior General Min Aung Hlaing in August 2022, on her first visit to Myanmar as Special Envoy. She reported that the purpose of her visit was to convey the concern of the United Nations and propose concrete steps needed to reduce the conflict and suffering of the people.
10. In December 2022, the United Nations Security Council passed its first resolution³ on Myanmar in 70 years, demanding an immediate end to all forms of violence throughout the country, and urging restraint and the de-escalation of tensions. It also calls for, among other things, concrete and immediate actions to implement the Association of Southeast Asian Nations (ASEAN) Five-Point Consensus, which includes the immediate cessation of violence and the initiation of effective and full constructive dialogue among all parties concerned.
11. In a statement following the ASEAN Foreign Ministers' Retreat (with no political representation from Myanmar) in Jakarta in February 2023, the ASEAN Chairperson (the President of

³ S/RES/2669(2022).

Indonesia) also urged that progress be made to implement the Five-Point Consensus, to pave the way for an inclusive national dialogue in Myanmar. Indonesia has announced plans to appoint an ASEAN Special Envoy to Myanmar.

► The situation of ILO social partners

12. Trade unionists continue to be the target of arrests and detentions since the military takeover, and many leaders remain in hiding. The Confederation of Trade Unions Myanmar (CTUM) reported that, in September 2022, men in civilian clothing shot at peaceful demonstrators and arrested five trade unionists, who remain in Insein prison in Yangon.
13. In December 2022, Thet Hnin Aung, the General Secretary of the MICS-TUF was sentenced to two years' imprisonment with hard labour and a fine, despite repeated calls for his release by the Governing Body. In a public statement, the ILO Director-General urged the authorities to immediately and unconditionally release him, and emphasized that the rights of both workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations.
14. The MICS-TUF reported that it continues to conduct training and engages with international brands on labour-related cases with heightened security. However, it said that workers are losing entitlements in the absence of the free operation of trade unions and also noted increasing dismissal cases. It reported that one MICS member was released from prison in late 2022.
15. The Agriculture and Farmer Federation of Myanmar-International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (AFFM-IUF) reported that its activities are constrained and its advocacy on labour rights violations has stopped. It also reported that 16 trade unionists have been released from prison.
16. A report released by FNV Mondiaal in January 2023 stated that more than 129 workers and trade unionists from various sectors have been arrested in the industrial zones, especially in Hliang Thar Yar, South Dagon and Shwe Pyi Thar, since the military implemented martial law on 15 March 2021. Of these workers, 69 have been granted amnesty and released, 49 are subject to ongoing court proceedings and 19 have been sentenced to 3 and 20 years in prison or life imprisonment. According to FNV Mondiaal, there are also reports of a "new type" of military intervention in industrial disputes, whereby the military is called in by employers as backup to handle workers' demands during protests and strikes.
17. With regard to the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), it continues to carry out its operations and servicing of members across sectors. It has also engaged with the ILO Liaison Office in Myanmar (ILO-Yangon) on occupational safety and health activities in factories.
18. According to the World Bank, Myanmar's economy remains volatile, with business operations disrupted by conflict, electricity outages, trade and foreign exchange restrictions, shortages of some key inputs and frequently changing rules and regulations.⁴ While enterprises show some resilience, the World Bank reported that household incomes remain low and Myanmar's potential for inclusive growth has been severely weakened by recent shocks. ILO research

⁴ World Bank Group, Myanmar Economic Monitor, *Navigating Uncertainty*, 2023.

found that in the first half of 2022, 1.1 million fewer women and men were employed since the military takeover. While the research showed a small recovery in employment in the first half of 2022, the quality of jobs deteriorated.⁵

▶ ILO operations in Myanmar

19. ILO-Yangon has continued to deliver technical assistance under development cooperation projects to support the people of Myanmar in accordance with the United Nations Country Team engagement guidelines.
20. On 18 July 2022, the ILO Deputy Director-General wrote to the Ministry of Labour of Myanmar regarding the ILO's continued presence and operations, as the Memorandum of Understanding on the Myanmar Decent Work Country Programme (DWCP) was due to expire in September 2022. It referred to the Office's expectation that all obstacles, such as banking and visa restrictions, would be removed and that the privileges and immunities enjoyed by the ILO in Myanmar, according to applicable agreements, would be fully and unconditionally respected. Further, the Office expected to interact freely with workers' and employers' organizations, consistent with its key value of social dialogue. To date, no response has been received from the authorities despite the Office's repeated follow-ups.
21. On 11 August 2022, the Department of Labour rejected the extension of one staff member's visa, stating that a review of the issue of staff visas would take place only after the ILO had submitted a negotiation letter to sign a new Memorandum of Understanding on the DWCP. Four international staff members remain working outside Myanmar following the rejection of their visa requests. Some visas were rejected on the grounds that a delegation from Myanmar had not been permitted to attend the 110th Session of the International Labour Conference.
22. The ILO Liaison Officer's multiple-entry visa for Myanmar expired on 2 February 2023. After the Office sought a one-year extension, the Ministry of Labour recommended that the Ministry of Immigration and Population approve only a three-month extension. The Ministry of Labour stated that it had initially decided to suspend the visa because Myanmar had not been permitted to attend the 110th Session of the International Labour Conference and ILO-Yangon was not cooperating with the Ministry.
23. No action has been taken by the military authorities to remove restrictions on the ILO's main bank account and the Office has been prevented from transferring funds to implementing partners. In June 2022, the Office's US dollar account at another bank was suspended as instructed by the Ministry of Labour. Since July 2022, the Office has repeatedly requested the Ministry to send a recommendation to the bank to enable it to process a payment to the UMFCCI, but the Office has not received any response. Consequently, the Office continues to face operational difficulties.

⁵ ILO, *Employment in Myanmar in the First Half of 2022: A Rapid Assessment*, ILO Brief, 2022.

▶ Commission of Inquiry

24. At its 344th Session (March 2022),⁶ the Governing Body decided, in accordance with article 26(4) of the ILO Constitution, to establish a Commission of Inquiry in respect of the non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29).
25. At its 345th Session (June 2022),⁷ the Governing Body appointed the following persons to serve on the Commission of Inquiry: Judge Raul Cano Pangalangan (Philippines) as Chairperson; and Judge Dhaya Pillay (South Africa) and Dr Faustina Pereira (Bangladesh) as members. The Commission has commenced its work.

▶ Draft decision

26. **In the light of the developments in Myanmar outlined in document GB.347/INS/12 and recalling 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), the Governing Body:**
 - (a) **recalled the terms of the decision of the June 2022 Governing Body which remain valid and relevant in their entirety;**
 - (b) **decided to remain seized of the matter and requested the Director-General to keep it regularly informed of all further developments.**

⁶ GB.344/PV, para. 394.

⁷ GB.345/INS/5/2(Add.1).