**PSEA Network Myanmar: Government Engagement Tip Sheet**

FOR PSEA NETWORK MEMBERS ONLY: DO NOT SHARE WITH GOVERNMENT

PSEA Network members may receive requests from government counterparts for training on PSEA. As a general rule, PSEA should not be a stand-alone topic, but should be streamlined into other broader issues, such as gender, protection, GBV, child protection, or abuse of power, amongst others. It is suggested that the IASC PSEA standards of conduct for humanitarian and development staff are introduced first, without reference to the Government Civil Service Code of Conduct (see text box below).

For particular programs conducted jointly with Government counterparts:

* Child Protection programs with Government should include a child safeguarding element to increase awareness of Government counterparts on standards of staff conduct. Reference can be made to the UN Glossary on SEA and the IASC 6 Core Principles, as well as the new UN Victim Assistance Protocol.
* Gender-Based Violence (GBV) and health sector programs with Government should include general PSEA awareness-raising on standards of staff conduct for UN, humanitarian and development staff, in addition to referral of survivors to service providers under the UN Victim Assistance Protocol. Due to the fact that current laws contradict a survivor-centred approach, it is advised that further elaboration beyond these concepts is not desirable until the relevant laws are repealed/amended. Reference can be made to the UN Glossary on SEA and the IASC 6 Core Principles.
* For other departments, general awareness-raising on standards of staff conduct for UN, humanitarian and development personnel, with reference to the UN Glossary on SEA and the IASC 6 Core Principles.

**Civil service personnel – current policy**

The current Civil Service Code of Conduct (revised 2017) does not contain specific provisions related to sexual harassment in the workplace, nor SEA or safeguarding. The *Civil Service Personnel Law (2013)* states that personnel must abide by rules of conduct and workplace discipline and there are provisions to conduct an inquiry into matters if required. The *Civil Service Personnel Rules (2014)* outline various instances of misconduct including violation of rules of conduct or discipline laid out by the organization or category of personnel. Section 164 of the Rules states that departmental action can be carried out if a civil servant is found to have breached Myanmar laws. Given that the Penal Code criminalises aspects of SEA such as sexual assault, rape, sexual harassment and sex trafficking, relevant disciplinary action could be initiated as a result of criminal conviction. In addition, Section 161 could be construed to cover sexual exploitation, as it pertains to situations where a public servant takes gratification other than legal remuneration in carrying out an official act; ‘gratification’ can include forms other than payment. Under the Suppression of Prostitution Act, sex work is illegal; however, UNAIDS has pointed out that punitive measures against sex workers renders them extremely vulnerable to abuse and is advocating for this law to be repealed. When engaging with Government on standards of conduct of civil servant personnel, therefore, reference could be made to the existing framework that indirectly includes some disciplinary measures on SEA. Care should be taken when referring to the issue of engaging sex workers in order not to entrench further stigma.