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**Committee on the Application of Standards**

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**Sixth sitting, 6 June 2009, 10.15 a.m.**

*Chairperson: Mr Sergio Paixão Pardo*

**Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)**

A Government representative of Myanmar (Mr U WUNNA MAUNG LWIN) said his delegation was pleased to join the commemoration of the 90th anniversary of the International Labour Organization which focused on “90 years working for social justice”. He commended the Director-General of the ILO on his effective and timely leadership of the International Labour Office in these challenging and difficult years and in advancing the work of the Organization substantially in response to the needs of the present financial and economic crisis.

He pointed out that the 304th Session of the Governing Body had welcomed the further extension of the Supplementary Understanding for a one-year trial period, which had been reflected in the report of the ILO Liaison Officer. In his Global Report on the Cost of Coercion, 2009, the Director-General of the ILO had also considered that the response of the Government of Myanmar to the complaints mechanism had been “positive”. In response to the requests made by the 97th Session of the International Labour Conference and the 303rd Session of the Governing Body, regarding the highest level statement of the Government on forced labour, he reiterated that the statement made by the Minister of Labour following the extension of the Supplementary Understanding

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Officer in order to extend community development projects to other areas of the country and provide the Liaison Officer with more authority within the complaints mechanism. The Employer members expressed profound regret that forced labour had not yet ended and that there seemed little prospect of the situation changing in the near future. The Government needed to take seriously the warning that stronger measures might be called for if it did not rapidly increase its efforts to end the practice of forced labour.

*The meeting was adjourned from 1 p.m. to 3 p.m.*

The Committee noted the observations of the Committee of Experts and the report of the ILO Liaison Officer in Yangon that included the latest developments in the implementation of the complaints mechanism on forced labour established on 26 February 2007 with its trial period extended on 26 February 2009 for a further 12 months. The Committee also noted the discussions and decisions of the Governing Body of November 2008 and March 2009. It also took due note of the statement of the Government representative and the discussion that followed.

Since its last session, the Committee acknowledged some limited steps on the part of the Government of Myanmar: the further extension of the Supplementary Understanding for another year; certain activities concerning awareness raising of the complaints mechanism established by the Supplementary Understanding; certain improvements in dealing with under-age recruitment by the military; and the distribution of publications relating to the Supplementary Understanding.

The Committee was however of the view that those steps were totally inadequate. The Committee, recalling the conclusions reached in its special sitting at the 97th Session of the Conference (June 2008), again placed emphasis on the need for the Government of Myanmar to work proactively towards the full implementation of the recommendations of the Commission of Inquiry appointed by the Governing Body in March 1997 under article 26 of the Constitution. It also recalled the continued

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relevance of the decisions concerning compliance by Myanmar with Convention No. 29 adopted by the Conference in 2000 and 2006 and all the elements contained therein.

The Committee fully supported all of the observations of the Committee of Experts and the decisions of the Governing Body referred to above, and had the expectation that the Government of Myanmar would move with urgency to implement all the actions requested.

The Committee strongly urged the Government to fully implement without delay the recommendations of the Commission of Inquiry and the comments and observations of the Committee of Experts, and in particular to:

- (1) take necessary steps without any further delay to bring the relevant legislative texts, in particular the Village Act and the Towns Act, into line with Convention No. 29;
- (2) amend paragraph 15 of Chapter VIII of the new Constitution in order to bring it into conformity with Convention No. 29;
- (3) ensure the total elimination of forced labour practices that were still persistent and widespread;
- (4) ensure that perpetrators of forced labour, whether civil or military, were prosecuted and punished under the Penal Code;
- (5) issue an authoritative statement at the highest level clearly confirming to the people of Myanmar the Government's policy for the elimination of forced labour and its intention to prosecute perpetrators;
- (6) approve a simply worded brochure in accessible languages on the functioning of the Supplementary Understanding; and

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(7) eliminate the continuing problems in the physical ability of victims of forced labour or their families to complain and immediately cease harassment, retaliation and imprisonment of individuals who used or facilitated the use of the complaints mechanism.

The Committee specifically called on the Government of Myanmar to take every opportunity, including through the use of all of the various media channels available, to increase the awareness of the people as to the law against the use of forced labour, their rights under that law and of the availability of the complaints mechanism as a means of exercising those rights.

The Committee, whilst acknowledging the continued use of joint awareness-raising seminars/symposia, called on the Government and the ILO Liaison Officer to redouble these efforts towards ensuring a full understanding on the part of all officials (military and civil) as to their responsibilities under the law.

The Committee noted with serious concern the continued human rights violations in Myanmar including the detention of Aung San Suu Kyi. The Committee called for her release and that of other political prisoners, as well as labour activists. It further called for the immediate release of those persons who were associated with the operation of the complaints mechanism and who were currently incarcerated.

The Committee called for the strengthening of the capacity available to the ILO Liaison Officer to assist the Government in addressing all of the recommendations of the Commission of Inquiry and to ensure the effectiveness of the complaints mechanism, and expected the Government to cooperate fully in that regard.

*The sitting closed at 4 p.m.*