



SIXTH ITEM ON THE AGENDA

**Effect given by the Government of Myanmar to the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29)**

**Report of the ILO technical cooperation mission to Myanmar (Friday, 20 October-Thursday, 26 October 2000)**

**Addendum**

1. The Office has received from the Government of Myanmar copies of a number of instructions mentioned in a communication dated 31 October 2000 from the Director-General of the Myanmar Department of Labour, excerpts of which are reproduced in Annex B of document GB.279/6/1(Add.1)(Rev.1).
2. These instructions are annexed.

Geneva, 15 November 2000.

Government of the Union of Myanmar  
Ministry of Home Affairs  
Myanmar Police Force

No. 1002(3)/202/Oo 4  
Date: 27 October 2000

To: All Units

Subject: Prohibiting Requisition of Forced Labour

Reference: (1) Myanmar Police Force's letter No. 1102(3)/600/Oo 4 dated 15 May 1999  
(2) Myanmar Police Force's letter No. 1102(3)/600/Oo 4 dated 20 May 1999

1. The Ministry of Home Affairs has instructed all units of the police force by its letters under reference to issue further instructions and to supervise to ensure their compliance with its Order No. 1/99 which directs not to exercise powers under certain provisions of the Towns Act, 1907 and the Village Act, 1907.

2. In view of the fact that requisition of forced labour is not only illegal but also prescribed as a criminal offence according to the existing laws of the Union of Myanmar, the Ministry of Home Affairs of the Government of the Union of Myanmar under the directive of the State Peace and Development Council further issued the Order Supplementing Order No. 1/99 of 14 May 1999 by its letter No. Pa Hta Ya/2-3/(3140)/Oo 3 dated 27 October 2000 in order to prohibit the requisition of forced labour.

3. Therefore, responsible persons, including local authorities, members of the armed forces, members of the police force and other public service personnel who fail to abide by the said Order No. 1/99 and the Supplementing Order shall be prosecuted under section 374 of the Penal Code or any other existing laws.

4. If any affected person files a verbal or written complaint to the police station of having been forced to contribute labour, the latter shall record the complaint in Forms A and B of the police station and send the accused for prosecution under section 374 of the Penal Code.

5. It is hereby directed that the police stations and units concerned at various levels shall be further instructed to make sure their strict compliance with the said Order as well as to supervise so that there shall be no requisition of forced labour. A copy of the Order Supplementing Order No. 1/99 issued by the Ministry of Home Affairs on 27 October 2000 is enclosed herewith.

6. It is instructed to acknowledge receipt of this directive and to report back actions taken on the matter.

*(Signed)* for Director-General of the Police Force,  
(Police Colonel Maung Maung Soe).

Copy to:

- (1) As per attached list "B".
- (2) Float file.
- (3) Office copy.

**Government of the Union of Myanmar**  
**Ministry of Home Affairs**  
**General Administration Department**

No. 100/112-6/Oo 1  
Date: 28 October 2000

To: All State/Divisional Commissioners  
All State/Divisional General Administration Departments  
Additional Commissioners for Eastern Shan State,  
Northern Shan State and Western Bago Subdivision  
General Administration Department

Subject: Prohibiting Requisition of Forced Labour

1. The Ministry of Home Affairs issued Order No. 1/99 on 14 May 1999 instructing responsible persons not to exercise provisions regarding the requisition of labour and subsequent action to be taken as contained in the Towns Act, 1907 and the Village Act, 1907 which are administered by the Ministry.
2. The Order Supplementing Order No. 1/99 was issued on 27 October 2000 by the Ministry of Home Affairs with its letter No. Pa Hta Ya/2-3/(3140)/Oo 3.
3. Accordingly, when the requisition of labour or service is required due to emergency situation arising out of fire, flood, storm, earthquake, epidemic disease, war, famine and epizootic disease that poses an imminent danger to the general public and the local community, the responsible persons, including local authorities, members of the armed forces, members of the police force, and other service personnel, shall do so only with the permission of the Deputy Commissioner of the District General Administration Department concerned, who is a member of the District Peace and Development Council concerned.
4. The Commissioners of State/Divisional General Administration Departments, who are members of the State/Divisional Peace and Development Councils concerned, shall issue necessary instructions to all levels of subordinate offices to ensure that all the responsible persons abide by the Order No. 1/99 and the Order Supplementing Order No. 1/99 and supervise to ensure that there shall be no forced labour within their respective jurisdictions.
5. In order for all State and Division, District, Township, Ward and Village-tract Peace and Development Councils and all State and Division, District and Township General Administration Departments to strictly abide by the Order No. 1/99 and the Order Supplementing Order No. 1/99 and for the general public to be informed of these Orders, the Orders are to be displayed separately on notice boards of all the levels of Peace and Development Councils as well as the General Administration Departments. The implementation of this instruction shall be supervised and the report on the implementation of this instruction, together with photographs recording such implementation, shall be submitted.
6. Any responsible person, including local authorities, members of the armed forces, members of the police force, and other service personnel, who fails to abide by the Order No. 1/99 and the Supplementing Order shall be prosecuted under section 374 of the Penal Code and any other existing laws. Moreover, if the person who fails to abide by this instruction is a government servant, departmental action shall also be taken against him.
7. In this connection, whenever a complaint is made to any level of the Office of Peace and Development Councils and the General Administration Departments by any citizen, either verbally or in writing, that he has been forced to provide labour, it is hereby instructed that assistance shall be provided for filing the case for prosecution of the accused under section 374 of the Penal Code and other relevant existing laws.

8. Acknowledge receipt of this Instruction.

*(Signed)* Director-General,  
Aung Thein.

Copy to:

- (1) The Principal Officer, Ministry of Home Affairs.
- (2) The Director-General, Myanmar Police Force.
- (3) All State/Division Peace and Development Councils for issuance of necessary instructions to all District, Township and Ward and Village-tract Peace and Development Councils and to supervise to ensure that there is no requisition of forced labour within their respective jurisdictions.

**Union of Myanmar  
Supreme Court  
Yangon**

Letter No. 21225/Criminal/2000  
2 November 2000

To: All State and Divisional Judges  
All District Judges  
All Townships Judges

Subject: Cases filed under Section 374 of the Penal Code

1. The Ministry of Home Affairs of the Government of Myanmar issued Order No. 1/99 on 14 May 1999 and an Order Supplementing Order No. 1/99 on 27 October 2000 that requisition of forced labour is illegal and an offence under the existing laws of the Union of Myanmar. Copies of both Orders are attached herewith.

2. As paragraph 5 of the Order Supplementing Order No. 1/99 stated that any person who fails to abide by this Order shall have action taken against him under Section 374 of the Penal Code or any other existing law, the Supreme Court hereby directs all subordinate judges to send monthly reports, whether cases are filed or not, using the attached form Annexure (A).

*(Signed)* (Tin Aye),  
Director General.

Copy to:

- Minister, Ministry of Home Affairs;
- Director-General, Directorate of Labour, Ministry of Labour;
- Director-General, Supreme Court (Mandalay);
- Director-General, Office of the Attorney-General;
- All Directors, Supreme Courts (Yangon, Mandalay);
- All Deputy Directors (Judiciary) Supreme Courts (Yangon, Mandalay);
- Administration and Training Sections (18) (20) Supreme Court (Yangon).

**“TRUE TRANSLATION”**

*(Signed)* U KYAW SEIN,  
Director,  
Legal Drafting Dept.,  
Attorney-General's Office.

**Annexure (A)**

\_\_\_\_\_ State/Division \_\_\_\_\_ District \_\_\_\_\_ Township Court

**Monthly Statement showing the results of cases filed under Section 374 of the Penal Code and any other law**

*For the month of \_\_\_\_\_, 2000*

Sr. No.	Date of Institution	Serial No. of the year	Name of Complainant	Name of Accused	Section of Penal Code or other law applicable	Particulars of Offence	Final Order and Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

**Union of Myanmar  
Office of the Attorney-General**

Letter No. 4(12)1-74(346)  
6 November 2000

Subject: Directive issued by the State Peace and Development Council  
relating to Prohibiting Requisition of Forced Labour

1. The following Directive and Orders relating to “prohibiting requisition of forced labour” are attached hereto:

- (a) Directive of the State Peace and Development Council, Letter No. 04/Na Ya Ka (3) Ma Nya, dated 1 November 2000 (one document in Myanmar and one in English version);
- (b) Order No. 1/99 dated 14 May 1999 of the Ministry of Home Affairs (one document in Myanmar and one in English version);
- (c) Order Supplementing Order No. 1/99 issued under Letter No. Pa Hta Ya/2-3 (3140) U-3 dated 27 October 2000 of the Ministry of Home Affairs (one document in Myanmar and one in English version).

2. It is hereby directed that the State/Divisional, District and Township Law Offices under the Office of the Attorney-General have to carry out strictly in conformity with the abovementioned Directive and Orders, and that in case of occurrence of such case in the localities the Law Officers concerned are to report the matters to the Office of the Attorney-General directly and urgently.

*(Signed)* For Director-General,  
(Mya Nyein, Director).

Circulation:

- All State/Divisional Law Officers;- All District Law Officers;
- All Township Law Officers.

Copy to:

- Deputy Director-General, Office of the Attorney-General (Mandalay Branch);
- All Directors (Office of the Attorney-General);
- Float File;
- Office File.

**“TRUE TRANSLATION”**

*(Signed)* U KYAW SEIN,  
Director,  
Legal Drafting Dept.,  
Attorney-General’s Office.

**The Government of the Union of Myanmar  
Ministry of Home Affairs  
Bureau of Special Investigations**

No. 1/1-4Oo3  
8 November 2000

Subject: Order Supplementing Order 1/99 of the Ministry of Home Affairs

Regarding the subject mentioned above, a copy of Order Supplementing Order 1/99 issued by the Ministry of Home Affairs under letter No. PaHtaYa/2-3(3140)/Oo 3 of 27 October 2000 is forwarded for information to abide by and for necessary follow up actions.

*(Signed)* For Director-General,  
(Thein Myint, Deputy Director).

Circulation:

- State/Division Offices;
- All Branches Offices under the Central Bureau.

Copy to:

- Minister's Office, Ministry of Home Affairs;
- under Bureau of Special Investigations:
- all Directors;
  - all Deputy Directors under the Bureaus;
- Float File
  - Office copy.

**“TRUE TRANSLATION”**

*(Signed)* U KYAW SEIN,  
Director,  
Legal Drafting Dept.,  
Attorney-General's Office.



**The Government of the Union of Myanmar**  
**Ministry of Progress of the Border Areas and National**  
**Races and Development Affairs**  
**Minister's Office**

No. 012(2)/1-NaTaSa/PaKaYa(2164)  
9 November 2000

To: Department of Progress of the Border Areas  
and National Races and Development Affairs  
Department for Development Committees  
Department for Education and Training

Subject: To abide by Order 1/99 issued by Ministry of Home Affairs

Reference: Letter No. PaHtaYa/2-3(3140)/Oo 3 of 27 October 2000-11-15

1. Since forced labour is illegal and is an offence under the existing laws of Myanmar, with reference to the subject mentioned above, the Ministry of Home Affairs under the direction of the State peace and Development Council has issued an Order Supplementing Order 1/99 of 14 May 1999 so that no forced labour is requisitioned.
2. Therefore copies are forwarded to all Departments and to inform and instruct the regional works committees and subordinate offices to abide by the Order Supplementing Order 1/99 and to follow up with necessary supervision.

Attached (8) copies of Letter

*(Signed)* For Deputy Minister,  
(Lt. Col. Win Htay, Head of Minister's Office).

**“TRUE TRANSLATION”**

*(Signed)* U KYAW SEIN,  
Director,  
Legal Drafting Dept.,  
Attorney-General's Office.