



FIFTH ITEM ON THE AGENDA

**Developments concerning the question
of the observance by the Government of
Myanmar of the Forced Labour
Convention, 1930 (No. 29)*****Addendum***

1. Since the finalization of document GB.291/5/1 additional developments have taken place which may be of interest to the Governing Body.
2. In letters from the Convention 29 Implementation Committee dated 25 October, the Liaison Officer a.i. received some further responses to allegations that he had raised with the Committee. As regards the allegation that forced labour was used for the construction of a road in Monywa township,¹ it was indicated that this had been arranged by the local authorities at the request of the Buddhist abbot, that villagers had participated willingly, and that no forced labour was involved. As regards the allegations of forced labour on three projects in Bago township,² in one case it was found that no forced labour or compulsory contributions had been involved. In the second case, which concerned alleged sentry duty, it was found that the duty had not constituted forced labour as it had merely taken the form of an instruction to villagers to exercise vigilance while going about their normal activities. In the third case, which concerned work at a government teak plantation, it was found that villagers were not satisfied with the wages they were receiving and had stopped work. No forced labour had been imposed.
3. In addition, the Liaison Officer a.i. was able to have a meeting with the Convention 29 Implementation Committee on 4 November, in which some additional information was provided. The Committee indicated that the Myanmar authorities were still strongly in favour of the implementation of the Plan of Action, which in their view demonstrated the continued commitment to cooperating with the ILO. The Director-General of the Supreme Court then gave some clarifications concerning the case in Hinthada township.³ According to the information provided, the two individuals who had been convicted and imprisoned for defamation had now been released on payment of a fine. He added that if they were not satisfied with the conviction, they could apply to the court for a revision. The Liaison

¹ See doc. C.App./D.5 (ILC, 2004), para. 15 (reproduced in GB.291/5/1, Appendix III).

² See GB.291/5/1, para. 14.

³ See GB.291/5/1, paras. 14 and 17.

Officer a.i. pointed out that it would be understandable if the individuals were reluctant to do so, having been twice imprisoned by the court in attempting to assert their rights, and he reiterated his request that the competent authorities initiate a full investigation of this case. The representative of the Ministry of Defence gave a verbal update on investigations of forced labour allegations that concerned the army. As regards the allegation of forced labour in Thandaung township,⁴ the concerned authorities had indicated that workers were paid at prevailing rates and had willingly performed the work. As regards an allegation of forced labour for the construction of army facilities in Bago township,⁵ it was found that the villagers had been paid and fed and had taken part willingly, being very happy to have this employment. As regards the serious incident of forced labour in Toungup township,⁶ it was found that preliminary work on the project had been carried out by the personnel of the battalions concerned, but these units did not have sufficient manpower for the construction of earth dams. Therefore, 1,400 villagers from five nearby villages had been assigned this work in February and March 2004, as had been stated in the allegation. This project could potentially reclaim nearly 1,000 acres of land, and it was found that due to this the villagers had participated willingly, and had given their signatures to attest to this. These responses have not so far been communicated formally in writing to the Liaison Officer a.i., and the comments of the new Minister for Labour (reported below) suggest that the matter may still be open.

4. On 5 November it was announced that the Myanmar Ministers for Labour and Home Affairs “had been permitted to retire”. The Minister for Science and Technology, U Thaug, was appointed concurrently as Minister for Labour. A regional military commander, Maj-Gen Maung Oo, was appointed Minister for Home Affairs.
5. The Liaison Officer a.i. had a meeting with the new Minister for Labour, U Thaug, on 10 November. The Minister reiterated the commitment of his Government to cooperating with the ILO on the elimination of forced labour and indicated that the rules, regulations and laws concerning forced labour would be strictly enforced. The Liaison Officer a.i. underlined the significance in particular of the Toungup case, and the fact that the response given in the meeting with the Convention 29 Implementation Committee was not credible. The Minister undertook to look into this case further. He gave assurances that if it was true, then it would be regarded as a very serious matter and action would certainly be taken against those responsible.

Yangon, 11 November 2004.

⁴ See GB.289/8, para. 18.

⁵ See GB.291/5/1, para. 14.

⁶ See GB.291/5/1, paras. 18-20.