



FOR DEBATE AND GUIDANCE

EIGHTH 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. Document GB.300/8 has reported on the application of the Supplementary Understanding (SU) signed between the ILO and the Government of Myanmar on 26 February 2007 up to the end of September 2007. As this addendum reports on the period from 1 October 2007, it also covers the period following the civil unrest. In particular, it attempts to assess the impact of recent events on the application of the SU.
2. At the time of writing, the Secretary-General's Special Envoy to Myanmar, Mr Ibrahim Gambari, was still in the country addressing the issues raised by the international community. The Special Rapporteur on Human Rights in Myanmar, Mr Sergio Pinheiro, was due to arrive on 11 November 2007, following the Government of Myanmar's agreeing to receive a visit from him prior to the ASEAN summit.
3. As of 7 November 2007, 56 complaints had been recorded as received by the Liaison Officer. Four new cases have been received since the end of September. An updated copy of the register of cases will be made available to this session of the Governing Body.
4. During the period 20 September to 10 October (the civil protest period) no complaints were received. It is probable that persons who have been involved in transmitting complaints have been discouraged, or deterred, by the public protest activity and the measures taken by the Government to counter the protests.
5. The four new complaints that have been recently received are of a different nature than the previous general pattern. One is an allegation of forced labour directly resulting from the protest activities and concerns the authorities' requirement for ready access to bus transport to meet their potential need for rapid deployment of personnel. One relates to an alleged breach of article 9 of the SU through the detention and harassment of persons involved in the making and facilitation of forced labour complaints. Two allegations concern the forced military recruitment of minors. These complaints have been assessed by the Liaison Officer, in the manner foreseen by the SU, and referred to the responsible Government Working Group for investigation and appropriate action. Their receipt has been acknowledged, and responses are duly awaited. The Liaison Officer has also recently

received follow-up visits from or on behalf of complainants, providing additional information on previously lodged complaints.

6. In respect of the alleged breach of article 9 of the SU referred to above, three of four persons who had recently been detained have now been released. In so doing, the Government has stressed that all of the persons concerned were, in addition to their activities as forced labour facilitators, involved in the protest movement and that this was the cause of their detention. At a meeting on 6 November 2007, between the Liaison Officer and the Director-General of the Department of Labour, acting as the authorized representative of the Minister of Labour, the Government undertook to review the situation of the remaining detainee. The outcome of this review was at the time of writing not known.
7. Among the recent events, the following warrant bringing them to the attention of the Governing Body. Following the visit of the UN Secretary-General's Special Envoy to Myanmar in September 2007, the Government appointed the Deputy Labour Minister, U Aung Kyi, to liaise with Aung San Suu Kyi. On 8 October 2007, U Aung Kyi was appointed Labour Minister.
8. Following the issuance of a United Nations Country Team statement on the situation in the light of the civil unrest and its suppression, the Government on 1 November 2007 asked the UN Resident Representative, Mr Charles Petrie, to leave the country. Mr Petrie has been Resident Representative since 2003. In this capacity, his support to the ILO was particularly valuable when serious threats were made against the Liaison Officer in 2005 (see document GB.294/6/2). Mr Petrie has since 2006 also been Humanitarian Coordinator in Myanmar.
9. It is apparent that the situation is fluid and unstable. A meaningful review of the functioning of the SU and, indeed, of the role of the ILO in general cannot be made at this stage. Regarding the mechanism set up by the SU, it is not possible today to say to what extent it is fully functional after the civil unrest and its suppression, and thus to what extent experiences from it can be built upon. The first report (GB.300/8) already indicated some elements which could be developed further. The Government has reaffirmed that it remains committed to the mechanism, for which the one year trial period comes to an end on 26 February 2008. A more comprehensive report will be made to the Governing Body for its March 2008 session.
10. ILO activities to assist the Government in implementing the forced labour Convention do not take place in isolation. The general environment, and particularly attempts to overcome the current situation through dialogue, is of capital importance if ILO activities are to sustainably contribute to the elimination of forced labour and, through that, in general to improving the rights of all citizens of Myanmar. Consequently, decisions and processes at the national level in general are crucial also for the prospects of immediate and longer term ILO action in Myanmar.

Geneva, 9 November 2007.

Submitted for debate and guidance.