
307th Session of the Governing Body of the International Labour Office (March 2010)

SIXTH ITEM OF THE AGENDA

GB.307/6

Conclusions concerning Myanmar

The Governing Body took note of the report of the Liaison Officer, the statement made by the Permanent Representative of the Government of the Union of Myanmar and the subsequent discussion. In light of the debate, it made the following conclusions:

1. The recommendations of the Commission of Inquiry for compliance with the Forced Labour Convention, 1930 (No. 29), have still not been implemented, and the primary objectives of the eradication of forced labour in both law and practice, as well as ending the impunity which allows forced labour to continue, remain unachieved. Sustained action at all levels, including by the local authorities, is necessary.
2. The further extension until 25 February 2011 of the trial period of the Supplementary Understanding, agreed during the High Level ILO mission visit, is noted as an encouraging step. The complaints mechanism established by the Supplementary Understanding continues to function, particularly in cases of the recruitment of minors into the military. There is a need for the national application of a proper and accountable recruitment system.
3. It is imperative that the Government strictly ensures, in accordance with the provisions of the Supplementary Understanding, that there is no judicial or retaliatory action, or any other form of harassment of complainants, their representatives, facilitators and/or any other relevant persons involved in the complaints. Without this, the necessary confidence in the complaints mechanism is absent. It is crucial that access to the complaints mechanism is facilitated.
4. Certain positive developments have been noted regarding the earlier conclusions of the Governing Body, such as: the Government's agreement in principle to a simply worded brochure in the local language; increased local media reporting on the rights contained in the Supplementary Understanding; the continuation of joint awareness-raising seminars and training; and the imposition of prison sentences on certain military as well as civilian personnel for the use of forced labour and under-age recruitment.
5. In considering these steps the Governing Body looks forward to an early agreement on the brochure wording and its wide distribution in the near future, particularly in rural areas. It further encourages the continuation of joint awareness-raising and training activities, which should be broadened further to encompass the wider community.
6. While welcoming the release of 13 out of the 17 persons imprisoned for activities which have been the subject of procedures under the Supplementary Understanding, the Governing Body calls for the urgent release of the four persons associated with

the operation of the Supplementary Understanding who remain in prison (U Zaw Htay, U Htay Aung, U Nyan Myint and Maung Thura Aung).

7. The Governing Body strongly reiterates its call for an early release of all of the imprisoned labour activists referred to in its previous conclusions (these include, among others, Su Su Nway, U Min Aung, U Myo Aung Thant, U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min).
8. The Governing Body expresses serious concern at the delay in the approval of the visa application submitted for an additional international professional staff member to strengthen the capacity of the Liaison Officer to meet the growing work demands under both the initial Understanding and the Supplementary Understanding. It trusts that the Government will take immediate action to remedy this situation.
9. The Governing Body shares the concerns expressed in this debate and during the 98th Session of the International Labour Conference (2009), concerning the absence of freedom of association rights, which is an area intimately linked to the elimination of forced labour. The Governing Body welcomes the fact that the January 2010 ILO mission discussed with the Government the basic principles of trade union legislation. The Governing Body thus urges the Government to continue to seek and make use of information and advice from the Office so that early progress can be made concerning the legal framework for respecting freedom of association.
10. The Government should take immediate steps, without waiting for any future legislative action, to guarantee in practice the right of workers to organize freely in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Myanmar, in order to promote and defend their occupational interests. This is particularly important in the context of any industrial conflicts.