
312th Session of the Governing Body of the International Labour Office (November 2011)

SIXTH ITEM ON THE AGENDA

GB.312/INS/6

Draft conclusions concerning Myanmar

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

- (1) The Governing Body welcomes the positive developments in Myanmar since March 2011 but remains concerned that serious problems in the use of forced labour persist. The Governing Body calls for the continuation of strengthened resolute and proactive action for the full implementation of the recommendations of the 1998 Commission of Inquiry.
- (2) The Governing Body notes that legislation, prohibiting the use of forced labour in all its forms and repealing both the Towns and Villages Acts of 1907, is before Parliament. The Governing Body regrets the absence of consultation and urges the early adoption and coming into force of that legislation. It underlines that full conformity of the new law with Convention No. 29 is required to meet the relevant recommendation of the Commission of Inquiry.
- (3) The Governing Body urges that the practice of the imposition of forced labour on prisoners, particularly as porters in conflict areas, cease immediately and again invites the Government to avail itself of the technical assistance of the ILO in the review of the Jail Manual.
- (4) The Governing Body welcomes the commencement of direct discussion with the Tatmadaw (armed forces) and looks forward to further substantive policy and behavioural change for the elimination of forced labour and the ending of impunity.
- (5) The Governing Body also welcomes the commencement of, and encourages the continuation of, direct discussion with the Ministries of Finance and Planning and looks forward to confirmation that planning and financial management processes sufficiently provide for the payment of wages in government operational and project activities.
- (6) The Governing Body welcomes the release of U Zaw Htay, U Nyan Myint, Daw Su Su Nway, U Min Aung, U Myo Aung Thant and other labour activists and strongly urges the early release of U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min, as well as other labour activists remaining in detention.
- (7) The Governing Body again calls on the Government to facilitate the free access of the Liaison Officer to detainees and to effect the reinstatement of the advocacy licences of U Aye Myint and Ko Pho Phyu.

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- (8) The Governing Body again stresses the critical importance of a comprehensive proactive approach encompassing not only the continuation of awareness-raising activities and the management of the complaints mechanism but also the effective prosecution of forced labour perpetrators, military and civilian, under the Penal Code.
 - (9) The Governing Body notes the priority action taken towards the resolution of a number of long-standing complaints in the Magwe region and looks forward to receiving confirmation that they are at last satisfactorily resolved.
 - (10) The Governing Body welcomes the expanded awareness-raising activities being undertaken, including the production and distribution of the information brochure in Shan language, and encourages the continuation of this partnership activity and its expansion into other languages. The Governing Body further notes the positive initiative of the proposed training of police personnel to ensure their understanding of their role and responsibilities, in collaboration with the military, in the elimination of forced labour, including in respect of procedures to address the continuing problems of under-age recruitment and their alleged desertion.
 - (11) The Governing Body, whilst recalling all of its previous conclusions and recommendations, encourages the ILO and the Government in their continuing positive collaboration within the framework of the Understanding and its Supplementary Understanding which should be further extended in February 2012. It also encourages the Government to respond positively to all ILO related recommendations made by the Human Rights Council during the Universal Periodic Review.
 - (12) In light of the above, the Governing Body considers it essential to strengthen the capacity of the Liaison Office and therefore reiterates in the strongest terms its repeated calls on the Government to issue without delay the visas necessary to this effect.
 - (13) The Governing Body notes the calls for a review by the International Labour Conference of the mandate defined by the 1999 resolution and will consider this issue at its March 2012 session.

Geneva, 16 November 2011