



Governing Body

313th Session, Geneva, 15–30 March 2012

GB.313/INS/6(Add.2)

Institutional Section

INS

Date: 26 March 2012

Original: English

SIXTH 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



THE GOVERNMENT OF THE REPUBLIC
OF THE UNION OF MYANMAR
MINISTRY OF LABOUR
OFFICE OF THE UNION MINISTER

Ref: 91-Ah La/Div (1)2012(1879)
Date: 23 March 2012

Dear Mr. Marshall,

First of all, I would like to mention, it is regrettable that the ILO High Level Mission's recommendations provided in the consultations undertaken during the January 2012 were unable to be included in the Ward or Village Tract Administration Law as the concerned Ministry has submitted the Draft of the said Law to the Hluttaw (Parliament) already at that time. I deeply regrets for it.

In this regard, although we make every possible effort and find the approach how could the recommendations made by the ILO experts be amended in the Ward or Village Tract Administration Law before the Union Hluttaw (Parliament) session concludes with determination, because of the limitation of the time available, it was fail to be included all the intended facts.

However Ministry of Home Affairs submitted the Draft Amending Ward or Village Tract Administration Law to the Union Hluttaw (Parliament) on 21th March 2012 and fortunately the most crucial two essence points are approved by the Parliament in the last day of the third session of the Parliament. In the amended Ward or Village Tract Administration Law, Article 27 A, the definition of Forced Labour and the Penalty which is equivalent to the power of the Penal Code Article 374 are unambiguously legislated. It is also clearly seen that although maximum prison sentence in this law is 6 months, forced labour penalty is one year in order to be matched with the penal code.

In this context, your report to the 313th Session Governing Body in Part III, under the title of "Developments in respect of the elimination of Forced Labour", further developments of Conclusion (2) is to be updated since what you mentioned "the previous recommendations of the ILO supervisory body regarding the need for specific provision in law expressly prohibiting forced labour in order to remove any ambiguity arising from Article 359 of the Constitution and to ensure the applicability of Section 374 of the Penal Code" is already solved out.

You would recognize, this is a remarkable accomplishment that forced labour could be defined as a legislation clearly and to be recorded in Myanmar's history for the very first time.

23/05/2012 16:03

95441 F 002

2

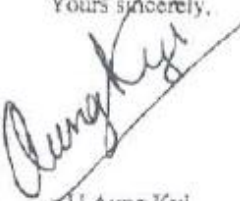
Since this law has been approved by the Parliament, it will be enforced immediately throughout the country within (14) days. I also believe that we could set up the very first basic foundation to implement the Joint Strategy together with other concerned Ministries in future effectively and efficiently.

Therefore, I am much obliged to request you to support for lifting the long lasting Sanctions on Myanmar which cause Myanmar people suffer a lot.

- Attachment:** (1) Unofficial translation of amended Ward or Village Tract Administration Law
(2) Amended Ward or Village Tract Administration Law (Myanmar Version)

With regards,

Yours sincerely,



U Aung Kyi
Union Minister

Cc:

- Office copy

Unofficial translation (Ministry of Labour, Myanmar)

The Law Amending the Ward or Village Tract Administration Law

(The Pyidaungsu Hluttaw Law No. /2012)

The ---- waning Day of Tabaung, 1373 M.E.

(March 2012)

The Pyidaungsu Hluttaw hereby enacts the following law

1. This Law shall be called the Law Amending the Ward or Village Tract Administration Law.
2. In the Article 27 of the Ward or Village Tract Administration Law,
Article 27 A shall be supplemented as follows:
27 A - Anyone who exacts work or service from any person under the menace of any penalty and for which the said person has not offered himself voluntarily shall be punished with imprisonment for a term not exceeding one year or with a fine not more than one hundred thousand Kyats or with both by the relevant Court."