



Statement by His Excellency U Wunna Maung Lwin, Ambassador/Permanent Representative of the Union of Myanmar at the Committee on the Application of Standards of the 97th Session of the International Labour Conference Geneva, 31 May 2008

Madam Chairperson,

I thank you for giving me the floor.

At the outset, I would like to extend to you our warmest congratulations on your election to the Chair of this esteemed Committee. We are confident that, with your outstanding diplomatic skills and high professionalism, you will be able to steer this session to a successful conclusion.

Madam Chairperson,

Myanmar is at the moment passing through a most important phase in its modern history. The national referendum to adopt the new State Constitution, was held successfully on 10 May 2008 in 278 out of 325 townships in Myanmar and the remaining townships of Yangon Division and Irrawaddy Division, which were hit by severe cyclone "Nargis", on 24 May 2008 respectively. According to the result, over 26.8 million eligible voters cast in favour of the constitution accounting for 92.48 per cent in the referendum. Therefore, new state constitution has already been approved by overwhelming majority of the people of Myanmar. The State Peace and Development Council has issued Announcement No.7/2008 on 29 May 2008 announcing that the State Constitution of the Republic of the Union of Myanmar has been ratified and promulgated by the National Referendum.

Thus, Myanmar has successfully completed the Fourth Step of the Seven-Step Road Map. The multi-party democracy general elections which is the Fifth Step, will be held in 2010. This is indeed a significant progress to Myanmar's political transition towards a democratic society.

Madam Chairperson,

The joint field visit of the Ministry of Labour and the ILO Liaison Officer on 20 to 21 May 2008 to Nyaung Lay Bin Township, Bago Division for awareness raising had proved the freedom of movement of the ILO Liaison Officer to carry out his responsibilities.

Another area where we have made significant progress is the public awareness and educational activities. A special press conference organized by the Ministry of Labour was held on 26 March 2007 in Nay Pyi Taw. The Director-General of the Department of Labour explained in detail about the Supplementary Understanding. Then, he replied the questions raised by the reporters and journalists in this regard. The Ministry of Labour is also publishing the news about the prohibition of forced labour in the country in the local newspaper, the New Light of Myanmar on 31 March 2007.

In response to the request of the Governing Body, the translation of SU into Myanmar language has been completed and uploaded in the website of Ministry of Labour. The translated version of SU has also been sent to the Liaison Officer of the ILO.

Since 301st Session of the ILO Governing Body, the Liaison Officer received (78) complaints cases. Among these, (45) cases were transmitted to the Working Group for necessary actions after the preliminary investigation has been made by Liaison Officer. Of the (45) cases, (29) have already been closed after necessary investigation was made

by the Ministry of Labour. The remaining (16) cases are under investigation and will be finalized in the near future.

At the end of February 2008, the ILO Liaison Officer has transmitted (19) cases relating to the military to the Chairman of the Working group, the Deputy Minister for Labour. The Ministry of Labour submitted those cases to the Adjutant General's Office of the Ministry of Defence for necessary actions. The details of these cases have already been informed to the Committee of Experts on the Application of Conventions and Recommendations, CEACR on 28 February 2008.

After that ,the Ministry of Labour has received another (6) new cases from the ILO Liaison Officer and these new cases were also forwarded to the Adjutant General's Office of the Ministry of Defence for necessary actions. Therefore, the total number of Military related cases is (25). Of the said (25) cases (16) have already been closed and only (9) cases remained. Among the (9) remaining cases, (4) have already been replied to the ILO Liaison Officer and (5) cases are still under investigation.

Madam Chairperson,

Myanmar attaches great importance to the question of protection and promotion of the rights of the child. Myanmar is a state party to the Convention on the Rights of the Child. Myanmar has enacted the Child Law as well as the Military Service Recruitment Laws and Regulations, and under these laws and regulations recruitment of minors under the age of 18 is illegal.

I also wish to state that the UN country team in Myanmar has been cooperative and supportive of the Government's endeavours to prevent the recruitment of under-age children. We will continue our cooperation with the United Nations country team and also with the Special Representative of the Secretary General for Children and Armed Conflict.

With regard to Su Su Nway, I wish to inform that she has been charged in two cases. The first case is under Sections 124(a), 130(b) and 505(b) of the Penal Code. The second case is under Sections 143, and 147 of the Penal Code. The trial is at the West Yangon District Court and is still proceeding. May I also mention that in both cases all Sections of the Penal Code she is charged with does not relate to neither the SU nor workers affairs.

As regard to the case of Min Aung, I would like to reiterate that he had been charged under Penal Code Section 143 for punishment of a member of an unlawful assembly and Section 295 for deliberating a malicious act intended to outrage religious feelings of any class by insulting its religion or religious beliefs and also under Section 505(b) statements conducting to public mischief. For the above Sections, he has been found guilty and sentenced accordingly by the Thandwe District Criminal Court. Upon appeal to the Rakhine State Criminal Court the sentences have all been reduced. For your information all above Sections of the Penal Code are beyond the S.U or workers affairs and the Supreme Court confirmed the decision of the Rakhine State Criminal Court. Also in another case Min Aung was charged in the Thandwe District Criminal Court under Section 6 of the Formation of Associations Law Section 6 and has been found guilty and sentenced. Appeal was made to the Rakhine State Court and sentence reduced.

I would like to reconfirm that the case of Thet Wai was not in any way associated with activities against forced labour. He was charged under Section 353 of the Penal Code which is the assault or criminal force to deter public servant from discharge of his duty and Section 189 threat of injury to public servant under the Penal Code. As of the date ,the trial is proceeding at the Pabedan township Court in Yangon Division.

Madam Chairperson,

Among the basic principles which has been enshrined in the new State Constitution, the provision related to the forced labour is specifically mentioned in the Chapter VIII, Para 359.

This clearly demonstrates that the Government of the Union of Myanmar has put in place a comprehensive framework of legislative measures to eliminate the practice of forced labour in the country.

Madam Chairperson,

May I take this opportunity to brief the situation in Myanmar after the powerful tropical cyclone which severely hit the country.

Early this month, Myanmar had faced the most severe natural disaster in its history. The cyclone "Nargis" hit Ayeyawady and Yangon Divisions on the 2nd and 3rd May. The effect was devastating. About two days before the natural disaster, national television and radio continuously warned the people in the regions about the storm. However, the magnitude of the storm was very severe that 120 to 150 miles per hour wind and the 12 feet high sea tide had rendered the local people unable to move from the areas. As a result, 77,738 people had been confirmed dead, 55,917 people were still missing and 19,359 were injured.

In this regard, the Government in cooperation with the international community, takes emergency relief and rescue measures including establishing the emergency relief camps, distribution of the emergency relief provisions to the cyclone victims.

The Government of Myanmar is also closely working with ASEAN, her neighbouring countries and the international community. On 19 May, ASEAN established an ASEAN-led coordinating mechanism to facilitate the effective distribution and utilization of assistance from the international community. A Task Force headed by ASEAN Secretary-General has been formed to function the mechanism.

As of 25 May 2008, we have received 3273.20 tons of humanitarian supplies delivered by 221 cargo flights from various countries and organizations. In addition, we receive the emergency relief provisions delivered by sea and land everyday. These supplies have been distributed to the victims immediately.

The Government of the Union of Myanmar announced a three-day National Mourning Period for the cyclone victims from 20 to 22 May 2008.

The Chairman of the State Peace and Development Council Senior General Than Shwe toured the cyclone-hit areas on 19, 20 and 21 May 2008 respectively and encouraged the victims in the affected areas.

The Myanmar Government arranged tour visit to the relief camps in Yangon and Ayeyawady Divisions for the diplomats and UN agencies and representatives from the donor countries and international organizations on 17, 21 and 22 May 2008 respectively.

United Nations Secretary General Mr. Ban Ki-moon and party had visited relief camps in the hardest-hit delta areas on 22 May 2008 and the local authorities explained the measures on rehabilitation tasks, health care services and fulfilling the requirements of the victims to the Secretary General. He was received by the Head of State and the Prime Minister.

On 25 May 2008, the ASEAN-UN International Pledging Conference was held in Yangon. The 51 countries and 24 international organizations participated in the meeting which

was attended by Mr. Ban Ki- moon . The meeting focused on the cooperation in providing assistance to the victims of cyclone.

Madam Chairperson,

In conclusion, I would like to extend my deep appreciation to the governments, the United Nations, including the International Labour Organization, International Organizations, NGOs, private individuals and friends far and near for the sympathy and condolences expressed and kind generosity in donating emergency relief provisions as well as financial support for relief and resettlement of the victims in cyclone hit areas. On this occasion, I would also like to express our gratitude to Mr. Steve Marshall and his staff of the ILO Liaison Office which is, as a part of the UN Country Team, actively cooperating with the Government in the relief efforts.

I thank you Madam Chairperson.