

Myanmar

Permanent Mission of the Union of Myanmar

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Statement

by

**His Excellency U Wunna Maung Lwin,
Ambassador / Permanent Representative
of the Union of Myanmar**

at the

304th Session of the ILO Governing Body

Geneva, 25 March 2009

Mr. Chairman,

Thank you for giving me the floor.

This year marks the 90th Anniversary of the founding of the International Labour Organization. It is indeed an honour and pleasure for me to join the other members of the ILO in celebrating this auspicious occasion of the milestone of the International Labour Organization.

Mr. Chairman,

I should like to commend you for your important contribution and able leadership at the previous sessions as well as the current 304th Session of the ILO Governing Body. I am fully confident that with your wisdom, knowledge and strong leadership, our deliberations will bring about a successful conclusion. Allow me to take this opportunity to extend my tribute to the two vice-Chairmen and other members of the Bureau.

I would like to inform the House on the latest developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention No. (29) as well as the cooperation between the Government of Myanmar and the ILO.

The twelfth ILO mission led by Mr. Kari TAPIOLA, Executive Director of the International Labour Office, accompanied by Mr. Drazen PETROVIC, Principal Legal Officer, Office of the Legal Adviser visited Myanmar from 24 February to 1 March 2009. While in Myanmar, he was received by Minister for Labour U Aung Kyi. A meeting was also held between the ILO Working Group for Prevention Against Forced Labour led by Deputy Minister for Labour U Tin Htun Aung and the ILO mission at the Ministry of Labour in Nay Pyi Taw. The two sides discussed about the effective implementation of Supplementary Understanding and the other matters relating to labour issues.

Afterwards, the Deputy Minister for Labour U Tin Htun Aung on behalf of the Government of the Union of Myanmar and Mr. Kari Tapiola on behalf of the International Labour Organization signed an agreement extending the Supplementary Understanding for another one year trial period.

In response to the requests made by the 97th Session of June ILC and 303rd Session of November Governing Body with respect to the highest level public statement, the Ministry of Labour issued a Press Release following the signing of the extension of the SU. In this Press Release, Minister for Labour U Aung Kyi stated that he welcomed the continuation of the cooperation between the Government and the ILO

which once again confirms the Government's high level commitment to its policy for the prohibition of forced labour and that the SU supports the Government's political commitment to the eradication of forced labour. This Press Release was widely publicized in the local daily newspapers in English and Myanmar version. This had been reflected in the Liaison Officer's Report (GB.304/5/1).

With respect to the translation of SU in appropriate local language which was mentioned in the Conclusions of the 97th June ILC and para 3 of the Conclusion of November GB 303rd Session, the text of Supplementary Understanding and its related documents had been translated and distributed not only to States and Divisions but also to Districts, Townships, Wards and Villages. This implementation has been mentioned in the Liaison Officer's Report (GB.304/5/1).

Both sides acknowledged that this ILO mission to Myanmar has produced positive results, and has contributed to the further advancement of cooperation between the Government of Myanmar and the ILO. This achievement clearly illustrates the responsibilities of the both parties in continuing constructive cooperation on the eradication of forced labour in the country.

During their stay in Myanmar, a programme for field visit was arranged to cyclone affected Mawlamyain Gyun Township where first phase of the ILO infrastructure projects has been implemented and the second phase is being carried out in accordance with the recommendation of the November Governing Body 303rd Session.

With regard to the complaints received by the ILO Liaison Officer, he forwarded (81) cases to the Working Group for Prevention Against Forced Labour. Out of (81) cases, (72) cases have already been resolved and replied to the Liaison Officer and (9) cases are still under investigation with the collaboration of the departments concerned and will be finalized in the near future. Among the replied (72) cases to the Liaison Officer, (62) cases have already been closed and (10) cases are currently under assessment by the Liaison Officer.

The Liaison Officer is enjoying the freedom of movement in the country to carry out his mandate in accordance with the SU. He visited 5 townships, namely Magwe, Aunglan, Nat Mauk, Monywa and Myitkyinar to find out the situation on the ground for preliminary assessment of the complaint cases.

The workshops on the awareness raising activities for the eradication of the practice of forced labour between the Labour Department and the ILO in States and Divisions had been planned during this year. The two workshops will take place before June 98th International Labour Conference. The facts are expressed in the Liaison Officer's Report (GB 304/5/1).

Regarding Thet Wai and Su Su Nwe, mentioned in the para (5) of the Conclusions of November GB 303rd Session, I would like to inform the meeting that Thet Wai was released on 21 February 2009 and the imprisonment term of Su Su Nwe has been reduced. The facts had been demonstrated in the Liaison Officer's Report (GB.304/5/1).

In order to fulfill the para (7) of the Conclusions of November GB 303rd Session concerning the post-cyclone relief work, I would like to inform the House that the Government of Myanmar has been cooperating with the ILO on the rehabilitation and reconstruction works in the Mawlamyine Gyun Township. The first stage of the pilot project including the construction of (4) miles of village and inter-village tracks, (2) jetties, (5) small bridges and (40) lavatories were completed on 5 January 2009. This pilot project was able to create job opportunities for (5556) workers in this area.

The Stage (2) Project Work Plan which includes the construction of (6) village tracks in (30) villages has been undertaken since 13 February 2009 and this project was being funded by the Department for International Development (DFID) of the United Kingdom. A total of (1981) skilled labour and (20106) general workers are involved in this second stage project. Thanks to this project (22087) jobs have been created.

With the supervision of the local authorities and recommendations of the ILO there have been no reports of the forced labour on the ground. Therefore, I would like to take this opportunity to extend our appreciation to ILO on the constructive efforts in advancing the livelihood of these people. The details of the project had been expressed in the Liaison Officer's Report (GB 304/5/1).

Mr. Chairman,

Let me now turn to Myanmar's cooperation with the United Nations.

As a member of the United Nations, we are continuously cooperating with the global body. Mr. Ibrahim Gambari, the Special Adviser of the UN Secretary General visited Myanmar from 31 January to 3 February this year. We had extended similar cooperation to Mr. Tomas Ojea Quintana, the Special Rapporteur on the situation of human rights in Myanmar whose visit took place from 14 to 19 February 2009 and the United Nations High Commissioner for Refugees, Mr. Antonio Guterres also visited Myanmar from 7 to 12 March 2009. After these visits, they expressed their appreciation for the hospitality that had been extended to them by the government and for the arrangements that had been made to facilitate their missions, including field visits to far-flung areas in the country to find the true situation on the ground.

In response to the concern regarding the under-age recruitment which had been mentioned in para (4) of the Conclusions of the 97th

Session of June 2008 ILC, and para (6) of the Conclusions of the 303rd Session of 2008 November GB, I also wish to inform that Myanmar attaches great importance to the question of protection and promotion of rights of the child. Myanmar is a state party to the Convention on the Rights of the Child since 16 July 1991. Military service is voluntary in Myanmar. Under the Myanmar Defence Services Act 1974 and the War Office Council directive 13/73, a person cannot enlist in the armed forces until he has attained the age of 18.

In this regard, the Government has established the Committee for Prevention against Recruiting Minors into Military on 5 January 2004. In Myanmar, recruitment of under-age children for military services is prohibited by laws and orders. According to the Plan of Action laid down by the Committee, new recruits were scrutinized at following three stages: the recruiting stage, the basic training camps and the military units. As a result, a total of 83 under-age children have been rejected from the military last year. The Committee is in close cooperation with the UNICEF for organizing awareness training programme. Therefore, the course on prevention of recruiting child soldiers was jointly conducted two times by the Committee, the Social Welfare Department and the UNICEF.

Among the complaint cases received from ILO Liaison Officer, (45) cases had been found as under-age recruitment. After the verification of testimonial documents, a total of (35) persons who had been recruited as the under minimum requirement age of 18-year old were allowed to discharge from the armed forces and they were properly handed-over to their respective parents and guardians. Accordingly, these cases have already been closed. The disciplinary actions were taken against those who recruited these under-age persons into armed forces. The military recruitment units had been instructed to ensure strict observance of rules, regulations and directives concerning the acceptance of recruitment of youth who must attain the age of 18 and need to be fit for military services.

Mr. Chairman,

The above-mentioned developments had clearly demonstrated the firm evidence of the sincere cooperation of the Government of Myanmar with the ILO in response to the conclusions adopted at the 97th Session of ILC, June 2008 and the 303rd Session of the Governing Body, November 2008 respectively.

In conclusion, I would like to reiterate that Myanmar has shown its political will and she has been and will be cooperating in a constructive manner with the ILO with a view to eradicating the practice of forced labour in the country.

I thank you.