



FIFTH 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 functioning of the complaint mechanism established under the “Supplementary Understanding”**

1. As reported in GB.298/5/1, a Supplementary Understanding was signed between the ILO and the Government of Myanmar on 26 February 2007. The mechanism that it established to deal with complaints of forced labour came into force immediately. This document will provide a brief update to the Governing Body on the initial functioning of the mechanism (it being recalled, however, that the complaints themselves are dealt with on a confidential basis).
2. At the time this document was finalized, a little less than four weeks after the establishment of the mechanism, the Liaison Officer a.i. had received a total of four complaints. He has rejected one of these complaints on the grounds that it was unrelated to forced labour. After carrying out preliminary assessments of two of the remaining cases, he was of the view that they involved a situation of forced labour, and accordingly transmitted them to the authorities (that is, the Working Group established for this purpose) for investigation and appropriate action. As regards the fourth case, the Liaison Officer a.i. is awaiting further information that would enable him to make a preliminary assessment.
3. In the first of the two cases that were transmitted to the Working Group, an investigation team headed by the Director-General of the Department of Labour has visited the area and completed its investigation. The Working Group has informed the Liaison Officer a.i. that the investigation confirmed that forced labour had been imposed as alleged by the complainant, that prosecutions against three persons responsible for this under section 374 of the Penal Code have been initiated in the township court, and that administrative action has been taken against some other responsible officials. The Liaison Officer a.i. understands that the imposition of forced labour in the village concerned has now ceased. The Liaison Officer a.i. will remain in close contact with the authorities and with the complainant to follow the progress of this case.

4. The second case transmitted to the Working Group concerned the recruitment of a minor into the armed forces. As provided for in the Supplementary Understanding, this complaint was transmitted by the Working Group to the “most competent authority” (in this case, the Office of the Adjutant General) for investigation and necessary action. The Liaison Officer a.i. has been informed by the Working Group that the person in question has been withdrawn from military training, that he has been returned to the care of his family, and that the Office of the Adjutant General will take action against those responsible. The Liaison Officer a.i. has also been informed by the family of the safe return of their son.
5. The Liaison Officer a.i. has had an opportunity to travel within Myanmar following the agreement on the Supplementary Understanding. He visited Mandalay from 22 to 23 March, a trip that was conducted independently of the authorities.¹
6. To date, no major issues have arisen, and the general view of the Liaison Officer a.i. is that the implementation of the mechanism is proceeding smoothly.

Geneva, 26 March 2007.

¹ In line with previous practice and, as provided for in the Supplementary Understanding, he informed the authorities of his plans a few days prior to his departure.