

**DRAFT CONCLUSIONS CONCERNING THE FIFTH ITEM ON THE
AGENDA (MYANMAR)**

The Governing Body took note of the report of the Liaison Officer and listened with interest to the statement made by the Permanent Representative of the Government of the Union of Myanmar. In light of the information available, and considering the interventions made during the debate, the Governing Body concludes as follows:

1. Sustained measures continue to be needed for the full implementation of the recommendations of the Commission of Inquiry and to ensure that the use of forced labour in Myanmar is totally eliminated.
2. An effective ILO presence in the country is useful and the extension of the trial period of the Supplementary Understanding (SU) for a further 12 months from 26 February 2009 is therefore welcomed.
3. All citizens of Myanmar should have access to the complaints mechanism established by the SU and actions to that end need to be intensified during the extended trial period. These include promoting the need for wider public understanding on the availability and use of the complaints mechanism and the guarantee of access to it without risk of any harassment or retribution. The criminal prosecution and punishment of those guilty of exacting forced labour is also essential for the credibility of the process.
4. The Governing Body notes certain, albeit limited, positive steps taken by the Government of Myanmar as recorded in the Liaison Officer's report. These include, amongst other things, the agreement to further and more systematic awareness raising activities including in sensitive areas, the distribution of translations of the relevant texts and the facilitation of the Liaison Officer's access to people and his freedom of movement around the country to carry out his responsibilities under the SU.
5. The translation of the SU trial period extension and of the Minister of Labour's public confirmation of the Government's commitment to the objective of the elimination of forced labour and of the right of citizens to use the complaints mechanism without fear of retribution are welcomed. However, those translations as well as a simply worded publication should be made available also in minority languages and widely distributed.
6. The Governing Body reminds the Government that an authoritative statement at the highest level remains necessary to clearly reconfirm to the people the Government's policy for the elimination of forced labour and

its intention to prosecute the perpetrators of forced labour, both civilian and military, so that they are appropriately and meaningfully punished under the Penal Code.

7. The release from prison of U Thet Wai, in response to the Governing Body's previous calls, is noted. However, the recent arrests and sentencing of U Zaw Htay and of his lawyer U Po Phyu, being clearly linked to the activity of the facilitation of the SU complaints mechanism, are viewed as being extremely serious. The Governing Body calls for the urgent review of these and all other similar cases and for the immediate release of the persons concerned.
8. The Governing Body views extremely seriously the harassment of those who make use of their right to seek redress from the use of forced labour through the ILO or the harassment of others supporting that process. Such harassment is contrary to the letter and intent of the SU and seriously affects the credibility of the complaints mechanism.
9. The progress reported in the rural infrastructure project underway in the cyclone affected Delta region is noted. In addition to the humanitarian and livelihood benefits arising from this activity, this project has proven to be a valuable tool providing a best practice employment model against the use of forced labour. The cooperation of the Government in this regard is also noted. The Governing Body recommends that the Liaison Officer and the Government continue to work together to identify possible modalities for the continuation of this activity, within the existing framework, in the Delta region and potentially in other parts of the country.
10. In line with the current ILO mandate in Myanmar, the Governing Body welcomes the Liaison Officer's acceptance of responsibility under UN Security Council Resolution 1612 for monitoring and reporting on underage recruitment and child soldiers. It calls on the Government of Myanmar to continue its cooperation with the Liaison Officer and his staff in this regard and to facilitate the presence of an additional international professional for this purpose.
11. The Governing Body expects to receive a report in November 2009 on substantial progress made on all of the matters referred to in these conclusions.