

Myanmar

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Statement

by

**His Excellency U Wunna Maung Lwin,
Ambassador/ Permanent Representative
of the Union of Myanmar
at the 307th Session of the ILO Governing Body**

Geneva, 25 March 2010

**Statement by H. E. U Wunna Maung Lwin, Ambassador/Permanent Representative
of the Union of Myanmar at the 307th Session of the ILO Governing Body
(25-3-2010)**

Madam Chairperson,

First of all, allow me to congratulate you as the Chairman of 307th session of the ILO Governing Body. I am confident that your diplomatic skills and vast experience will guide our work to a successful conclusion. My appreciations also go to the Vice-Chairman and the other members of the Bureau.

Madam Chairperson,

It is the shared goal of my country, the Union of Myanmar and the ILO to eradicate the practice of forced labour in the country. Our joint progressive efforts to this end are bearing fruit. This goal is more obvious today than ever.

Madam Chairperson,

The visit of ILO delegation led by the Executive Director Mr. Kari Tapiola and party from 17 to 24 January 2010 constitutes an important start of our joint efforts this year. During the visit, the ILO delegation met with Minister for Labour in Nay Pyi Taw. They had discussions with the Working Group on Convention No. 29 led by the Deputy Minister for Labour. The delegation also had the opportunity to meet with the Committee on the Prevention for the Recruitment of Underage Children. Additionally, the delegation made a field visit to *Aunglan* where they met with the family members of farmers who had land dispute among them.

The most important outcome of the visit, in our view, is the extension of the Supplementary Understanding between Myanmar and the ILO for another year. The Supplementary Understanding was first signed on 26 February 2007 and has been extended, on yearly basis, since then. We should realize that the extensions were possible because of the political will of the Government to keep the momentum of cooperation with the ILO.

Madam Chairperson,

The smooth and effective functioning of the complaint mechanism since its inception in February 2007 testifies the Government's will to comply with the letter and spirit of the Supplementary Understanding between Myanmar and the ILO. As the result of the Government's cooperation with the ILO, there were only (5) complaints in 2009 received by the mechanism as compared to (12) and (11) in 2008 and 2007 respectively. These numbers speaks for themselves. We firmly believe that this trend is the result of awareness activities for civil and military authorities in the form of trainings, workshops

or seminars. At the same time, the population is also receiving information on the existence of Complaints Mechanism, how it works, the assurances to complainants, and domestic law relating to forced labour through domestic media such as newspapers, journals and periodicals. It is the increased awareness of the authority and people that enable decrease in complaints. The simply worded brochure which is under way will no doubt contribute to this increased awareness.

Madam Chairperson,

There is also a trend in the Complaint Mechanism on under-age recruitment. This trend is also the result of increased awareness and highlights the role played by the Mechanism. At this point, I would like to highlight that the Mechanism is not the only available mean to address the issue. Any parents or guardians or relatives can file their complaints directly to any recruitment centres or military establishments. There is no hindrance on the part of the military authority to receive and follow it up. The Committee for the Prevention of Military Recruitment of Under-age Children is actively engaging in various tasks to meet its objective. Activities include awareness raising such as poster campaigns, training of military personnel, monitoring the recruitment process, taking action on perpetrators and more importantly speedy and steadfast releasing of under-age recruits, if proven. Since its inception in 2004, 344 under-age children have been handed back to their parents or guardians by the Committee. In 2009, 100 under-age children were handed back and including 38 for whom the complaints were received through ILO Mechanism or ICRC. On enforcement, 35 officers or other ranks were penalized in 2009. Action was taken against a total of 102 military personnel since 2004.

The active work of the Committee for the Prevention of Military Recruitment of Under-age Children is duly recognized in the Liaison Officer's report. The Committee will continue its important work including finalizing a Plan of Action in close cooperation with UNICEF, UNHCR and others.

Madam Chairperson,

I would like to briefly touch upon recent release of farmers from *Aunglan* Township. It is important to know that the prison sentences were laid down against those farmers because of the court decision on their crime of trespassing and damaging to other's properties. It has nothing to do with their past activities. They were released after their appeal was reviewed by the higher court. Despite the circumstances surrounding their penalty and release, I am pleased to note that a difference between Myanmar and the ILO has come to an end.

Madam Chairperson,

I would like to inform you of recent labour strikes in Myanmar. In February this year, workers from 16 factories in Industrial Zones of Yangon Division, most of them are from garment industry, had staged a sitting strike and asked for a raise in pay and other rights. This strike perhaps is triggered by the pay raise to government servants in

January this year. An agreement was then reached without resorting to violence from any party. This incident amply demonstrates the fact that workers in Myanmar are in a position to express their difficulties and problems freely and their rights are protected. Throughout the history, Myanmar recognizes the important role played by the farmers and workers for the economy and development of the country. The interest of workers has always been high on the agenda. The Ministry of Labour was instrumental in addressing the recent disputes. I am pleased to inform that the Government, the Employers and the Workers sat together and were able to settle them peacefully.

Madam Chairperson,

Questions relating to Freedom of Association particularly basic principles of draft Trade Unions Law were also discussed with the Working Group. In this connection, I would also like to inform you that we are working on draft legislation with regard to Convention No.87. Discussion on this question during the Executive Director's visit was very helpful. The Working Group received invaluable piece of advice from Ms. Karen Curtis, the Deputy Director of the International Standards Department.

The citizens' rights are guaranteed in the new constitution under chapter VIII – Citizenship, Fundamental Rights and Duties of Citizens. Citizens' rights include the right to express their convictions and opinions freely, the right to assemble peacefully and the right to form associations and unions. There can be no doubt that workers' associations will soon come into existence once the new constitution comes fully into effect.

Madam Chairperson,

With regard to the Report of the Liaison Officer, I wish to express our appreciation to him for his cooperative manner in which he prepared the report. For the first time, we have the opportunity and time to make our comments on the draft report in accordance with the paragraph (6) of the Supplementary Understanding. The report contains some of the views and facts that reflect objective and constructive cooperation to a certain extent. I would therefore like to urge the Liaison Officer to continue to cooperate more with the Government in the transparent manner in order to avoid the perplexity style of mingling the positive, negative and controversial elements in his report.

Madam Chairperson,

In conclusion, I would like to say that there is no immediate or perfect solution to any challenges we face in our life. Eliminating forced labour or its various forms has no exemption. We have identified our challenge and deployed necessary means to overcome it. With political will and determination, we will succeed, with time, in achieving our goal.

Thank you.

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