

Committee on the Application of Standards**Seventh sitting, 3 June 2006, 10 a.m.**

Chairperson: Mr. Sergio Paixao Pardo

Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

The Chairperson, in addition to the documentation before the Committee, referred to another recent event that had been notified by the Liaison Officer a.i. (Mr. Richard Horsey). The latter had met the Minister of Labour of Myanmar and had recommended: suspending the current policy of prosecuting those who lodged complaints; closing the trials and setting free persons who had lodged complaints; and fulfilling the commitments made to the ILO to establish a credible mechanism to deal with complaints. The Minister had undertaken to submit these recommendations to the highest authorities, but had indicated that he could not provide any assurances as to their acceptance.

The Government representative of Myanmar (Mr. SHEIN) indicated that he wished to confine his Government's statement to the report of the Committee of Experts, which had identified four areas in which the Myanmar Government should take action to address the issue at hand, namely: issuing specific and concrete instructions to the civilian and military authorities; ensuring that the prohibition of forced labour was given wide publicity; providing for the budgeting of adequate means for the replacement of forced or unpaid labour; and ensuring the enforcement of the prohibition of forced labour.

With regard to the issuance of instructions by the civilian and military authorities, he stated that the Committee of Experts had acknowledged that such instructions had indeed been issued by the civilian and military authorities. As far as possible, English translations of the texts of these instructions had been supplied to the Committee of Experts. With regard to the instructions and correspondence issued by the Ministry of Defence, he emphasized that not all of these were made available to other ministries and departments of the Government as a matter of principle as they involved the national security interests of the country. Therefore, it was impossible to provide copies or English translations of such correspondence or instructions to a body of an international organization.

Turning to the question of ensuring wide publicity on the prohibition of forced labour, he referred to the fact that in the past the ILO Liaison Officer a.i. had been allowed to attend a workshop in Myeik Township in Tanintharyi Division and another in Kawhmu Township in Yangon Division. His Government would try its best to accommodate the attendance of the ILO Liaison Officer a.i. at any future events if and when they were held.

With regard to providing an adequate budget for the replacement of forced or unpaid labour, he informed the Committee that the allocation of adequate funds had been made in the state budget. The Government would provide the Committee of Experts in due course with the relevant information on the allocation of this budget.

In relation to possible options for a forced labour monitoring mechanism, he recalled that in pursuance of the conclusion of the 294th Session of the Governing Body, his Government had invited an ILO mission to further explore such options. This mission had had extensive discussions with the Government, which had indicated that it was willing to consider Option-I, which was based on the existing framework of the Office of the Liaison Officer in Yangon. During the mission, the Government had also explained why Option-II as suggested by the ILO was unacceptable to Myanmar. He emphasized once again that his Government was willing to pursue Option-I and that detailed discussions with the Office would follow.

He added that there were still two issues that had to be resolved in a manner acceptable to both sides following the ILO mission to Myanmar. The first was the mandate given by the Governing Body to provide protection to complainants or their representatives. The second was to find an acceptable mechanism to address the allegations of forced labour and further explore modalities for resolving forced labour problems in the country. With regard to the first issue, he indicated that while his Government was willing to accommodate the repeated requests from the ILO not to take action against complainants, the situation on the ground made this difficult. There had been a proliferation of false complaints with ulterior political motives and most of the complaints that had been received so far had the political purpose of tarnishing the image of the Government. Therefore, deterrence was needed to cease the proliferation of false complaints and the Government could not condone such unfounded accusations.

Notwithstanding this, he was pleased to inform the Committee that Myanmar had reconsidered its position on this issue and that there had been positive developments in this respect. He indicated in this regard, that the Minister of Labour had received the ILO Liaison Officer a.i. in Yangon on 26 May 2006, who had requested the Minister to reconsider Myanmar's position on the issue of the prosecution of "false" complainants. He was therefore pleased to announce that the Myanmar authorities would put a moratorium of six months on the prosecution of such complainants on an experimental basis. During this period, as an interim measure, the complaints would be handled by the Director-General of the Labour Department, together with the ILO Liaison Officer. In the meantime, both the ILO and the Government would continue to work out the modalities and the legal framework of Option-I so that a mutually acceptable mechanism could be established. He indicated that this arrangement once again reflected Myanmar's willingness to cooperate with the ILO.

He then reiterated his Government's strong objection to the presence and participation in the deliberations of Maung Maung in this Committee. His Government had already sent

a written correspondence in this regard. He wished to take the opportunity to draw the attention of the ILO to the involvement of Maung Maung in terrorist activities in recent years. The Ministry of Home Affairs, in its Notification No. 3/2005 issued on 28 August 2005, had declared the Free Trade Union of Burma (FTUB) an unlawful association under section 15(2) of the Unlawful Association Act. Maung Maung was the Secretary-General of the FTUB. Moreover, the Ministry of Home Affairs had issued Declaration No. 1/2006 on 12 April 2006, which had declared Maung Maung, Hla Oo and the FTUB to be terrorists based on concrete evidence.

Turning to developments since March 2006, he added that in document C. App/D.5, the Liaison Officer had mentioned that he had heard that one of the three persons in the Aunglan case, namely Aung Than Tun, had been sentenced to two years' imprisonment on 19 May 2006 by the Township Court. However, to the knowledge of his Government, nobody had been sentenced and in the absence of witnesses the court had postponed the hearing of the case until 20 June 2006.

He concluded that, although certain quarters had again brought the Myanmar case under the spotlight and had threatened to take action if the Government did not meet its obligations, his Government would try to do the utmost taking into consideration the reality of the situation in the country and the constraints it was facing. The issue could only be resolved through cooperation and engagement, and not through threats and confrontation.

The Worker members deplored the fact that once again the Conference Committee had to address this extremely serious case, which was all the more serious because it had been going on for over 30 years. In 1997, the Commission of Inquiry had noted that Convention No. 29 was being violated in a generalized and systematic manner, both in law and in practice. It had therefore made the following recommendations: that the legislative texts, particularly the Village Act and Towns Act, be brought into conformity with the Convention; that the authorities, and in particular the military, cease to impose forced or

compulsory labour in practice; and that the sanctions provided for imposing forced or compulsory labour be strictly applied. To ensure the implementation of these recommendations, the Committee of Experts had identified four areas in which the Government needed to take concrete steps to bring an end to the imposition of forced labour in the country. Nevertheless, five years later, in June 2005, the Conference Committee had had to note the persistence of flagrant violations of Convention No. 29 and the systematic failure to give effect to the recommendations. The Committee had therefore asked the Governing Body to once again examine the case, which it had since done on two occasions.

Despite all the measures taken by the ILO, the imposition of forced labour persisted in the country. Consequently, the Committee of Experts had once again had to examine the questions on which it was awaiting a response from the Government. With regard to the amendment of legislative texts, the Government claimed that it had issued several orders declaring the requisition of forced labour illegal. However, the Committee of Experts had still not been able to verify the content of these orders, particularly regarding the types of practices considered to be forced labour. Moreover, the Government had been called upon to ensure that the prohibition of forced labour was widely publicized. Although it had referred to the organization of a number of briefings and workshops, it had not indicated their content. In relation to the provision of adequate resources to replace forced and unpaid labour, the Committee of Experts had reaffirmed that it had no detailed information on the allocation of any budgetary resources. Finally, with regard to the measures to be taken to ensure compliance with the prohibition of forced labour, it had made several observations. Firstly, the field observation teams and the focal point established by the Office of the Commander-in-Chief of the army lacked independence and credibility. Secondly, of the 46 cases submitted to the Convention No. 29 Implementation Committee in 2004, only five had been identified as really constituting forced labour, none of which involved the army. Thirdly, those who lodged complaints were now being prosecuted,

rather than those who imposed forced labour, which had led the Liaison Officer a.i. to cease submitting cases of forced labour to the competent authorities. Finally, the Liaison Officer a.i. had been the victim of threats. This persecution of complainants constituted a flagrant violation of Articles 23 and 25 of Convention No. 29 and was contrary to the obligation to eradicate all forms of forced or compulsory labour set forth in the ILO Declaration of 1998.

The Worker members continued by emphasizing that a civilized world demanded a commitment to shared humanity. The members of the United Nations family had been charged with the responsibility for laying down a set of human rights, including labour rights that defined, encouraged and protected that shared humanity. When human beings were maltreating and enslaving each other, that was a violation against humanity and was amongst the worst crimes. When that violation was systemic in a context where perpetrators showed no remorse and demonstrated no willingness to change their behaviour, then the world had to act. That was the case of Burma.

The Worker members drew attention to the huge body of evidence of new and ongoing cases of forced labour in the country. They wished to update the Committee on the reports received of the use of forced labour in recent months, witnessing some of the most appalling treatment of human beings in this century. They reminded the Committee that it was dealing with human lives affected by the continuing, extensive and widespread practice of forced labour.

They referred to the Committee of Experts' report, which had noted the communication by the ICFTU of August 2005, which included some 1,100 pages of documents from many sources providing evidence of the persistent use of forced labour in nearly every state and division of the country. The Committee of Experts had requested a response from the Government. However, today's statement by the Government representative was absolutely inadequate and suggested a political and public relations response that did not inspire any confidence.

The Worker members detailed examples of recent cases of forced or compulsory labour, highlighting that over the last few months army commanders and units had inflicted forced labour on the local people, particularly in the Kayin, Mon and Arakan States. In the Arakan State, examples included: (1) the use of forced labour, extortion and land confiscation for rice paddy cultivation in military and local NaSaKa fields during the rainy season and its impact on the farmers who also had to deal with the cultivation of their own fields; (2) the widespread and constant exaction of forced labour for activities such as brick-making, repairs and the expansion of military camps, road works, bridge building and the construction of model villages in the context of so-called development projects; (3) the construction of new major road links and bridges between military bases or between villages and army camps in Buthidaung and Maungdaw townships, where villages had been forced to contribute materials and labour, and children had been seen crushing stones; (4) reports by villagers that the construction and production of construction materials, both used in construction projects and for sale for the purpose of income generation into the private hands of the military and other authorities, often required more time than compulsory work in brick yards; and (5) the use of forced labour all year round to maintain and repair military camps and the prevalence of sentry duty and camp labour. With regard to the use of forced labour in the Kayin (Karen) and Mon States, they mentioned the serious humanitarian concerns related to increased military activity that had resulted in forced pottering of military and food supplies, and in forced mine clearances. The Government had expanded its road network in these states, which had been accompanied by the establishment of new army camps and new forced labour for the local villagers. The increase in forced labour had been a direct result of the current military offensive in Karen areas and 14,000 civilians had been internally displaced in the last four months, including members of the local education, health and agricultural unions.

The Worker members added that the situation of refugees and internally displaced people was serious and worsening and that, since October 2005, 540,000 people had been

displaced in the east of the country alone. One of the root causes for such displacement was people fleeing the trauma of forced labour.

Turning to the accusation against the ICFTU and the FTUB, they indicated that these accusations caused the Worker members much distress. They denounced once again the outrageous accusations levelled against the ICFTU by leaders of the regime at a press conference earlier this year, claiming that its recognition of and support for the FTUB meant that it supported a terrorist organization. The work of representing workers in Burma and of seeking to protect and promote the most fundamental rights of workers was a matter of great importance and she took exception to the accusations that those who engaged in valid and important work of representing workers were involved in terrorist acts. They emphasized that their brothers and sisters in the country were not terrorists and that they took great pride in defending workers' rights. Maung Maung was not a terrorist but an activist in the cause of freedom. The same applied to his deputy, who was present in the Committee. They urged the Government to respect and uphold the principles of democracy in the ILO.

They concluded by reiterating that forced and compulsory labour in the country was systemic and widespread. This Committee had called upon the Government to undertake serious actions to eradicate forced labour and the Worker members had offered assistance to see the recommendations of the Commission of Inquiry implemented. However, it was clear that the Government had no intention of doing so and this should be recognized in the conclusions on this case. They hoped that the Government representative would understand that the Worker members somewhat distrusted the offer made in his statement. They wished to see more details on the action taken so as to ensure that these promises would not be broken, as so many others had been in the past.

The ILO was for many enslaved workers the only spark of hope. The Conference Committee should adopt strong conclusions, as should the Selection Committee. They

were also looking to the forthcoming meeting of the Economic and Social Council to examine these very serious problems.

The Employer members thanked the Government representative of Myanmar for the information provided. However, they could not fail to notice that he had not been in the room while the Worker members had made their statement, which reflected the lack of seriousness shown by the Government towards the case.

The Conference Committee had been examining the present case for several years now on the basis of the resolution adopted by the Conference in 2000, and the case would also be discussed by the Selection Committee in a few days' time. What was at issue before the Conference Committee was the implementation by the Government of Convention No. 29 and of the recommendations of the Commission of Inquiry. It had to be noted that there had been a fundamental lack of action by the Government to give effect to the Convention since its ratification by the country in 1955. There was also a fundamental lack of transparency, honesty and effort to adopt new and appropriate legislation. In many respects, the 2006 observation of the Committee of Experts was founded on a myth that the Government had perpetuated for over 50 years. For over half a century, it had misled the world that it would implement Convention No. 29. It was time for this deception to end.

In its 2006 observation, the Committee of Experts had highlighted that the Government, at the 2005 International Labour Conference and at the November 2006 Session of the Governing Body, had expressed its determination and willingness to cooperate with the ILO. The world was tired of waiting. The Employer members concurred with the Committee of Experts that the Government's announcements had to be followed by concrete action to be credible. This would be demonstrated if the Government effectively implemented the Commission of Inquiry's recommendations. This year's findings of the Committee of Experts made it clear that this was still nowhere near being the case and that the small steps taken by the Government were in effect mirages.

In terms of bringing the legislative texts into line with the Convention, not much appeared to have changed. The Village and Towns Acts, which conferred broad authority for local authorities to requisition labour, remained unamended. The "Orders" that had been issued by the Government directing public authorities not to exercise their powers under certain provisions of the Acts had been limited in their effect. The legal situation remained unclear and confusing as to whether the "Orders" had the quality of law and thus the same quality as the Acts in the legal hierarchy. It was thus not clear to the authorities whether they should follow the Acts or the Orders. In addition, the legal situation remained unstable, as the "Orders" could be withdrawn at any time, in which case only the Village and Towns Acts, which contradicted the Convention, were left. Finally, no convincing reasons had been given as to why the provisions of the Village and Towns Acts themselves could not be amended. It was thus essential that the Government as soon as possible revised the Village and Towns Acts in order to bring them into conformity with Convention No. 29.

With regard to the need to give wide publicity to the prohibition of forced labour, the Committee of Experts had received information from the Government about the respective action taken, such as letters sent, briefings and workshops. However, there had not been any information on the contents of these briefings and workshops, which raised the question of the effectiveness of the action taken. Moreover, according to the information that had been provided by the Government, hardly more than 1 per cent of the population had been informed about the prohibition of forced labour. Such small-scale action could hardly be seen as equivalent to "wide publicity". The Employers considered that the Government could have made use of mass media, such as newspapers and broadcasting.

The Employer members agreed with the Committee of Experts' finding that the information provided by the Government in response to the recommendation of the Commission of Inquiry on the budgeting of adequate means for the replacement of forced labour had not been meaningful.

In relation to the enforcement of the prohibition of forced labour through a monitoring mechanism, the Employer members noted that the Committee of Experts had taken note of the information that had been sent by the Government and the ILO Liaison Officer in this regard. It appeared from this information that the existing monitoring mechanisms were "not well suited" or lacked independence and credibility. Moreover, the victims of forced labour who complained to the ILO seemed to be systematically prosecuted for allegedly false complaints. The Committee of Experts had rightly called upon the Government to cease this practice. The Government needed to prosecute the perpetrators of forced labour and develop credible, fair and more effective procedures for investigating allegations of forced labour. The Committee of Experts had also requested the Government to work more closely on this with the ILO Liaison Officer and it had emphasized the need for a facilitator as a credible channel for the treatment of the complaints.

The Employer members reaffirmed the need for the ILO supervisory bodies to have at their disposal meaningful, verifiable and reliable information on the action taken by the Government. The Government must provide such information on its own initiative and without having to be constantly reminded by the ILO supervisory bodies.

The Employer members concluded by emphasizing the key role that the ILO Liaison Officer played in the country in facilitating contacts and cooperation between the ILO supervisory bodies and the authorities. The Government should not only allow him to deliver his tasks, it should proactively support him and seek his involvement in its own efforts. Instead, there had been various forms of pressure and intimidation, completely contradicting the commitment to cooperation that the Government had pledged on many occasions.

There had simply not been any progress. The Employer members deplored the situation and were deeply concerned at the lack of tangible improvement in this extremely serious and worrisome case. An overall appraisal of the case suggested that appropriate

actions should be considered under article 33 of the ILO Constitution. It was now time for concrete action. Anything else was a travesty of international justice and the rights of forced labourers in Myanmar. The Government just had to do the right thing: eliminate forced labour.

The Government member of Austria (Mr. LASSMANN), speaking on behalf of the Government members of the Member States of the European Union, and of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Iceland, Romania and Turkey, as well as of the Republic of Moldova, Switzerland and Ukraine, which aligned themselves with his statement, recalled that the extremely serious case of Myanmar had been on the agenda of the Committee of Experts for more than 30 years, and had been criticized and condemned by the Conference Committee, Governing Body and the Conference. This had culminated in the unprecedented and unique application of article 33 of the ILO Constitution by the Governing Body, and had led to the resolution adopted by the Conference in 2000.

It was therefore no surprise that the report of the Committee of Experts on Myanmar was comprehensive and detailed, containing a number of strong and clear expectations addressed to the authorities of the country.

He expressed the deep regret of the European Union at the decision by the Burmese Government to extend the house arrest of Aung San Suu Kyi, and deplored the fact that the international appeals, including that of the European Union on 26 May 2006, had gone unheard. This was a further sign that the Government was unwilling to compromise and move towards an all-inclusive democracy. It was in that context that the European Union had reiterated its call on the Government to release Aung San Suu Kyi and all other political prisoners, as well as to engage all ethnic and political forces in the country in genuine dialogue so as to achieve national reconciliation and democracy. In this regard, he highlighted the European Union's most recent declaration on Burma/Myanmar of 26 May,

in which it indicated its readiness to help the country so as to achieve democracy and true reconciliation.

He welcomed the recent visit made by the United Nations Under-Secretary-General to Myanmar, during which he had met the most senior leaders of the SPDC, addressing a wide range of outstanding issues of interest to both the United Nations family and the international community. He reiterated his call on the authorities to cooperate with the United Nations, especially the ILO, and urged them to cease the harassment of politicians and human rights defenders and to lift restrictions on freedom of assembly and speech, including the right to lodge complaints regarding forced labour without fear of retaliation and prosecution.

He expressed the view that the debate on Burma/Myanmar was not yet complete. He therefore reiterated the European Union's full support for Mr. Richard Horsey, the ILO Liaison Officer a.i., in fulfilling his duties in an extremely delicate environment, and looked forward to further discussion of the issue in the Selection Committee later in the month so as to decide on possible further action to be taken by the ILO in order to secure compliance by Myanmar with the recommendations of the Commission of Inquiry, and to ensure that no repressive action could be taken against complainants and their representatives.

The Government member of Australia (Mr. SAWERS) cautiously acknowledged the announcement by the Government representative of a moratorium on the prosecution of complainants, but emphasized that this should be a permanent measure. He hoped to be provided with more information on its operation in practice. He expressed his Government's continued concern about the situation in Myanmar. The prospects for change remained bleak, with no movement by the Myanmar regime to address the need for genuine political reform, to respect human rights or to arrest the continued economic decline. He also expressed concern regarding the continued detention of all political prisoners.

He strongly urged the Government to urgently address the issue of forced labour by complying with the recommendations of the ILO Commission of Inquiry, and looked forward to further discussion of the two options for further action in the Selection Committee later in the month.

The Government member of China (Mr. ZHANG) stated that forced labour was a violation of fundamental human rights and therefore had to be eradicated, which was the objective of Convention No. 29, adopted by the ILO in 1930. The experiences of the ILO since the adoption of the Convention showed that a global alliance needed to be forged to eradicate forced labour, as reported the previous year in the Director-General's Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

He stated that the ILO had been assisting the Government of Myanmar to eradicate forced labour, based on the spirit of dialogue and cooperation. The Government had made progress, although the speed of that progress might not be sufficient from the viewpoint of the international community. He expressed his Government's view that the Government was in general terms moving in the right direction. He regretted that the previous year's conclusion of the Conference Committee had had a negative impact on cooperation between the ILO and the Government, and he therefore hoped that cooperation would be strengthened.

He said that Myanmar was suffering from armed conflicts among ethnic groups in its border areas, declining national economic development and a legislative system that was incomplete, which were the major reasons for forced labour. The international community had to help on these matters. He said that currently Myanmar was moving towards national development and was in the process of formulating a new Constitution, with a view to promoting peace and democracy. He expressed the opinion that the international community should encourage and assist the country, rather than condemning or sanctioning it, which would generate better results. He expressed the hope that the Committee and the Government would engage in sincere dialogue, which would bring

them onto the path of cooperation. It was only through dialogue and cooperation, and by taking into account the views of all concerned, that the international community would be able to achieve progress in the case of Myanmar.

The Government member of the United States (Ms. MISNER) noted the remarks and proposals made by the Government representative and awaited confirmation of the progress that had been announced. She said that it was with great sadness and profound frustration that it had to be noted once again that there had been no improvement in the Burmese regime's effort to address the issue of forced labour. The Government was not meeting its international commitments, and in the year that had passed since the last special sitting of the Committee, the pattern of non-compliance had continued.

The Committee of Experts, in its most recent observation, noted that it had been commenting on this extremely serious case for over 30 years. In addition, since the early 1990s, the ILO had examined the issue of forced labour in Burma in every other supervisory mechanism available to the Organization: an article 24 representation examined by the Governing Body; an article 26 complaint resulting in a Commission of Inquiry; and, most recently, unprecedented measures under article 33 of the Constitution. The conclusions at every step of the supervisory process had been consistent. There was no doubt that forced labour existed in Burma and that the Government had failed to take meaningful steps to address the problem. In its latest observation, the Committee of Experts had laid out with absolute clarity what the regime must do to implement the recommendations of the Commission of Inquiry and to comply with its obligations under Convention No. 29. First, bring all of the relevant legislative texts, especially the Village Act and the Towns Act, into line with Convention No. 29. This had long been promised and still not achieved. Second, ensure that the prohibition of forced labour was given wide publicity. As the Committee had noted, this was not a difficult exercise and could be done immediately. Third, provide funds so that paid labour could replace forced or unpaid labour. This was a step that would show a genuine commitment to ending forced labour.

And, fourth, ensure that forced labour monitoring machinery was enforced. It was absolutely necessary that, in the words of the Committee of Experts, the Government develop "credible, fair and more effective procedures for investigating allegations of forced labour, in particular those cases involving the army".

She emphasized that the ILO had laid out a clear set of directions for rectifying the problem of forced labour in the country, but that the Government had failed to address concretely any of the ILO's recommendations. The ILO had urged the Government to prosecute the perpetrators of forced labour, instead of which the complainants and the victims of forced labour were being prosecuted. The ILO had offered to assist and work with the Government in a supportive manner so that the problems could be addressed systematically and cooperatively, but the offer had never been taken up. The Government had sometimes expressed a commitment to eliminate forced labour and to cooperate with the ILO. It had sometimes denied the existence of forced labour. And at other times it had threatened to withdraw from the ILO. But at all times, the practice of forced labour had continued unabated and with impunity. Equally troubling was the fact that the regime had yet to recognize the results of the 1990 legislative elections, overwhelmingly won by the National League for Democracy and other opposition parties. And Aung San Suu Kyi's detention had recently been extended. Notwithstanding the positive indications of the Government representative, in the absence of concrete and verifiable steps to address this long-standing and deplorable situation, there was no choice but to consider other means in the ILO, in other international organizations and with other actors to bring about, once and for all, an end to forced labour in the country and ensure its full compliance with Convention No. 29.

The Government member of New Zealand (Ms. INDER) expressed her thanks and appreciation to the International Labour Office for its update on the forced labour situation in Myanmar, and for the Office's continued efforts to achieve progress on that issue. She

emphasized the importance attached by her Government to the operation of an ILO office in Myanmar and the need for dialogue between the ILO and the Government of Myanmar.

The situation in Myanmar was not new to the Conference. For many decades the ILO had been calling on Myanmar to eliminate the practice of forced labour, but had seen no response from the Government to that call, nor had it implemented the recommendations of the ILO Commission of Inquiry. It was for these reasons that she supported the placing of the above issue on the agenda of the Conference so as to achieve a more effective application of the measures contained in the resolution on Myanmar adopted by the Conference in 2000.

She expressed great disappointment at the current situation in Myanmar, in which the efforts of the ILO to engage in dialogue in good faith had been met with intransigence, despite the expressions of commitment by the Government. Myanmar's refusal to accept the principle that people who lodged complaints should not be subjected to legal or other retributive action was directly inconsistent with Myanmar's legal obligations under Convention No. 29. This principle was fundamental for future cooperation with the ILO. She urged the Government to adhere to its international obligations and strongly supported the call made by the ILO that the Government cease prosecuting victims of forced labour or their representatives, and instead take action to prosecute the perpetrators of forced labour.

She once again called on the Government to respect international human rights, engage in effective dialogue with the ILO and the international community and comply with its obligations under Convention No. 29, so as to ensure that the people of Myanmar no longer suffered the injustice of forced labour.

The Government member of Canada (Mr. MEYER) said that his country had made clear its position on Burma over the past years. It continued to be deeply disappointed by the absence of any significant improvements with regard to forced labour,

and in particular the Government's failure to implement the measures recommended by the Commission of Inquiry and the High-level Team. His country had watched with growing unease the unfavourable developments that had been unfolding in relation to forced labour. These were part and parcel of a long-standing and comprehensive policy of the authorities, which undermined the basic principles of human rights. Nobel Laureate Aung San Suu Kyi had once again had her house arrest extended. She stood for and with the many unfortunate and nameless Burmese citizens, including those pressed into forced labour. He was also distressed by the army's military offensive in the east of the country, which had caused such loss of life, suffering and dislocation among innocent civilians, as well as a great increase in forced labour, as reported by the Worker members.

He called on the Government: to release Aung San Suu Kyi and other imprisoned leaders of the democratic movement immediately and unconditionally, and to cease armed hostilities against innocent civilians; to take immediate and effective measures to eliminate forced labour in accordance with the ILO's recommendations; to prosecute those who exacted forced labour; to cease prosecuting persons who reported cases of forced labour or had contact with the ILO Liaison Officer; to demonstrate sincerity in the dialogue with the ILO and take advantage, for example, of the informal mediation services offered by the representative of the Centre for Humanitarian Dialogue; and to implement the Joint Plan of Action, as agreed upon in May 2003 by the ILO and the Government. Finally, he thanked the ILO Liaison Officer for his valuable work in a difficult and delicate situation.

The Government member of the Russian Federation (Mr. ZAGAYNOV) re-emphasized his country's position that forced labour was unacceptable and the importance of eradicating forced labour in Myanmar as rapidly and completely as possible. He therefore welcomed the consensus within the ILO on the issue and the action taken by the Office. Indeed, considerable efforts appeared to have been made since the previous Conference to resolve the problem. He paid tribute to the volume of work undertaken by the Office which, although working in very difficult circumstances, had maintained the

necessary level of assistance. While agreeing with the point of view expressed in the Office documents, he said that progress could only be achieved with the cooperation of the authorities. He therefore supported the proposal to strengthen dialogue. The proposals made by the Government representative merited very careful consideration, as they might give fresh impetus to the dialogue. He called upon the Government to cooperate with the ILO with a view to taking further steps to eradicate forced labour and hoped that a mutually acceptable mechanism would be established with a view to resolving the problem.

The Government member of Japan (Mr. TOGARI) stated that the case of Myanmar was at an important and critical stage. There had been hope ten days before the session of the Conference Committee when the Government of Myanmar had received on 18 May the visit of the Under-Secretary-General of the United Nations for Political Affairs. This optimism, however, had been shattered when the Government had announced the extension of the house arrest of Aung San Suu Kyi. While recognizing that this house arrest did not fall under the mandate of the ILO, his Government considered it unacceptable. The situation was therefore changing rapidly.

He welcomed the statement by the Government representative that the Government was ready to consider Option-I - keeping the existing office of the ILO Liaison Officer in Myanmar, as well as the proposal to place a moratorium for six months on the prosecution of those who submitted complaints of forced labour. His Government appreciated these developments as a positive sign of concrete action.

He suggested that the Government should inform the people of the country of the information and opinions expressed by the members of the Committee. He also proposed two types of action for the Government. First, concrete action should be initiated by announcing the proposals made by the Government representative. Second, the Government should consider maximizing and expanding the measures proposed by the Government representative.

He expressed the hope that Myanmar would understand that the opinions expressed were not only those of the International Labour Office, but of the majority of the international community. Although sympathetic words might sound nice, his Government had chosen these straightforward expressions and suggestions as a sign of its true friendship with Myanmar.

The Worker member of Germany (Ms. ENGELEN-KEFER) said that, as the Worker spokesperson on the Committee on Freedom of Association, she wished to comment on the alarming case of forced labour in Burma and express her great concern at the manner in which human rights were flouted and freedom of association violated. She recalled that the country had ratified Convention No. 87. In this context, the unscrupulous violations in the country of the freedom of workers and of human rights were all the more alarming in view of the country's obligation to comply with the right to organize and collective bargaining. The blatant violations of the right to organize and freedom of association in the country were very clearly linked to the existence of forced labour and the pressure placed by the Government on trade unions. A large section of the population feared to exercise their rights. The Committee on Freedom of Association was currently examining cases brought by the ICFTU involving serious violations of the right of freedom of association, as the military and state authorities denied the fundamental freedoms of the population.

She emphasized that there was not a single legally registered workers' organization in the country. The FTUB could not work openly and its Secretary-General was harassed by criminal prosecution. Trade union leaders were subjected to threats, torture and imprisonment. Seafarers who denounced their working conditions were subject to sanctions, which included the loss of their jobs and being placed on blacklists. In this context, she deplored the still unexplained death of Saw Mya Than, of the FTUB and the Catholic Education Workers Union, and the fact that Myo Auny Than had not yet been released from his sentence to 20 years' imprisonment. The sanctions that were imposed on

workers' leaders were so severe as to greatly restrict trade union activities. The history of general violations of workers' and human rights had been going on for a very long time, despite the severe pressure exerted by the international community, including the ILO. Despite the claims of the Government representative, there was no clear will to eradicate forced labour in the country. Moreover, she totally refuted the accusation that Maung Maung was a terrorist and said that he was wrongly subjected to criminal prosecution. She added that he was not personally present in the Committee, but was represented by his deputy.

She concluded that, for as long as the military regime tolerated and actively encouraged violations of fundamental workers' and human rights, the ILO and the international community would have to maintain its pressure on the country. She therefore called on the regime to finally take effective action and she urged employers in all member States of the ILO to impose the necessary effective sanctions to bring an end to forced labour in Myanmar.

The Worker member of the United States (Mr. HERNSTADT) emphasized that trade unions could and did play a positive role in bringing economic, trade and other pressure to bear on the military regime in Burma, in accordance with the ILO resolution. In this respect, trade unions continued to push hard for sanctions where they did not already exist and for their continuation where they were already in place. They pushed for the prohibition of imports and a curb on investment in the country, which was a critical initiative to foster the meaningful development of the country and improve the lives of its workers through, among other measures, the elimination of forced labour. The role of his own and other governments was essential to the success of these efforts. Trade unions also continued to call on governments to pressurize the military regime through the WTO by calling for a ban on imports from and exports to the country under article 20 of the GATT, which provided for a viable and proper means for exerting pressure and should be pursued with urgency and rigour. Finally, trade unions continued to pressurize their governments

and the members of the Security Council to place the issue of Burma on the agenda of the Security Council. The ICFTU had requested its affiliate organizations, particularly those in countries that were members of the Security Council, to pursue this action and he gave thanks to those affiliated organizations which had done so, particularly in Argentina, Brazil, Italy, the Russian Federation and the United States. Some of their efforts had resulted in positive effects.

The Worker member of Japan (Mr. INOKUCHI) said that the ILO had made great efforts to eliminate forced labour in Burma, including the organization of a High-level Team, the establishment of the Liaison Office and the sending of an Implementation Team. He therefore expressed deep concern that there had been no progress or improvement in the situation of forced labour in the country despite the ILC resolution of 2000. He was also particularly concerned that the Government refused to enter into dialogue with the international community. As he had indicated previously on several occasions, a few countries and certain multinational companies had increased their direct investment in the energy sector in the country, which helped the military regime to maintain the forced labour. According to the Economist Intelligence Unit in 2005, the amount of foreign direct investment in the country's oil and gas sector had increased threefold in one year. The main source of investment in the country was China, which accounted for some 89 per cent of total FDI in those sectors, amounting to a tenfold increase between 2003 and 2005. The next biggest investor was Thailand, which had recently increased its role as an investor in the country and remained a pervasive influence on the military regime. The previous year, Thailand had signed a project for the construction of four large dams, for which technical assistance and feasibility studies had been conducted in advance by certain Japanese power companies. The dams were located in a region populated by three of the largest ethnic groups in the country, mainly the Karen, Karenni and Shan, which had greatly suffered in the past during the construction of infrastructure projects. There was great concern that they would do so again on this occasion. The military regime had been waging war for

many years against the ethnic peoples living in those areas, resulting in massive refugee flows, hundreds of thousands of internally displaced persons and countless cases of torture, rape and murder. Such infrastructure development always appeared to go hand-in-hand with the massive use of forced labour.

Referring to the call made in the 2000 resolution for ILO member States to review their relations with the Government and not to do anything that might contribute to the continuation of forced labour practices, he emphasized that the resolution should be respected by all ILO member States and international financial institutions, such as the Asian Development Bank (ADB), which was giving technical assistance for the Greater Meekong Sub-region project. While FDI which fully respected workers' rights could help open societies to promote development, this was not so in the present case. The profits from FDI were not redistributed among workers, but served to support the Government and its arrogant attitude towards its people and international institutions. In such an unchanged situation, investment and technical assistance, including feasibility studies, which might indirectly encourage forced labour should be ceased immediately. He therefore urged the Government to resume dialogue with the international community and create credible mechanisms to put a stop to forced labour.

The Worker member of the Republic of Korea (Ms. LEE) expressed her concern about the issue of forced labour in Myanmar. Korean trade unions were very much concerned about the situation of Burma because two Korean corporations were involved in gas development projects in Burma. Daewoo International was the main operator of the Shwe gas project. According to EarthRights International, in Burma the major development projects were directed by the ruling junta and overseen by the military. The Shwe gas project would very likely involve environmental degradation, as well as human rights violations such as land confiscation, forced labour on project infrastructure, and forced portering for the military. In order to address the importance of the situation, the Federation of Korean Trade Unions (FKTU) together with NGOs staged a protest rally in

front of Daewoo International last year and issued joint statements twice. In addition to that, the FKTU sent an official letter to the Ministry of Labour as well as the Ministry of Foreign Affairs and Trade. In the statements and in the protest letter, the FKTU demanded that Daewoo International and KOGAS immediately take measures to prevent potential violations of human rights, particularly labour rights. FKTU also called upon the Government of the Republic of Korea to reconsider its relations with the Burmese Government and to take all necessary measures to comply with the 2000 resolution of the ILO regarding Myanmar. In addition, FKTU has demanded that the Government of the Republic of Korea and the two Korean corporations release all the relevant information about the gas project and comply with the principles and standards of the international community.

The Worker member of Italy (Ms. BRIGHI) pointed out that previous Worker members stressed that the situation after the last Conference and the November and March Governing Body meetings had worsened. In November 2005, the Governing Body had requested the Government to take advantage of the time available before March 2006 to resume effective dialogue with the Office. Unfortunately, this appeal was not heard. The deteriorating political, social and economic situation and the continuous use of forced labour in Myanmar was taken in due consideration after the 2005 session of that Conference, as well as by other international bodies which underlined in various statements the lack of willingness by the Government to initiate a serious democratization process to bring to an end the use of forced labour and the violations of fundamental human and workers' rights in the country. She made the following points: in August 2005 the Global Fund, under HIV/AIDS, was obliged to terminate grants to Myanmar due to government restrictions that made implementation impossible. Other organizations had to take the same decision, and mentioned the important report and the call launched in September 2005 by Nobel Prize winner, Desmond Tutu, and by the former President of the Czech Republic, Vaclav Havel, requesting an urgent and new diplomatic initiative at the

United Nations Security Council. These were determining factors for the Security Council to put Myanmar on its agenda. Among them were forced relocations, forced labour and forced recruitment of child soldiers in a number much higher than in any other country. The Tutu report clearly stated that Myanmar's internal situation was a threat to the stability of the entire region and to the international community, which left open the possibility for the intervention of the Security Council under Chapter VII of the United Nations Charter.

ECOSOC had decided, after a request from the ILO Director-General, to reactivate its consideration of the item concerning forced labour and to discuss this matter during its session on 26 July 2006. On 16 December 2005, the United Nations Security Council had held a briefing on the situation in Myanmar, which included the situation on forced labour. A second discussion had taken place just a few days before the present session of the Conference. The last report of the United Nations Special Rapporteur on Human Rights underlined the widespread and systematic forced labour practices and forced recruitment by state actors, including allegations of child labour. The report concluded that despite indications from the Government that it was willing to address these problems, the Special Rapporteur, who was not authorized to visit the country, and regretted that all such willingness appeared to have disappeared and that recommendations from the United Nations Secretary-General had not been implemented. The Special Rapporteur had issued a statement on the situation of human rights in Myanmar focusing on political prisoners and their treatment, which revealed much about the human rights situation and lack of progress towards democracy. He declared that it was time for the international community to urge the establishment of an independent inquiry into the rapidly escalating number of deaths of political prisoners.

In March 2006, the International Committee of the Red Cross (ICRC) decided to drastically reduce its activities due to lack of willingness of the Government to cooperate. The ICRC was no longer able to visit any political prisoners including those detained for complaining about forced labour or for trade union activities.

From 18 to 20 May, the United Nations Under-Secretary-General, Mr. Gambari, visited the country under the General-Secretary's mandate to seek a fruitful dialogue with the Government. The speaker expressed deep concern for the lack of success of such high-level talks. In fact, despite the United Nations representative's meeting with Aung San Suu Kyi, the Government confirmed her house arrest for another year. But even the release of the NLD leader, if not accompanied by concrete reforms and actions such as the halting of prosecutions against forced labour complainants and the possibility for trade unions and NLD to operate, would be just another way to avoid international action.

On 26 May, the Presidency of the European Union (EU) expressed deep concern for the Government stepping up pressure on ethnic groups. In a further statement, Austria, on behalf of the EU, condemned the decision by the SPDC to extend Ms. Aung San Suu Kyi house arrests.

Considering the constant unwillingness of the Government to go beyond promises and declarations to adopt relevant measures to eliminate forced labour, the attitude of many governments and multinationals, despite the Director-General's appeal to revise relations with Burma, she urged governments, regional financial organizations and institutions, such as the EU, to address in a wider and consistent way the issue of foreign direct investment. The proliferation of EPZs now reached 19 in Myanmar, with 8,000 private industries, with a new zone being created to absorb the inflow of FDI.

She said that the Committee's conclusions should reiterate the request to the Director-General to call on governments, employers and international organizations to revise their behaviour, including FDI, thus avoiding doing business with state- or military-owned enterprises, urging at national levels that monitoring and customs control systems should be set up with ILO constituents' participation. This would enable governments to take the initiative towards those companies who continued to violate the decisions taken at the ILO. She reiterated her request that the Conference mandate the Officers of the Governing Body to address the next ECOSOC session.

In light of the lack of consistent and concrete commitment from the Government to eliminate forced labour, it was time for the ILO to refer the matter formally to the Security Council and the International Court of Justice for an urgent advisory opinion.

She repeated that the use of forced labour, as underlined by the Commission of Inquiry, if committed in a widespread or systematic manner, was also to be considered as a crime against humanity and should be treated consequently.

An observer from the International Confederation of Free Trade Unions (ICFTU) (Mr. AUNG), of the Federation of Trade Unions, Burma (FTUB) recalled that the FTUB has been presenting, through the ICFTU, during many years, a huge number of cases of forced labour and, recently a further 96 cases of forced labour committed by the regime in the past year (47 cases in the Chin ethnic area, 44 cases in the Rakhine ethnic area and five cases in lower Burma). These cases were quite similar to those presented every other year since the regime issued the Order No. 1/99 on 14 May 1999. In many cases there had been forced labour in the groups in Rakhine and Chin States. While the Government promised the international community that they had committed to stopping the forced labour, in reality they continued to create a state of fear for the people, particularly for those who provided information on forced labour to the ILO. Further, a harsh repression continued against the workers connected to the FTUB and its leaders, such as U Myo Aung Thant. He was arrested in June 1989 and sentenced to life imprisonment and is now in jail since 17 years. When arrested, U Myo Aung Thant was subjected to torture during interrogation and he had no access to any independent council or to due process. Currently, he is held in solitary confinement in dark cells in Myikyinar prison.

In a press conference held on 28 August 2005, the regime indicated that they had arrested ten people because of contact with FTUB. Some of them were allegedly sentenced to between seven to 27 years' imprisonment in November 2005. Among them are: U Thein Lwin Oo, U Win Myint (a) U Kyaw Aung, U Myint Lwin, U Hla Myint Than, U Wai Lin,

U Yae Myint, U Aung Myint Thein, Daw Yin Kyi, Daw Aye Chan and Daw Aye Thi Khain.

U Aye Myint, a lawyer, who had been previously sentenced to death for high treason on the basis of alleged contacts with the ILO, but released from jail in January 2005, was re-arrested in August 2005 and sentenced to seven years' imprisonment.

U Zaw Htay, U Thein Zan and U Aung Than Tun were arrested on the basis of the charges related to the death of a villager in 2004 which allegedly occurred during forced labour. These three individuals assisted the family of the deceased to report the matter to the ILO.

In April 2006 the regime made further accusations against FTUB and its General-Secretary, Mr. Maung Maung. As a result, any person in Burma who would like to contact the FTUB would be severely punished.

If there was a strong commitment by the regime to stop forced labour, it must allow the people to freely give information regarding forced labour to the ILO.

As a matter of common sense and experience, the effective elimination of forced labour in Burma could not be achieved without the cooperation of the authorities. However, the regime was not truly committed.

At the same time the ILO had always been consistent in its willingness to cooperate. A recent briefing at the United Nations Security Council suggested that it was now time to act.

Nonetheless, the regime refused to cooperate and the options which will be presented to the Selection Committee needed to be adopted and vigorously pushed forward.

It was hoped that the Worker, Employer and Government representatives would continue to work together with a view to ending these most flagrant and continuing violations, for which the people of Myanmar applaud the ILO.

An observer from the World Association against Torture (OMCT) (Mr. SOTTAS) recalled that forced labour is, in itself, always cruel, inhuman and degrading treatment and could be considered as an act of torture per se. As the reports before the Committee attest, in Burma, forced labour is almost always also accompanied by other acts of torture and ill-treatment. Forced displacement, rape and sexual exploitation, denial of food and medical attention and the exploitation of child labour are all part of the situation in Burma today. Resistance to forced labour leads to an increase in ill-treatment, detentions and extrajudicial executions. The OMCT was particularly concerned at the numerous reports of the abuse of women and children and the forced exile of men, leaving women and children to fend for themselves in a very hostile environment.

Forced labour in Burma was increasing. The Government's decision to force farmers to plant physic nuts from which a substitute for diesel fuel is extracted had already caused new hardships to the population forced to work in connection with these projects.

Further, the increase in construction activities had resulted in a growth in the use of forced labour in brick-making, road and bridge construction, construction at military facilities and on other projects. This took place alongside the usual forced labour of sentry duty, forced transport of goods and the forced supply of rice and other foodstuffs.

Forced labour was not confined to Burma itself. Poverty and the attending violence too often spread to involve ever wider spheres. In Burma, one could witness a serious increase in the vulnerability of the poor. Increased forced labour, demands to supply food and building materials without payment and food shortages were resulting in cross-border movements to Bangladesh which may be faced with the need to cope with a significant number of starving refugees this year. According to the UNHCR, the current offensive

against the Karen had already led to the influx of more than 2,000 refugees to Thailand. This could lead to tension in Bangladesh and Thailand and a destabilization to the border region.

Forced labour, and the other many violations of human rights in Burma, had been on the international agenda for far too long. Last year the United Nations Security Council had taken a welcomed step forward, but much more needed to be done.

There were many good recommendations contained in the reports before the Committee. These are addressed to governments, trade unions, employers, the United Nations Security Council, the Burmese authorities, NGOs and international organizations. The Speaker urged this Committee to add its voice to the call for action to end forced labour in Burma by deciding on concrete action.

The Government member of Cuba (Mr. FANEGO) noted the announcement made by the Government of Myanmar on their projected moratorium and other concrete measures that would permit collaboration between the Government and the ILO to continue. He hoped that after the adoption of these measures it would be possible to renew this cooperation and move forward towards an improved dialogue and understanding. He called upon all parties concerned to make the necessary efforts not to move away from the application of international labour standards.

The Government representative indicated that his delegation noted the statements made during the discussion. Many of the issues raised went beyond the mandate of the Committee, which was not the appropriate forum to deal with these matters. The Government of Myanmar had expressed itself already on these issues and will do so again if the need arises at the appropriate forum. The Government representative assured the Committee that his Government would cooperate to the full extent possible with the Committee on issues under its purview. He recalled the statements of the Government

members of Australia and Japan and others and indicated that the Government of Myanmar would give due consideration to their goodwill.

The Employer members stated that the discussion and the facts of this case were a devastating indictment of the Government's failure to meet its obligations and to abolish forced labour. After half a century, the Government was still unable to indicate to the Committee a sustainable strategy for the elimination of forced labour. Further, the Government continued to believe that a few small steps would be sufficient to produce progress. However, it was clear that there was no political will nor commitment to eliminate forced labour. It was difficult to understand why the Government was driving the international community to consider stronger and extraordinary measures that will further marginalize the country. The Government failed to understand that the well-being of its citizens and economy depended on the rest of the world. The Employer members renewed their plea to the Government to eliminate forced labour and to fully comply with the ILO's recommendations.

The Worker members found it difficult to reconcile the Government of Myanmar's declared desire for dialogue with the ostentatious departure of the Ambassador from the room at the very moment when the Worker members began their interventions. As to the facts, the Worker members noted that the Committee of Experts had established that recourse to forced labour, principally by the army, was still a widespread phenomenon and that those who reported this situation were systematically prosecuted. The Worker members most of all noted that the four main recommendations of the Commission of Inquiry had still not been implemented, and they appealed to the Government to: (a) stop prosecuting those who made complaints about forced labour; (b) free those who had been imprisoned for this reason; (c) end the house arrest of Aung San Su Syi; and (d) agree with the ILO on an effective procedure to halt the use of forced labour, including by the army.

The Worker members declared that if, by 13 June, the Government had not demonstrated by tangible and concrete actions its sincere intent to put an end to the

practice of forced labour in Myanmar, they would request the Committee to apply the Conference proposals in order to introduce at international level the measures foreseen regarding the abovementioned suspension of all imports, exports, loans, credits, joint ventures and other international projects relating to Myanmar. The Workers requested that the conclusions of the present Committee be brought to the attention of other international bodies according to the usual procedure and that the ILO submit the issue to ECOSOC at that body's next session.

The Committee had before it the observation of the Committee of Experts and a report from the Office on the latest developments as reported by the ILO's Acting Liaison Officer, whose action and dedication received full support. It also listened to the statement of the Government representative, Ambassador Nyunt Maung Shein. It was noted, however, that he was absent from the room during the comments of the Worker spokesperson.

As regards the observation of the Committee of Experts, the Committee noted its profound concern that the recommendations of the Commission of Inquiry had still not been implemented, and deplored the fact that forced labour continued to be widespread, particularly by the army. This was underlined by current reports of extensive forced labour being used in the context of increased military activity leading to significant internal displacement in Kayin (Karen) State. The situation in the Northern Rakhine (Arakan) State remained very serious.

The Committee recalled that, as a result of concerns expressed both in the Governing Body and in the present Committee, the matter was, for the first time since 2000, on the agenda of the Conference as such. The Committee concluded that the inclusion of such an agenda item was more than justified. There would thus be an opportunity for the Conference to fully consider what steps the ILO should now take. The Committee's conclusions would therefore address the question of Myanmar's compliance with its obligations.

The Committee underlined that it was now eight years since the Commission of Inquiry had issued its report and recommendations. While a few interventions claimed that Myanmar was making some moves in the right direction, however slowly, none of these recommendations had so far been implemented by Myanmar. Indeed, instead of progress in the elimination of forced labour and action against those responsible, people were liable to be prosecuted and imprisoned for complaining about forced labour, with the result that victims were being doubly victimized. The policy of prosecuting complainants was incompatible with Articles 23 and 25 of Convention No. 29, and Myanmar could not claim to be committed to the elimination of forced labour or to cooperation with the ILO while it continued to pursue such a policy.

In this context, the Committee noted the comments of the Ambassador of Myanmar that his Government was willing to consider Option-I but rejected Option-II. He stated that the Myanmar authorities were ready to put a six-month moratorium on prosecutions of complainants. The Committee underlined, however, that although this may sound positive, it was late and limited. Words had to be urgently confirmed and completed by deeds in all relevant matters, in particular the acquittal and release of persons who had already been prosecuted (in particular, Su Su Nwe and Aye Myint) and the cessation of prosecutions currently under way. Such action was particularly important as the Conference was to discuss further action to be taken by the ILO, and other organizations including ECOSOC, and that the decisions of the Conference should be based on credible information and commitments confirmed at the highest levels as to the Government's intentions. The authorities now need to immediately enter into discussions with the ILO, with a view to establishing as soon as possible a credible mechanism for dealing with complaints of forced labour.

It would be very important that all the deliberations of the Conference on this matter would be brought to the attention of ECOSOC and other organizations concerned as soon as possible. The Government of Myanmar was also requested to provide a full report to the Committee of Experts on the Application of Conventions and Recommendations in time for its session later this year.

The sitting closed at 2 p.m.