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**FOR DEBATE AND GUIDANCE**

## SIXTH ITEM ON THE AGENDA

**Developments concerning the question  
of the observance by the Government of  
Myanmar of the Forced Labour  
Convention, 1930 (No. 29)****Introduction**

1. This report updates the activities of the ILO Liaison Officer in Yangon since the 98th Session (2009) of the International Labour Conference. It covers information on the operation of the Supplementary Understanding regarding complaints on the use of forced labour; various other activities undertaken by the Liaison Officer, Mr Stephen Marshall, and his assistant Ms Piyamal Pichaiwongse; a report on the final outcomes of the post-cyclone Nargis project response; and brief information on ILO participation in the UN country team activities in Myanmar.
2. For ease of reference, Appendix I contains the conclusions concerning Myanmar of the 304th Session of the Governing Body (March 2009); Appendix II presents details of activities undertaken between the 304th Session of the Governing Body and the 98th Session of the Conference; Appendix III includes the conclusions of the Special Sitting on Myanmar of the Committee on the Application of Standards of the 98th Session of the Conference; and Appendix IV contains the updated register of cases.

**Activity under the complaints mechanism**

3. The level of activity under the Supplementary Understanding has increased both in respect of the number of complaints received and the follow-up work required for the treatment of complaints. While a total of 152 complaints had been received by 15 May 2009, that number has increased to 223, as at 28 October 2009. This represents an increase of 71 new cases compared to 31 new cases for the same period in 2008. These latest cases include 52 cases of alleged under-age recruitment, 17 cases of alleged forced labour with two cases having been assessed as outside the Liaison Officer's mandate. Over the period, 48 cases have been submitted for investigation and 29 cases have been closed with varying degrees of satisfaction. Currently 58 cases either await a response from the Government or are under continuing negotiation, and 18 cases are being assessed for possible submission.
4. This increase in complaints received appears to result from heightened awareness generally of citizens' rights under the law, the maturing and expansion of the facilitators' network,

and an increased readiness to present complaints. However, it would not be correct to interpret this as an increase in the incidence of forced labour or under-age recruitment. Awareness levels, particularly in rural areas, remain low and the confidence to complain will not be assisted by recent incidents of complainant and facilitator harassment, which have received considerable media coverage. This issue is addressed separately below.

5. The Government Working Group for the Elimination of Forced Labour continues to respond to complaints through the good offices of the Ministry of Labour (MOL). A constructive meeting was held with the full Working Group following the 98th Session of the International Labour Conference and regular meetings are held with the Director-General of the Labour Department who has delegated responsibility for operational activity. When a victim of under-age recruitment is identified with proof of age and sufficient indication as to his whereabouts, he is regularly discharged from the military. Although most allegations of forced labour continue to be denied by the Government, parallel action is usually taken by the authorities to ensure that the practice does not continue and that further complaints are not received from that area. In the assessment process, every attempt is made to ensure that complaints submitted are genuine. Government responses at times reflect the sensitivity to what is perceived as political activism, and unfortunately this sometimes outweighs the facts of the case.
6. The complaints mechanism contained in the Supplementary Understanding remains, as the name indicates, complaints driven. The ILO Liaison Officer does not have the authority to initiate complaints or formally raise a case solely on the basis of his own observation or information.
7. While the declared objective of the Government is to put an end to the use of forced labour and to the recruitment of under-age children, this cannot be achieved by passive educational activity alone; the imposition of meaningful penalties on perpetrators is a necessary additional component. This continues to be a concern, particularly in respect of cases involving military personnel. The continued and repeated illegal recruitment of children by military personnel in the same recruitment centres and regiments attests to this need.
8. Assessment missions have been undertaken in Magway Division and a joint mission to Bago Division is planned for 30 October 2009 to follow up on a case in which the facts are in dispute.

## **Awareness raising**

9. A number of joint awareness-raising activities have recently been undertaken. A joint ILO/MOL seminar has been held in Rhakine State with participants representing both the civil and military authorities. A joint presentation was made to a senior township judges refresher training programme. The ILO Liaison Officer, accompanied by a Department of Labour representative, visited villagers and socio-economic project committees set up by the company Total in nine villages in the proximity of the Yadana pipeline. This provided an opportunity to observe the situation in the region and discuss the rights and responsibilities of the local population under the law.
10. An interview with the Liaison Officer on the law and practice concerning forced labour was printed in the biweekly edition of *Eleven magazine*, a widely distributed and read publication. An awareness-raising seminar in Magway Division, an area from which numerous and serious complaints have been sourced, is scheduled for 5 November 2009. An ILO-sponsored workshop on the law and practice in respect of forced labour including under-age recruitment is scheduled to be held in December 2009 for United Nations and

selected international non-governmental organizations programme staff from both their Myanmar headquarters and the field. Some 16,000 copies of the translation of the Supplementary Understanding have been circulated. Unfortunately, the Government has not yet agreed to the production of a simply-worded brochure outlining the law against forced labour and the procedures available to exercise rights under the law.

## Harassment and judicial actions

11. A number of serious cases of apparent harassment and judicial retaliation against complainants, facilitators and other persons associated with complaints have taken place in the reporting period. All arise out of 11 complaints from 328 farmers over the use of forced labour in Magway Division. Seven of those cases stem from Aunglan Township and one serious case from Natmauk Township. Six of these eight complaints remain unresolved despite lengthy negotiations. In three of those cases agreements for their resolution have been reached but they have not been satisfactorily applied. Serious harassment, including lengthy and intense interrogations and judicial action, has taken place against complainants at various stages of the process, some of it in obvious retaliation for their attempts to apply the settlement arrangements.
12. In one case (case 129) complainants in a previously resolved complaint (case 001), in which forced labour was proven, have again been subjected to forced labour on the same land. They have been refused access to their traditional land contrary to the settlement reached, which had granted them the right to return to their land. Three of them, U Nyant Myint, Ko Thura Aung and Ko Kalar have been detained and charged with causing damage to government property in respect of the trees which they were forced to plant on their land, which was the basis for the original complaint.
13. In another case (case 066) the ILO Liaison Officer and a Government Working Group representative negotiated a comprehensive written agreement for the resolution of a complaint concerning the confiscation of land as a penalty for refusing to undertake forced labour. Part of that settlement granted the complainants the right to return to their traditional land and to grow crops as they determined. Subsequently, 12 persons have been charged and sentenced to prison terms ranging from nine months to four years and nine months, for trespass on that land and damage to property as they prepared the land for the next harvest. A 13th complainant has been imprisoned for failing to repay his agricultural loan at an old interest rate which was to have been lowered as part of the settlement. It is understood that in its determination of the case, the court referred to the written agreement for settlement under the Supplementary Understanding as “unofficial” and concluded that it therefore provided no grounds on which its judgement should be based.
14. In respect of another forced labour case (case 109), the agreed settlement for the return of land confiscated by the army or the allocation of replacement land has not been implemented. In addition, the facilitator, U Zaw Htay, and his lawyer remain in prison despite the call for their release included in the conclusions of the 304th Session of the Governing Body. Individual complainants have been interrogated in military premises by senior personnel on the way complaints to the ILO have been prepared, and have been required under threat to sign confessions, which in practice undermine their fellow complainants and the ILO complaints process.
15. It would thus appear that there is a serious “disconnect” between the desire of the central government authorities to stop the use of forced labour and the behaviour of the local authorities, both civilian and military, who do not accept settlements reached, continue traditional forced labour practices, and harass those who attempt to exercise their rights under the law. Previous reports of the Liaison Officer have already referred to this

disconnect. Given the seriousness of the situation, the Liaison Officer has formally proposed to the Working Group that joint action be taken to consider all of these issues collectively with a view to achieving lasting solutions. This proposal has not as yet been accepted, although the agreement to a joint awareness-raising seminar in the region (referred to in paragraph 10 above) can be seen as a small first step in that direction.

16. There is nothing new to report on the cases of imprisoned activists who have been mentioned in earlier conclusions of the Governing Body. Su Su Nway, U Min Aung and the six labour activists Thurein Aung, Kyaw Kyaw, Wai Linn, Nyi Nyi Zaw, Kyaw Min and Myo Min remain in prison, despite repeated calls from the Governing Body for their release.

## **Children in armed conflict**

17. The ILO Liaison Officer, on behalf of the Country Task Force on Monitoring and Reporting on Children and Armed Conflict (CTFMR), has accepted responsibility for the monitoring, reporting and intervention activity in respect of the Security Council Resolution 1612 (2005). This work falls within the scope of the ILO Forced Labour Convention, 1930 (No. 29), and within the application of the Supplementary Understanding.
18. The first meeting between representatives of the CTFMR and the Government Working Group established for this purpose was held on 20 and 21 August and a second meeting is scheduled for 3 November 2009. The primary objective is the agreement of a joint CTFMR/government action plan.
19. The Government Committee on the Prevention of Military Recruitment of Under-age Children reports considerable activity in the training of military personnel on the law concerning under-age recruitment.
20. As at 28 October 2009, 102 complaints concerning under-age recruitment had been received, of which 89 have been submitted under the Supplementary Understanding. As a result, 59 children have been discharged from the military, 30 cases are still under Government investigation or are the subject of ongoing communication, and nine await ILO initial assessment prior to submission. All children discharged through this process are referred to UNICEF for reintegration and rehabilitation support through the services of their partner organizations.
21. With the support of funding received from the Government of Germany a small sub-unit has been established for dealing with under-age recruitment cases under the Supplementary Understanding, as well as for monitoring and reporting on the child soldier situation nationwide. A programme officer has been selected and will join the staff once the Government has processed the submitted visa application.

## **ILO post-Nargis infrastructure project**

22. The workplan between the ILO and the Ministry of Labour on the infrastructure project in the Irrawaddy Delta area expired on 30 September 2009. During the period 31 October 2008 to 30 September 2009 the project undertook work in 65 villages in the cyclone-affected area. A total of 159 community contracts were governed by community committees established for the purpose. Some 7,404 people were engaged for a total of 80,491 days of work, under the technical supervision of the ILO engineering team, building 87.6 kilometres of raised concrete footpaths, 25 jetties, 55 bridges and 40 latrines.

Awareness-raising seminars on employment rights, forced labour, and under-age recruitment were held throughout the project for project employees with a further 7,000 or more villagers in attendance. The Government announced that it was unable to extend the project period owing to the workload prior to the parliamentary elections. The Liaison Officer is hopeful that similar activities could be considered at a later stage. The whole ILO engineering team has now been engaged by the United Nations Development Programme (UNDP) to continue work on that organization's infrastructure programmes.

## **UN Country Team activities**

23. As part of the UN Country Team, the ILO assumes an active role on the nationwide Inter-Agency Protection Group and the Human Rights Subgroup. The Human Rights Subgroup has met the Government Human Rights Body on one occasion and is awaiting agreement for a further meeting with the objective of identifying common human rights priorities for joint action.

Geneva, 4 November 2009.

*Submitted for debate and guidance.*



## Appendix I

### Governing Body 304th Session (March 2009)

#### *Conclusions concerning 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 under way 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 under-age 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.

## Appendix II

### International Labour Conference, 98th Session

(June 2009)

#### ***Report of the Liaison Officer to the Special Sitting on Myanmar (C. 29) of the Committee on the Application of Standards***

- I. Follow-up to the 97th Session (2008) of the ILC
  1. Following the 97th Session (2008) of the International Labour Conference, the Liaison Officer has continued work on the ground with the Government of Myanmar on the implementation of the recommendations of the 1998 Commission of Inquiry and the subsequent decisions and recommendations of the Conference and the Governing Body. One important element is the complaints mechanism established on a trial basis by the Supplementary Understanding between the Office and the Government, which had been initially concluded on 26 February 2007. On 26 February 2009, the trial period was extended for a further 12 months.
  2. Reports on the developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), were submitted to the Governing Body at its 303rd (November 2008) and 304th (March 2009) sessions. Documents GB.303/8/2 and GB.304/5/1(Rev.) as well as the conclusions of the Governing Body are attached to this report. Over the past 12 months considerable international focus has also been directed to the recovery programme following the devastation caused by cyclone Nargis in the beginning of May 2008. The ILO has been involved in this activity through a community, labour-based, infrastructure project as a model against the use of forced labour and has also been monitoring the incidence of forced labour in the overall relief operation.
  3. In the conclusions of its 303rd sitting, the Governing Body recognized a certain degree of cooperation on the part of the Government to make the complaints mechanism under the Supplementary Understanding work. However, it also stressed the urgency of giving full effect to the recommendations of the Commission of Inquiry and the need for widespread awareness raising on the rights of people and the responsibilities of the authorities in respect of forced labour. To this end the Governing Body highlighted the need for the production and wide distribution of a translation of both the Supplementary Understanding and a clearly and simply worded explanatory brochure. The Governing Body considered that people must have access to the ILO unhindered and without fear of reprisals. In that regard the Governing Body condemned the severe prison sentences imposed on Ma Su Su Nway and U Thet Wai who both were long-time supporters of the ILO forced labour programme and active facilitators of complaints under the Supplementary Understanding. The Governing Body called for their release as well as the release of other activists imprisoned for the pursuit of their fundamental rights including freedom of association. It reiterated its earlier call for a statement from the highest political level which would unambiguously reconfirm that forced labour is illegal and the Government remains committed to its elimination.
  4. At its 304th sitting the Governing Body welcomed the further extension of the trial period of the Supplementary Understanding. It called for the continuation of the sustained measures needed for the full implementation of the Commission of Inquiry recommendations for the elimination of forced labour in Myanmar. It noted with serious concern the continuing arrest and sentencing of persons who had been associated with the

application of the complaints mechanism. While noting the release of U Thet Wai, the Governing Body called for the urgent review of the cases concerning U Zaw Htay, a facilitator of complaints under the Supplementary Understanding, his lawyer Ko Po Phyu, and of other similar cases towards their immediate release from custody. The Governing Body again expressed the view that all persons should have access to the complaints mechanism without the risk of harassment or retribution. To that end they called for the wide distribution of the translation of the Supplementary Understanding, for the production of a simply worded publication and the undertaking of systematic awareness-raising seminars including in sensitive areas of the country. While welcoming the Minister of Labour's public statement made at the time of the extension of the Supplementary Understanding the Governing Body again reminded the Government of the continuing need for an authoritative statement at the highest level clearly confirming to the people the Government's policy for the elimination of forced labour and its intention to prosecute perpetrators, both civilian and military, under the Penal Code.

5. The Governing Body noted the progress reported in the rural infrastructure project in the cyclone-affected region. It recommended that the Liaison Officer and the Government continue to work together to identify modalities for the continuation of this activity, within the existing framework, in the Irrawaddy Delta region and potentially in other parts of the country.
6. In line with the current ILO mandate in Myanmar, the Governing Body welcomed the Liaison Officer's acceptance of responsibility under UN Security Council Resolution 1612 for monitoring and reporting under-age recruitment and child soldiers. It called on the Government to continue to cooperate with the Liaison Officer and his staff in this regard and to facilitate the presence of an additional international professional for this purpose.

## II. The functioning of the Supplementary Understanding

7. As of 15 May 2009, a total of 152 complaints have been received under the Supplementary Understanding. Of those complaints 95 have been assessed and submitted to the Government for investigation and action, and 39 have been assessed as not being within the mandate or not sufficiently supported or substantiated for submission. Five complaints were accepted as being within the mandate but were not proceeded with due to concerns on the part of the complainants of possible retribution. Another five complaints have concerned issues relating to freedom of association. At present eight cases are under assessment towards possible submission.
8. Of the 95 cases submitted to the Government, 70 cases have been closed following an investigation by the authorities. In 13 of these cases the case register has been noted either that the action taken by the Government against the perpetrators is considered inadequate or recommendations made for a more comprehensive solution have been rejected. Responses continue to be in discussion in 12 cases, and responses have not yet been received to the original letter of complaint in respect of the remaining 13 cases. In 23 of the closed cases recommendations have been made towards improving ongoing practice.
9. The complaints submitted fall into the following categories:
  - (a) forced labour under the instruction of civil authorities: 25 cases;
  - (b) forced labour under the instruction of military authorities: 18 cases;
  - (c) recruitment of minors into the military: 52 cases.
10. In 15 cases complaints alleging harassment/reprisals connected with the application of the Supplementary Understanding have been received.
11. The Ministerial Working Group, chaired by the Deputy Minister of Labour and supported by the Department of Labour, has responded in a reasonably timely and constructive manner to the complaints that have been submitted and to recommendations made.

However, it must also be said that the arrest and sentencing of facilitators and the ensuing publicity has worked against the lodging of complaints in particular on the use of traditional forced labour. In contrast, complaints concerning under-age recruitment into the military have increased, and in these cases there have been no reports of harassment or reprisal being experienced.

12. The number of complaints cannot be seen as a reflection of the extent of forced labour practices in Myanmar. There are continuing practical problems in the physical ability of victims of forced labour or their families to complain. The ILO Liaison Officer is in Yangon, and the facilities available consist of one additional international Professional staff, supported by seven local staff contracted to the ILO for interpretation, administrative and transport support purposes. Myanmar is a large country with a somewhat unreliable communication systems, and it is not easy for citizens to travel. Therefore, a network of complaints facilitators remains a necessity. Facilitators undertake this activity because they are socially aware and committed to support the elimination of forced labour, including the use of child soldiers. They are not paid and receive no financial support or reimbursement of their costs. They also accept a level of risk of potential harassment and even detention.
13. Some facilitators belong to political or social organizations while others are ordinary committed individuals. The Government continues to maintain that some facilitators use the provisions of the Supplementary Understanding against the State by actively seeking out and encouraging complaints, or as a means to gain protection under the non-retribution provision of the Supplementary Understanding. The Liaison Officer has stressed the fact that he exercises his responsibility to properly assess every complaint to ensure as best as possible its legitimacy. This includes verification that there is a genuine complaint and a willing complainant. The critical issue is the substance of the complaint and not the identity or motivations of the facilitator. In respect of protection, the Liaison Officer has the responsibility to exercise judgement in the acceptance of complaints of reprisal/harassment. However, he must also be convinced that the alleged offences with which these persons are charged are genuine.
14. A number of forced labour complaints result from the application of other government policies, economic and agricultural, such as the policies on biofuel, mandated crops and irrigation. These are not questions of the legitimacy of policies, but problems have arisen with their application: farmers tend to be obliged to change their crop under threat of penalties, including the loss of their land. In response to such complaints the Liaison Officer has been able to negotiate the return of confiscated land and to obtain guarantees for those farmers that they may grow the crops they choose. However, this can only be done in response to a specific complaint, and the Government has not agreed to consider joint policy application training designed to stop the application of these policies in a way which leads into complaints.
15. In cases of under-age recruitment, the standard government response remains that the child voluntarily joined the army, but the actual response is generally positive with the victim being relatively promptly located and discharged to the care of family. Only two children thought to have been recruited and being the subject of complaints have not been located and discharged. The Liaison Officer continues to take the stance that even if a child does “volunteer”, under the law no person under 18 years can join the Myanmar military services and that military personnel accepting such volunteers are breaking the law. Whilst some young men do offer themselves for recruitment, others are coerced, tricked or forced to do so. It is the recruiting officer’s responsibility to apply the law and regulations and to verify the applicant’s age prior to accepting a recruit. In his report to the Conference in 2008 the Liaison Officer advised that notwithstanding the facts of particular cases, the penalty for military personnel for recruitment of minors has at most been a serious reprimand on the officer’s personal file. Over the past year this situation has changed with a small number of perpetrators being additionally fined 14 or 28 days’ salary and in one instance losing service for benefits and promotion consideration. The Liaison Officer has continued to consider that in the most serious cases these penalties remain inadequate;

there remains an expectation that the punishment should fit the crime. In particularly blatant cases of forced recruitment or the recruitment of very young children, the full force of civil and military law should be applied with protagonists receiving the penalties provided under those laws including dishonourable discharge and/or imprisonment. To date neither has occurred.

16. Since the last report to the Conference, there has been an acceptance that a child illegally recruited into the military cannot legally be charged and sentenced as a deserter. To date, four children in this situation have been identified with the result being that so far three have been released from prison with their conviction quashed and/or sentence remitted. On release they have been formally discharged to the care of their family.
17. The ILO Liaison Officer has accepted responsibility within the UN Country Team taskforce under Security Council Resolution 1612 for the monitoring and reporting responsibly relating to child soldiers and under-age recruitment into the military. The Government of Germany has agreed to fund this activity on an initial 12-month basis.

### III. Activities since the 304th Governing Body Session (March 2009)

18. Following the Government's approval of the translation of the extension agreement on 28 March 2009, 20,000 copies of a booklet containing approved translations of the Supplementary Understanding, its extension and associated documents into Myanmar language were produced. This was in addition to the printing of 10,000 copies of a first edition after the Government's earlier approval of the translated texts on 15 December 2008. This booklet has been distributed to appropriate members of civilian and military authorities nationwide, to civil society groups, other UN organizations, INGOs, NGOs and the general public for awareness-raising purposes. The production of a proposed brochure based on the draft ILO text, in accessible language, has not been approved by the Government and alternative methods of increasing awareness are under discussion.
19. Two recent joint awareness-raising seminars for both civilian and military personnel have been held in Karen State and Northern Shan State. Agreement has been reached that such seminars should be held regularly throughout the country from now on. Planning for the next seminar to be held in Rhakine State is currently in progress.
20. The Liaison Officer was again invited to give a lecture on international and national law relating to forced labour including under-age recruitment, and its application, to the annual deputy township judges training course held on 2 April 2009.
21. A second four-day training-for-trainers' course, led by the assistant to the Liaison Officer, in association with UNICEF and the Ministry of Social Welfare and Resettlement, has been completed. Its 39 participants were officers from the recruitment regiment, basic training camps, the police, the prison service and senior personnel of the Social Welfare Department. A similar training course by Save the Children, supported by the assistant to the Liaison Officer in December 2008, and further similar courses are in planning stages.
22. Joint missions with the Ministry of Labour were undertaken on 15 to 17 December 2008 and on 10 to 12 March 2009. These missions were follow-up to complaints which had been submitted to the Liaison Officer. They resulted in settlements being reached in respect of two large forced labour complaints involving forced cropping, destruction of traditional crops and confiscation of land for non-compliance. Regrettably there are indications that, as at time of writing, the terms of settlement have not been fully complied with by the local authorities concerned.
23. In response to government requests the Liaison Officer has agreed to assist in the proposed review of the Jail Manual in respect of its compliance with Convention No. 29.

24. No new statement from the highest levels of Government on forced labour as requested by the Governing Body has been made. The Government has considered that the statement of the Minister of Labour at the time of the extension of the Supplementary Understanding and the provisions contained in the new Constitution restates the high-level commitment to the elimination of forced labour.
25. At the time of writing the former facilitators U Min Aung, Ma Su Su Nway and U Zaw Htay as well as lawyer Ko Po Phyu all remain in prison. The Liaison Officer has requested permission to visit them but this has not as yet been accorded.
26. One of the important recommendations of the Commission of Inquiry was to prosecute those responsible for the forced labour under the Penal Code. The Liaison Officer has not been informed of any such prosecutions since March 2007.

#### IV. The continuing situation

27. In the 12 months since cyclone Nargis devastated large areas of southern Myanmar leaving some 140,000 persons dead or missing a major humanitarian response has been undertaken. While good cooperation has been experienced between the Government, ASEAN, the UN, INGOs NGOs and the donor community, the disaster was on such a scale that much more remains to be done. Many thousands of people remain vulnerable owing to inadequate shelter and inadequate access to food and water, with livelihood rebuilding being hampered by poor yields from the damaged land, a lack of other income-generating opportunities, low commodity prices and the inability of many to finance asset replacement. The Government and the UN and all relief agencies and actors are working to remove the factors which directly or indirectly result in the use of forced labour, child labour, human trafficking and the exploitation of migrant labour. There have been two reported cases of forced labour related to cyclone Nargis recovery which on being raised with central authorities were immediately stopped. Considerable effort has been made by the Government, supported by the Liaison Officer, to ensure that all government authorities operational in the region (military and civilian) are not only aware of the law against the use of forced labour but also respect that law.
28. With the approval of the Governing Body and in cooperation with the Ministry of Labour the ILO Liaison Officer and his team have undertaken a major community-based rural tertiary level infrastructure project in the cyclone-affected area. This project was funded by both a regular budget contribution and through the support of DFID, and it was designed as a best practice employment model for the elimination of forced labour. It uses the labour-based employment model and is community driven utilizing the established UNDP community committees to establish the priorities for the work, accepting governance responsibility for the project in their village and together with the ILO technical team engaging community contractors to undertake the work through the employment of villagers most in need from their area. Through this activity some 65,000 person days of labour have been generated with 9,977 persons employed (67 per cent male and 33 per cent female) and 167 million kyats (\$162,000) paid into the community as wages. 158 community contracts were issued with those contractors receiving training from the ILO technical team in respect of good employment practice and procedures respecting ILO standards, commercial skills in competitive bidding and procurement as well as the required technical/engineering training to do the work. The physical outcomes have been 54.4 miles (87.5 kms) of raised concrete footpaths, 55 bridges, 40 pit latrines and 25 jetties. This has given increased mobility within and between 65 villages and has facilitated access to markets for villagers' products as well as normal social interactions such as access to schools and medical facilities. The project has now been completed and is in abeyance for the monsoon period. The ILO technical team will be undertaking work in the interim for the UNDP and it is hoped that, subject to funding and continuing agreement of the Government, that activities will resume post-monsoon in the cyclone affected area and/or in other parts of the country.

29. Since the last report, a UN Country Team Human Rights Subgroup has been formed with the participation of the ILO. The Task Force has held a meeting with the Government Human Rights Body and a further meeting is planned to discuss priorities with a view to establishing an agreed joint workplan. During the February 2009 visit of the UN Special Rapporteur on Human Rights to Myanmar the ILO Liaison Officer was invited by the Government to travel with him to Karen State to meet state authorities, two armed ceasefire groups and to visit the Hpa-An prison. This was useful in progressing awareness and understanding of the law for the elimination of forced labour and the operation of the Supplementary Understanding as well as providing opportunity to follow up on both child soldier issues with the non-state armed ceasefire groups and prison labour issues.
30. Two matters have arisen since the last report to the Conference which are not directly linked to the matter of forced labour but they are important in respect of the ILO mandate and relations with the Government of Myanmar.
- (1) The government owned daily newspaper *The New Light of Myanmar* reported on 8 September 2008 on the arrest of a group of persons being members of an organization called “the Human Rights Defenders and Promoters” for terrorism activities involving the detonation of bombs. One of the persons arrested had previously facilitated the lodging of a number of legitimate forced labour complaints to the ILO Liaison Officer. The Government spokesperson announcing the arrests was quoted as saying that “the HRDP organization had actively gathered false and exaggerated news concerning forced labour, child soldiers and land use and submitted that information to the ILO”. The headline of the published report referred directly to the ILO. This matter was raised with the Government who advised that there had been no intention to suggest that terrorist bomb activities could have a link with the ILO; the question was of an unfortunate journalistic mistake.
  - (2) On 1 April 2009 four persons were detained on their return to Myanmar after attending the FTUB congress in Thailand. Information on the detentions was received from the ITUC to the ILO on 8 April 2009 with a request for intervention. The ILO intervened with the Government and, while not related to the operation of the Supplementary Understanding, members of the Government Working Group for the Elimination of Forced Labour were commissioned to undertake an internal investigation on the matter. On 10 April all four persons were released. On 25 April the Liaison Officer had the opportunity to meet with them to verify their good health and freedom. However, the six labour activists who had been sentenced on 7 September 2007 to long prison terms for exercising their freedom of association rights remain in prison (see also CFA 349th Report, GB.301/8, Case No. 2591).

## V. Concluding remarks

31. Notwithstanding the limitations in its scope and application, the complaints mechanism contained in the Supplementary Understanding continues to function. It is naturally only one element in the overall work of the Liaison Officer, whose mandate since 2002 has been to assist the Government in the implementation of the recommendations of the Commission of Inquiry. The Supplementary Understanding confirms and strengthens the rights of citizens of Myanmar under the law, and it is also designed to support the Government’s policy for the elimination of forced labour in Myanmar.

32. As has been noted in paragraph 12 above, it does not give a picture on the extent of the forced labour situation in the country. It was designed at a time when there was a divergence on the rights of citizens to raise cases on forced labour without possible negative consequences, including the threat of prosecution. It has to be seen against the broader action in this field, and many of the related activities have been described in this report as well as the reports to the Governing Body. At the same time, it is fair to say that it continues to act as a valuable catalyser, it provides further insight into the problems of forced labour on the ground, and it is a channel which citizens of Myanmar can continue to use to claim their rights.

Yangon

19 May 2009

## Appendix III

### International Labour Conference, 98th Session

(June 2009)

#### ***Conclusions of the Special Sitting on Myanmar of the Committee on the Application of Standards***

*(6 June 2009)*

The Committee noted the observations of the Committee of Experts and the report of the ILO Liaison Officer in Yangon that included the latest developments in the implementation of the complaints mechanism on forced labour established on 26 February 2007 with its trial period extended on 26 February 2009 for a further 12 months. The Committee also noted the discussions and decisions of the Governing Body of November 2008 and March 2009. It also took due note of the statement of the Government representative and the discussion that followed.

Since its last session, the Committee acknowledged some limited steps on the part of the Government of Myanmar: the further extension of the Supplementary Understanding for another year; certain activities concerning awareness raising of the complaints mechanism established by the Supplementary Understanding; certain improvements in dealing with under-age recruitment by the military; and the distribution of publications relating to the Supplementary Understanding.

The Committee was however of the view that these steps are totally inadequate. The Committee, recalling the conclusions reached in its special sitting at the 97th Session of the Conference (June 2008), again placed emphasis on the need for the Government of Myanmar to work proactively towards the full implementation of the recommendations of the Commission of Inquiry appointed by the Governing Body in March 1997 under article 26 of the Constitution. It also recalled the continued relevance of the decisions concerning compliance by Myanmar with Convention No. 29 adopted by the Conference in 2000 and 2006 and all the elements contained therein.

The Committee fully supported all of the observations of the Committee of Experts and the decisions of the Governing Body referred to above, and had the expectation that the Government of Myanmar would move with urgency to implement all the actions requested.

The Committee strongly urged the Government to fully implement without delay the recommendations of the Commission of Inquiry and the comments and observations of the Committee of Experts, and in particular to:

- (1) take necessary steps without any further delay to bring the relevant legislative texts, in particular the Village Act and the Towns Act, into line with Convention No. 29;
- (2) amend paragraph 15 of Chapter VIII of the new Constitution in order to bring it into conformity with Convention No. 29;
- (3) ensure the total elimination of forced labour practices that were still persistent and widespread;
- (4) ensure that perpetrators of forced labour, whether civil or military, were prosecuted and punished under the Penal Code;
- (5) issue an authoritative statement at the highest level clearly confirming to the people of Myanmar the Government's policy for the elimination of forced labour and its intention to prosecute perpetrators;

- (6) approve a simply-worded brochure in accessible languages on the functioning of the Supplementary Understanding; and
- (7) eliminate the continuing problems in the physical ability of victims of forced labour or their families to complain and immediately cease harassment, retaliation and imprisonment of individuals who used or facilitated the use of the complaints mechanism.

The Committee specifically called on the Government of Myanmar to take every opportunity, including through the use of all of the various media channels available, to increase the awareness of the people as to the law against the use of forced labour, their rights under that law and of the availability of the complaints mechanism as a means of exercising those rights.

The Committee, whilst acknowledging the continued use of joint awareness-raising seminars/symposia, called on the Government and the ILO Liaison Officer to redouble these efforts towards ensuring a full understanding on the part of all officials (military and civil), as to their responsibilities under the law.

The Committee noted with serious concern the continued human rights violations in Myanmar including the detention of Daw Aung San Suu Kyi. The Committee called for her release and that of other political prisoners, as well as labour activists. It further called for the immediate release of those persons who were associated with the operation of the complaints mechanism and who were currently incarcerated.

The Committee called for the strengthening of the capacity available to the ILO Liaison Officer to assist the Government in addressing all of the recommendations of the Commission of Inquiry and to ensure the effectiveness of the complaints mechanism, and expected the Government to cooperate fully in that regard.

## Appendix IV

### Register of cases

Case	Date received	Accepted	Intervention date	Status	Comments
001	28 Feb 07	Yes	9 Mar 07	Closed	Prosecution – 2 x imprisonment 1x acquitted, land use remains in dispute [Case 129].
002	28 Feb 07	Yes	29 May 07	Closed	Child released, disciplinary action – formal reprimand.
003	5 Mar 07	No		Closed	Not related to mandate (worker welfare issue).
004	13 Mar 07	Yes	20 Mar 07	Closed	Not forced recruitment – under age – discharged to parents.
005	29 Mar 07	No		Closed	Not related to mandate (land issue).
006	6 Apr 07	No		Closed	Not related to mandate (pension issue).
007	6 Apr 07	No		Closed	Not related to mandate (pension issue).
008	6 Apr 07	Yes	16 May 07	Closed	Compensation paid. Instigator dismissed.
009	9 Apr 07	Yes	10 Apr 07	Closed	Civil sanctions and reprimands.
010	9 Apr 07	No		Closed	Insufficient basis to proceed at this stage.
011	19 Apr 07	No		Closed	Insufficient information at this stage.
012	19 Apr 07	No		Closed	Not related to mandate (employment dispute).
013	23 Apr 07	No		Closed	Complainants unwilling to be identified.
014	23 Apr 07	No		Closed	Complainants unwilling to be identified.
015	23 Apr 07	Yes	16 May 07	Closed	Government denied portering and alleged victim to be an insurgent who was captured but subsequently escaped. Any connection between the facilitator's subsequent imprisonment and this case was denied. Communication: facilitator harassment continues.
016	25 Apr 07	No		Closed	Not related to mandate (employment dispute).
017	26 Apr 07	Yes	22 Aug 07	Closed	Administrative instructions issued and educative activity undertaken.
018	9 May 07	Yes	22 May 07	Closed	Military officer disciplined – joint training seminar undertaken.
019	9 May 07	No		Closed	Not related to mandate (property dispute).
020	9 May 07	No		Closed	Insufficient basis to proceed.
021	9 May 07	Yes	10 May 07	Closed	Victim discharged to parents – disciplinary action as the result of military enquiry inadequate.
022	18 May 07	No		Closed	No evidence that the work constituted forced labour.
023	18 May 07	Yes	23 May 07	Closed	Field visit, education activity undertaken.
024	25 May 07	No		Closed	Insufficient information to proceed.
025	22 Jun 07	Yes	14 Aug 07	Closed	Four officials dismissed, administrative instructions re-issued.
026	26 Jun 07	Yes	13 Aug 07	Closed	Local authorities instructional activity undertaken.

Case	Date received	Accepted	Intervention date	Status	Comments
027	28 Jun 07	No		Closed	Not related to mandate – pension/gratuity matter.
028	7 Jun 07	No		Closed	Not related to mandate – pensions matter.
029	14 Jun 07	Yes	2 Aug 07	Closed	Village chairman dismissed.
030	31 Jul 07	Yes	31 Jul 07	Closed	Child released – summary military trial – recruiting officer disciplined.
031	25 Jun 07	No		Closed	Not related to mandate – mass termination.
032	29 Jun 07	No		Closed	Not related to mandate – land confiscation.
033	6 Jul 07	Yes	9 Aug 07	Closed	Child released, training seminar undertaken.
034	12 Jul 07	No		Closed	Not related to mandate – hours of work/overtime issue
035	23 Jul 07	Yes	17 Aug 07	Closed	Government instructions issued, retrospective remuneration paid, joint field trip for awareness education undertaken.
036	24 Jul 07	No		Closed	Insufficient basis to proceed.
037	29 Jun 07	No		Closed	Not related to mandate – migrant worker/payment of wages.
038	25 Jul 07	No		Closed	Not related to mandate – termination of employment issue.
039	12 Jun 07	No		Closed	Insufficient basis on which to proceed.
040	31 Jul 07	No		Closed	Insufficient information to proceed.
041	6 Aug 07	No		Closed	Not related to mandate – termination grievance.
042	7 Aug 07	Yes	8 Aug 07	Closed	Not within Supplementary Understanding mandate – issue of freedom of association remains. Six labour activists remain imprisoned. Request for ILO visiting rights rejected.
043	15 Aug 07	Yes	16 Aug 07	Closed	Child released, disciplinary action as the result of military enquiry inadequate.
044	16 Aug 07	No		Closed	Not related to mandate – wages/fees payment issue.
045	20 Aug 07	Yes	10 Sep 07	Closed	New instructions issued.
046	24 Aug 07	No		Closed	Not related to mandate – commercial dispute.
047	27 Aug 07	Yes	12 Sep 07	Closed	Joint mission undertaken, village chairman dismissed, military officer reprimanded, practice stopped.
048	7 Sep 07	No		Closed	Insufficient evidence to proceed.
049	7 Sep 07	Yes	19 Dec 07	Closed	Compensation package. One perpetrator demoted. Recommendation on prison labour policy review made.
050	14 Sep 07	Yes	20 Sep 07	Closed	Victim released – military enquiry resulted in disciplinary reprimand.
051	20 Sep 07	Yes	25 Feb 08	Closed	Practice of forced labour ceased, awareness raising undertaken.
052	20 Sep 07	Yes	22 Feb 08	Closed	Forced labour stopped, travel restriction removed.
053	10 Oct 07	Yes	9 Nov 07	Closed	Responsible officer disciplined, practice stopped, joint awareness-raising mission undertaken.

Case	Date received	Accepted	Intervention date	Status	Comments
054	17 Oct 07	Yes	18 Oct 07	Open	Clause 9 breach – negotiations continue, Su Su Nway, Min Aung remain in prison. Request for ILO visiting rights rejected.
055	19 Oct 07	Yes	31 Oct 07	Closed	Child released – military enquiry resulted in disciplinary reprimand.
056	25 Oct 07	Yes	09 Nov 07	Closed	Child released – military enquiry resulted in disciplinary reprimand.
057	7 Nov 07	No		Closed	Not related to mandate – cross-border trafficking and HIV and AIDS.
058	15 Nov 07	Yes	23 Nov 07	Closed	Child released – summary military trial – recruiting officer disciplined.
059	15 Nov 07	Yes	30 Nov 07	Closed	Official translation approved.
060	19 Nov 07	No		Closed	Not related to mandate – wages claim issue.
061	17 Dec 07	Yes	19 Dec 07	Closed	Government agreed to issue discharge in absentia, however victim cannot be located.
062	20 Dec 07	Yes	28 Dec 07	Closed	Victim discharged to custody of parents. Responsible recruiting officer officially reprimanded.
063	7 Jan 08	Yes	14 Jan 08	Closed	Victim discharged, recruiting officer reprimanded, instruction on humane treatment of trainees issued. Ongoing procedure recommendation made.
064	7 Jan 08	Yes	11 Feb 08	Closed	Sentence remitted, victim discharged from military to care of family.
065	08 Jan 08	No		Closed	Not related to mandate – corruption allegation.
066	14 Jan 08	Yes	22 Feb 08	Open	Joint mission undertaken, negotiated settlement reached, agreement not honoured by local authorities, 13 complainants and associated persons imprisoned. Request for release made, negotiation continues.
067	16 Jan 08	No		Closed	Not within mandate of forced labour, land confiscation.
068	16 Jan 08	Yes	25 Feb 08	Closed	Official dismissed, education activity undertaken, ongoing situation to be monitored.
069	31 Jan 08	Yes	25 Feb 08	Closed	Closed in association with case 051 following assessment mission.
070	6 Feb 08	Yes	12 Feb 08	Closed	Victim discharged, recommendation on proof of age documentation procedure made.
071	29 Jan 08	No		Closed	Not related to mandate – compensation for damaged crop issue.
072	30 Jan 08	Yes	11 Mar 08	Closed	Awareness-raising activity undertaken.
073	20 Feb 08	Yes	3 Mar 08	Closed	Portering allegation denied, disciplinary action re. serious assault on complainant considered inadequate.
074	21 Feb 08	No		Closed	Insufficient basis to proceed.
075	03 Mar 08	Yes	11 Mar 08	Closed	Victim discharged, responsible officer reprimanded, government investigation to locate broker continues.

Case	Date received	Accepted	Intervention date	Status	Comments
076	03 Mar 08	Yes	10 Mar 08	Closed	Child discharged – recruitment officer reprimanded.
077	5 Mar 08	No		Closed	Not within Supplementary Understanding mandate – freedom of association issue subject to separate consideration.
078	5 Mar 08	No		Closed	Not within Supplementary Understanding mandate – freedom of association issue subject to separate consideration.
079	14 Mar 08	No		Closed	Not within Supplementary Understanding mandate – freedom of association issue subject to separate consideration.
080	14 Mar 08	Yes	08 Apr 08	Closed	Associate with case 068, ongoing situation to be monitored.
081	17 Mar 08	No		Closed	Not related to mandate – labour market dispute.
082	17 Mar 08	No		Closed	Complainants unwilling to be identified.
083	20 Mar 08	Yes	08 Apr 08	Closed	Victim discharged. Recruiting officer seriously reprimanded, disciplinary response considered inadequate.
084	26 Mar 08	No		Closed	Being dealt with in context of case 015.
085	28 Mar 08	No	02 Aug 08	Closed	Being dealt with in context of case 066.
086	28 Mar 08	Yes	07 Apr 08	Closed	Victim discharged to care of parents. Responsible senior officer reprimanded. Disciplinary action considered inadequate.
087	11 Apr 08	Yes	11 Apr 08	Closed	Child discharged – recruitment officer reprimanded.
088	22 Apr 08	Yes	16 Jun 08	Closed	Child discharged.
089	19 May 08	Yes	20 Jun 08	Closed	Victim discharged, desertion charge dropped, responsible officer reprimanded.
090	20 May 08	Yes	17 Jul 08	Closed	Victim discharged, responsible officer seriously reprimanded. No response in respect of other reported minors in same unit.
091	23 May 08	No		Closed	Complaint withdrawn.
092	27 May 08	No		Closed	Not related to mandate – labour dispute
093	28 May 08	Yes	16 Jun 08	Closed	Victim discharged, responsible officer reprimanded.
094	28 May 08	Yes	02 Sep 08	Closed	Division-wide joint training seminar for civilian, judicial, police and army authorities undertaken.
095	11 Jun 08	No		Closed	Not related to mandate – land confiscation.
096	11 Jun 08	Yes	14 Jul 08	Closed	Victim discharged, two officers responsible disciplined. One with 28 days' salary deduction and one with 14 days' salary deduction and a serious reprimand.
097	14 Jun 08	Yes	20 Jun 08	Closed	Child discharged – recruitment officer reprimanded.
098	15 Jun 08	Yes	17 Jun 08	Open	Negotiation for reinstatement of facilitator's law practising licence continues.

Case	Date received	Accepted	Intervention date	Status	Comments
099	18 Jun 08	Yes	24 Jun 08	Closed	Victim released from prison, discharged from military, desertion sentence remitted – first perpetrator dead, second perpetrator resigned with no disciplinary action applied. Victim seriously ill on release, subsequently deceased.
100	23 Jun 08	Yes	09 Oct 08	Open	Government response received, full denial of forced labour, claiming sentry duty to be community work. Response not accepted, negotiation continues.
101	02 Jul 08	Yes	09 Oct 08	Closed	Allegation denied, Ministry of Defence instruction on recruiting process issued.
102	11 Jul 08	No		Closed	Insufficient evidence to proceed.
103	16 Jul 08	Yes	18 Jul 08	Closed	Victim discharged to care of parents.
104	17 Jul 08	Yes	21 Jul 08	Closed	Victim located, allegedly now of age and wishing to remain in army. ILO independent verification request denied.
105	21 Jul 08	Yes	24 Jul 08	Closed	Child discharged – recruitment officer disciplined by the loss of 28 days' salary.
106	31 Jul 08	Yes	31 Jul 08	Closed	Community work related. Government guidance distributed through General Administration Department as to appropriate approach to be adopted.
107	28 Jul 08	Yes	04 Aug 08	Closed	Victim discharged, perpetrator fined 28 days' salary.
108	29 Jul 08	Yes	28 Aug 08	Closed	Autistic boy of disputed age recruited. Government advises that victim deserted in 2005. Person responsible for his delivery to recruitment centre has himself deserted. No action taken against any perpetrator. Current whereabouts and status of victim unknown.
109	11 Aug 08	Yes	23 Oct 08	Open	Joint mission undertaken, negotiated settlement re. forced labour and land confiscation reached, agreements not yet fully applied by local authorities, negotiations continue. Facilitator and lawyer imprisoned, allegation re. harassment of facilitator's family.
110	13 Aug 08	Yes	10 Oct 08	Closed	Victim not located, prison labour policy review proposed.
111	14 Aug 08	Yes	21 Aug 08	Closed	Victim not located – now considered by Government as missing person. Government advised that victim rejected at recruitment centre. No action taken against identified broker or military personnel presenting victim for recruitment.
112	19 Sep 08	Yes	29 Sep 08	Closed	Victim discharged, three military personnel seriously reprimanded.
113	24 Sep 08	Yes	–	Closed	Parents decided not to pursue the case.
114	25 Sep 08	Yes	29 Oct 08	Closed	Victim located, is now of age, decided to remain in the army, ILO not granted private meeting for verification.
115	26 Sep 08	Yes	29 Oct 08	Closed	Victim discharged, two military personnel seriously reprimanded.
116	01 Oct 08	No		Closed	Insufficient Information to proceed.

Case	Date received	Accepted	Intervention date	Status	Comments
117	01 Oct 08	Yes	10 Nov 08	Closed	Victim released, compensation paid, ongoing medical treatment provided, prison labour policy review proposed and agreed in principle, awaiting outcome.
118	01 Oct 08	No		Closed	Not within Supplementary Understanding mandate – industrial dispute issue.
119	22 Oct 08	Yes	22 Oct 08	Closed	Awareness-raising activity undertaken, practice ceased.
120	30 Oct 08	Yes	06 Nov 08	Closed	Victim discharged, non-commissioned officer seriously reprimanded with loss of 28 days' salary and allowances. Disciplinary action considered inadequate.
121	04 Nov 08	Yes	10 Nov 08	Closed	Victim discharged, senior officer responsible reprimanded.
122	10 Nov 08	Yes	20 Feb 09	Closed	ILO offer of support for the production of guidelines for agricultural policy application, to avoid forced labour complaints, stands.
123	14 Nov 08	Yes	14 Nov 08	Closed	Victim discharged, perpetrator seriously reprimanded with loss of 14 days' salary, disciplinary action considered inadequate.
124	14 Nov 08	No		Closed	Not within Supplementary Understanding mandate – land confiscation.
125	05 Dec 08	Yes	15 Dec 08	Open	No response received from Government, however victim discharged. Request for information toward file closure made.
126	11 Dec 08	Yes	11 Dec 08	Closed	State-wide awareness raising held in Karen State and Northern Shan State, ongoing situation being monitored.
127	15 Dec 08	Yes	22 Dec 08	Closed	Victim discharged, perpetrator had retired, recommendation for criminal prosecution not accepted.
128	14 Jan 09	Yes	30 Jan 09	Closed	Victim discharged, junior officer disciplined. Recommendation on policy procedure concerning allocation of responsibility made. Response awaited.
129	30 Jan 09	Yes	26 Oct 09	Open	Related to case 01, ILO assessment mission undertaken. Three complainants detained on damage to government property charges, negotiations continue.
130	4 Feb 09	Yes		Closed	Settlement incorporated within case 66 solutions.
131	13 Feb 09	Yes	09 Mar 09	Open	Victim dismissed/discharged. Communication re. perpetrator continues (related to case 132 and 133).
132	13 Feb 09	Yes	22 May 09	Open	Awaiting government response.
133	13 Feb 09	Yes	22 May 09	Open	Awaiting government response.
134	16 Feb 09	No		Closed	Insufficient information to proceed.
135	16 Feb 09	Yes	09 Mar 09	Open	Government agreed to victim being discharged – victim ran away from army between date of filing complaint and date that parents arrived at his unit to collect him. As yet not located – communication continues.

Case	Date received	Accepted	Intervention date	Status	Comments
136	17 Feb 09	No		Closed	Not related to mandate, alleged political harassment issue.
137	5 Mar 09	Yes	13 Jul 09	Open	Two persons died during forced labour. Government investigation finds it community work. Joint investigation mission agreed and in planning.
138	6 Mar 09	Yes	10 Mar 09	Closed	Victim released from prison, desertion sentence remitted, discharged from the military, perpetrator seriously reprimanded. Punishment considered insufficient.
139	9 Mar 09	Yes	08 Apr 09	Closed	Victim released from army, recommendation made re. issuance of instruction and discipline.
140	30 Mar 09	Yes	08 Apr 09	Open	Victim discharged, negotiation re. disciplining alleged broker continues.
141	30 Mar 09	Yes	27 Apr 09	Closed	Victim discharged, recruiting officer seriously reprimanded, penalty deemed inadequate.
142	31 Mar 09	Yes	18 May 09	Open	Copy of north-west command instruction re. use of forced labour awaited.
143	01 Apr 09	No		Closed	Forced labour criteria met, victim does not wish to pursue the matter.
144	22 Apr 09	Yes	27 Apr 09	Closed	Victim discharged, recruiting officers (2) seriously reprimanded.
145	22 Apr 09	Yes	22 Apr 09	Open	Rakhine State/NRS awareness-raising session held in Sittway on 7 Sep. 09, ongoing situation being monitored.
146	30 Apr 09	Yes	30 Apr 09	Closed	Victim discharged, recruiting officer seriously reprimanded.
147	08 Apr 09	Yes	08 Apr 09	Closed	Not within Supplementary Understanding mandate, 4 labour activists released. Issue of freedom of association remains.
148	15 May 09	Yes	25 May 09	Closed	Victim discharged, recruiting officer seriously reprimanded, disciplinary action considered inadequate.
149	15 May 09	Pending		Pending	Multiple complainants, reluctant to formalize complaint through fear of reprisal. ILO assessment mission in consideration (Kayin State).
150	15 May 09	Pending		Pending	Multiple complainants, reluctant to formalize complaint through fear of reprisal. ILO assessment mission in consideration (East Bago).
151	15 May 09	Pending		Pending	Multiple complainants, reluctant to formalize complaint through fear of reprisal. ILO assessment mission in consideration (Tanintharyi division).
152	15 May 09	No		Closed	Insufficient information to proceed on alleged forced labour complaint centred on alleged corruption and land confiscation.
153	21 May 09	Yes	25 May 09	Open	Victim discharged. Communication concerning the prosecution of perpetrator continues.
154	21 May 09	No		Closed	Not related to mandate – labour dispute issue.
155	22 May 09	Yes	25 May 09	Open	Victim discharged, matter relating to discharge procedures and disciplinary follow up remains in discussion.

Case	Date received	Accepted	Intervention date	Status	Comments
156	29 May 09	Yes	26 Jun 09	Closed	Victim released from prison, desertion sentence remitted, discharged from the military.
157	03 Jun 09	Yes	31 Aug 09	Open	Awaiting government response.
158	10 Jun 09	Yes	09 Jul 09	Open	Victim discharged, communication continues re. associated disciplinary actions and position concerning three associated under-age recruits.
159	11 Jun 09	Yes		Closed	Victim discharged whilst ILO assessment under way.
160	17 Jun 09	Yes	06 Oct 09	Open	Recommendation for Magway division/Aunglan Township awareness-raising seminar agreed – planning in process.
161	17 Jun 09	Yes	10 Jul 09	Closed	Victim discharged, ILO recommendation re. disciplinary action against perpetrators not accepted.
162	24 Jun 09	Yes	20 Oct 09	Open	Awaiting government response.
163	25 Jun 09	No		Closed	Forced labour criteria met, victim does not wish to pursue the matter.
164	29 Jun 09	Yes	16 Jul 09	Open	Victim released from prison, desertion sentence remitted, discharged from military. Communication continues on discipline and educational follow up.
165	30 Jun 09	Yes	09 Jul 09	Open	Victim located, not under-age recruitment. Alleged abduction for forced labour – 100 more other children allegedly involved. Joint investigation proposed, awaiting government response.
166	13 Jul 09	Yes	05 Aug 09	Open	Victim released from army, communication continues re. disciplinary follow up.
167	15 Jul 09	Yes	30 Jul 09	Open	Victim discharged, one perpetrator seriously reprimanded with loss of 14 days' salary, second perpetrator identified by victim, communication continues.
168	15 Jul 09	Yes	05 Aug 09	Open	Awaiting government response.
169	17 Jul 09	Yes	03 Aug 09	Open	Government agreed to discharge victim – proposal made for safety reasons that discharge take place outside home regiment and in proximity of victim's home.
170	17 Jul 09	Pending		Pending	Assessment in process.
171	6 Aug 09	Yes	31 Aug 09	Open	Awaiting government response.
172	06 Aug 09	Yes	08 Sep 09	Open	Awaiting government response.
173	10 Aug 09	Yes	08 Sep 09	Open	Awaiting government response.
174	10 Aug 09	Yes	08 Sep 09	Closed	Victim released from prison, desertion charge remitted, discharged from the army.
175	11 Aug 09	No	11 Aug 09	Closed	Not related to mandate – land issue.
176	13 Aug 09	Yes	08 Sep 09	Open	Awaiting government response.
177	13 Aug 09	Yes	11 Sep 09	Open	Awaiting government response.
178	17 Aug 09	Yes	20 Oct 09	Open	Awaiting government response.
179	21 Aug 09	Yes	15 Sep 09	Open	Awaiting government response.
180	24 Aug 09	No		Closed	Victim discharged during assessment process.

Case	Date received	Accepted	Intervention date	Status	Comments
181	24 Aug 09	No		Closed	Victim discharged during assessment process.
182	24 Aug 09	Yes	18 Oct 09	Open	Awaiting government response.
183	25 Aug 09	Yes	15 Sep 09	Open	Awaiting government response.
184	25 Aug 09	Yes	20 Oct 09	Open	Awaiting government response.
185	25 Aug 09	Yes	07 Oct 09	Open	Awaiting government response.
186	25 Aug 09	Yes	20 Oct 09	Open	Awaiting government response.
187	2 Sep 09	Yes	22 Sep 09	Open	Awaiting government response.
188	2 Sep 09	Yes	27 Oct 09	Open	Awaiting government response.
189	2 Sep 09	Yes	27 Oct 09	Open	Awaiting government response.
190	03 Sep 09	Yes	10 Sep 09	Open	Awaiting government response.
191	03 Sep 09	Yes	14 Sep 09	Open	Victim discharged, awaiting government confirmation.
192	04 Sep 09	Pending		Pending	Further information is being sought.
193	04 Sep 09	Yes	15 Sep 09	Open	Victim released, communications re. perpetrator continue.
194	08 Sep 09	Yes	27 Oct 09	Open	Awaiting government response.
195	08 Sep 09	Yes	27 Oct 09	Open	Awaiting government response.
196	08 Sep 09	Pending		Pending	Victim discharged during assessment process, further information being sought.
197	10 Sep 09	Yes	28 Oct 09	Open	Victim released from prison and discharged from army during assessment. Awaiting response from government re. associated forced labour complaint.
198	16 Sep 09	Yes	28 Oct 09	Open	Awaiting government response.
199	16 Sep 09	Pending		Pending	Awaiting further information.
200	22 Sep 09	Yes	26 Oct 09	Open	Awaiting government response.
201	24 Sep 09	Yes	26 Oct 09	Open	Awaiting government response.
202	24 Sep 09	No		Closed	Insufficient evidence to proceed.
203	24 Sep 09	Pending		Pending	Further information is being sought.
204	28 Sep 09	No		Closed	Evidence indicates forced labour. However, complainants not prepared to proceed owing to fear of reprisal.
205	28 Sep 09	No		Closed	Evidence indicates forced labour. However, complainants not prepared to proceed owing to fear of reprisal.
206	28 Sep 09	No		Closed	Complainants unwilling to pursue.
207	1 Oct 09	Yes	28 Oct 09	Open	Awaiting government response.
208	2 Oct 09	Yes	28 Oct 09	Open	Awaiting government response.
209	2 Oct 09	Yes	28 Oct 09	Open	Victim discharged, further communications taking place covering three other alleged under-age recruits and policy for entry to the Military Academy.
210	2 Oct 09	Pending		Pending	Assessment in process.

<b>Case</b>	<b>Date received</b>	<b>Accepted</b>	<b>Intervention date</b>	<b>Status</b>	<b>Comments</b>
211	05 Oct 09	Yes	06 Oct 09	Open	Awaiting government response.
212	6 Oct 09	Pending		Pending	Assessment in process.
213	6 Oct 09	Pending		Pending	Assessment in process.
214	12 Oct 09	Yes	13 Oct 09	Open	Awaiting government response.
215	13 Oct 09	Pending		Pending	Assessment in process.
216	15 Oct 09	Pending		Pending	Assessment in process.
217	16 Oct 09	Yes	26 Oct 09	Open	Awaiting government response.
218	16 Oct 09	Pending		Pending	Assessment in process.
219	19 Oct 09	Yes	27 Oct 09	Open	Awaiting government response.
220	20 Oct 09	Pending		Pending	Assessment in process.
221	20 Oct 09	Pending		Pending	Assessment in process.
222	23 Oct 09	Pending		Pending	Assessment in process.
223	23 Oct 09	Pending		Pending	Assessment in process.