

Burma (Myanmar)

Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No.87).
(Burma ratified Convention 87 on 4 March 1955)



TRADE UNIONS ARE BANNED IN BURMA AND THERE IS NO COLLECTIVE BARGAINING. THE MILITARY JUNTA IN POWER IMPRISONS, AND OFTEN TORTURES, ANYONE WHO TRIES TO FORM A TRADE UNION. FORCED LABOUR IS WIDESPREAD IN THE COUNTRY AND IS SYSTEMATICALLY USED BY THE MILITARY. ON 6 MAY 2002 INTERNATIONAL TRADE UNION ORGANISATIONS WELCOMED THE RELEASE OF DAW AUNG SAN SUU KYI, THE LEADER OF THE DEMOCRATIC MOVEMENT IN BURMA AND WINNER OF THE NOBEL PEACE PRIZE, WHO HAD PREVIOUSLY BEEN UNDER HOUSE ARREST. NONETHELESS, THE UNIONS ARE CALLING FOR THE PRESSURE ON THE BURMESE REGIME TO BE KEPT UP.

Key facts

- All the trade union organisations that existed before the present military regime came to power have been disbanded.
- The present Federation of Trade Unions of Burma (FTUB), which was set up in 1991, has been forced underground.
- Over the last 40 years, the ILO has invited successive Burmese governments to bring the country's legislation into line with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, which Burma has ratified.
- In 1999, the Committee on the Application of Standards devoted a special paragraph in its report to the International Labour Conference to denouncing the continuing failure by the authorities to heed its demands.
- Decrees recently adopted by the military regime have completely abolished freedom of association.
- Trade union leaders, and sometimes their spouses, have received long jail sentences, mostly on the basis of confessions extracted under torture. Two members of FTUB's Executive Committee, U Myo Aung Thant and U Kyin Kyaw, have been in jail since 1997, accused of 'high treason' on account of their trade union activities. U Myo Aung Thant was jailed for life, whereas U Kyin Kyaw is serving a 17-year sentence. The wife of U Myo Aung Thant was accused of aiding and abetting her husband and sentenced to 10 years. She was, however, released in 2002.
- On 5 October 2000, a demonstration by textile workers was brutally put down by the military. Some 30 workers were arrested and detained for three months. All of them were sacked. Some of them were taken to military interrogation centres where it is well-known that political prisoners are tortured.
- Around 20 workers were arrested in March 2001 for protesting against sackings.
- The Burmese military authorities are systematically making use of forced labour on a massive scale, a practice condemned by the ILO in its other files on Burma. Workers who are victims of forced labour are often brutally treated, sometimes even raped or murdered.



Special paragraph

In its report, adopted by the International Labour Conference in 2001, the Committee on the Application of Standards devoted a special paragraph to Burma in relation with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, 1948. That paragraph reads as follows:

The Committee noted the statement made by the Government representative and the detailed discussion which took place thereafter. It recalled that this case had been discussed by the Committee on many occasions during the last decade. The Committee shared the concern expressed by the Committee of Experts that the Government failed to send a report and found itself obliged once again to deeply deplore the total absence of cooperation on the part of the Government in this regard. In these circumstances, the Committee could not but once again continue to deplore the fact that no progress had been made towards the application of this fundamental Convention, despite the fact that very serious violations had already been noted over 40 years ago. The Committee was also once again obliged to express its profound regret for the persistence of serious discrepancies between the national legislation and practice and the provisions of the Convention. These discrepancies concerned the basic

principles of the Convention. Extremely concerned over the total absence of progress in the application of this Convention, the Committee once again strongly insisted that the Government adopt, as a matter of urgency, the measures and mechanisms necessary to guarantee, in legislation and in practice, to all workers and employers, the right to join organizations of their own choosing, without previous authorization, and the right of these organizations to affiliate with federations, confederations and international organizations, without interference from the public authorities. It also urged the Government to supply to the Committee of Experts for examination this year any relevant draft legislation, as well as a detailed report on the concrete measures taken to ensure fuller conformity with the Convention. The Committee decided to include its conclusions in a special paragraph of its report. It also decided to mention this case as a case of continued failure to implement the Convention.

Trade union demands

In view of the gravity of the situation in Burma, the ILO Workers' Group is demanding:

- That the Burmese government take immediate measures to comply with the recommendations made by the ILO's supervisory bodies with regard to freedom of association.
- That the government immediately release unjustly imprisoned trade union leaders, including the FTUB's U Myo Aung Thant and U Kyin Kyaw, as well as Than Naing, who was arrested in 1989 for trade union activities and jailed for life.
- That all the ILO's constituents exert and keep up as much pressure as possible on the military regime in Burma in an attempt to ensure the re-establishment of freedom of association.
- That the international trade union movement redouble its efforts to show solidarity with the FTUB and workers in Burma.
- That employers, including multinational companies, be seen to take part in the measures advocated by the ILO and the trade union movement to isolate the military junta in Burma.
- That governments adopt all the measures required to follow up the ILO's recommendations and the Resolution on Burma adopted in June 2000 by the International Labour Conference.
- That the ILO, among other things via its interim liaison officer in the country, keep up unwavering pressure on the Burmese authorities with a view to the abolition of forced labour and that it renew its pressure to demand the re-establishment of the freedom of association in the country.



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