

Selection Committee

Date: 17 June 2021

▶ Draft resolution for a return to democracy and respect for fundamental rights in Myanmar

The General Conference of the International Labour Organization,
Meeting at its 109th Session, on [...] June 2021,

Recalling the ILO's long-standing commitment to respect of fundamental rights, democracy and the rule of law in Myanmar,

Expressing profound concern at the removal of the civilian Government by the military coup carried out in Myanmar, the declaration of the state of emergency and other developments since 1 February 2021, including arbitrary arrests, detention, intimidation, threats and acts of violence against trade unionists and others peacefully exercising their right to freedom of expression, association and peaceful assembly, as well as destruction of factories and other workplaces,

Deploring the death of over eight hundred people to date, including trade unionists, who were exercising their right to freedom of peaceful assembly in protesting against the military coup,

Gravely concerned that the police and military raided trade union offices and homes, harassed and threatened trade unionists and their families, and placed trade union leaders in detention and on a wanted list in retaliation for their participation in strikes and peaceful demonstrations demanding the restoration of democratic order and civilian rule and the continuation of the transition to democracy and an end to the violations of human rights, including labour rights,

Recognizing the serious risks for the capacity of employers, following the military coup on 1 February 2021, to provide for decent work and the sustainability of their enterprises,

Recalling that freedom of peaceful assembly and freedom of opinion and expression are essential for the exercise of freedom of association and that all Member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified,

Noting with deep concern the military's use of forced labour, including in areas of ongoing conflict and against ethnic minorities, such as the Rohingya, particularly as conflict increases across the country,

Noting also that the deteriorating humanitarian situation across the country, especially in border areas, and the lack of humanitarian access pose a threat to the effective exercise of labour rights and human rights at large,

Expressing deep concern at the increased risks of forced displacement and lack of access to jobs and livelihood opportunities for persons belonging to religious and ethnic minorities, including the Rohingya,

Expressing full support for workers, unions and the general population, including the business community, engaged in peaceful protests and actions to demand a return to democracy,

1. Calls upon Myanmar to:

- (a) restore democratic order and civilian rule in Myanmar, and – once the democratically elected government has been restored – to amend without delay the Civil Services Personnel Law, the Settlement of Labour Disputes Law and the Labour Organization Law, consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87) ratified by Myanmar;
 - (b) cease all attacks, threats and intimidation by the military against workers, employers and their respective organizations, and the general population, including in relation to their peaceful participation in protest activities, as well as against religious and ethnic minorities such as the Rohingya, and immediately and unconditionally release from detention and withdraw any charges against all those arbitrarily detained;
 - (c) end the violation of human rights and ensure the restoration of fundamental principles and rights at work;
 - (d) respect Convention No. 87 and ensure that workers and employers are able to exercise their freedom of association rights in a climate of freedom and security, free from violence, arbitrary arrest and detention;
 - (e) repeal any measures or orders issued, or additional measures imposed, following the removal of the civilian government curtailing freedom of expression and freedom of peaceful assembly and measures restricting freedom of workers, employers and their respective organizations to undertake their activities freely and without threat of intimidation or harm;
 - (f) ensure safe and unimpeded humanitarian access to support all people in need.
2. Recommends that Member States support the restoration of democracy in Myanmar including through the United Nations, other multilateral bodies, regional groupings and dialogues, and bilateral engagement, as appropriate, recognizing the important role of workers' and employers' organizations in advancing the prompt restoration of democratic order and civilian rule and the continuation of the transition to democracy in Myanmar.
3. Requests that the implementation of this resolution, along with the decisions of the 341st Session (March 2021) of the Governing Body, be followed up by the Governing Body for any further consideration it may have, including in relation to the 110th Session of the International Labour Conference.