



Federation of Trade Unions – Burma

Responsibilities & Rights

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Burma and the 100th session of the International Labour Conference

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On 1st June 2011, the 100th session of the International Labour Conference will open.

The continuing Forced Labor violations in Burma will be a one of the few special cases to be discussed, a special Sitting with the date decided in advance. It is shameful for the country and its people.

Since 1992, at the 80th ILC, the Federation of Trade Unions of Burma has consistently denounced the violation of workers' rights, the wide use of forced labour, child soldier, threats and arrests of labour activists, there had been the SLORC, then the SPDC and now the Thein Sein government. Many changes in Labour Ministers, Foreign Ministers, and ambassadors and yet always this stubborn stand of: "*we are making the changes towards a new Labor Law and that Labor Law be allowed to be implemented*".

Since then a long list of harsh violations of fundamental human and workers' rights continue within the country. Forced labor, the use of child soldiers, harassment, threats and physical abuses, large scale displacement, land confiscation and refugee flows continue as the impossibility for workers to freely organize and react to such violations. All these result in cross border migration undermining the national security of the neighboring countries.

On this, the UN Rapporteur on Human rights in Burma, Mr. Tomás OJEA QUINTANA issued a further report declaring that human rights violations, among which he repeatedly mentioned the vast use of forced labour, as a result of the state policy. According to this report, the possibility exists that some of these human rights violations may entail categories of crimes against humanity or war crimes under the terms of the Statute of the International Criminal Court.

It is for this very reason that Burma is always on the ILC's agenda. This is an indicator that international community recognizes the juntas' consistent repressive action on it's own people.

The SPDC junta took 10 years to define an unacceptable constitution and 21 years to form an internationally unaccepted and undemocratic parliament. In 1993 during the 81st ILC Committee on the Application of Standards, a representative of the Burmese military junta indicated that the Government had started the process of amending the labour laws. Now again, soon, just before the ILC convenes, the new Burmese government is expected to announce "*a Labour Law approved by the elected Parliament and an elected government*".

This announcement is simply aimed to counteract the request for the constitution of a Commission of Inquiry that the FTUB has presented through the ITUC and the Workers delegates. FTUB is asking for this Commission of Inquiry to investigate the continuous violations of the right to Freedom of Association for the workers and farmers who try to stand up for their rights.

Governments, Employers and Worker delegates should remember that over the years the junta promised again and again but not yet delivered on the following.

- 1991: the junta's communication to the ILO, that: *"even though there has been no formal amendment or repeal made to the Act n.6 of 1964 and Regulation N.5 of 1976 they became automatically defunct."*
- 1992: The indication that *"Trade Union Act...have now been redrafted to meet the new trends prevailing in this country with the enactment of these new labour laws trade union rights will prevail"*
- 1998: the implementation of the Recommendations by the Commission of Inquiry.
- 2009: the ILC Committee on Application of Standards Conclusion called for the amendments of article 354 and article 359 of the junta's constitution, as these provided space for the military to conscript Forced Labor and drastically limit freedom of association, key instrument to fight forced labour.

Though the "civilian government" was established in the end of March, democratization is not possible. The root of causes are both the 2008 constitution and the Military Council led by Senior General Than Shwe, a superstructure above the President, that pulls the strings from behind the curtain and the Public Military Service Law decided by Senior General Than Shwe in November 4, 2010 which legalizes him to stay in military.

FTUB calls upon the 100th ILC and the ILO constituents to evaluate whether the Burmese authorities have finally implemented all the recommendations set by the ILO's Commission of Inquiry.

The junta's procrastinated "Labour Law, the unfair election and the civilian clothed military government " will be advocated as a "step forward" by its allies, the People's Republic of China and India. The actual non progress on the recommendations of the Commission of Inquiry, the successive Conclusions of the Special sittings must be evaluated before the ILC and the ILO "allow *time for the new Labor Law to get into effect*".

The FTUB objects to the junta's 2011 Labor Law that was drafted within a contest of continuous violation of fundamental labour rights, while over 2,000 political prisoners of which 54 labour activists, are still in jail.

The FTUB calls upon the delegates to the 100th Session of the ILC to support and approve the institution of an ILO Commission of Inquiry on the continuing denial of the Freedom of Association as foreseen in the ILO Convention 87.

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