



Republic of the Union of Myanmar
National Unity Government
Ministry of Labour



Ref. No: 5 /3-ILO/ 2024 (097)

Date: 27 September 2024

To

The Hon Mr Gilbert F. Hougbo

Director General

The International Labor Organization

Dear Director General Haungbo,

Greetings from the National Tripartite Delegation of Myanmar.

We convened a meeting (2024 Sept 18) to discuss the progress made by the Tripartite members in preparing the report to the 2024 November Governing Body, in line with the decision GB.351/Decisions-para 9(g), the Governing Body has requested the Director-General to present, at its 352nd Session (October–November 2024), an update on developments and to propose options that consider the views expressed, including a draft resolution under Article 33 of the ILO Constitution, for the Governing Body's decision.

We, the Tripartite partners have compiled our findings on the continuing violations of workers' rights, based on the following data:

Key Findings

In July/August 2024, we collected testimonies from 724 individuals who fled to Mae Sot, Tak District, Thailand—a major trade route between Myanmar and Thailand, across from Myawaddy. These testimonies present irrefutable evidence of ongoing civil

and labour rights violations. Of the 724 testimonies, 453 were from men, 268 from women, and three from individuals of other gender identities. Twelve of these testimonies came from minors under 18 years old. The majority of victims (46.69%) were from Yangon, followed by 13.12% from Bago.

The documented violations include both of ILO Convention No. 87 on Freedom of Association and the right to peaceful protest and ILO Convention No. 29 on Forced Labour, including forced military recruitment or one of them or ILO Convention No. 182 on the Worst Forms of Child Labour, with minors forcibly conscripted as child soldiers.

Women were also subjected to forced recruitment, and many individuals faced multiple violations of core ILO conventions. The military regime avoids leaving a paper trail by selecting recruits through a lottery system, informing them verbally, and forcing them into service without documentation. Those unable to pay bribes face immediate arrest or forced conscription. Recently, even individuals as old as 65 have been conscripted into militia roles.

This regime's actions have created a climate of fear, repression, and violence. The people of Myanmar are systematically denied their basic rights. The military's blatant disregard for human life is destroying the future of Myanmar's next generation. How many more lives must be sacrificed before the international community intervenes? Where is the moral compass that should guide global efforts to end these atrocities?

The military regime's focus is solely on maintaining power, with no interest in respecting human rights. Preaching human rights will not change their behaviors. It is time to hold the military accountable for their crimes and strip them of their power to prevent further harm to the people of Myanmar.

CTUM and the Federation of Trade Unions Kawthoole (FTUK) have also documented the cross-border movement of 69,000 individuals between the ages of 14 and 50 into Thailand between February and September 2024.



Myanmar Junta's Strategy and Tactics

During our discussions, the Tripartite members identified the junta's strategy to prevent the ILO from invoking Article 33. On August 29, 2024, the junta announced the creation of a National Complaints Mechanism (NCM) through the state-run newspaper, the Global New Light of Myanmar. This announcement is a façade, designed to create the illusion of progress and allow China, India, and Russia to defend the regime at the upcoming Governing Body and 2025 ILC, arguing that patience is required.

However, there is no true Freedom of Association (FOA) in Myanmar. The original NCM was established in 2020 with CTUM and MICS-TUFs as founding worker representatives. Today, all CTUM Central Committee members are subject to arrest warrants, and the Secretary General of MICS-YUFs, Brother Thet Hnin Aung, remains imprisoned.

The industrial zones, where disputes are frequent, are under martial law.

The military junta's conscription law, announced in February 2024, forces citizens of working ages and various professions into military service or flee the country.

The military junta's incompetence and mismanagement of the economy plus the forced conscription and attacks on the business community has killed the majority of the SMEs and the economy in a ruin.

It is critical that the ILO recognizes these moves by the junta as part of a broader strategy to obstruct engagement and cover up its accountability. These actions need to be reported to the Director General in both the junta's media as well as ground information. Ground information can be hard to verify as arrest, prisons sentences and in many cases social punishment is given out to the family members.

The news clipping below shows the junta's Minister of Labour as a Central Committee member for summoning people's military servants – which is the main body that is arresting the working age persons to conscription or either flee from their workplaces and homes.

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Republic of the Union of Myanmar
Union Government
Notification No 1/2024
4th Waxing of Tabodwe 1385 ME
13 February 2024

Formation of Central Body for summoning people's military servants

AS every citizen is obliged to safeguard the 'Our Three Main National Causes', viz non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of the sovereignty; the People's Military Service Law was enacted for every citizen to undergo military training to serve these duties. The Central Body for summoning people's military servants has been formed with the following persons under Section 6 of the People's Military Service Law:

(a) Deputy Prime Minister and Union Minister Ministry of Defence	Chairman	(l) Union Minister Ministry of Ethnic Affairs	Member
(b) Chief of the General Staff (Army; Navy; Air) Office of the Commander-in-Chief (Army)	Vice-Chairman	(m) Quartermaster-General Quartermaster-General Office	Member
(c) Union Minister Ministry of Home Affairs	Member	(n) Judge Advocate-General Judge Advocate-General Office	Member
(d) Union Minister Ministry of Border Affairs	Member	(o) Chief of Armed Forces Training Chief of Armed Forces Training Office	Member
(e) Union Minister and Union Attorney-General Ministry of Legal Affairs	Member	(p) Director Directorate of Medical Services	Member
(f) Union Minister Ministry of Information	Member	(q) Adjutant-General Adjutant-General Office	Secretary
(g) Union Minister Ministry of Religious Affairs and Culture	Member	(r) Director Directorate of People's Militia and Frontier Forces	Joint Secretary
(h) Union Minister Ministry of Immigration and Population	Member		
(i) Union Minister Ministry of Labour	Member	By Order,	
(j) Union Minister Ministry of Education	Member		Zaw Than Thin Secretary Union Government
(k) Union Minister Ministry of Health	Member		

Attacks on ILO Mechanisms and Professionals

- a. The junta has also actively undermined the ILO's complaints mechanisms. In March 2023, the Deputy Minister of Labour provoked workers to attempt to take over CTUM leadership. The junta falsely accused Maung Maung of providing “wrong information” to the ILO, using this as grounds to issue arrest warrants. Despite these attempts, CTUM remains lawfully registered, and the junta's efforts to replace leadership through coercion are a blatant attack on trade union independence. (pls find the newspapers clippings attachment 1)
- b. The ILO, as a labour rights and human rights organization, is directly mandated to promote and preserve democracy. Therefore, it is not only legitimate but necessary for the ILO to voice its concerns when democracy is disrupted. As a Tripartite institution with its own Constitution and enforcement mechanisms, the ILO stands apart from other UN agencies in its ability to directly impact regimes such as the Myanmar junta.

This unique position makes the ILO’s response to these ongoing violations even more critical.

The junta's deliberate refusal to issue a visa to the Deputy Liaison Officer of the Yangon Office is a calculated move to silence those with deep knowledge of the ILO Complaints Mechanism. The Deputy Liaison Officer has extensive experience in supporting ILO standards and has worked closely with social partners in Myanmar since 2007. This knowledge poses a threat to the junta's ability to obscure the truth and avoid accountability.

The issue of visa reflects the Tripartite partners’ concern over the junta's strategy, not any individual influence. The refusal to issue a visa, coupled with the offer to approve a replacement, is a clear extortion tactic aimed at disrupting ongoing monitoring efforts.

This denial of a visa to a UN official is a serious violation that should be raised publicly or brought to the attention of the UNGA. The ILO must not succumb to such blackmail and should refuse to allow Myanmar's delegates to participate in regional meetings until this situation is resolved.

Call for Action

Since the coup, Myanmar's population has faced severe violations of both human and labour rights. The scale of labour exploitation has reached catastrophic levels. The international community must act to prevent the annihilation of an entire generation. Delayed action only prolongs the suffering and allows geopolitical interests to overshadow the moral imperative to protect the people of Myanmar.

We urge the International Labour Organization to invoke Article 33 of its Constitution and take decisive action to hold the junta accountable for treating the people of Myanmar as slaves, in blatant violation of labour standards. It's time for the ILO to act decisively to protect the rights and dignity of workers in Myanmar. The continued violation of workers' rights and the disregard for the Commission of Inquiry's recommendations require an immediate and forceful response. Failure to act will result in further loss of life, the destruction of an entire generation, and irreversible damage to Myanmar's future.

Conclusion

As longstanding advocates for ILO standards, we recognize the junta's strategies and their deliberate attempts to obstruct genuine engagement and attempts to derail the ILO intervention to improve the rights of the workers - workers to be free from forced labour and harassment - to improve Labor standards along with dignity, human rights and having freedom of association.

We, the National Tripartite Delegation of Myanmar, call on the ILO to recall all its wise and expedient action that the ILO went through which was really effective to pave the way for Myanmar to democracy to authentically care the international labour standards with genuine political will, and remain steadfast in its commitment to addressing basic labour rights violations in Myanmar

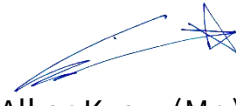
The ILO must act swiftly and decisively to invoke Article 33 and prevent further atrocities.

We also request that your Office instruct the Liaison Officer to investigate and report on the enforcement of martial law and military conscription laws in Myanmar's industrial zones and to provide an accurate report to the Director General before the November Governing Body meeting.

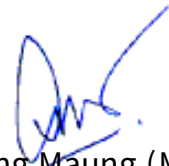
In solidarity,



Nai Suwunna
Union Minister
Ministry of Labour
National Unity
Government- NUG



Alkar Kyaw (Mr.)
Executive
Myanma Nway Oo
Employers Federation-
MNEF



Maung Maung (Mr.)
(President- Confederation
of Trade Unions of
Myanmar- CTUM)



Kyaw Ni
Deputy Minister
Ministry of Labour
National Unity
Government- NUG



Oak Kar (Mr.)
Executive
Myanma Nway Oo
Employers Federation-
MNEF



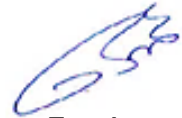
Phyto Sandar Soe (Ms.)
(Assistant General
Secretary- Confederation
of Trade Unions of
Myanmar- CTUM)



Aung Myo Thant (Mr.)

Executive

Myanma Nway Oo
Employers Federation-
MNEF



Khaing Zar Aung (Ms.)

(Central Executive
Committee Member-
Confederation of Trade
Unions of Myanmar-
CTUM)



Aung Ko (Mr.)

Executive

Myanma Nway Oo
Employers Federation-
MNEF



Htay (Mr.)

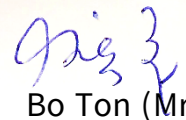
(Director- All Myanmar
Trade Unions Network-
AMTUN)



Maung Maung Yee (Mr.)

Executive

Myanma Nway Oo
Employers Federation-
MNEF



Bo Ton (Mr.)

(President – Myanmar
Railway Workers Union of
Myanmar- MRWUF)



Kaung Htet @ Wai Hmuu

Thwin (Mr.)

Executive

Myanma Nway Oo
Employers Federation-
MNEF

Copied to:

- (1) President Office, National Unity Government - NUG
- (2) Prime Minister Office, National Unity Government - NUG
- (3) Ministry of Foreign Affairs, National Unity Government - NUG
- (4) Ministry of Human Rights, National Unity Government - NUG
- (5) Labour Affairs Committee, Committee Representing Pyidaungsu Hluttaw - CRPH
- (6) ILO Commission of Inquiry on Myanmar - COI
- (7) ILO Governing Body Members
- (8) The Council of Global Unions - CGU
- (9) Bureau for Workers' Activities - ACTRAV
- (10) Bureau for Employers' Activities – ACTEM
- (11) International Trade Union Confederation - ITUC
- (12) Building and Wood Worker's International - BWI (Asia-Pacific Region)
- (13) International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations – IUF (Asia-Pacific Region)
- (14) IndustriALL Global Union