

1 February 2024

Mr. Simon Coveney TD,
Minister for Enterprise, Trade and Employment
Department of Enterprise, Trade and Employment
Kildare Street, Dublin 2
D02 TD30

Re. Follow up of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution concerning the non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29)

Dear Minister Coveney,

You will recall that on 1 February 2021 the Myanmar military staged a coup d'état and placed the country under emergency order which is still effective today. Today marks the 3rd anniversary of the coup and actions to secure a return to democracy in Myanmar are most urgent at this time.

In March 2022, the Governing Body decided to establish a Commission of Inquiry (COI) in accordance with article 26 of the ILO Constitution in respect of non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Forced Labour Convention, 1930 (No. 29).

The COI adopted its report on 4 August 2023. The Commission found that measures taken by the military authorities following the military coup, both in law and practice, violate Myanmar's obligations under Conventions Convention 29 and 87.

Specifically, the COI found, among others, that the Myanmar military's ongoing systematic and widespread violence and repression against trade unionists and civil society activists, denial of civil liberties, use of residents in military activities including as human shields and excessive overtime in the private sector to violate Myanmar's obligations under the two interrelated fundamental Conventions of the ILO.

The Commission also noted the conclusions of the 2023 ILC Credentials Committee which expressed concern regarding the continued ambiguity on the credentials for Myanmar in the ILC and other ILO meetings as also affecting the participation of employers' and workers' organisations and indicating that in due course the Committee would have to make a determination that would enable the constituents from Myanmar to take part in the activities of the ILO.

The COI called on the military to take immediate action to stop ongoing egregious violations of freedom of association and forced labour and prevent future abuses, including:

- Releasing and withdrawing all criminal charges against trade unionists detained in relation to the exercise of their civil liberties and legitimate trade union activities.
- Revoking any military orders, measures or laws decreed since February 2021 that restrict freedom of association and the basic civil liberties of trade unionists.
- Ceasing and ending the exaction of any form of forced or compulsory labour.

The COI also called on Myanmar to commence constitutional and legal reforms once it has returned to democratic rule.

Up to now the Military has denounced the process and is planning reprisals against trade unions and civil society that provided testimony. The Tripartite National Delegation of Myanmar comprising the Ministry of Labour of the National Unity Government (NUG) formed by the parliamentarians ousted in the coup, the ITUC affiliate in Myanmar, the CTUM, and the employers' organisation informed the Director General of the ILO in a joint letter accepting the recommendations of the COI, and requesting further requested support and assistance to fully implement the recommendations including the opportunity to fully participate in ILO Conferences and activities in this regard.

There has been no sign of the military ceasing the egregious violation of human and labour rights against civilians, human rights defenders and trade unionists¹. Thet Hnin Aung, general secretary of MICs-TUFs² was abducted and held incommunicado by the military after his release from prison in June. Last week, he was sentenced to 7 years imprisonment with hard labour in a military tribunal under terrorism charges³.

At the 349th session of the Governing Body, in November 2023, the Governing Body requested the Director-General to prepare a report including options for possible further measures, including those foreseen in the ILO Constitution, to secure compliance by Myanmar with the recommendations of the Commission of Inquiry for a discussion at the next session in March 2024⁴. It is the view of the international trade union movement that the historical evidence of the previous Myanmar COI on ILO convention 29 (the COI report was issued in 1998 and the article 33 measures adopted in the ILC of 2000) shows that without measures adopted under article 33 of the ILO Constitution to secure compliance, the military's impunity will continue.

As of now, the military has killed more than 4,192 and arrested 25,425 individuals and protesters. More than 400 trade unionists have been arrested and 53 have been killed. Many have been exiled and forcibly displaced. An estimated two million civilians have been displaced and the country is under severe humanitarian crisis⁵.

¹ Assistance Association for Political Prisoners, 20 November 2023, <https://aappb.org/?p=26765>

² MICs-TUFs stands for Myanmar Industry Crafts & Services Trade Unions Federations.

³ MICs-TUFs statement.

⁴ [GB.349/INS/14/Decision](#)

⁵ Myanmar Humanitarian Update No.33, 2 October 2023, UNOCHA, <https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-update-no-33-2-october-2023>

Congress requests that the Irish Government take the following actions to support efforts to secure compliance with the recommendations of the COI for a return to democracy and respect for fundamental rights in Myanmar:

- (i) Call on the military authorities to immediately release all the imprisoned trade unionists including Thet Hnin Aung of MICs-TUFs and to return the country to democracy.
- (ii) Support placing an item on the agenda of the 112th International Labour conference on measures to secure compliance with the recommendations of the COI including measures under article 33 of the ILO Constitution.
- (iii) Engage Irish business, in view of the COI findings, and urge them to divest from any business links in Myanmar
- (iv) Support the Credentials of the NUG at the 112th ILC in June to enable Myanmar (not the military) to enjoy full tripartite participation in ILO activities and to be credentialed at the United Nations.

I look forward to hearing from you on these important matters.

Yours sincerely



Owen Reidy
General Secretary