

**Ayuba Wabba**

President  
Président  
Präsident  
Presidente

**Sharan Burrow**

General Secretary  
Secrétaire générale  
Generalsekretärin  
Secretaria General

**Lt-Gen Kyaw Swe**

**Minister of Home Affairs  
Building Number (10), Nay Pyi Taw  
Republic of the Union of Myanmar**

**Via the Embassy of the Republic of the Union of  
Myanmar**

**Ambassador Soe Lynn Han  
Generaal Wahislaan, 9  
1030 SCHAARBEEK  
Belgium  
Email: mebrussels@skynet.be**

**HTUR/MW**

**7 March 2019**

Dear Minister,

The International Trade Union Confederation (ITUC), representing 207 million workers in 163 countries, expresses great concern about the criminal prosecution of eight trade union leaders and executives for organising a procession in Mandalay.

On 16 February 2019, Mandalay public authorities rejected the application of the CTUM (Confederation of Trade Unions of Myanmar), the affiliate of the ITUC in Myanmar, and the MICS-TUF (Myanmar Industries Crafts and Services Trade Union Federation) to hold an assembly to demand amendments to the labour laws and the establishment of a labour court. The authorities referred to the requirements of the Right to Peaceful Procession and Peaceful Assembly Act (para 48-50) and rejected the union's request on the basis that the applicants were not from the Mandalay district, and that the issues they advocated for were not considered as local issues.

On 17 February, the procession led by CTUM and MICS-TUF was disrupted by the township police of Chanmyathazi, Pyi Gyi Tagun and Myae Tha Zan, and the leaders were questioned. The procession had to be called off when police blocked the unions from approaching the assembly point, allegedly for security reasons.

Even though the procession was entirely peaceful, eight trade union leaders have now been officially charged under the Right to Peaceful Procession and Peaceful Assembly Act:

Phyo Sanda Soe, Assistant General Secretary (CTUM)

Thaung Nyunt, President of the Mining Workers' Federation of Myanmar (CTUM)

Nay Lin Aung, General Secretary of MICS-TUF

Thet Hnin Aung, Secretary General of MICS-TUF

Tint Shein Soe, Executive Committee member of MICS-TUF

Thura, council member of MICS-TUF

Than Than Myint, council member of MICS-TUF

Soe Sandar Myint, council member of MICS-TUF

Moreover, we understand that a court hearing has been scheduled on 12 March 2019 in Mandalay where the union leaders and executives may be liable to imprisonment and other penalties under the law.

The ILO Committee on Freedom of Association has repeatedly pointed out that the right to organise public meetings constitutes an important aspect of trade union rights. Workers should enjoy the right to peaceful demonstration to defend their occupational interests. The Committee has pointed out the danger for the free exercise of trade union rights of sentences imposed on representatives of workers for activities related to the defence of the interests of those they represent.

In reviewing the application of ILO Convention No. 87 on Freedom of Association in Myanmar, the ILO Committee of Experts specifically warned that the Law on the Right to Peaceful Assembly and Peaceful Procession could give rise to serious restrictions of the right of organisations to carry out their activities without interference.

The prohibition of the procession held and the subsequent charges laid on the trade union leaders not only constitute a violation of international labour standards but also stand in contradiction with the stated commitments of the Ministry of Home Affairs. While it has been stated that no peaceful assembly would be restricted, if prior notification was requested, these acts clearly show the arbitrary application of the law effectively resulting in a prior authorisation requirement.

The ITUC condemns the prosecution of trade union leaders for engaging in peaceful and legitimate trade union activities and the arbitrary prohibition of the exercise of civil liberties.

We call on you to immediately and unconditionally drop the charges against all trade union leaders and to declare the decision to prohibit the procession as unlawful. Moreover, we urge you to engage in a review of the Right to Peaceful Procession and Peaceful Assembly Act, in consultation with the social partners, in order to ensure that workers and citizens are able to enjoy their fundamental rights without fear of retaliation.

Yours sincerely,



General Secretary

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