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UNION VIEW

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→ Reuters



Burma: trade unionists brave the tightrope

Despite the risk of torture and imprisonment, trade unionists operate underground to come to the aid of Burmese workers. They inform thousands of people about their rights and help to fight against forced labour, a scourge still widespread under the military regime. Burmese trade unionists also assist migrant workers in Thailand.

Report and firsthand accounts.

Clandestine trade unionism bears its first fruits

The repression of trade union rights plunges Burmese workers deeper into poverty. Oblivious to their rights, they find themselves at the mercy of employers that are only too happy to exploit a totally subservient workforce. Members of the FTUB (1) are developing a clandestine network inside the country.



Road repairs are often carried out by women in Burma. Eight hours a day, under the harsh sun or tropical rain, they carry heavy loads of stones on their heads, break these stones with the most basic of tools and mix all the materials before repairing the roads. They earn as little as 1000 kyats a day (USD 0.90) for this hard labour.

Please also read the Spotlight Interview with Maung Maung, General Secretary of the Federation of Trade Unions of Burma (FTUB) entitled "Burmese legislation is still being used against workers" here: <http://www.ituc-csi.org/spip.php?article4355>



I have worked on looms since I was a child, but I became slower with age and my employer told me I would have to take care of the spinning from now on. It's a job that has to be done sitting on the floor", explains Khin (2), a 70-year-old woman employed at a weaving mill in the Inle lake region in Shan State. "As I'm all alone in life, I had no alternative but to accept. I only earn 300 kyats (USD 0.27) a day. I work from Monday to Sunday from 9 to 5, with two days off a month for religious reasons. It's not easy because I suffer from high blood pressure, and then working on the floor makes my knees hurt. Having said that, my boss is considerate, he pays for the medical care I need from time to time."

This employee's personal account speaks volumes about what Burmese workers have to endure. They are among the lowest paid people in the world, they work seven days a week and have no paid leave. The weaving mill, located in a tourist area, sells its fabrics at prices in excess of 30 or 40 dollars, whilst the labour only costs one or two dollars and the materials not much more (loom workers are paid 500 kyats, around 0.45 cents, a day).

The exploitation of Burmese workers is just as bad in the industrial zones that have sprung up on the outskirts of major

cities, in some instances on land confiscated from farmers without proper compensation. There too, in the absence of trade unions and labour inspections, the application of international labour standards and the national labour legislation is left to the employers' goodwill. In the Shwe Pyi Tha industrial zone, for example, an hour's drive from Rangoon, some factories fire workers if they are ill for more than three days whilst others give sick leave and even regular days off. Overtime pay also depends on the employers' goodwill, although the legislation states that workers doing overtime should receive double time.

"We don't know if we have any rights"

"I work from seven in the morning till eight at night four days a week, and from seven to six two days a week, for 35 dollars a month," explains an employee in charge of quality control at Jewoo Manufacturing, a garment factory not far from Rangoon. "When there are a lot of orders we sometimes have to work until nine at night, but I don't know if this overtime is included in my wages. If a worker is sick, she can stay home for three days at the most before being dismissed, and three dollars a day are deducted from her pay. We are not aware if there are any labour laws, if we have any rights to defend, but, in any case, there is no chance of

"I am forty-five years old and have four children, including a disabled daughter. I reach the rickshaw stand at seven in the morning, I hire a rickshaw for half a dollar a day and I peddle until eight in the evening. I earn three dollars a day on average, but my income is falling because there are fewer and fewer Burmese people able to afford non-public transport, and tourists are becoming increasingly rare."

Thin, a rickshaw driver in Mandalay

any dialogue with the management, and there are no other jobs to go to."

The total repression of all trade union rights, freedom of association and freedom of expression makes the workers passive in the face of the exploitation they suffer. "Every employee knows he or she has a strong chance of being dismissed if they so much as utter a word of protest or express a negative view of the situation," says Maw (3), an FTUB member from the Rangoon region. "And with the poverty wages paid in Burma, next to no one is able to save money to guard against a knock like this. So the top priority is hanging on to our job, as badly paid as it might be, as it allows us to feed ourselves, and sometimes our family. It is absurd that in a country as rich in natural resources as Burma, in a country that generates so much revenue by exporting these resources, the workers are so worried about not having anything to eat the next day. But that's the reality we live in, and that's why people are so afraid of rebelling."

A clandestine network to train workers

It is amid this climate that the FTUB has been forced to operate since its foundation in 1991. Having been banned by the military junta, which considers it a "threat to Burma" and classes it as a terrorist organisation, the FTUB has to work underground. It has structures both inside and outside the country, including eight federations in the main sectors of the Burmese economy. One of its main activities is to inform workers about their fundamental rights, about international labour standards and the mechanism for filing a complaint to ILO-Yangon in the event of forced labour or the recruitment of children as soldiers (see article on page 6). Where needed, trade unionists help the victims to write up this kind of complaint and make sure it reaches colleagues in the international trade union movement and the ILO.

"The training sessions are held informally, in private places, in small groups of between five and 15 to 20 people, so as not to attract the authorities' attention," explains an FTUB member active in the agricultural sector. "We have already given training to 1500 people in our sector between 2006 and 2009." To limit the risks in the event of one of them being arrested, the members from the FTUB's various federations do not inform each other about their activities. In total, tens of thousands of Burmese workers have been able to learn about their rights thanks to this type of training.

In addition to these informal meetings, the Burmese trade union uses the radio to raise awareness among as wide a public as possible. Three FM radio stations broadcast from secret locations in Mon, Karen and Kayah States. One manages to broadcast as far as Rangoon. The radio stations' equipment is rudimentary and portable so that it can quickly be hidden if the junta's troops are approaching. The FTUB also uses solidarity action as a means of staying in contact with people. This was the case following Cyclone Nargis, when trade unionists were able to channel 150,000 dollars in international aid to those in need.

Some encouraging results

The union also supports five schools in different regions. "Our donations to schools allow us to get closer to teachers and parents, to raise awareness about work-related issues," explains Maw. "They, for their part, tell us about their day-to-day lives, and we are sometimes able to help them. If, for example, small farmers have their land, their produce or their livestock seized by the authorities, be it the army, the

police, etc., we write a letter to the representatives of the SPDC (4) to inform them and try to obtain compensation or have the confiscated items returned. We do not, of course, act as the FTUB, given that the junta considers our union to be a 'terrorist' organisation, but we can write as individuals, as an advisor, a lawyer, or the friend of the person concerned. We have already seen the SPDC respond positively in cases like these."

Some of the FTUB's members have received training in Thailand, during small seminars. Eai Shwe Sinn Nyunt, head (acting) of the FTUB Women's Committee, organises some of these training sessions in the border town of Mae Sot in Thailand: "When the members return to Burma, they tell their colleagues about what they have learnt about their rights, international conventions, etc. This often creates a greater awareness about the magnitude of the exploitation they suffer and sometimes leads to collective demands." In 2008, around 60 strikes were staged, often by workers whose awareness had been raised by the clandestine trade union network. Many of them resulted in wage increases.

In spite of the repression (see article on page 4), the authorities occasionally accept that the workers' demands are not totally unfounded. "Since the ILO's last International Labour Conference in June 2009, several cases of labour law violations raised by our members in the factories have been resolved following the intervention of the Labour Ministry," explains Eai Shwe Sinn Nyunt. "Such was the case, for example, at the garment factory in Bago, where ten women were able to recover the three months' salary they were entitled to following their dismissal. If it had not been for one of their colleagues who had been informed about this aspect of the Burmese legislation in Thailand, they would never have known that they were entitled to this money. This type of example is encouraging; it shows that workers are becoming aware of their rights and dare to demand respect for them despite the climate of fear. There is sometimes a way of defending oneself, even under such a regime."

(1) Federation of Trade Unions – Burma, an ITUC associated organisation, www.ftub.org
(2) Assumed name
(3) Assumed name
(4) State Peace and Development Council, the name adopted by the Burmese military regime.

Legislative barriers, arrests, imprisonment and ill-treatment of trade unionists... this year once again the ITUC Annual Survey devotes a long chapter to the repression of any form of trade union activity in Burma. Produced by the ITUC Human and Trade Union Rights Department, which has also financed the production of this issue of Union View on Burma, the Annual Survey can be consulted at: <http://survey09.ituc-csi.org>



"Like walking a tightrope above sharp points"

From the torture of activists to the imprisonment of minors to make their parents' crack, the military junta resorts to the most abject practices to repress trade unionism.

All the FTUB (1) members living in Burma are well aware of the risks they are taking by striving to improve the lot of workers. Thirty of them are currently in jail, condemned to sentences ranging from five years to life imprisonment. Like other political prisoners, trade unionists are often sent to prisons far from home, making it difficult for their relatives to visit them. Yet, aside from providing prisoners with moral support, these visits are vital, as the only means of providing them with some decent food and medication. In the case of those being beaten or humiliated, visits are also sometimes a way for relatives to bring them a little money to try to halt the ill-treatment, a least for a time.

The latest union member to be sentenced is 50-year-old Khin Maung Cho (also known as Pho Tote). Arrested in September 2008 along with two other trade unionists, Kan Mint and Nyunt Win, from the A21 soap factory, he was condemned in December, at the end of an unfair trial, to 24 years in prison. He later received an additional eight years for protesting whilst in detention. His colleagues were condemned to ten years' imprisonment. All three of them were tried on a number of charges including links with exiled groups and sedition, but, as the FTUB explains, they are simply trade union activists. Pho Tote, who had received trade union training in Thailand, had assisted in the formation of unions in industrial zones near Rangoon. In 2007, he also took part in demonstrations against the rise in food prices. Pho Tote was tortured prior to being condemned, being forced to stand tiptoe on sharp objects.

Many trade unionists risk losing their job if their activities are discovered. "We try to give assistance to members in difficulty," explains Eai Shwe Sinn Nyunt, head (acting) of the FTUB Women's Committee. "We had rented a small house in an industrial zone, where union members who were fired could go and live until they found another job. Unfortunately, the Burmese authorities found out about the house following torture sessions inflicted on workers who had taken part in a May Day activity in 2007 at the 'American Center' in Rangoon. The police seized all the trade union materials found in the house and the owner was banned from renting it out to trade unionists."

Released following international pressure

At the beginning of April, the junta once again showed its intolerance towards trade unionism by arresting five representatives that had just taken part in the first congress organised by the FTUB, in Thailand. Several other people close to the FTUB were arrested at the same time. Among



Eai Shwe Sinn Nyunt, acting head of the FTUB Women's Committee, was reunited with her daughter in Thailand after the young girl was detained and ill-treated for ten days by the Burmese military.

them was 17-year-old Htet Yee Mon Eai, the daughter of Eai Shwe Sinn Nyunt, head (acting) of the FTUB Women's Committee. They were all released ten days later following international pressure led by the ITUC and the ILO, but only after being subjected to torture and humiliations.

"When they came to arrest me at home, they immediately blindfolded me then took me in a vehicle to detention centre no. 6 of the army's intelligence service," explains Htet Yee Mon Eai. "I was locked in a dark cell and they tried to frighten me whilst I still had the blindfold on by making loud noises, hammering on the metal door, for example. I was kept in that cell for two days. They questioned me over and over again about FTUB members, their activities, etc. They also wanted the password to my e-mail address, and told me they had ways of finding it in any case. They barely let me sleep. At times, I could see men looking at me through the small opening in the door of my cell. It was very worrying. Some interrogators also raised their hand, threatening to hit me, but they didn't do it. The interrogations ceased after two days, I was no longer in darkness and was given some reading... propaganda."

At the beginning of Htet Yee Mon Eai's time in prison, her torturers convened members of her family to tell them that she would be released if her mother left Thailand and came back to Burma. Her parents, both former political prisoners

In 2008, the ITUC released a video presenting personal accounts of the violent and massive repression seen in Burma in September 2007. The video can be viewed at: <http://www.youtube.com/watch?v=nAujXoB8x1g>



who have spent numerous years in jail, did not give in to the junta's odious blackmail. Htet Yee Mon Eai joined them in Thailand shortly after her release.

To the junta's great despair, the torture, arrests and condemnations are not succeeding in eliminating Burmese trade unionists' thirst for justice. "We carry out our activities in the greatest of secrecy, like tightrope walkers walking a tightrope stretched above sharp points," confides Maw (2),

an FTUB member in the Rangoon region. "The people from the government are very cruel, they crush you, you and your family, at the slightest hint of protest. The extreme caution we have to deploy slows down our actions, but we are trying to build something solid over the long term, and we will get there."

(1) Federation of Trade Unions - Burma

(2) Assumed name

"Prisoners have to pay not to be beaten"

Burmese political prisoners go through hell during their long periods in detention. One of them, recently released, agreed to recount his experience.



The Insein prison in Rangoon is notorious for the number of political prisoners. → REUTERS/Aung Hla Tun

According to Human Rights Watch (1), there are currently over 2100 political prisoners in Burma, more than double the figure registered at the beginning of 2007. On its "2100 by 2100" campaign website (1), which is asking for the release of all political prisoners before next year's elections, the NGO explains that since the end of 2008 over 300 activists, including politicians, human rights and labour rights activists, artists, journalists, blog writers, and Buddhist monks and nuns, have been condemned to heavy prison sentences in closed proceedings and trials held inside prisons. Some of the sentences exceed 100 years.

The Insein prison in Rangoon is notorious for the number of political prisoners incarcerated there, including members of the FTUB (Federation of Trade Unions - Burma). One former prisoner, released four months ago, recounts what he saw in the prison: "It is prior to their sentencing that political prisoners are tortured the most severely. They are then placed more under psychological pressure, designed to make them crack. The guards lead them to believe that they have put something in the water to make them impotent, for example. Other techniques often used to break political prisoners' morale include placing them in solitary confinement, blindfolding them or placing a bag over their head for

long periods of time, etc."

The former prisoner, now a member of the FTUB, also denounced the extortion faced by prisoners: "The prison guards only earn 30,000 kyats (27 dollars) a month, which is by no means enough to give their families a decent life. As a result, they try to extract money from the prisoners, who are beaten if they do not pay. The prison doctors are quite competent, but they are also paid a pittance. As the conditions are better in the medical ward than in the cells at Insein prison, the doctors agree to prescribe more or less long stays there in return for money. Only the better-off prisoners can afford this type of stay in the medical wing."

"Even animals are treated better than prisoners in Burma. During Cyclone Nargis, a group of prisoners at Insein set fire to part of the prison and had almost managed to escape when they came face to face with brutal repression. Numerous gunshots were fired and two people were killed. Around a hundred prisoners considered to be the leaders were tortured for two weeks. The guards even refused to give them anything to drink during this period; they would drink water from small puddles on the floor."

(1) <http://www.hrw.org/en/free-burmas-prisoners/intro>

The junta drags its feet on forced labour

Burma is one of the last countries in the world where State institutions impose forced labour on the population. Following international pressure, the military junta has agreed to a mechanism through which victims can file a complaint to the ILO, but its impact is limited by insufficient commitment on the part of the authorities.



→ Dominique David

Terror and submission

The terror in the face of the exactions that can be made by Burmese soldiers and the culture of submission to orders contribute to the persistence of forced labour. *"When a representative of the authorities receives orders from above to use forced labour, he finds himself faced with a dilemma: whether to obey, knowing that there is a small risk of a complaint to the ILO, or to refuse an order given by his hierarchical superior,"* explains a foreign observer living in Rangoon. *"The risks involved in opposing an order from above being much greater than the consequences of a potential action before the ILO, he implements the forced labour order."*

Duties such as carrying equipment for the army, tending plantations belonging to the authorities, building roads, barracks, etc., are among the long list of tasks imposed on tens of thousands of Burmese citizens every day. The order often comes from soldiers, sometimes from the local authorities. It is rarely written (to avoid being submitted as proof to the international community), but usually consists in demanding the attendance of one person per household. They have to take their own tools and their own food, and have to work for one or several days without pay, usually under the supervision of soldiers or representatives of the local authorities. The only way of escaping these forced duties is to pay a fine, but those able to afford it are rare, as it usually amounts to several days' wages. If none of the adults in the family are able to go, a child has to be sent (see the testimony on page 8).

According to a report published in June by the human rights group KHRG (1), 70% of the Burmese migrants interviewed in Thailand between January and March 2009 responded that the use of forced labour was still common practice in their communities (2). Since June 2009, the Burmese trade union FTUB has submitted no less than 115 cases of forced labour to the ILO. One of these cases involved a village in Paletwa in Chin State, in the northwest of the country: at the

beginning of August, an army captain ordered 50 villagers to take down old houses and barracks in the military camp and build new ones. Women were verbally abused during the five days of forced labour between 15 and 19 August 2009.

Recourse to forced labour is sometimes limited by the presence of tourists (3), but can be replaced and/or supplemented by extortion or the confiscation of lands. Such is the case, for example, in the Inle lake region, in Shan State: *"The use of forced labour has fallen sharply over the last two or three years in this region, but the extortion continues, in more subtle ways,"* explains one of the inhabitants of the lakeside pile dwellings of Inle. *"Four months ago, the authorities demanded that each family pay several thousand kyats [several dollars], supposedly to plant ricinus communis [castor oil plant], by virtue of a national programme drawn up by the government, which hopes to make natural fuel from it. In the villages inhabited by educated people, passive resistance was more or less organised and people didn't pay much, and have suffered no retaliatory measures thus far. Paradoxically, it was in the poorer villages, where the people are less educated, that the authorities were able to collect up to 10,000 kyats [9 dollars] per family, because people were very fearful of the threats."*

ILO investigates on the ground

In 2007, faced with international outcry over its exactions, the military junta finally agreed to sign an understanding with the ILO to offer victims of forced labour a mechanism through which they could seek reparation (4). Their complaints are filed with the ILO liaison officer in Yangon (Rangoon). If the liaison officer has any doubts regarding any elements of the complaint, he can carry out an assessment on the ground, without being accompanied by representatives of the junta. He also goes on the ground when the cases are difficult, if they involve many different villages, for example, or if he has reason to believe that the information on the forced labour could quickly disappear. The liaison officer then sends the complaints and his assessment findings to a government working group (which includes representatives from various ministries). This working group in turn investigates, and if its findings prove to differ greatly with those of the ILO, a joint investigation is held on site.

Prior knowledge of the joint-mission's arrival can at times complicate the investigation and influence the outcome. *"We remind the victims and the authorities of what we learnt during our initial assessment, but the reality is that it's not always easy to obtain a satisfactory result in situations like these,* explains Piyamal Pichaiwongse, Deputy liaison officer at ILO-Yangon. *It could be that there really was a misunderstanding on the part of the inhabitants and that the authorities were in fact acting in good faith, but, in general, when Burmese people dare to overcome their fear of the government and address the ILO, it is because they have really suffered serious exploitation. Falling short of admitting to the use of forced labour, the authorities at times end up recognising that there has been a mistake or a misunderstanding and promise that it will not happen again."*

The ILO's mandate also allows it to receive complaints regarding the Burmese army's recruitment of child soldiers, an area where it is easier to secure rapid results. *"When the dossier submitted by relatives of the victim is complete, we secure the minor's demobilisation within a very short space of time,"* says Steve Marshall, liaison officer at ILO-Yangon. *"But there are still a great many soldiers aged under 18 in the army. In the cases we received it is poverty that pushes some of them to volunteer, but most of them are picked up on the streets."* Street recruitments are often carried out by the forces of law and order themselves. In many instances, a police or military officer asks a child to show his identity card. As the child does not have one or is not carrying it, the man in uniform confronts him with this choice: either go to prison or join the army.

The recruiters' dilemma

Aside from recruitment by the regime's henchmen, under-18s are enticed into the army by intermediaries who receive money or payment in kind (a sack of rice, etc.) in return. *"The youngest boy involved in a complaint regarding recruitment in the army was 11 years old, but, in the majority of cases they are between 15 and 17,"* explains Piyamal Pichaiwongse. *"We are pressing the government to ensure that army recruitment officers refuse any conscription if they cannot prove that the person is at least 18, by checking his identity documents for example. It is not enough to hear the boy or the person who has brought him say that he is 18, it must be proven."* The High Command of the Burmese army has publicly pledged not to use child soldiers. Its pledge has had little real impact on the ground. *"Army recruiters often*

accept children as they are faced with a dilemma: on the one hand, there is the ban on recruiting soldiers aged under 18 but, on the other, there is the need to keep up troop levels, and there are a lot of desertions," explains Steve Marshall.

The ILO has no other choice but to implement this programme with a rather half-hearted partner: the military junta. In its meetings at international level, the junta boasts of its collaboration with the ILO, but on the ground it does little to facilitate the task of the ILO employees. It took it 18 months, for example, to approve the official translation into Burmese of the Supplementary Understanding. None of the agreements obtained over the last two years to return confiscated lands have as yet been implemented without further dispute often with long and drawn out judicial proceedings. And the "heaviest" sanction seen thus far for the recruitment of child soldiers is the docking of an officer's wage for a month.

A network of complaint facilitators

Most cases of forced labour take place far from Rangoon, where the office of the ILO liaison officer is located. Complaints can be submitted by any means of communication (mail, fax, etc.), but it still represents a complicated task in rural regions or war zones, where forced labour is most widespread. Growing levels of illiteracy is one of the obstacles to the sending of complaints. The ILO is seeking to overcome these limitations by working with a network of "facilitators", educated people who are respected in their communities and can help the victims to write up their complaints and ensure they reach the office in Rangoon. The use of facilitators has given rise to an increase in the number of complaints sent to the ILO liaison officer over recent months (5). This increase is also owed to the ILO's efforts to inform the public about its programme, including the distribution of 3500 booklets in Burmese through a number of NGOs, UN agencies, the Labour Ministry, and the facilitators, etc. The reconstruction project carried out in the regions hit by Cyclone Nargis (see article on page 12) also brought with it wide awareness raising about forced labour and the recruitment of children in the army.

"Myanmar is huge and forced recruitment can take place across the whole country. We do not want to limit ourselves to responding to complaints. We want to be proactive. We therefore give training to members of the army, the police and the judicial system about the laws, international standards, the provision of proof, recruitment procedures, and about the risks involved if they recruit forcibly... We also want to increase the knowledge that all citizens have about their rights and their access to these rights," underlines Steve Marshall. The junta's lack of cooperation, however, limits the possibilities of informing the public at large, especially through the media, which are controlled, closely or from afar, by the government. The merciless repression of freedom of association and the right to organise is also an obstacle to the development of information channels in work circles, although the FTUB, which operates clandestinely in Burma, is doing everything it can to spread information (see page 2).

The opening of ILO offices in other regions of the country would perhaps offer more opportunities for people to file complaints. *"People may, however, be more afraid of being spotted if they go to an office in a smaller town,"* notes Piyamal Pichaiwongse. *"Our Rangoon office is located in*

Child soldier released from prison

"We were involved in the case of a former child soldier who deserted eight years ago. Despite so much time having passed, he was still being pursued. The authorities went to his home to arrest him and he was imprisoned for desertion... even though his recruitment was illegal! We were able to secure his release from prison, but there are many other cases like this one."

Steve Marshall, ILO-Yangon liaison officer



a large hotel in the middle of a very busy district, so it is very easy to access without being noticed, which helps give people reassurance."

The understanding signed with the Burmese government contains the guarantee that there will be no reprisals in the event of complaints to the ILO, but the military junta has once again reneged on its pledge. The latest ITUC Survey of Violations of Trade Union Rights reveals that complainants or facilitators have suffered serious reprisals in four cases of complaints regarding forced labour (6). The junta used

pretexts others than links with the ILO to imprison some of these complainants, but it nonetheless manages to maintain people's fear of any contact with the international community.

(1) Karen Human Rights Group, "Abuse, Poverty and Migration. Investigating migrants' motivations to leave home in Burma", www.khrg.org
 (2) Twenty-seven migrants were interviewed by the KHRG over this period, 80% of them were from rural areas of eastern Burma. The findings of another inquiry carried out between the end of 2007 and late 2008 among 128 residents of areas controlled by the SPDC in Karen State reveal that 47% of them were the victims of forced labour.
 (3) Forced labour was nonetheless used in many of the infrastructures developed to facilitate the arrival of tourists.
 (4) The texts of the Understanding and the Supplementary Understanding are available on the ILO-Yangon website at <http://www.ilo.org/public/english/region/asro/yanmar/>
 (5) Seven complaints regarding the recruitment of child soldiers between the beginning of March and mid May, 25 between the beginning of June and the end of August.
 (6) <http://survey09.ituc-csi.org/survey.php?IDContinent=3&IDCountry=MMR&Lang=EN>

"I only missed school when I had to do forced labour"

The story of 15-year-old Zaw (1) illustrates the difficulty of growing up under the Burmese dictatorship. After having been subjected to forced labour and other forms of humiliation, he now lives in Thailand, where he is receiving much-needed support from the FTUB (2).

I arrived a month ago here in the border town of Mae Sot, in Thailand, after a week's journey from my village near the town of Bamaw, in Kachin State, not far from China. My father decided that I should come to Thailand to work because my mother is ill and we need money to pay for her treatment. He accompanied me to Mae Sot, where my elder brother is already working, and then went back to Bamaw. I wanted to cry when my father took this decision, because I wanted to continue with my studies; my dream is to become a doctor.

I followed my education as normal until June 2009. I was in ninth grade. I only missed school when I had to do forced labour: the authorities demand that each family in my village send one person to carry out different tasks, without pay, once a week. The sum of 2000 kyats (1.80 dollars) has to be paid to be exempted. It was me who was sent as of the age of 12, because with my brother being in Thailand, my mother being ill and my father busy with his goods transport work, no one else could go. We could not pay the 2000 kyats in compensation as we are very poor, especially since the Burmese army confiscated my grandfather's lands 10 years ago. We can still work there but we have to donate half of the produce to the army, even though it doesn't participate in the operating costs.

In June of this year, the forced labour consisted in working on castor-oil plantations, on land belonging to the authorities. We had to be there by six in the morning, carrying our

own tools. The plots to be tended were split up according to the number of people. Depending on how fast everyone worked, the forced labour could be completed by 10.30 at the earliest or around midday at the latest. The work was carried out under the surveillance of soldiers, representatives of the canton or district authorities. Some of them used to shout at us, calling us lazy, but I went on with my task without paying any attention to them.

As my father has a small business, he is always trying to avoid any trouble with the regime, so he buys all the official calendars and books sold door-to-door by the military (2500 kyats a calendar!). On one occasion, they came to the house when I was home alone. I told them that my parents were not there and that I didn't have any money; they got angry and shouted threats at me. It is really quite hard for a child to live in such a country, gripped by fear when confronted with a representative of the junta. A few years ago, soldiers had come to my school to try to find new recruits, but I was too young at the time, fortunately.

I have been missing my family since I arrived in Thailand. I'm afraid I will never see my grandfather again, as he's over 90 years old. When my father went back to Burma, my brother asked me whether I wanted to work in Mae Sot or go to school. I told him that I would rather continue with my education. He contacted the FTUB, which helped me to find a school it is working with.

(1) Assumed name
 (2) Federation of Trade Unions - Burma

Boundless repression

"What can we do now? When students took to the streets in 1988, the military used repression, shooting into the crowd and arresting thousands of innocent people. When the monks took to the streets in September 2007, people were full of hope: surely they would not dare use violence against monks, we thought. But they did, albeit by calling on drunken thugs, who were given orders to beat them without mercy. I don't know who could take to the streets now, except perhaps women accompanied by their young children, school kids in uniform. But we cannot even be sure that they wouldn't also be targets of the junta's brutality.

Moon, a teacher in Rangoon (assumed name).

The flipside of the Thai dream

Poverty and the repressiveness of the military junta have forced two to three million Burmese citizens to migrate to Thailand. They provide a source of cheap labour, widely exploited by the local employers.



Between two and three million Burmese have left their country for Thailand, fleeing poverty and the repression of the military junta. Most of them are exploited by local employers, but usually manage to send a little money back to their families. → REUTERS/Jason Reed

"Together with the Thai trade unions, academics, lawyers and NGOs, we are lobbying the Thai authorities to complete their legislation regarding domestic work, for instance, which is not recognised as work. Thousands of Burmese migrants are domestic workers, usually earning as little as 1000 to 3000 baht [30 to 90 dollars] a month. They often work extremely long hours, such as from five in the morning till eleven at night."

Tin Tun Aung, FTUB migrants' secretary.

Burma is one of the richest countries in Asia thanks to its wealth of natural resources, yet its population is the poorest in South East Asia, owing to the military junta's catastrophic economic management. Some 3.5 million Burmese (around 7% of the population) have left the country as a result, to go and work abroad (1). Most of them are in Thailand. Others turn towards Malaysia, Singapore, Bangladesh, or even India and China. They all share the same objective: to find a job that will allow them to send regular money home to their families.

The dream of Eldorado for Burmese migrants often starts in Mae Sot, a Thai town located six kilometres from the border. Hundreds of factories opened there in the nineties and early 2000s, to take advantage of the influx of Burmese workers. Companies in other regions of Thailand have also started to recruit Burmese workers, who are active in a wide range of sectors: clothing, construction, fishing, domestic work, agriculture, etc. But, although these migrants usually manage to earn a better living than in Burma, it is at the cost of many sacrifices.

The rules for obtaining a migrant work permit offer an example of the exploitative system in Thailand: valid for a year, this permit can only be obtained if the worker has already found an employer, and is bound to that employer. A migrant is not therefore allowed to change jobs without the prior authorisation of his boss. In theory, the permit gives migrant

workers the same rights as Thai workers, the minimum wage, for example, or the right to consult a doctor in a public hospital for 30 baht (USD 0.9) a visit. *"It doesn't always work that well in practice, especially in the case of an accident at work,"* explains Min Lwin, an FTUB representative (2) in Mae Sot: *"A Thai hospital officially registers the accident, but this doesn't suit the employer, who does everything in his power to make the migrant go to a private clinic."*

The right to the minimum wage is widely flouted when it comes to migrant workers. *"The legislation sets a minimum wage of 153 baht [4.50 dollars] a day, but in Mae Sot, the biggest factories, which are all legally registered, pay wages of 70 baht [two dollars] for an eight-hour day, and between seven and eight baht for every hour worked over,"* continues Min Lwin. *"Employers try to justify these lower wages by saying they offer meals and lodgings, which is true, but the quality is very poor and they are by no means worth 40 baht a day. There are also around 200 illegal factories in the region; everyone knows they are there. They are small operations, employing between 40 and 60 workers for wages of around 50 baht for an eight-hour day, plus six or seven baht for every hour worked over. We are fighting for decent wages, but we are confronted with a labour surplus. New migrants are arriving every day. There are hundreds of them who are willing to accept even lower wages than the existing ones."*





Women workers sell their hair to survive

The global economic crisis has made the situation even worse for migrant workers. *"In February of this year, tens of textile and clothing factories closed their doors all along the border and in the centre of Thailand, leading to thousands of redundancies,"* reports Tin Tun Aung, FTUB migrants' secretary. *"Some are now working as freelance garment workers, earning as little as 20 to 25 baht a day [USD 0.50 to 0.70], others fell into such despair that they sold their long hair, despite the importance attached to it in Burmese culture. The hair is made into wigs that are sold in Thailand, China, Taiwan and Japan. Most of the Burmese migrants who lost their jobs had to return home: just seven days after being dismissed, a migrant worker becomes illegal in Thailand, unless they find another job. This extremely short deadline pushes migrants to go through intermediaries to get a new job. Innumerable women workers have been exploited, sexually harassed or even raped by these intermediaries, some of whom have forced migrants to work as prostitutes."*

It would seem that the presence of migrants is a godsend for many Thai police officers. *"Often, to avoid the procedures involved in applying for a work permit, employers deduct 500 baht a month [14.60 dollars] from migrant workers' salaries and transfer the sum to the local police,"* reveals a trade union member. *"If a worker is stopped by the police whilst wearing the factory uniform, there is no risk of him being harassed or arrested."* Without this kind of protection, in the Mae Sot region, for example, an illegal Burmese migrant has to pay between 500 and 1000 baht to a Thai police officer if stopped, to avoid arrest. The sums paid for being released from the Thai immigration service's detention centres are even higher. An intermediary recently demanded 15,000 baht (440 dollars) for the release of a Burmese trade unionist who had been arrested near Bangkok.

Pay the intermediary or "disappear"

The border post between Mae Sot and Myawaddy provides another lucrative side earner for men in uniform. It is controlled by the DKBA (3), an army of the Karen ethnic group which has allied with the junta. Burmese migrants deported to this place are contacted between the Thai and the Burmese border posts by intermediaries demanding the payment of 1400 baht (41 dollars) to guarantee their "safety" on the journey home to their families. Those refusing to pay risk being accused of having emigrated illegally at the Burmese border post, which can mean "disappearing" or being sent to do forced labour, etc. For a larger sum (some migrants speak of 10,000 baht, that's 294 dollars), the same intermediaries can arrange for them to return to Thailand. There have been allegations that this money is split between the Thai police, the Burmese authorities and the DBKA. As tens of Burmese migrants are arrested every day in the Mae Sot region and deported in this way, one can only imagine the big business that can be made by partners of this money-making racket.

The fear of being deported goes some way towards explaining why, despite the high cost of the work permit (3800 baht, 112 dollars) and the few rights it guarantees in practice, many migrant workers are willing to pay for it. But then there is also the task of finding an employer willing to hire them fairly and honestly. Min Lwin: *"In the Mae Sot region, around a third of employers refuse to undertake the*

procedures to obtain a work permit, as they prefer to have illegal workers, who are even easier to exploit. Two thirds do follow the procedures but they often deduct sums much higher than the 3800 baht from the workers' pay. Some employers demand the full amount but then only pay for the medical check up the workers have to take. By doing this, they save 1900 baht (55 dollars) per worker, which represents a handsome sum of money if they have a workforce of several hundred people."

Migrant workers could soon be faced with new expenses, on top of the work permit. *"An agreement between the Thai and Burmese governments foresees that, in February 2010, all Burmese migrant workers will have to return home and will only be able to return if they have a passport valid for two years and that will cost 8500 baht,"* explains Min Lwin. *"Yet many migrants come from rural areas and do not have an identity document in Burma, so they will not be able to buy this passport. The workers also fear that by becoming officially known to the Burmese authorities as migrants, their families will be the targets of even more arbitrary taxes and extortion, as they will be seen as being less poor than the others."*

Trade union helps counter trafficking

As migrants are forbidden from forming unions by Thai legislation, the FTUB is discreetly organising them, through migrant worker associations. *"We are trying to help migrant workers by informing them about their rights, the Thai legislation, and offering them legal assistance,"* explains Ting Tun Aung. *"We take part in a monthly meeting with NGOs and the Thai authorities about migrant related issues, which helps us to take our lobby to the highest level. These contacts are very useful, for example, when we need the police for operations to rescue migrants who have fallen prey to trafficking. We had a case like this last August, when six Burmese workers employed in Mae Sot fell into the trap laid by an intermediary who promised them a better paid job in a factory in the centre of Thailand. He in fact took them to a palm grove in the south of the country, where they realised that the situation was not at all clear. They called a friend who knew the FTUB. We were able to work with the Thai police to come to the migrants' aid. They have since found other jobs."* When a relationship of trust has been established, the trade unionists from the FTUB can mobilise "good" forms of police action, in time to prevent the abuses of other less scrupulous local police, in some instances.

The FTUB is also cooperating with Thai trade unions to give Burmese migrants a better image, as they are sometimes portrayed and perceived as "job thieves" by local workers. *"Thanks to this cooperation, we are able to tell Thai workers about the harsh realities of life for migrants and how they contribute to the national economy,"* notes Tin Tun Aung. Many factories have been shut down in the Bangkok region, especially in the garment sector, whilst others are springing up in Mae Sot. In the long term, if the Burmese government's plans to develop industrial zones on the other side of the border finally take off, these jobs may well disappear from Thailand completely.

(1) Karen Human Rights Group, «Abuse, Poverty and Migration. Investigating migrants' motivations to leave home in Burma», www.khrg.org

(2) Federation of Trade Unions – Burma, www.ftub.org

(3) Democratic Karen Buddhist Army

An 80 hour week for migrants' children

According to FTUB estimates, between five and ten percent of the Burmese workers employed in the Mae Sot region are children. One of these minors agreed to tell us her story (1).

I'm 14 or 15 years old. I do not know my exact age as my mother can no longer recall the exact year I was born and I don't have a birth certificate. I have been working for a ceramics factory in Mae Sot for a year, along with another hundred or so workers. There are many other girls around my age in the factory. The youngest is 11 or 12. A worker aged around 45 was recently sacked, supposedly because she did not work as fast as the younger workers, and there are now rumours that the factory wants to get rid of all the employees aged over 40-45. During my interview, the manager asked me my age. I answered 16, but I think he wrote 18 on my application form. I received one day's training and then started work. For the moment, it consists in sticking handles onto cups, which are exported to China and elsewhere.

We work seven days a week from 8 a.m. to 12 noon, then from 1 to 5 p.m. From Monday to Friday we have to accept overtime from 6 p.m. until 10 or 11 at night. The wage is 58 baht [1.70 dollars] a day, plus 7 baht for every hour worked over (work on Sundays is paid at the normal rate). There are hardly any days off, barring a few days during the Songkran religious festival or feast days connected with the royal family. I suffered from dizziness occasionally in the beginning, because of the smell of the chemical products, but I got used to it and there is only one type of ceramic that gives me headache now.

I really liked going to school in Burma and I would like to go in Thailand, but it's not possible. My father has passed away and I am the only one able to help my mother because my younger brother is at school in Burma. My older brother is quite frail, so he cannot find work in Thailand. I was quite happy when my mother decided to leave our village in the Moulmein region (Mon State), because I wanted to discover Thailand, but I was very disappointed. I knew before I left that I would have to work, but not such long hours and with compulsory overtime. I was also disappointed by the abuses involved in obtaining a work permit. The employer had initially told us that he would undertake the procedures by deducting 600 baht [17 dollars] a month from the wages but in the end he wanted to deduct 1200. I abandoned the idea of obtaining the permit, because with deductions like that there would have been next to nothing left of my wage.

(1) The FTUB and the ILO carried out a study on the employment of Burmese children in the Mae Sot region. Published in 2006, it is available at http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_64_en.pdf



Many Burmese migrants plan to stay in Thailand for as long as there is no improvement in the economic situation at home, so they try to emigrate with their children. All migrants' children have the right to attend Thai schools but, very often, their parents cannot afford the cost of uniforms, transport, schooling materials, etc. The Burmese diaspora has therefore set up tens of schools for these children in Thailand. The FTUB is also taking part in this effort: it has set up two schools in Mae Sot and Ranong, where over 400 Burmese children can receive an education for as little as 20 baht (USD 0.60) a month.

The example after Nargis

A reconstruction project carried out by the ILO following Cyclone Nargis shows the junta that building infrastructures without resorting to forced labour is possible.

Over 140,000 people died when Cyclone Nargis hit the Ayeyarwady Delta and the south of Rangoon on 2 and 3 May 2008. Ninety-five percent of the houses in the delta region were destroyed during the worst natural disaster the country has ever seen. The suffering of the tens of thousands of survivors was aggravated by the junta's refusal to authorise foreign humanitarian and food aid teams' immediate entry into the country.

It was against this backdrop that the ILO deployed a project to reconstruct infrastructures and provide a means of survival in 65 villages in Mawlamyinegyun, with the aid of its Employment Intensive Investment Programme. Above and beyond contributing to the reconstruction effort, the project was also a way of showing the Burmese authorities that infrastructure works can be achieved without resorting to forced labour, and that it is possible to work with villagers while respecting the basic principles of good governance and the workers' rights enshrined in Burmese legislation, etc.

"Myanmar has laws guaranteeing certain workers' rights, as in many other countries, but they are rarely applied and few know they exist," underlines Steve Marshall, ILO liaison officer in Rangoon. *"Our reconstruction project created 81,000 days' work for 7500 people in the villages concerned. They were not only trained in how to construct infrastructure in a sustainable way: we also took advantage of our meetings with thousands of villagers to speak to them about their*

rights at work, their salaries, forced labour, child labour, ... Representatives of the authorities were present at all the meetings, which was excellent, as the project's aim was also to educate them about these issues."

Thanks to the project, 87 km of paths were reconstructed along with 25 jetties (particularly important in the delta region where people often get around on the water), 54 bridges and 40 latrines. *"The psychological impact was equally strong,"* notes Piyamal Pichaiwongse, deputy liaison officer at ILO-Yangon. *"During the project preparation meetings and the days' work, people were able to think about something other than the disaster, the friends and relatives that had been killed or injured, the day-to-day misery. Taking a direct part in the reconstruction of their communities and receiving decent work raised many of the participants' spirits."*

The agreements concluded between the ILO and the government before the start of the project foresaw the possibility of extending it by a year. But when the ILO expressed its wish to get involved in a new infrastructure construction project, the Burmese authorities replied that they would rather leave it there for the moment, as they are too busy preparing for the 2010 elections. The junta, it is true, puts a great deal of effort into ensuring that the elections are neither free nor fair...

(1) All the details of this project are available in the final report published on the ILO-Yangon website at http://www.ilo.org/yangon/lang--en/docName--WCMS_113877/index.htm

Publisher responsible in law:
Guy Ryder, General secretary

ITUC

5 Blvd du Roi Albert II, Bte 1, 1210-Brussels, Belgium
Tel: +32 22420211, Fax: +32 2 2018815

E-Mail: press@ituc-csi.org • Web Site: <http://www.ituc-csi.org>

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