

we cannot refuse



forced labor in Burma

"We could not refuse to go to work. We could not complain about the work. Even if you don't complain, but you just don't go to work, the soldiers can come and kill you."

- Shan Villager, 2002

The State Peace and Development Council (SPDC) of Burma has refused to respect the results of the 1990 elections. Instead, the military regime continues to wage a brutal war against its own people. The high costs of this war have resulted in the SPDC's policy of "self-reliance," which forces the army to be as self-sufficient as possible.

With over 400,000 soldiers, the armed forces often resort to forced labor and extortion in order to pay and feed their troops. Many corrupt people in the military use forced labor to become wealthy. Forced labor is also a counter-insurgency tool for controlling the rural population and diverse non-Burman ethnic nationalities.

As a result, the military regime in Burma, headed by the SPDC, is guilty of serious and widespread human rights and labor violations. These violations are so severe that the International Labor Organization (ILO), an organization that works to end forced labor around the world, has urged its members to review its relations with the SPDC so as not to encourage the use of forced labor.

Burma

States and Divisions



Types of Forced Labor in Burma

portering for the military

"I was worried that I might die while portering along the border.... I plan to go home, if I can find a way. My family thinks I am already dead."

- Karenni Man, 2002

Portering is a very dangerous type of forced labor and requires that people carry food, water, and ammunition for the military. Sometimes, porters have to clear landmines for the military.

construction and repair

Villagers routinely have to provide land, raw materials, and labor for army camps.

support for military camps

Villagers frequently have to work as guides, messengers, cooks, or cleaners at military bases.

income generation

Military plantations are the most common form of this abuse. The army requires people to plant, weed, and harvest food for them. In some cases, people have to raise cattle or other animals as well.

building and maintenance

To reduce construction and maintenance costs, the military often requires people to help build roads, railways, dams, and other similar projects.

cleaning rural or urban areas

The military routinely demands money and/or labor to pay for these activities, which are often organized through the village and township development councils.

militia duty (pyi thu zyat)

The military increasingly requires men to "serve" in the village militia on a rotating basis, increasing the risk they will be injured or killed in fighting between the military and opposition forces.

"It is a rotational system, and our turn comes once a month. We cannot refuse to go. If we don't want to go on our own, we have to pay 200 Kyat to hire a person to go in our place."

- Tavoyan Man, 2002

What is Forced Labor?

Forced or compulsory labor refers to a situation where any person:

- 1) is required to work or provide a service that he or she has *not* voluntarily offered to carry out; and
- 2) has reason to believe that he or she will suffer a penalty for not carrying out the work or service. Whether this person receives payment or not is irrelevant since the person cannot refuse to work without risking some form of punishment.

Forced labor is a widespread practice that violates both internationally recognized human rights and labor laws.

"The work of building pagodas will never end because once we finish this one we will have to start another one.... We don't get paid for the work.... If you get injured, they don't help you, and if you don't have money, you can lose your life."

- Karen Man, 2002

"Maybe my hometown, my village, my land will never be peaceful, and I will never get to be just a farmer?"

- Shan Man, 2002

"At the end of February, I had to sell four lang of rice from my fields to the military. The price was 1,000 Kyat per lang. If I sold it in village, I would get 3,000 Kyat per lang. I could refuse to sell the rice to the military. If I refused, they would put me in jail."

- Shan Man, 2002

Impacts of Forced Labor

"Because we have to work for them [the military] and give money to them, it is difficult for people to make a living in my village. The villagers want to leave that area."

- Karen Man, 2002

Common impacts of forced labor in Burma include:

- Loss of income, food, opportunity to go to school, and property. In severe cases, people flee to the jungle and become internally displaced people or refugees in neighboring countries because they have to do so much forced labor.
- Emotional and psychological damage that can cause depression and violence towards others.
- Physical exhaustion and illness from heavy workload, lack of time to rest, and insufficient food.
- Physical injury due to torture, rape, beatings, and death.



"When the porter could not carry his load, the soldiers forced him to go on. If anybody really could not continue, the soldiers left him. Some porters were stabbed with a knife and left behind."

- Karenni Man, 2002

Laws Concerning Forced Labor in Burma

"I have never heard of Order No. 1/99. I have never heard that forced labor was illegal."

- Shan Woman, 2002

In 1999, the SPDC approved "Order No. 1/99." This order officially restricted the use of forced labor in Burma by instructing government officials not to exercise certain powers that are contained in the "Town Act" (1907) and the "Village Act" (1908). These two Acts permitted the limited use of forced labor under specific circumstances.

Since 1999, the SPDC has issued two further Orders and Instructions to outlaw *all* forms of forced labor in Burma. Not one case, however, has been brought against anyone using forced labor as is required by the SPDC's Decree (1 November 2000).

In late 2001, a team from the ILO visited Burma to investigate the situation. The ILO Team found that, despite small improvements, forced labor remains widespread in Burma and it is directly linked to severe human rights abuses.

"I have never heard of anyone making a complaint about forced labor. I would not know how to make a complaint."

- Shan Villager, 2002



Common Myths About Forced Labor

"Loy-ah-pay" originally meant "voluntarily contributed labor," but the term has been badly misused by the SPDC. Now, most people in Burma think it means "forced labor" for the military. Due to international pressure, the SPDC has repeatedly tried to disguise and justify the continued use of forced labor by claiming:

- "Paid labor" is not forced labor because people receive money for the work they do.
- "Donated" labor is not forced labor citing the Buddhist concept of "giving" (*Dhana*), which is an act done by a person of their own free will and out of the goodness of their own heart without an expectation of any reward.
- "Helping" (*a-ku-ah-nyi*) the military and/or contributing labor and funds to the Village-Tract and Township Peace and Development Councils is an act of patriotism.

These three examples misrepresent the reality of forced labor by disguising the fact that it is impossible to say no. In Burma, a refusal to pay money and/or provide labor to the military results in violence, torture, arbitrary jail sentences, the loss of private property, rape, and/or death, especially for the members of Burma's many non-Burman ethnic nationalities. Payment does not negate the fact that the work is still forced.

What is the ILO?

The International Labor Organization (ILO) seeks to promote social justice and internationally recognized human and labor rights.

The ILO was founded in 1919 and became the first specialized agency of the United Nations (UN) in 1946. Within the UN system, the ILO has a unique structure with workers and employers participating as equal partners with governments to achieve its goals.

The ILO performs many tasks, including setting minimum standards of basic labor rights, such as freedom of association, the right to organize, collective bargaining, and the *abolition of forced labor*. These standards are expressed in ILO "Conventions" which, when a country agrees to them, become law and require the government of that country to implement them.

ILO Conventions

Two ILO Conventions form the key legal instruments for ending forced labor.

ILO Convention No. 29 (1930) was the first attempt to reduce and control the use of forced labor in European colonies in Africa and Asia. ILO Convention No. 105 (1957) supplements the first Convention, and calls for the immediate and complete abolition of any form of forced or compulsory labor in five specific cases:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilizing and using labor for the purposes of economic development;
- (c) as a means of labor discipline;
- (d) as a punishment for having participated in strikes; and
- (e) as a means of racial, social, national or religious discrimination.

Although Burma has ratified Convention No. 29, the military routinely violates it. The SPDC has refused to ratify Convention No. 105, perhaps because the military uses forced labor (a) to punish people, (b) to reduce the costs of development projects, and (c) to discriminate against other groups in Burma, especially non-Burman ethnic nationalities.

"The Burmese soldiers yelled at us, and they pointed their guns at us sometimes to make us work. The Burmese soldiers also threatened to hit people with the butt of their guns. The people were afraid when they were threatened."

- Shan Woman, 2002



EarthRights International Findings

EarthRights International (ERI) is a non-governmental, non-profit organization (NGO) that investigates, monitors, and exposes human rights and environmental abuses occurring in the name of development.

ERI regularly interviews people about the illegal use of forced labor in Burma. ERI has found that:

- Despite Order No. 1/99, few villagers know that forced labor is illegal in Burma.
- Order No. 1/99 has not stopped forced labor.
- Some military commanders and soldiers threaten to kill people if they tell others that forced labor is continuing. The villagers are encouraged to use different words such as "helper" (*a-ku-ah-nyi*) instead of "forced labor" (*loy-ah-pay*) or "portering" (*poh-ta*).
- In some areas people are paid a small sum to carry out work for the army. Since the villagers are still not able to refuse to do this work, it is forced labor, even though the people are paid.
- There is no acceptable or safe way for villagers in Burma to make complaints about forced labor.

ERI would like to thank the hundreds of individuals who risked their lives to provide information on forced labor. Your information helps ERI and other groups to prepare information for the ILO, the UN, and other governments that pressure the SPDC to change its policies.

For more information or to report incidents of forced labor, please contact ERI or the groups/organizations listed below.

Shan Human Rights Foundation (SHRF)

Email: shrf@cm.ksc.co.th

Karen Human Rights Group (KHRG)

Email: khrgh@khrgh.org

Ethnic Cooperation for Human Rights and the Environment

Email: echre@cscoms.com

Human Rights Documentation Unit (HRDU)

Email: juanpa@cscoms.com

For more information on the ILO, see www.ilo.org



EARTHRIGHTS INTERNATIONAL

EarthRights International combines the power of law and the power of people to protect human rights and the environment

Southeast Asia
infoasia@earthrights.org

U.S. Office
1612 K. St. N.W.
Washington D.C. 20006
Tel 001-1-202-466-5188
Fax 001-1-202-466-5189
infousa@earthrights.org

www.earthrights.org

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