



Countries at Risk Report Human and Trade Union Rights Committee



Contents

INTRODUCTION	5
COUNTRIES AT RISK – PAN-EUROPEAN REGION	7
Kazakhstan	7
Turkey	7
Ukraine	8
Belarus	8
Hungary	9
COUNTRIES AT RISK – ASIA PACIFIC	10
Bangladesh	10
Cambodia	10
Fiji	11
Philippines	11
India	12
Hong Kong (China SAR)	12
Iran	12
COUNTRIES AT RISK – AFRICA	14
Zimbabwe	14
Democratic Republic of Congo	14
Eswatini	15
Somalia	15
COUNTRIES AT RISK – ARAB REGION	16
Algeria	16
Jordan	16
Palestine	16
COUNTRIES AT RISK – AMERICAS	18
Colombia	18
Brazil	18
Argentina	19
Guatemala	19
Honduras	19
Paraguay	19
ANNEX I	21
ITUC Rapid Response Mechanism	21
ANNEX II	22
Overview of ITUC Appeals	22
ANNEX III	24
2019 ILC CAS Conclusions	24
ANNEX IV	35
ITUC Global Rights Index 2019 – Ten worst countries in the world for working people	35

Introduction

In many parts of the world, unions are on the front lines of conflict and struggles for democratic rights and freedoms.

Over the last year, we have seen the foundations of workplace democracy come under sustained attack and conflict as authoritarianism and right-wing governments destroy democratic space, rights and freedoms including freedom of association, collective bargaining and the right to strike.

Repression and denial of access to justice is being used to silence the age of anger. There has been a decline in democratic rights and freedoms, and attacks on trade union rights have persisted throughout the world. Labour activists must be recognised as both human rights defenders and peace builders.

The 2019 ITUC Global Rights Index showed:

72% of countries denied workers access to justice.

74% of countries exclude some or all workers from labour law, and the denial of the right to form or join a trade union is on the increase.

The number of countries where workers are arrested and detained increased from 59 in 2018 to 64 in 2019.

54 countries deny or constrain freedom of speech.

Workers experienced violence in 52 countries.

Countries at Risk

Through the solidarity of our affiliates, support for countries at risk is central. The Human and Trade Union Rights Committee leads the global trade union movement's solidarity actions for peace, democracy and rights.

The Countries at Risk report provides an overview of highlights, challenges and proposals for action in 2020 for 25 countries from all regions. In addition, the report responds to the emergency resolutions passed during the 2018 ITUC World Congress on Brazil (Lula), Hungary, Iran and Kazakhstan.

This year the ITUC expanded a rapid response mechanism to address crisis situations when trade unionists and their organisations are at imminent risk or when conflict or natural disaster require urgent global solidarity.

Four trade union leaders have been released in 2019 following solidarity actions from the global union movement.

2019 HTUR Committee Discussion

Discussions during the 2019 Human and Trade Union Rights Committee will allow participants to review the Countries at Risk report and identify action plans for 2020.

The report does not cover many industrialised countries. Increasingly, however, rights are under attack in developed economies as well. This calls for a discussion in the Committee on how to deal with HTUR issues in developed economies, such as in the US, Australia and various parts of the EU.

To support your discussions, the **2019 ITUC Global Rights Index** and the **2019 ITUC Freedom Report** provide analysis on the state of respect for workers' rights for countries across the world and an overview of how shrinking democratic space is facilitating conflict and increasing security risks.

The **ITUC Frontline Campaigns and Four Pillars for Action 2020** set out the draft summary of the ITUC's strategic priorities and plans including the four pillars of Peace, Democracy and Rights; Regulating Economic Power; Global Shifts – Just Transitions; and Equality. These are core business for the ITUC, and each pillar has thematic areas of focus with goals against which we will measure our progress and report to the General Council each year. The ITUC's Countries at Risk work is a thematic area under the Peace, Democracy and Rights pillar.

Trade unions are on the front lines in a struggle to claim democratic rights and freedoms. We need a New Social Contract between workers, governments and business to rebuild trust as people lose faith in democracies. Through our demands for a Labour Pro-

tection Floor and Universal Social Protection, we will secure rights and dignity for people which are the foundations for peace and stability.

Sharan Burrow
General Secretary,
International Trade Union Confederation



Send us your ideas for action: Affiliates are requested to send comments, ideas and suggestions for joint Human and Trade Union Rights action in 2020 to tur@ituc-csi.org

Join the discussion: The Human and Trade Union Rights Committee will meet 14 October 11:00 – 17:00, International Trade Union House, Brussels.

The report to the ITUC General Council: Following the HTUR Committee meeting, Plamen Dimitrov, Chair of the Human and Trade Union Rights Committee, will report to the General Council.

Countries at Risk – Pan-European Region

Kazakhstan

Highlights:

- Release of Erlan Baltabay, leader of the Independent Oil and Energy Workers' Union, by special decree of the new President, after a global union campaign.
- In 2019, the ILO Committee on the Application of Standards (CAS) singled out Kazakhstan for serious and consistent violations of trade union rights in a "special paragraph".
- The ITUC intervened as a third party in the court case against Larisa Kharkova.
- The ITUC called on the OECD-Kazakhstan Working Party to advise against investment.
- The ITUC made a submission to the UN Universal Periodic Review of Kazakhstan's compliance with its obligations under international human rights law.

Challenges:

- Convictions and repression against independent union leaders, such as Larisa Kharkova, Amin Eleusinov and Nurbek Kushakbaev. They have been punished and persecuted through the courts on trumped-up charges. Dmitry Seniavskiy was severely beaten.
- Implementation of ILO roadmap agreed during the 2018 High Level Tripartite Mission, in particular the reform of the Law on Trade Unions to allow for the establishment of independent trade unions.
- Refusal to register the CITUK and its member federations; interference of the state in FPRK leadership.

Possible actions:

- International trade union mission in support of independent unions, including visits of imprisoned leaders and leaders under house arrest.
- Lobby governments to support call for respect for

freedom of association at the Universal Periodic Review session.

- Joint ITUC-ETUC action vis-à-vis the Enhanced Partnership and Cooperation Agreement.
- Joint ITUC-TUAC action targeting the OECD-Kazakhstan Working Party.

Turkey

Highlights:

- The state of emergency was finally lifted.
- An ITUC legal investigative mission documented a violent crackdown on worker protest and other rights violations during the Istanbul New Airport (IGA) construction and published a report.
- A joint ITUC-BWI mission visited the construction site and met with affiliates and the airport management.
- In 2019, the ILO Committee on the Application of Standards discussed violations of freedom of association in Turkey and called on the government to report on progress.

Challenges:

- Crackdown on protests and arrests and intimidation of trade unionists continue.
- Heavy criminal charges and criminal prosecution of trade unionists, including leaders, for standing up against the government and exploitative companies.
- Thousands of workers and trade unionists, dismissed by decree in retaliation for trade union activities, not reinstated by the Commission Inquiry.

Possible actions:

- Coordinate trial observations to expose the unfair and arbitrary judicial persecution of trade unions.
- Support legal cases for trade unionists whose appeal for reinstatement was turned down by the

Commission Inquiry through the ETUC/ITUC solidarity fund.

- File a complaint at the ILO on OSH and support related national level litigation.
- Collaborate with the ETUC to pursue procedures within the Council of Europe.

Ukraine

Highlights:

- An ITUC/PERC-ETUC fact-finding mission on human and trade union rights violations, poverty and forced migration met with unions, the EU, the IMF, the Ombudswoman, the IOM and the Vice Prime-Minister.
- The ILO Committee of Experts on the Application of Conventions and Recommendations made strong comments on Conventions 81, 87, 95, 176.
- The ITUC legal clinic facilitated the consolidation of different trade union positions on labour law reforms and provided a report analysing government reforms against international standards as the basis for parliamentary lobbying.
- Challenged IMF loan conditionality in relation to privatisation, pension and health care reforms.

Challenges:

- Interference of authorities into trade union affairs.
- Wage arrears and unemployment causing an exodus of the working age population.
- Unpredictable post-election context with risk of rapid reforms by the new President.

Possible actions:

- Set up a high-level meeting with the EU officials (new Commission and new Parliament), with participation of Ukrainian unions.
- Call for affiliates of the EU to meet with their governments and with the embassies of Ukraine.
- Explore possibilities for the EU project on twinning, particularly with the neighbouring countries' trade unions.

- Joint cross-border activities, with participation of the IOM and the ILO to foster partnerships to prevent trafficking, discrimination and social dumping;
- Enlarged participation of EU unions in the work of the civil society EU-Ukraine platform and Domestic Advisory Group under AA and DCFTA.
- Explore procedures with the ILO supervisory system.
- Support affiliates' wage campaign.

Belarus

Highlights:

- Global unions called for the relocation of the 2019 European Games in Minsk in light of violations of human and trade union rights in Belarus.
- Global unions called on the European External Action Service to prioritise respect for trade union rights as a priority in the negotiation of the Partnership Agreement between the EU and Belarus.
- In 2019, the ILO Committee on the Application of Standards highlighted abusive compulsory labour as a punishment in Belarus.
- In 2019, the Labour Code was changed further limiting workers' freedoms.

Challenges:

- Government campaign against Belarusian Congress of Democratic Trade Unions (BKDP) and affiliates continues. Independent unions can not get legal recognition, anti-union discrimination by short-term contract system.
- Unions cannot receive international financial support.
- Recommendations of the 2004(!) ILO Commission of Inquiry are still ignored.
- Two leaders of BKDP affiliated unions are facing politically motivated trials.

Possible actions:

- Continue direct support to BKDP.
- File submission for the review of the implementation of the Commission of Inquiry recommendations in the ILO Committee on Freedom of Association.

Hungary

Highlights:

- PERC Pre-ILC meeting in Budapest and solidarity action in support of Hungarian trade unions.
- PERC Summer School in Budapest.
- ITUC drafted a critique on the amendment of the Fundamental Law to expose its deficiencies in relation to international human rights law and labour standards.

Challenges:

- The labour law remains in force and is a threat for labour protection throughout the region.
- General restrictions on civil society and rule of law.
- Possible actions:
- Joint ITUC-ETUC action on reasonable working time as part of the labour protection floor.
- Publicise and expose any multinational enterprises abusing the “slave labour” law.



Turkish police officers arrest an old man in Istanbul. He was demonstrating in support of workers that were arrested earlier for protesting over labour conditions at Istanbul's new airport. Credit: Bulent Kilic/AFP

Countries at Risk – Asia Pacific

Bangladesh

Highlights:

- The ITUC filed a complaint to the ILO for a Commission of Inquiry (COI) on Bangladesh.
- ITUC complaint with the European Ombudsman on the European Commission's failure to trigger an investigation into labour standards under the GSP.
- Submission on the labour and human rights situation was sent for the WTO country review on Bangladesh.
- The ILO Committee on Freedom of Association called on the government to hold to account those who were responsible for violence against protesting workers by introducing an independent inquiry following an ITUC complaint.

Challenges:

- The vast majority of trade unions are still facing major obstacles in their registration processes, preventing them from operating freely and from entering into collective bargaining.
- Police and thugs interfere violently in protests, injuring and intimidating workers.
- Impunity of anti-union discrimination and mass dismissals of workers in the wage strike due to corrupt and biased judicial institutions.
- Appallingly low wages and lack of social protection.

Possible actions:

- Campaign for government and employer support for the establishment of an ILO Commission of Inquiry.
- Urge the EU Commission to trigger an investigation with the possibility of withdrawing trade preferences through a staged process, including through the Sustainability Compact.

- Document violations of workers' rights throughout different sectors in collaboration with the GUFs.

Cambodia

Highlights:

- The EU announced the procedure of assessment on political, labour and human rights under the EBA trade arrangement.
- The government proposed ten amendments of the Trade Union Law, and speeded up the pending criminal and civil cases against trade unionists. The court acquitted the six national trade union leaders for organising the general strike in 2013.
- The government announced the extension of the minimum wage to a second sector other than the garment sector, and coverage of social protection to the informal sector, though without specific timeline.

Challenges:

- Restrictions in labour strikes; trade union registration; representation of trade unions for unorganised workers; threats and intervention from the government.
- Negotiation for sectoral collective bargaining in the garment industry stopped under the threat of EBA withdrawal.
- Impunity of anti-union discrimination is an obstacle to organising.
- Increasing economic dependence on Chinese loans and investments combined with impunity of rights violation of the Chinese employers.

Possible actions:

- Support trade unions to bring the trade union and labour laws in compliance with C87.
- Active use of the ILO and UN Human Rights Council's special procedures to create a favourable environment to trade unions.

- Support trade union initiatives on organising, minimum wage and social protection advocacies.
- Continue to monitor Chinese investments in Cambodia.

Fiji

Highlights:

- The ITUC and ITUC-Asia Pacific coordinated an international solidarity protest action against the unlawful arrest of FTUC leaders, including GS Felix Anthony, resulting in their release.
- The 2019 CAS concluded that there should be a Direct Contact Mission to Fiji.
- Felix Anthony has been granted a hearing as part of Fiji's Universal Periodic Review before the UN.

Challenges:

- Legal charges against Felix Anthony are still pending.
- Government interference in trade union affairs.
- Continued repression against trade union activists.
- Breakdown of Employment Relations Advisory Board (ERAB).

Possible actions:

- Assist FTUC in preparing and addressing the ILO mission.
- Lobby governments to support trade union recommendations on freedom of association for Fiji's Universal Periodic Review Session.
- Assemble case for challenging Fiji's restoration in Commonwealth.

Philippines

Highlights:

- The CAS examined the application of C87 in the Philippines and called on the government to accept a High-Level Tripartite Mission (HLTM).

- On 11th July the UN Human Rights Council adopted a Resolution calling upon High Commissioner to prepare a comprehensive written report on the situation of human rights in the Philippines.
- A CGU mission visited the country in July to build unity. The Labour Secretary was urged to respect labour rights in the country.
- The Arthur Svensson International Prize 2019 was awarded to unionist France Castro.

Challenges:

- Extra-judicial killings, violence against trade unionists, and impunity.
- Extension of martial law in Mindanao; red tagging of trade unions and civil society organisations led by the government and the military.
- Illegal use of agency work is still widespread to press down wages and undermine trade union organising.
- The government has so far refused to receive the ILO HLTM.

Possible actions:

- Pressurise the government to accept the ILO HLTM.
- Legal clinic to accompany national affiliates in preparations for the ILO HLTM.
- Engage with the UN Office of the High Commissioner for Human Rights to inform the report to the 44th Human Rights Council meeting.
- Work with the ETUC towards stronger labour safeguards in the EU-Philippines trade agreement.
- Continue to monitor Chinese investments in the Philippines.
- A Global Union Day of Action on 10 December calling for the stopping of extrajudicial killings, and support the trade unions' demand to investigate the killings through the National Tripartite Industrial Peace Council Regional Monitoring Board.

India

Highlights:

- The ITUC coordinated global action to expose the anti-labour practices of the Modi administration with actions outside embassies and a social media campaign #ModiMustGo. ITUC affiliates shared a unified labour platform to campaign during the national elections.
- A legal clinic was held in April consolidating a common trade union proposal on the labour law reform.
- The CAS examined the application of C81 on labour inspection and called on the government to accept a Direct Contact Mission (DCM) to report on progress.

Challenges:

- Modi was re-elected in May. Liberalisation, privatisation and the anti-labour reform are expected to continue.
- Exclusion of trade unions in the labour law reform.
- The Indian government has up to now refused to accept the conclusion of the CAS on C81 and the DCM.
- Thirteen workers were unjustly sentenced to life imprisonment in the Maruti Suzuki case in 2017 and are still in jail.

Possible actions:

- Pressurise the government to accept the DCM.
- Support affiliates to oppose the labour law reform.
- Assist the affiliates for preparations of the DCM.
- File a complaint to the ILO Committee on Freedom of Association (CFA) and UN treaty bodies regarding the Maruti Suzuki case and the labour law reform.
- Support the filing of complaints with the national human rights institution.
- Support affiliates in working with the political opposition and state level legislature to stop problematic labour law reform.

Hong Kong (China SAR)

Highlights:

- Millions of people turned up in a series of rallies since June against the proposed bill on extradition of fugitives to China, a bill which threatens the fundamental freedoms of the people of and in Hong Kong.
- The movement led by youth evolved to become the largest and most inclusive mobilisation in Hong Kong's history – across sectors and generations – to demand genuine enforcement of the one-country-two-systems principle and universal suffrage.
- International governments, Chambers of Commerce and progressive movements supported the calls of the Hong Kong people.

Challenges:

- Fundamental freedoms are threatened by escalated use of police force, political prosecutions, draconian legislation against dissidents, protesters, netizens and journalists.
- Blatant violations of the international treaties on peaceful assembly, torture and use of firearms by law enforcement officials.
- The government, which was not elected by universal suffrage, will continue to ignore people's demands.
- One-country-two-systems is precarious with tightened control from China.

Possible actions:

- Support the call for an independent civil investigation into the violations of peaceful assembly in the rallies since June, and further HKCTU demands.
- A speaking tour by HKCTU and young activists in Europe, the US and Asia for lobbying and building solidarity.
- Monitor the political elections in 2019 and 2020.
- Expose and leverage the role of Hong Kong in the Belt and Road Initiative.

Iran

Highlights:

- Sports and Rights Alliance campaign to end the ban on women attending men's football matches.
- Coordinated action to protest against imprisonment of trade union leaders.
- Two ILO missions were in the country to assess the situation and conditions for engagement.
- Joint ITUC GUF submission for the Universal Periodic Review session of Iran.

Challenges:

- Trade union rights violations continue, even during the ILO missions to the country.
- Access to trade union groups in the country.
- Ban on women attending football matches remains.

Possible actions:

- Block ILO engagement in the absence of guarantees for an end to ongoing violations and credible commitment to improved law and policy.
- Develop CGU action plan towards the lifting of sanctions with full respect for workers' and other human rights.
- Call for lifting sanctions so that pressure on Iran's human rights record is emphasised instead.
- Continue to campaign to lift the ban on women attending football matches.



Garment workers in Bangladesh mobilise to demand a pay rise. Credit: Mamunur Rashid/NurPhoto/AFP

Countries at Risk – Africa

Zimbabwe

Highlights:

- The ITUC, ITUC Africa and SATUCC coordinated an international solidarity protest action against the unlawful arrest of the ZCTU leadership; the action resulted in the release of Peter Mutasa and Japhet Moyo.
- In 2019, the CAS requested the government to accept a direct contact mission into the country to assess the labour rights situation.
- The ITUC coordinated a WTO report on Zimbabwe.
- An ITUC Africa solidarity mission with ZCTU was organised.
- The ITUC filed numerous complaints with the UN special procedures.
- The United Nations Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association, Mr Clément Nyaletsossi Voule, confirmed to undertake an official country visit to Zimbabwe in September 2019.

Challenges:

- ZCTU leaders Peter Mutasa and Japhet Moyo's trial is ongoing and criminal charges are pending on them for legitimate trade union activities.
- Violence, abduction and torture of political opposition.
- Reconciliation process and setting up and effective functioning of the Tripartite National Council.

Possible actions:

- Continue to support ZCTU in labour law reform: harmonise the Public Service Act with the Constitution of Zimbabwe; incorporate relevant ILS and Supervisory bodies' comments.
- International Commission of Jurists and bar associations are conducting a trial observation to

determine the independence and robustness of the judiciary in the cases concerning trade union leaders.

- Constitutional challenge on fundamental rights.
- Continue to engage with the UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association and push for implementation of recommendations.
- File a complaint with the African Commission and lobby for a resolution on Zimbabwe.
- Lobby 2020 Commonwealth Heads of Government Meeting to place conditions on return to the Commonwealth.
- Work with SATUCC to get SADC to apply pressure to Zimbabwe.

Democratic Republic of Congo

Highlights:

- ITUC-Africa supported affiliates on ILO reporting capacities and human and trade union rights awareness.

Challenges:

- 2018 post-election violence continues to negatively affect freedom of association and collective bargaining.
- Child labour in the mining sector remains largely neglected by the government, and by multinational companies, including Chinese companies, operating in DRC.
- Workers are owed huge unpaid salaries of up to 50 months' pay.

Possible actions:

- Support affiliates to apply mining code and work with IndustriALL on due diligence in the mining sector.
- Support organising efforts in Chinese companies in the mining sector.
- Support affiliates to campaign for ratification of ILO P29.

Eswatini

Highlights:

- ITUC-Africa meeting with King Mswati III.

Challenges:

- Police violence, harassment and intimidation of protesters and trade union leaders remains common.

Possible actions:

- Document continued human and trade union rights violations.
- ITUC/Commonwealth Trade Union Group (CTUG) submission to the 2020 Commonwealth Heads of Government Meeting (CHOGM), Kigali, Rwanda, June 2020.
- New AGOA eligibility petition.
- Mission to follow-up on the promise of the King to improve social dialogue and resolution of the outstanding industrial relations issues.



Trade union protests over low wages were violently broken up by riot police in eSwatini. Credit: Gianluigi Guercia/AFP

Somalia

Highlights:

- The labour code was renegotiated and a final version of the draft Labour Code of Somalia was conclusively endorsed by the tripartite partners on 20 February 2019 after 47 years. It is an important step to institute tripartism and social dialogue.
- On 26 June 2019, Civil Servants Bill (law number 11), which concerns public sector workers, was presented to the Parliament.
- For the first time in the history of Somalia, Somali National Tripartite Consultative Committee (SNTCC) was formed on 21 July 2019, and FESTU has three representatives. SNTCC will address all issues of employment and labour relations.

Challenges:

- The Labour Code needs to pass the Senate and the lower house of the Parliament.
- A climate of threats and intimidation against trade unionists and journalists remains.
- The Civil Servants Bill does not protect freedom of association and collective bargaining of public sector workers.

Possible actions:

- Mobilise affiliates to put pressure on political forces in the country for a speedy adoption of the Labour Code.
- Support FESTU to counter political campaigns against trade unions.
- Expose human and labour rights abuses and violations.

Countries at Risk – Arab region

Algeria

Highlights:

- Large demonstrations in cities all over the country against the candidacy of ailing President Abdelaziz Bouteflika for a fifth term of office resulted in Bouteflika stepping down and a new transitional government.
- ILO mission report includes recommendations to the government to urge the registration of CGATA and reintegration of dismissed union leaders.

Challenges:

- Ongoing police violence and repression of trade union activities.
- Registration of CGATA and ILO CAS conclusions and ILO Mission Report recommendations not implemented.
- Government cloning of independent trade unions.
- The labour code has been in the draft stage since 2011 and has still not been adopted.

Possible actions:

- Continue to support CGATA registration pledge, and submission of complaints to the ILO supervisory system, together with updating of CFA complaint.
- ITUC-GUFs mission to Algeria.
- Monitor implementation of 2019 ILO mission recommendations.

Jordan

Highlights:

- The ITUC coordinated a protest action against deeply flawed amendments to the labour law that severely undermine freedom of association and the right to organise in the country.

- The ITUC added Jordan to the Migrant Recruitment Advisor, and a new trade union committee comprised of migrant workers was established in March 2019.
- The ITUC sent an analysis and criticism of the amendments to the Parliament urging the withdrawal of the amendments.

Challenges:

- The labour code and the trade union law strongly penalise freedom of association and pluralism and need to be amended.
- The independent trade unions continue to face obstacles to registration and organising.
- Migrant workers and migrant domestic workers access to justice remain very limited.

Possible actions:

- Support JFITU to update their complaint to the Committee on Freedom of Association (CFA) and support their efforts for registration.
- Support the capacity of the trade union lawyers to file complaints for migrant workers and migrant domestic workers.
- Support the capacity of the Migrant Resources Centre to treat migrant worker cases.

Palestine

Highlights:

- The ITUC GS organised a mission to Palestine and Israel in July 2019 to meet with unions, employers and government to review conditions of Palestinian workers in Israel and the Israeli settlements.
- The ITUC supported NGO advocacy action at the UN calling for establishing a transparency registry for companies doing business inside Israeli settlements.

Challenges:

- Growing exploitation of Palestinian workers in Israeli settlement and practice of labour brokers.
- In March 2019, the UN High Commissioner for Human Rights once again postponed the publication of a database of companies operating in the illegal settlements in the occupied West Bank.
- Ongoing challenges to the application of social security law.
- UNRWA funding crisis.

Possible actions:

- Support PGFTU organising efforts in targeted sectors.
- Support PGFTU in engaging in labour law reform on social security law and amendments to the labour code.

- Explore possible audit of deductibles made to Palestinian workers' salaries by Israeli employers.
- Call for proper funding of UNRWA.
- Campaign for the right to work for Palestinian refugees.
- Call for the implementation of the UN resolution and publication of the 206 companies doing business in the occupied Palestinian territories, including East Jerusalem.



Journalists and lawyers rally in Algeria to demand the freedom of imprisoned journalist Adlene Mellah during his third week of hunger strike. Credit: Billal Bensalem/NurPhoto/AFP

Countries at Risk – Americas

Colombia

Highlights:

- The ITUC supported the “International Forum on Peace and Labour Rights” that took place in Bogotá on 8 May resulting in renewed commitment of Colombian and international trade unions to unite in defence of democracy in the country.
- On 13 June, during the ILC in Geneva, the ITUC organised a side event on the “Dangers to Peace in Colombia”, in coordination with the Colombian affiliates, which defined a common strategy by the international union movement for solidarity with Colombian workers.

Challenges:

- 2018 and 2019 have registered a significant increase in the murders of human rights defenders and trade union leaders; labour rights violations are also on the rise.
- The far-right government has taken steps to undermine the peace agreement, making the dissolution of the deal a real possibility.

Possible actions:

- Continue to condemn the assassination of social leaders in Colombia, pushing the government to continue the peace process.
- Raise awareness to OECD and ILO policy and decision makers about the increase of attacks on rights in Colombia and the undermining of the peace process by the current government based on the report on the “Risks to Peace”.
- Invite the UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association on a mission to the country to engage with union leaders and human rights defenders.

Brazil

Highlights:

- The Brazil case was discussed at the CAS twice in a row. The 2019 inclusion in the CAS shortlist helped the trade unions in Brazil to revive the discussions over the labour reform with a focus on the needed consultation with the trade unions.
- Leaked chats between the Brazilian judge and the prosecutor who imprisoned Lula revealed prohibited collaboration and doubts over evidence. The scandal has increased the chances of Lula being released.

Challenges:

- The corrupt and violent Bolsonaro government is confronting any challenge to its iron-fist rule, in particular coming from social movements, such as trade unions.
- The informal association between the government, military, judicial powers and corporate media to keep Lula in prison is still strong.

Possible actions:

- Support to trade unions in Brazil by highlighting trade union rights violations at the international level (e.g., at the ILO, the OECD, the European Parliament, the G20/L20).
-
- Continue to campaign for Lula’s freedom, including pushing the crowdfunding campaign to help Lula’s legal defence.

Argentina

Highlights:

- The ITUC coordinated global action exposing Macri's failure to deliver on electoral commitments with regard to labour rights with global days of action #MacriMustGo #FueraMacri in September and October.

Challenges:

- Progress will depend on the result of elections; if Macri is re-elected, trade unions are expecting further attacks on workers' rights.

Possible actions:

- Continue to support the Argentinian unions in opposing regressive labour policies of the current government.

Guatemala

Highlights:

- Consolidation of Tripartite Labour and Freedom of Association Committee.
- Unity of action among all trade union organisations (sector federations and national centres).

Challenges:

- Change of government in September brings with it another change of cabinet and uncertainty in relation to compliance of labour commitments.
- Serious failures on the implementation of the roadmap: measures to address violence against unionists, labour law reform to comply with C87, lack of enforcement of judicial rulings.

Possible actions:

- Government will have to report yearly to ILO Governing Body (GB) on the implementation of the roadmap (every November starting this year), giving the Workers' Group the chance to re-discuss failures in compliance by the government.
- Meeting in Guatemala with TUCA to coordinate actions in Guatemala with regional GUFs.

Honduras

Highlights:

- In 2018, the CAS requested the government to accept a direct contact mission into the country to assess the labour rights situation. Honduras was again in the CAS shortlist in 2019 for C87.
- Tripartite agreement on an action plan and complaints handling mechanism signed following an ILO mission in May 2019.
- Mass weekly protests organised by education trade unions helped to consolidate a common front in opposition to the government.

Challenges:

- The breakdown of the democratic institutions in Honduras is almost complete, with the very structure of the State becoming a mere apparatus serving the interests of corporations, corrupt elites and organised crime.

Possible actions:

- Continue support to CUT Honduras through ILO mechanisms (follow-up of recommendations of direct contact mission, CFA complaints and submission to other supervisory bodies).
- Continue use of the ITUC's Rapid Response Mechanism when violations take place.

Paraguay

Highlights:

- Creation of the first trade union in the Chaco organising mostly indigenous workers.
- Meeting with FES support in March bringing together the ILO, the IFC-World Bank, the ITUC, TUCA, CUT-A and indigenous workers.

Challenges:

- The government is still lacking commitment to address the most basic needs of workers in the Chaco.
- Absence of labour administration, including labour inspection in the region.
- Informality in agriculture.

Possible actions:

- Continue to support CUT-A organising of indigenous workers.
- Continue to work with the IFC and the World Bank to ensure compliance with social and labour standards for the loan to the transnational beef company Minerva in Paraguay.
- National meeting in November 2019 to support trade unions in the Chaco on organising strategy.



Women across Brazil protested against far-right candidate and eventual winner Jair Bolsonaro. Credit: Cris Faga/NurPhoto/AFP

Annex I: ITUC Rapid Response Mechanism

In case of arrests of trade unionists or other serious violations, the ITUC has established a rapid response mechanism that can include the following actions:

Immediate Actions	Example
1 A protest letter from the ITUC to the government and/or company responsible. Protest letter and government/company response posted on ITUC website.	ITUC letter to President Ashraf Ghani on the seizure of all property of the National Union of Afghanistan Workers and Employees (NUAWE) Dole, Costa Rica – harassment of union leader.
2. An online statement on the ITUC website.	Workers' Rights Caught in the Crossfire in Mindanao, Philippines
3. Exposure of violation on ITUC social media channels (Twitter, Facebook, LinkedIn, Instagram). Photos from affiliates put on Flickr (with permission).	Murder of Turkish trade union leader Abdullah Karacan.
Short Term	
4. Submission of the violation to the ILO and UN supervisory mechanisms.	Strike of Avianca pilots in Colombia.
5. A request for an intervention by the ILO DG.	Strike of bus workers in Paraguay.
6. A request for intervention by the Office of the High Commission for Human Rights through the UN SR on Freedom of Association.	Zimbabwe imprisonment of ZCTU leadership.
7. An appeal to HTUR networks for protest actions outside company/embassy and/or solidarity letters, phone calls, emails, social media actions. HTUR appeal page on ITUC website with appeal letter.	Korea release of Han Sang-gyun.
8. An appeal to “friends of” and TUSSOs to engage with embassies and local networks in their country linking the work of the Trade Union Development Cooperation Network.	New for 2019.
9. An ITUC digital campaign action using social media action, petition, online postcard targeting company/government.	Send a postcard to Lula.
Medium Term	
10. Financial solidarity support for lost income or bail charges, and/or fundraising support.	Solidarity Fund requests.

Medium Term	
11. Outreach to targeted journalists to write about the case/violation and impact on workers, family, community.	Turkey – Airport construction workers strike and arrests.
12. An in-depth article on Equal Times.	www.equaltimes.org Arrest of ZCTU leaders highlights continued repression of trade unions in Zimbabwe
13. A blog by the affected trade union leaders/family members/colleagues on Equal Times.	New for 2019. Zimbabwe in 2019: the state we're in and the roadmap forward
14. Video message from ITUC General Secretary, national trade union leader, worker, family/co-worker of those affected by violations, shared on social media/posted on ITUC website.	New for 2019.
Long Term	
15. High-level mission to country with GUFs, region, affiliates.	Prisons visits to Han Sang-gyun in South Korea and Lula in Brazil.
16. Legal case support from legal network.	New for 2019.
17. Observers for court cases, requests for observation support from embassies, ILO and International Commission of Jurists (ICJ).	Turkey KESK trials.
Long Term	
18. Co-ordinated Global Days of Action and associated media and communications strategies. Frontline campaign/action page on ITUC website (Democracies for People/A New Social Contract).	Modi Must Go
19. International coalition building and outreach with urgent action campaigns/calls to action from civil society organisations and NGOs, HRW, AI, etc., co-ordinated media and advocacy with key national, regional and international targets.	#SaveHakeem
20. Multimedia documentation of violations, interviews and case studies of workers involved. Preparation of case study for Global Rights Index.	Rights Index - 10 worst countries in the world for working people.

For further information contact: tur@ituc-csi.org

Annex II: Overview of ITUC Appeals

HTUR Appeals January-August 2019					
Appeal	ATUC	Africa	Asia-Pacific	Americas	PERC
Zimbabwe: Arrest Japhet Moyo and Peter Mutasa ZCTU	0	7	1	0	12
India: Modi Must Go 1+2	0	0	2	2	8
Zimbabwe: Arrest Kwasi Adu-Amankwah ITUC-Africa	0	15	0	0	1
Colombia: National development plan undermines labour commitments	0	0	0	0	1
Fiji: Arrest Felix Anthony FTUC	1	2	15	4	21
Kazakhstan: Trial against Erlan Baltabay CITUK	0	1	1	0	8
Turkey: Government interference in KESK internal affairs	0	1	2	2	6
Hong Kong: Protests (ongoing)	0	0	2	0	7

Annex III: 2019 ILC CAS Conclusions

Algeria (ratification: 1962)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral statements made by the Government and the discussion that followed. The Committee noted positively that the Government had accepted a high-level mission in May 2019. The Committee expressed concern over the persistence of restrictions on the right of workers to join and establish trade union organizations, federations and confederations of their own choosing and noted with concern the continued absence of tangible progress to bring the legislation into compliance with the Convention.

Taking into account the Government's submission and the discussion that followed, the Committee urges the Government to:

- ensure that the registration of trade unions in law and in practice is in compliance with Convention No. 87;
- process pending applications for the registration of free and independent trade unions, which have met the requirements set out by law, and allow the free formation and functioning of trade unions;
- review the decision to dissolve the SNATEGS trade union;
- systematically and promptly provide trade union organizations with all necessary and detailed information to enable them to take corrective action or complete additional formalities for their registration;
- amend section 4 of Act No. 90-14 in order to remove obstacles to the establishment by workers of organizations, federations and confederations of their own choosing, irrespective of the sector to which they belong;
- amend section 6 of Act No. 90-14 in order to recognize the right of all workers, without distinction whatsoever, to establish trade unions;
- take all appropriate measures to guarantee that, irrespective of trade union affiliation, the right to freedom of association can be exercised in normal conditions with respect for civil liberties and in a climate free of violence, pressure and threats;
- ensure impartial investigation and due process rights in order to guarantee the rule of law;

- reinstate employees of the Government terminated based on anti-union discrimination, where appropriate; and
- ensure that the new draft Labour Code is adopted with no further delay and is in compliance with the text of Convention No. 87.
- Taking note of the recent ILO high-level mission that visited the country, the Committee urges the Government to fully implement the recommendations issued and to report on progress achieved to the Committee of Experts before its next session in November 2019.

Belarus (ratification: 1956)

Forced Labour Convention, 1930 (No. 29)

The Committee noted the information provided by the Government and the discussion that followed.

The Committee noted the Government's amendment in 2018 of Decree No. 3 and noted that the articles regarding administrative penalties, levies or compulsory work have been deleted and, instead, focuses on employment promotion. However, the Committee noted with concern the possible exaction of forced labour as a result of the operation of the other Presidential Decrees, which have not been amended.

The Committee recalled that the Government must take all necessary measures to suppress the exaction of forced labour.

The Committee noted that the Law of 2010 authorizes courts to require a citizen to participate in a rehabilitation programme in a medical centre. This may require citizens to participate in vocational skills training and compulsory work.

In relation to the application of the Law of 2010, the Committee calls on the Government to ensure that no excessive penalties are imposed on citizens in order to oblige them to perform work.

The Committee requests that the Government provide information regarding the implementation of the Law of 2010 in relation to circumstances of compulsory work that may be required by citizens.

The Committee calls on the Government to continue to accept technical assistance to guarantee the full compliance of national law and practice with the Convention.

The Committee requests that the Government provide information on the legislative framework to the Committee of Experts in the course of the regular reporting cycle.

Plurinational State of Bolivia (ratification: 1977)

Minimum Wage Fixing Convention, 1970 (No. 131)

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee recalled the importance of full consultation with the most representative organizations of employers and workers, as well as the elements to be taken into consideration in determining the level of minimum wages as set forth in Article 3 of the Convention.

The Committee regretted that the Government has not responded to all of the Committee's conclusions in 2018, specifically the failure to accept a direct contacts mission.

The Committee therefore, once again, urges the Government to:

- carry out full consultations in good faith with the most representative employers' and workers' organizations with regard to minimum wage setting;
- take into account when determining the level of the minimum wage the needs of workers and their families as well as economic factors as set out in Article 3 of the Convention; and
- avail itself without delay of ILO technical assistance to ensure compliance with the Convention in law and practice.

The Committee requests the Government to elaborate in consultation with the most representative workers' and employers' organizations and submit a detailed report to the Committee of Experts by 1 September 2019 on the progress made in implementing these recommendations.

The Committee once again urges the Government to accept an ILO direct contacts mission before the 109th Session of the International Labour Conference.

Brazil (ratification: 1952)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the information provided by the Government representative and the discussion that followed.

Taking into account the discussion that followed, the Committee requests the Government to:

- continue to examine, in cooperation and consultation with the most representative employers' and workers' organizations, the impact of the reforms and to decide if appropriate adaptations are needed;
- prepare, in consultation with the most representative employers' and workers' organizations, a report to be submitted to the Committee of Experts in accordance with the regular reporting cycle.

Cabo Verde (ratification: 2001)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee noted with satisfaction the developments in the legislative framework with regard to the amendment of the Penal Code by Legislative Decree No. 4/2015 of 11 November 2015, ensuring that the use of minors under 18 years of age for purposes of prostitution and sexual exploitation is criminalized.

Taking into account the importance of applying the legislation effectively in practice, the Committee requests the Government to provide information on:

- the application of sections 145A, 148, 149 and 150 of the Penal Code in practice, including the number of investigations, prosecutions and convictions, as well as
- sanctions imposed with regard to the use, procuring or offering of a child under the age of 18 years for prostitution, for the production of pornography or for pornographic performances.

The Committee invites the Government to continue to report in the regular reporting cycle on progress made in the implementation of the Convention in law and practice in consultation with the most representative employers' and workers' organizations.

Egypt (ratification: 1957)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee noted that despite the adoption of the Trade Union Law and Ministerial Decree No. 35, a number of long-standing discrepancies between the national legislation and the provisions of the Convention continued to persist.

The Committee expressed concern over the persistence of restrictions on the right of workers to join and establish trade union organizations, federations and confederations of their own choosing and ongoing government interference in the trade union elections and activities.

Taking into account the discussion, the Committee calls upon the Government to:

- ensure that there are no obstacles to the registration of trade unions, in law and practice, in conformity with the Convention;
- act expeditiously to process pending applications for trade union registration;
- ensure that all trade unions are able to exercise their activities and elect their officers in full freedom, in law and in practice, in accordance with the Convention;
- amend the Trade Union Law to ensure that:
 - the level of minimum membership required at the enterprise level, as well as for those forming general unions and confederations, does not impede the right of workers to form and join free and independent trade union organizations of their own choosing;
 - workers are not penalized with imprisonment for exercising their rights under the Convention; and
- transmit copies of the draft Labour Code to the Committee of Experts before its next session in November 2019.

The Committee invites the Government to accept ILO technical assistance to assist in implementing these recommendations. The Committee urges the Government to submit a report on its progress to the Committee of Experts before its November 2019 session.

El Salvador (ratification: 1995)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

Taking into account the Government's submissions and the discussion, the Committee calls upon the Government to:

- refrain from interfering with the constitution of workers' and employers' organizations and to facilitate, in accordance with national law, the proper representation of legitimate employers' and workers' organizations by issuing appropriate credentials;
- develop, in consultation with the most representative employers' and workers' organizations, clear, objective, predictable and legally binding rules for the reactivation and full functioning of the Higher Labour Council;
- reactivate, without delay, the Higher Labour Council and other tripartite entities, respecting the autonomy of the most representative organizations of workers and employers and through social dialogue in order to ensure its full functioning without any interference; and
- continue to avail itself without delay of ILO technical assistance.

The Committee requests the Government to elaborate in consultation with the most representative employers' and workers' organizations and submit a detailed report to the Committee of Experts before its next session in November 2019 on the application of the Convention in law and practice.

The Committee urges the Government to accept a direct contacts mission of the ILO before the 109th session of the International Labour Conference.

Ethiopia (ratification: 2002)

Minimum Age Convention, 1973 (No. 138)

The Committee took note of the comprehensive information provided by the Government representative on the developments achieved so far, and on the remaining challenges and the discussion that followed. Taking into account the Government submissions and the discussion that followed, the Committee urges the Government to:

- address gaps in the Labour Law and align the legal framework in consultation with workers' and employers' organizations, so as to ensure that the protection afforded by the Convention, covers all children under the age of 14 engaged in employment or work;
- strengthen the capacity of the labour inspectorate and competent services, including in terms of human, material and technical resources and training, particularly in the informal economy, with a view to ensuring effective protection and compliance with legislation;
- introduce legislative measures to provide free public and compulsory education up to the minimum age of admission to employment of 14 years, and ensure its effective implementation in practice without delay;
- improve the functioning of the educational system through measures that aim to increase school enrolment rates and to decrease drop-out rates;
- ensure the expeditious revision of the decree of the Minister of Labour and Social Affairs, of 2 September, 1997, in order to expand its application to children engaged in professional education in vocational centres. The Government is invited to avail itself of International Labour Organization (ILO) technical assistance in developing a plan to promote life-long skills training, quality apprenticeship and smooth transition from school to work for its youth population;
- take all necessary measures to ensure that in practice, children under 18 years of age, are not engaged in hazardous work in urban and rural areas, including the periodic update and review of the national list of hazardous work prohibited for all children;
- promote partnerships with employers' and workers' organizations and other relevant stakeholders, to eliminate and prohibit child labour through social dialogue and strong cooperation; and
- develop a time bound action plan in consultation with the social partners, in order to progressively increase the age of admission to employment and compulsory education to 16 years.

The Committee encourages the Government to avail itself of ILO technical assistance to ensure the full and effective application of this fundamental Convention, and to report on the measures taken, to the Committee of Experts for examination at its next session in 2019.

Fiji (ratification: 2002)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee observed serious allegations concerning the violation of basic civil liberties, including arrests, detentions and assaults and restrictions of freedom of association. The Committee noted with regret the Government's failure to complete the process under the Joint Implementation Report.

Taking into account the discussion, the Committee calls upon the Government to:

- refrain from interfering in the designation of the representatives of the social partners on tripartite bodies;
- reconvene the Employment Relations Advisory Board (ERAB) without delay in order to start a legislative reform process;
- complete without further delay the full legislative reform process as agreed under the JIR, the Joint Implementation Report;
- refrain from anti-union practices, including arrests, detentions, violence, intimidation and harassment and interference;
- ensure that workers' and employers' organizations are able to exercise their rights to freedom of association, freedom of assembly and speech without undue interference by the public authorities; and
- ensure that normal judicial procedures and due process are guaranteed to workers' and employers' organizations and their members.

The Committee requests that the Government report on progress made towards the implementation of the Joint Implementation Report in consultation with the social partners by November 2019.

The Committee calls on the Government to accept a direct contacts mission to assess progress made before the 109th Session of the International Labour Conference.

Honduras (ratification: 1956)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral statement made by the Government and the discussion that followed. The Committee noted with serious concern the allegations of acts of anti-union violence, including the allegations of physical aggression and murders, and the prevalent climate of impunity.

In addition, the Committee noted the ILO direct contacts mission that took place in May 2019 and the resulting Tripartite Agreement.

The Committee calls for the Government to apply the Tripartite Agreement, including with respect to the:

- establishment of a national-level committee by June 2019 to combat anti-union violence;
- establishment of a direct line of communication between trade unions and relevant public authorities;
- provision of prompt and effective protection to at-risk trade union leaders and members;
- prompt investigation of anti-union violence with a view to arresting and charging those responsible, including the instigators;
- transparency of the complaints received through biannual reporting;
- need for awareness-raising in relation to protective measures available to trade unionists and human rights defenders;
- reform of the legislative framework, and in particular the Labour Code and the Penal Code, in order to ensure compliance with the Convention; and finally
- adoption of the operating regulations of the Sectoral Committee for the Handling of Disputes referred to the ILO (MEPCOIT) without prejudice to the complainants' right to file complaints with the ILO supervisory bodies.

Taking note of the commitments under the Tripartite Agreement, the Committee calls on the Government to avail itself of ILO technical assistance in order to implement the Agreement in collaboration with the ILO, and to elaborate a report in consultation with the most representative employers' and workers' organizations on progress achieved in the implementation of Convention No. 87 in law and practice to the Committee of Experts before its next sitting in November 2019.

India (ratification: 1949)

Labour Inspection Convention, 1947 (No. 81)

The Committee took note of the information provided by the Government representative and the discussion that followed.

Taking into account the discussion, The Committee calls upon the Government to:

- ensure that the draft legislation, in particular the Code on Wages, and the OSH and Working Conditions Act, is in compliance with Convention No. 81;
- ensure that effective labour inspections are conducted in all workplaces, including the informal economy and in all SEZs;
- promote the collaboration between officials of the labour inspectorate and employers and workers, or their organizations, in particular when it comes to the implementation of inspection reports;
- increase the resources at the disposal of the central and state government inspectorates;
- ensure that labour inspectors have full powers to undertake routine and unannounced visits and to initiate legal proceedings;
- pursue its efforts towards the establishment of registers of workplaces at the central and state levels;
- provide detailed information on the progress made with respect to measures taken to improve the data collection system, enabling the registration of data in all sectors;
- ensure that the operation of the self-certification scheme does not impede or interfere with the powers in functions of labour inspectors to carry out regular and unannounced visits in any way, as this is only a complementary tool; and
- submit its annual report on labour inspection to the ILO.

Taking into account the importance of applying the legislation effectively in practice, the Committee requests the Government to provide information on the number of routine and unannounced visits, as well as on the dissuasive sanctions imposed against infractions to guarantee the enforcement of labour protections in practice.

The Committee invites the Government to accept a Direct Contact Mission before the next International Labour Conference and to elaborate a report in consultation with the most representative employers' and workers' organizations on progress made in the implementation of the Convention in law and practice to the Committee of Experts by the 1 September 2019.

Iraq (ratification: 2001)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee deplored the absence of information provided by the Government and the lack of progress in the country.

While acknowledging the complexity of the situation and the presence of armed groups and armed conflict in the country, the Committee deplored the current situation where children are being recruited and used by armed groups as combatants and in support roles, including as sexual slaves.

Taking into account the discussion of the case, the Committee urges the Government to provide an immediate and effective response for the elimination of the worst forms of child labour, including the following:

- take measures as a matter of urgency to ensure the full and immediate demobilization of all children and to put a stop, in practice, to the forced recruitment of children into armed forces and armed groups;
- adopt legislative measures to prohibit the recruitment of children under 18 years of age for use in armed conflict;
- take immediate and effective measures to ensure that thorough investigations and prosecutions of all persons who forcibly recruit children for use in armed conflict are carried out and sufficiently effective and dissuasive penalties are imposed in practice;
- collecting and making available without delay information and statistics on investigations, prosecutions and penalties relating to the worst forms of child labour according to national enforcement mechanisms;
- develop policies and programs aimed at ensuring equal access to free public and compulsory education for all children by taking steps to give immediate effect to its previous commitment to introduce laws that prohibit the recruitment of children for armed conflict and dissuasively penalize those who breach this law;
- supplement without delay the UNESCO “Teach a Child” project and other projects with such other measures as are necessary to afford access to basic education to all children of school age, particularly in rural areas and areas affected by war;

- take effective measures without delay to ensure that children who often unwillingly have been associated with armed groups are not unfairly treated simply because of that association, and that all are afforded appropriate means of integration back into stable civil society; and finally
- take effective measures to identify and support children, without delay, who have been sexually exploited and abused through such means of sexual enslavement.

The Committee encourages the Government to avail itself of ILO technical assistance to progress towards the full eradication of the worst forms of child labour in accordance with Convention No. 182.

The Committee calls on the Government to report in detail on the measures taken to implement these recommendations to the next meeting of the Committee of Experts in November 2019.

Kazakhstan (ratification: 2000)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written information and oral statements made by the Government representative and the discussion that followed.

The Committee regretted the persistent lack of progress since the last discussion of the case, in particular with regard to the serious obstacles to the establishment of trade unions without previous authorization in law and in practice and the continued interference with the freedom of association of employers’ organizations.

The Committee took note of the ILO high-level tripartite mission that took place in May 2018 and the resulting road map.

Taking into account the discussion, the Committee calls upon the Government to:

- amend the provisions of the Law on Trade Unions consistent with the Convention, on issues concerning excessive limitations on the structure of trade unions which limit the right of workers to form and join trade unions of their own choosing;
- refrain from imposing restrictions on the right to hold elected positions in trade unions and the right to freedom of movement for engaging in legitimate trade union activities;
- ensure that the allegations of violence against trade union members are investigated, and where appropriate, impose dissuasive sanctions;

- review, in consultation with the social partners, the existing law and practice regarding re-registration of trade unions with a view to overcoming the existing obstacles;
- amend, in consultation with the most representative, free and independent employers' organizations, the provisions of the Law on the National Chamber of Entrepreneurs, and related regulations, in a manner that would ensure the full autonomy and independence of free and independent employers' organizations, without any further delay. In particular remove the provisions on the broad mandate of the NCE to represent employers and accredit employers' organizations by the NCE;
- ensure that the KNPRK and its affiliates enjoy the full autonomy and independence of a free and independent workers' organization, without any further delay, and are given the autonomy and independence needed to fulfil their mandate and to represent their constituents;
- confirm the amendment to legislation to permit judges, firefighters and prison staff, who do not occupy a military rank, to form and join a workers' organization;
- adopt legislation to ensure that national workers' and employers' organizations are not prevented from receiving financial assistance or other assistance by international organizations. In this regard, provide information on the legal status and contents of its recommendation regarding the authorization of workers' and employers' organizations to receive financial assistance from international organizations; and
- implement the 2018 road map in consultation with the social partners as a matter of urgency.

The Committee invites the Government to pursue ILO technical assistance to address these matters and to report on progress to the Committee of Experts by 1 September 2019.

The Committee decides to include its conclusions in a special paragraph of the report.

Lao People's Democratic Republic (ratification: 1956)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Committee took note of the information provided by the Government representative and the discussion that followed.

While acknowledging the complexity of the situation, the Committee deplored the current situation.

Taking into account the discussion of the case, the Committee urges the Government to provide an immediate and effective response for the elimination of the worst forms of child labour, including:

- continue to formulate and thereafter carry out specific measures targeted at eliminating the worst forms of child labour, including trafficking and commercial sexual exploitation of children, in consultation with the social partners;
- take measures as a matter of urgency to strengthen the capacity of the law enforcement authorities including the judiciary;
- establish a monitoring mechanism, including the participation of the social partners, in order to follow up on complaints filed, investigations carried out as well as to ensure an impartial process of prosecuting cases that takes into account the special requirements of child victims, such as protecting their identity and the ability to give evidence behind closed doors;
- take immediate and time bound measures – together with the social partners – to protect children from falling victim to commercial sexual exploitation. This should include:
 - (a) implementing programmes to educate vulnerable children and communities about the dangers of trafficking and exploitation, with a focus on preventing children from being trafficked and being subject to commercial sexual exploitation; and
 - (b) establishing centres to rehabilitate child victims and reintegrate them into society.

The Committee encourages the Government to seek further technical assistance from the ILO and incorporate the strategy as proposed above in a continuing National Plan of Action, including the ILO Decent Work Country Programme.

The Committee encourages the Government to elaborate in full consultation with the most representative worker and employer organizations and submit a report on the above matters by 1 September 2019.

Libya (ratification: 1961)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the information provided by the Government representative and the following discussion.

The Committee deplored that persons from sub-Saharan countries are being sold in slave markets and that they are subjected to racial discrimination.

The Committee took note of the Government's commitment to ensure compliance with Convention No. 111. Taking into account the discussion, the Committee calls on the Government to:

- take concrete actions to ensure that direct and indirect discrimination on all grounds is prohibited in law and in practice;
- ensure that legislation covers, directly or indirectly, all the recognized prohibited grounds for discrimination set out in Article 1, paragraph 1(a) of the Convention, and take measures to prohibit discrimination in employment and occupation in law and in practice;
- include a definition of the term "discrimination" in the 2010 Labour Relations Act;
- ensure that migrant workers are protected from ethnic and racial discrimination and from forced labour;
- educate and promote equal employment and opportunities for all;
- take immediate action to address the situation of racial and ethnic discrimination against migrant workers from sub-Saharan Africa (including women migrant workers) and, in particular, to put an end to forced labour practices; and
- conduct studies and surveys to examine the situation of vulnerable groups, including migrant workers, in order to identify their problems and possible solutions.

In this respect, the Committee invites the Government to continue to engage and actively participate in ILO technical assistance in order to promote equitable and effective labour migration policies.

The Committee asks the Government to provide detailed information on the concrete measures taken to implement these recommendations at the next meeting of the Committee of Experts.

Myanmar (ratification: 1955)

Forced Labour Convention, 1930 (No. 29)

The Committee took note of the oral information provided by the Government representative and the discussion that followed.

The Committee took note of the Government's stated efforts in eliminating forced labour, welcomed these efforts, and urged the Government to continue them. However, the Committee expressed concern over the persistent use of forced labour.

Taking into account the discussion of the case, the Committee urges the Government to:

- take all necessary measures to ensure that, in practice, forced labour is no longer imposed by the military or civilian authorities; strictly enforce the Ward or Village Tract Administration Act of 2012 and the Penal Code to assure that those responsible for perpetrating forced labour be effectively investigated and prosecuted and receive and serve sentences that are commensurate with the crime in all cases;
- ensure that the victims of forced labour have access to effective remedies and comprehensive victim support without fear of retaliation;
- refrain from imposing any punishment against those who have spoken out against or reported incidents of forced labour;
- increase the visibility of awareness-building and capacity-building activities for the general public and administrative authorities to deter the use of forced labour;
- provide detailed information on the progress made in the Decent Work Country Programme; and finally
- intensify its cooperation with the ILO through the development of a time-bound action plan for the establishment of, and transition to, an effective complaints handling procedure.

In this regard, the Committee encourages the Government to avail itself of ILO technical assistance to address these recommendations.

Nicaragua (ratification: 1981)

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

The Committee took note of the information provided by the Government representative and of the discussion that followed.

Taking into account the information presented by the Government and the discussion, the Committee calls on the Government to urgently:

- ensure that labour market policies are carried out in consultation with the most representative, free and independent workers' and employers' organizations in order to help achieve the principles of the Convention No. 117, drawing on ILO technical assistance;
- ensure that migrant workers and families are adequately protected against discrimination; and
- develop and implement sound and sustainable economic and labour market policies, in consultation with the most representative, free and independent workers' and employers' organizations.

The Committee encourages the Government to avail itself of ILO Technical Assistance. The Committee requests the Government to provide further information to the Committee of Experts, for consideration at its November 2019 meeting, on measures taken to comply with Convention No. 117.

Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee noted with concern the numerous allegations of murders of trade unionists and anti-union violence as well as the allegations regarding the lack of investigation in relation to these allegations.

The Committee noted that the Government has introduced legislative reforms to address some of the issues but regretted that these reforms were not adopted and urged the Government to bring the law into compliance with the Convention.

Taking into account the discussion of the case, the Committee requests the Government to:

- take effective measures to prevent violence in relation to the exercise of workers' and employers' organizations legitimate activities;
- immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators;
- operationalize the monitoring bodies, including by providing adequate resources, and provide regular information on these mechanisms and on progress on the cases assigned to them; and
- ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.

The Committee calls on the Government to accept a high-level tripartite mission before the next International Labour Conference and to elaborate in consultation with the most representative workers' and employers' organizations, a report on progress made for the transmission to the Committee of Experts by 1 September 2019.

Serbia (ratification: 2000)

Labour Inspection Convention, 1947 (No. 81) Labour Inspection (Agriculture) Convention, 1969 (No. 129)

The Committee took note of the oral statements made by the Government representative and the discussion that followed.

The Committee noted with concern that the national legislation placed a number of restrictions on the powers of labour inspectors.

Taking into account the Government's submissions and the discussion that followed, the Committee urges the Government to:

- amend sections 16, 17, 49 and 60 of the Law on Inspection Oversight No. 36/15 without delay so as to ensure that labour inspectors are empowered to enter freely and without previous notice workplaces in order to guarantee adequate and effective supervision in conformity with Convention No. 81 and Convention No. 129; and also
- undertake the legislative reforms in consultation with the social partners as well as to ensure effective collaboration between the labour inspectorate and the social partners.

The Committee calls on the Government to avail itself of ILO technical assistance in relation to these recommendations.

The Committee requests that the Government report in detail on the measures taken to implement these recommendations by 1 September 2019.

Tajikistan (ratification: 1993)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the oral statement made by the Government representative and the discussion that followed.

The Committee took note of the Government's statement to ensure compliance with Convention No. 111.

Taking into account the discussion, the Committee calls upon the Government to:

- report on the concrete measures taken to ensure that direct and indirect discrimination on all grounds is prohibited in law and in practice; and
- provide without delay information on the implementation in practice of the framework law on state guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, No. 89 of 1 March 2009.

The Committee requests the Government to elaborate in consultation with the most representative workers' and employers' organizations and submit a report to the Committee of Experts by 1 September 2019.

Turkey (ratification: 1993)

Freedom of Association and Collective Bargaining Convention, 1948 (No. 87)

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee recalled that the respect for civil liberties was an essential prerequisite for freedom of association. The Committee noted with concern the allegations of restrictions placed on workers' organizations to form, join and function.

Taking into account the discussion, the Committee calls on the Government to:

- take all appropriate measure to guarantee that irrespective of trade union affiliation, the right to freedom of association can be exercised in normal conditions with respect for civil liberties and in a climate free of violence, pressure and threats;
- ensure that normal, judicial procedure and due process are guaranteed to workers' and employers' organizations and their members;
- review Act No. 4688, in consultation with the most representative workers' and employers' organizations, in order to allow that all workers without any distinction, including public sector workers, freedom of association in accordance with the Convention in law and practice;
- revised Presidential Decree No. 5 to exclude workers' and employers' organizations from the scope; and
- ensure that the dissolution of trade unions follows a judicial decision and that the rights of defence in due process are fully guaranteed through an independent judiciary.

The Committee requests that the Government report on progress made on the abovementioned recommendations to the Committee of Experts for its meeting in November 2019.

Uruguay (ratification: 1954)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the information provided by the Government representative and the discussion that followed.

Taking into account the discussion that followed, the Committee urges the Government to:

- initiate legislative measures by 1 November 2019, after full consultation with the most representative employers' and workers' organizations, considering recommendation of ILO supervisory bodies, to guarantee the full compliance of national law and practice with the Convention; and
- prepare, in consultation with the most representative employers' and workers' organizations a report to be submitted to the Committee of Experts before 1 September 2019, informing in detail on actions undertaken to progress in the full application of the Convention in law and practice.

Yemen (ratification: 2000)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Committee took note of information provided by the Government representative and the discussion that followed.

The Committee urges the Government to:

- implement the Plan of Action that was adopted in 2014;
- ensure that Government involved with arms groups, irrespective of affiliation, are treated fairly and implement measures to ensure that these children are reintegrated into society with adequate rehabilitation;
- prepare a report including information and statistics relating to the number of children engaged in armed conflict, the number of those liberated and sent for rehabilitation and reintegration, as well as the investigation and prosecution of those accountable for recruiting children into armed conflict; and
- take all necessary measures to ensure equal access to free basic education for all children of school age.

The Committee encourages the Government to avail itself of ILO technical assistance to ensure full compliance of law and practice aligned with Convention No. 182. The Committee requests that the Government report regarding the measures taken to implement the above recommendations before the next meeting of the Committee of Experts in 2019.

Zimbabwe (ratification: 2003)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the information provided by the Government representative and the discussion that followed.

The Committee noted concern regarding the Government's failure to implement specific elements of the recommendations of the 2009 Commission of Inquiry. The Committee noted persisting failure issues of non-compliance with the Convention, including allegations of violations of the rights of the freedom of assembly of workers' organizations. The Committee also noted the Government's stated commitment to ensure compliance with its obligations under the Convention and to the process of social dialogue, includ-

ing through the framework for Tripartite Negotiating Forum (TNF).

Taking into account the discussion, the Committee calls upon the Government to:

- refrain from the arrest, detention or engagement in violence, intimidation or harassment of trade union members conducting lawful trade union activities;
- ensure that the allegations of violence against trade union members are investigated, and where appropriate, impose dissuasive sanctions;
- repeal the Public Order and Security Act (POSA), as it has committed to do so, and to ensure that the replacement legislation regarding public order does not violate workers' and employers' freedom of association in law and practice;
- revise or repeal the Public Service Act and, as necessary, the Health Services Act, to allow public sector workers freedom of association in consultation with the social partners;
- amend the Labour Act, in consultation with workers' and employers' organizations, to come into compliance with the Convention; and finally
- to continue to engage in social dialogue with the workers' and employers' organizations in connection with the framework of the TNF.

The Committee urges the Government to accept a direct contacts mission of the ILO to assess progress before the next International Labour Conference. Annex IV ITUC Global Rights Index 2019 – Ten worst countries in the world for working people

Annex: IV ITUC Global Rights Index 2019 – Ten worst countries in the world for working people

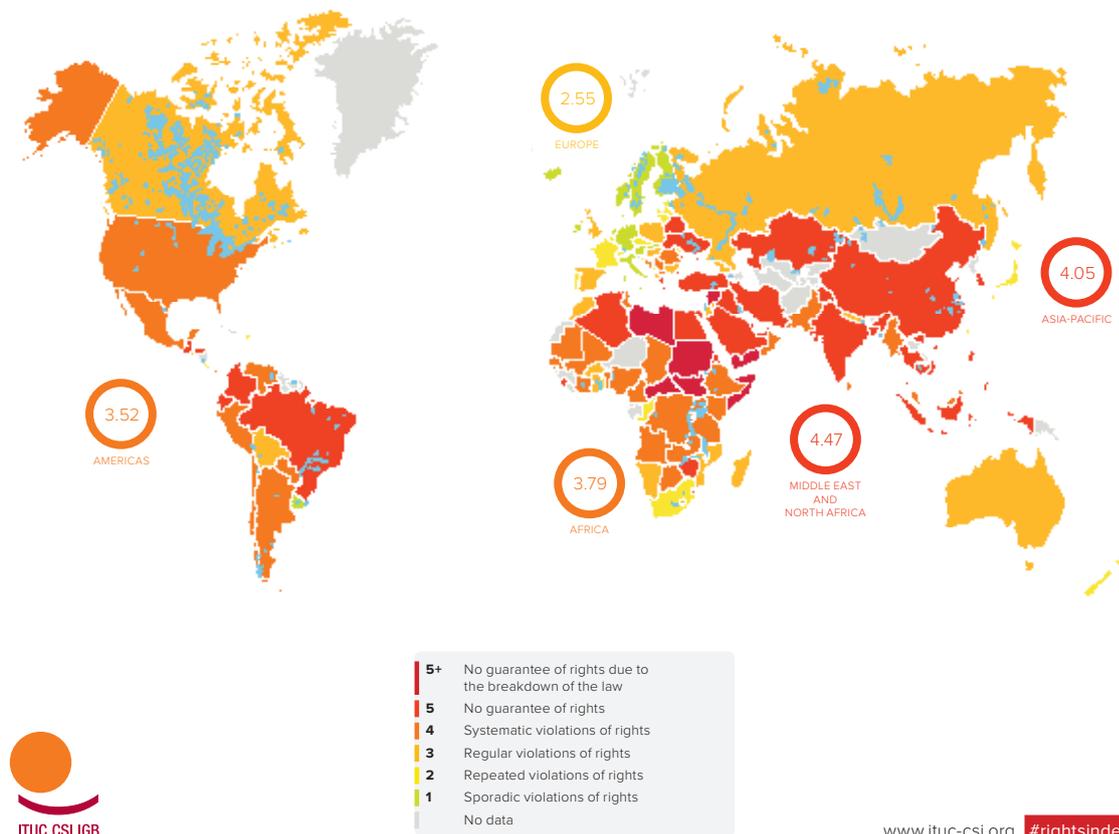
2019 ITUC GLOBAL RIGHTS INDEX

Ten worst countries in the world for working people



The 2019 ITUC Global Rights Index depicts the world's worst countries for workers by rating 145 countries on a scale from 1-5+ based on the degree of respect for workers' rights with 1 being the best rating and 5+ the worst rating.

Violations are recorded each year from April to March. Each country is analysed against a list of 97 indicators derived from ILO conventions and jurisprudence and represents violations of workers' rights in law and practice.





The ITUC HTUR Department and Legal Unit thank Union to Union Sweden, ILO Actrav, Friedrich-Ebert-Stiftung, for their significant financial support for the Human and Trade Union Rights programme.