

REPORT OF THE DIRECTOR-GENERAL

Freedom of association in practice: Lessons learned

Global Report under the follow-up to the ILO Declaration
on Fundamental Principles and Rights at Work

INTERNATIONAL LABOUR CONFERENCE
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Report I (B)

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I. A CONDUCTIVE ENVIRONMENT

of which 28 related to Central and Eastern Europe. Africa, with 40 reports, maintained roughly its earlier level. Figure 1.2 presents a percentage breakdown by region of allegations examined by the CFA during this period.

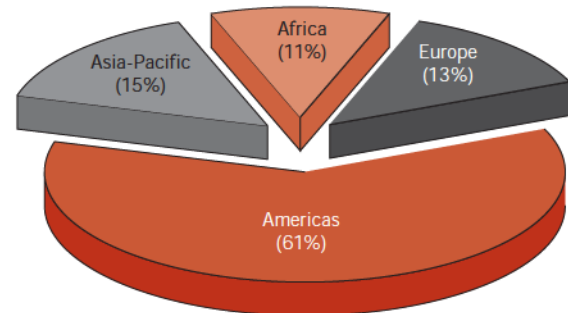
Trends in the subject areas of allegations

29. The two previous global reports presented statistical data on allegations examined by the CFA according to the type of restriction. Table 1.3 shows the percentages by region of alleged violations included in the complaints made to the CFA corresponding to each type of restriction. It thus reflects the perceptions of the complainant organizations regarding violations of freedom of association and collective bargaining rights in their countries, rather than the conclusions of the CFA based on its examination of the allegations. However, in most of the cases brought before the CFA, the complainant employers' and workers' organizations have been able to demonstrate the validity of their allegations.

30. The trend previously depicted in 2004, in *Organizing for social justice*, of a decrease in allegations concerning the denial of civil liberties, is generally confirmed by the latest data. Allegations made to the CFA on the restriction of civil liberties accounted for one-third of complaints in the period 1995–2000, but progressively decreased to 10 per cent of all allegations for the period 2000–03 and stood at 13 per cent for the period 2004–07. On the other hand, the largest single category of allegations, both globally and by region, concerns acts of anti-union discrimination. Allegations of anti-union discrimination have increased, from 23 per cent in 1995–2000 to 26 per cent in 2000–07. There has been an increase in allegations of employer interference in trade union activities, from 4 per cent for the period 1995–2000 to 6 per cent for the period 2000–03 and to 8 per cent for the period 2004–07. Alleged violations of collective bargaining rights have increased from 11 per cent in the period 1995–2000 to 19 per cent for the period 2000–03 and fell to 15 per cent for the period 2004–07. There has also been a slight increase in allegations concerning government interference in trade union activities, from 8 per cent in 1995–2000 to 9 per cent in 2000–03 and 11 per cent in 2004–07 (see also figure 1.3).

31. These trends might indicate that, while the basic institutional frameworks for the exercise of the right to freedom of association are progressively being put in place, the practical problems of implementation call for more attention.

Figure 1.2. Allegations examined by the CFA from March 2004 to June 2007 by region



32. During the period 2004–07 there was a sharp increase in the total number of complaints submitted to the CFA. Between March 2004 and June 2007, the CFA adopted 366 case reports, an increase of 34 per cent over the corresponding number of 273 reports in the period 2000–03. A greater number of complaints brought before the CFA appears to reflect, on the one hand, a willingness on the part of workers' and employers' organizations to effectively express their (in some cases newly acquired) voice, and on the other, the new challenges and realities brought about by globalization. Increased awareness of the complaints mechanism also plays a role.

33. In the same period, four CFA cases originated from complaints by employers' organizations; two concerned Europe and two the Americas. These complaints alleged government interference in the activities of employers' organizations (Albania); a Government's refusal to allow membership contributions to employer's organizations to be tax deductible (Republic of Moldova); legislative interference preventing the parties from freely determining the level of negotiation (Peru); and the arrest of the president of an employer's organization and difficulties faced by employers in participating in collective bargaining, as well as their exclusion from social dialogue structures, tripartism and consultations (Bolivarian Republic of Venezuela).

Democracy and civil liberties

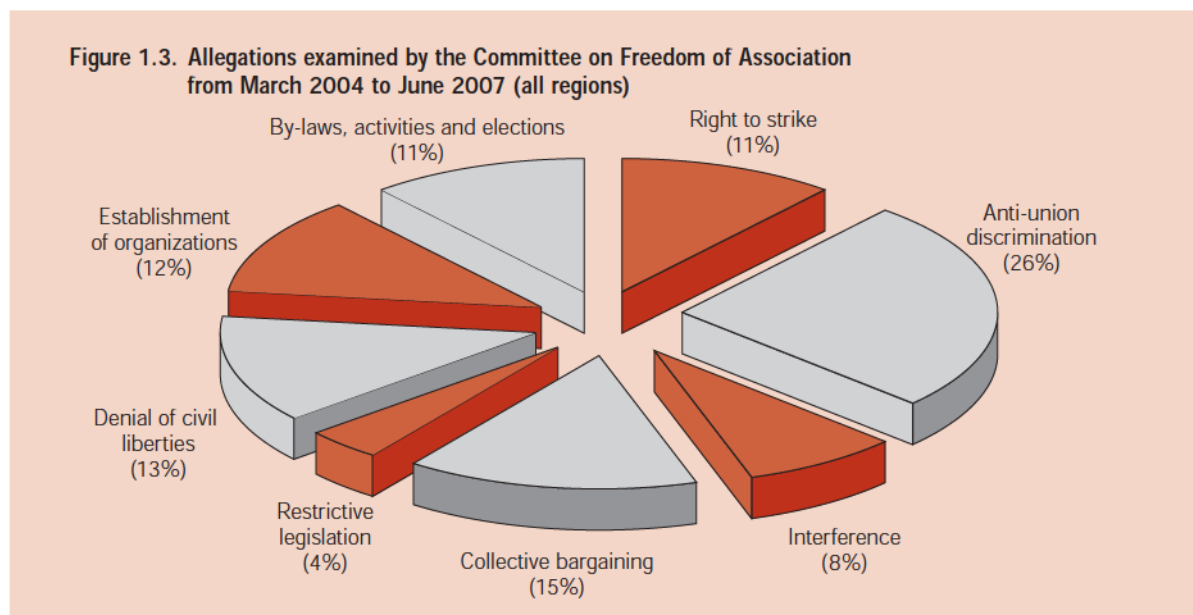
34. The exercise of freedom of association and collective bargaining is dependent on the maintenance of fundamental civil liberties, in particular, the right to freedom and security of the person, freedom of opinion and expression, freedom of assembly, the right to a fair trial by an independent and impartial tribunal,

FREEDOM OF ASSOCIATION IN PRACTICE: LESSONS LEARNED

Table 1.3. Subject areas of allegations examined by the CFA between March 2004 and June 2007 as a proportion of total allegations

	Denial of civil liberties	Restrictive legislation	By-laws, elections and activities	Establishment of organizations	Right to strike	Anti-union discrimination	Interference	Collective bargaining
Global (533 allegations)	13%	4%	11%	12%	11%	26%	8%	15%
Africa (83 allegations)	17%	6%	6%	11%	14%	29%	5%	12%
Americas (292 allegations)	12%	2%	9%	9%	11%	29%	9%	19%
Asia and Pacific (109 allegations)	18%	9%	7%	11%	13%	27%	7%	8%
Europe (49 allegations)	6%	6%	16%	16%	13%	16%	11%	16%

Figure 1.3. Allegations examined by the Committee on Freedom of Association from March 2004 to June 2007 (all regions)



and protection of the property of trade unions and employers' organizations.⁴ Although complaints concerning violations of such fundamental rights have decreased in recent years, the fact remains that serious violations of civil liberties continue to take place in different parts of the world.

35. From 2004 to June 2007, the CFA addressed violations of civil liberties notably in Cambodia, China, Colombia, Djibouti, Eritrea, Guatemala, Haiti, Indonesia, Islamic Republic of Iran, Myanmar, Nepal, Philippines, Republic of Korea, Bolivarian

Republic of Venezuela and Zimbabwe. Some cases involved grave violations of civil liberties, including murder, abductions, disappearances, threats, arrests and detentions of trade union leaders and members, as well as other acts of anti-union harassment and intimidation, violations of freedom of assembly and of freedom of expression. Closely linked with such violations are delays in the administration of justice, which sometimes reinforce a climate of impunity, violence and insecurity. This highlights the need to ensure due process.

4. See the resolution concerning trade union rights and their relation to civil liberties, ILC, 54th Session, Geneva, 1970, which is appended to this Global Report.