

# Countries at Risk Activities Report

## 2018 Global Rights Index Ranking

### 5 – No guarantee of rights

### 4 – Systematic violations of rights

Africa	Americas	Asia	Pan Europe	MENA
Eswatini (4)	Brazil (4)	Korea (5)	Belarus (5)	Bahrain (5)
Mauritania (5)	Colombia (5)	Cambodia (5)	Kazakhstan (5)	Iran (5)
Zimbabwe (5)	Guatemala (5)	Myanmar (4)	Turkey (5)	Algeria (5)
	Mexico (5)		Ukraine (5)	Egypt (5)

## Africa

**Eswatini** (formerly Swaziland): ITUC action at the ILO led to the official registration of the ITUC affiliate ATUSWA, and the Suppression of Terrorism Act was amended to distinguish trade union activities from terrorism. Access to US markets under the Africa Growth and Opportunity Act (AGOA) was reinstated in 2017 after the government amended legislation in line with CAS conclusions and took into account TUCOSWA's recommendations to the Industrial Relations Act and the Labour Brokers Act. In case no. 269/17 on the Swaziland Union of Financial Institutions and Allied Workers and Nedbank Limited, the Industrial Court rendered a decision in August 2017 reaffirming the right to strike as a fundamental right and declaring as illegal the replacement of striking workers. Despite these achievements, substantial challenges persist in ensuring freedom of association in the country. In 2018, police forces repeatedly cracked down on peaceful demonstrators and TUCOSWA's dialogue efforts keep being undermined.

**Mauritania:** Following international pressure exerted by the ITUC, the governmental judicial control and travel bans against CLTM General Secretary Samoury Ould Beye and CGTM General Secretary Abdellah Naha were finally lifted in 2018. Following ITUC reports to the WTO as well as AGOA petitions filed with the support of the AFL-CIO, the government accepted an ILO High Level Direct Contact Mission and a roadmap for the finalisation and adoption of a forced labour action plan, as well as a commitment to expedite social elections by March 2019. Challenges persist in the protection of victims and their access to justice, as the anti-slavery law is still lacking effect due to the non-implementation of decrees.

**Zimbabwe:** The ITUC's support to the ZCTU Wage Theft Campaign resulted in some successes on freedom of association in the sugar sector, as the Bargaining Council of the sugar industry decided to put a stop to arbitrary employer decisions on trade union dues deductions. In addition, a milestone agreement was concluded in the same sector forbidding involuntary membership transfer from one union to another by management and effectively providing for the end of forced trade union dues deduction designed to weaken unions. Furthermore, the asset freeze against ZCTU was lifted. Challenges persist in ensuring regular payment of wages as well as in implementing the Tripartite Roadmap signed to implement the

Recommendations of the ILO High-Level Mission in 2017. In 2018, threats to freedom of association and the right to organise persist, with police violence cracking down on peaceful ZCTU demonstrations and arresting its leadership.

## Americas

**Brazil:** Despite intense campaigning by the ITUC, its affiliates and global union federations, ex-President Lula is still a political prisoner, and the ruling that prevented him from running as a candidate for the presidential elections is a travesty of justice demonstrating the corporate capture of the entire institutional framework in Brazil. Labour rights are being curtailed at a record speed by the authorities. The international trade union movement will support unions in Brazil to closely monitor violations and defend the respect for workers' rights under the incoming administration of extreme right-wing President Bolsonaro and will continue to stand with Lula, calling for his liberation.

**Colombia:** Colombian trade unions, with the support of the ITUC and TUAC, successfully included labour demands to Colombia's OECD accession process. Even though the country was eventually invited to join the OECD in 2018, for over four years trade unions clearly highlighted to OECD members the failure of the government to make progress on trade union rights and safety. Key labour issues were also included in a post-accession monitoring framework. The Colombian peace agreement with backing from the unions was a major victory. However, the promise of the peace process in Colombia is under severe threat. Mining companies are moving into indigenous areas, and paramilitaries are re-grouping to move into areas which the FARC have vacated under the terms of the peace agreement. The deeply alarming situation puts the peace process at risk and is further compounded by the ever-increasing violence against trade unionists.

**Guatemala:** The workers' complaint to the ILO resulted in a long fought-for reform of labour inspection regulations. Through the changes adopted in 2017, inspectors acquired new powers, including being able to impose penalties to employers violating the Labour Code. Discussions under the aegis of the ILO also helped the Guatemalan trade unions to achieve the creation of a Tripartite Committee on Freedom of Association and Labour Relations in the country. The possible removal of the UN Commission Against Impunity in Guatemala remains a challenge that should be taken seriously by the international community and the trade union movement. The ITUC will continue to support affiliates in monitoring the implementation of the international agreements made with the government to realise just labour laws.

**Mexico:** The approval of Constitutional reforms and later the decision of the Mexican Senate on 20 September 2018 to ratify ILO Convention No. 98 on the Right to Organise and Collective Bargaining are major victories for Mexican workers. It followed a sustained campaign by the national trade union centre UNT, the ITUC, TUCA and Global Union Federations. Bringing Mexico's law into line with the Convention will mean that workers will no longer suffer from the decades-long use of so-called "protection contracts" where bogus unions make corrupt agreements with employers on behalf of workers without their knowledge or consent. A future challenge will be to ensure that the eradication of protection contracts becomes a reality in practice.

## Asia

**Korea:** Unions in Korea succeeded in rolling back the regressive labour law reform initiated by the anti-union and chaebol-dominated government led by corrupt ex-president Park Geun-hye. Some 70,000 people joined the people's rally organised by the KCTU on 14 November 2015. In the year that followed, Han Sang-gyun, the KCTU president, was sentenced to three years' imprisonment and more than 200 KCTU leaders were arrested. Fifty-six of them were prosecuted on criminal charges. A broad coalition of more than a hundred trade unions and progressive civil society organisations was formed to restore democracy in Korea. They began a three-month long nation-wide mobilisation from November 2016 to March 2017 calling on Park to step down. Known as the Candlelight Revolution, the weekly mobilisations were attended by millions of people. Park was impeached and imprisoned for bribery and abuse of power in April 2017. In addition, the chair of Samsung was sentenced to five years' imprisonment for corruption and collusion. The new president, Moon Jae-in, released KCTU leaders Han Sang-gyun and Lee Young-joo on bail and committed to the ratification of ILO Convention No. 87 by 2019. As a result of the domestic and international campaign, and KMWU and "SHARPS" organising and mobilisation of workers and victims of occupational disease in Samsung, the anti-union chaebol signed an historic agreement with the KMWU to recognise the union and regularise 6,000 sub-contracted workers. Samsung's union busting practices were widely exposed by the unions in Korea, the Asian region and internationally through the joint publication by the ITUC and IndustriAll of "Samsung: Modern Tech Medieval Conditions" and the subsequent campaign. The government of Korea is now investigating the union busting cases of Samsung to bring the chaebol to criminal justice.

**Cambodia:** Freedom of association, speech and the right to strike have been undermined in Cambodia since the garment workers' strike in January 2014. Democracy was rolled back in Cambodia after the dissolution of the largest opposition party and the re-election of Prime Minister Hun Sen in 2018 after 33 years in power - the longest in Asia. The Trade Union Law passed in 2015 and the crackdown on the independent media have worsened the anti-union climate. Trade unions are subject to financial and administrative scrutiny by the government and to stringent restrictions on representation of workers in collective bargaining, labour disputes and in labour strikes. The equally restrictive law on NGOs mandates registration for all domestic and international associations, "political neutrality" and unfettered ministerial discretion over their activities. The Cambodian government is resisting restoring democracy and rights and becoming increasingly dependent on Chinese investments with a poor track record on human and labour rights violations, including discrimination of independent unions.

**Myanmar:** Following the two decades that the CTUM was in exile and forced to operate from Thailand, the union was finally officially registered in 2015. Since then, CTUM has organised an impressive number of workers. Nonetheless, less than one per cent of labour has been unionised. Workers in the informal sector are unable to register a union and union access to many government- and military-controlled workplaces is denied. There is no law on collective bargaining, and discriminatory dismissals are rising rapidly. CTUM and the other unions play an indispensable role in amending the outdated and patchy labour-related legislation and resolving labour disputes at tripartite levels. On the other hand, there has been no progress in the protection of the rights of minorities including the "Rohingya" crisis in Rakhine. Although the military still maintains its grip on all the strategic sectors and natural resources in the country, the elected civilian government must show that it respects international law and stop further human rights violations of all ethnic minorities. The political reforms, the peace talks in

conflict areas, and business and human rights must be pressed forward with the inclusion of the participation of trade unions, civil society and all the ethnic minorities.

## **Pan-Europe**

**Belarus:** The ITUC denounced the heavy sentencing of Belarusian trade union leaders Gennady Fedynich and Ihar Komlik of the Radio and Electronics Industry Workers' union (REP) on 24 August 2018. Fedynich and Komlik were unjustly found guilty of non-payment of personal taxes on international solidarity aid programmes and sentenced to a fine of BYN 47,560 (over USD 23,000), a four-year suspended imprisonment and a ban on holding senior positions for five years. The ITUC will continue to support Belarusian independent trade unions in their struggle.

**Kazakhstan:** In July 2018 the ITUC welcomed the release from prison on parole of two leaders from Kazakhstan's independent trade union movement, Nurbek Kushakbaev and Amin Eleusinov, and insisted that all the charges against them be dropped along with similarly false charges against Larisa Kharkova, president of the Confederation of Independent Trade Unions of Kazakhstan (CITUK/KNPRK). Kushakbaev and Eleusinov were imprisoned for participating in peaceful protests, while Kharkova received a court sentence restricting her freedom of movement and confiscating her property. All three were banned from holding positions in public organisations, including unions. Challenges remain with the deregistration of the CITUK and individual unions, new trumped-up charges against CITUK leadership and continued application of repressive trade union legislation, which undermines freedom of association.

**Turkey:** While the state of emergency has now been lifted, the country continues to be governed by decrees. Some 169,013 people are facing prosecution, including for legitimate trade union activity. Since the attempted coup in July 2016, thousands of workers were summarily dismissed. In April 2017 alone, 3,974 workers were dismissed from public services. In 2017 and 2018, the government banned numerous strikes organised in the glass and the metal sectors because it deemed them "prejudicial to national security". Following protests at the new Istanbul Airport against the death of 37 workers because of poor occupational health and safety standards, 600 workers were arrested and 27 trade union representatives remain in prison, including Özgür Karabulut, president of Devrimci Yapı-İş – DİSK. The ITUC will continue to support affiliates in Turkey in their struggle for fundamental rights and freedoms in line with the joint statement of May 2017, as adopted by the ITUC, the ETUC and their Turkish affiliates.

**Ukraine:** Freedom of association and the right of trade union organisations to self-administration are under serious threat. New laws from 2017 now force trade union members to submit additional annual electronic declarations on personal assets and property, while activists face violence and harassment from unidentified gangs, like the recent attack by 30 unknown militants pretending to be FTUU Presidium members who were attending a meeting in the union's premises. In addition, wage arrears have skyrocketed, and spontaneous protest actions are conducted by non-paid workers, often on the edge of despair, such as the 94 miners of the Ingulska uranium mine who were then sued for damages by their employer.

## **MENA**

**Bahrain:** With the support of the ITUC, the GFBTU managed to register a new union, the General Services Trade Union (GSTU), with migrant worker members. Moreover, the travel ban on the GFBTU deputy general secretary was finally lifted. In 2018, the government

accepted an ILO direct contact mission, and progress has been made on the implementation of the 2012 and 2014 Tripartite Agreements. Additional workers were reinstated, and the government committed to revise legislation. However, discrimination in the country persists, and the new discriminatory dismissals are being arbitrarily carried out. Moreover, challenges to organising in the public sector persist. The ITUC will continue to support affiliates in Bahrain in their struggle for fundamental rights and freedoms.

**Iran:** The ITUC is alarmed at reports of further attacks on and detention of workers for engaging in trade union activity, with security forces conducting night-time raids on homes and further action against trade unionists from various sectors as well as people who participated in protests in January 2018. Steelworkers from the National Steel complex of Ahvaz were held in detention for several days for going on strike over wage arrears. Mohammad Habibi, secretary of the Iranian Teachers' Federation, was arrested in his classroom in front of his students. Security forces assaulted him using pepper spray, took him in handcuffs to his house, which they searched. They then removed him to Evin prison where other trade unionists have been arbitrarily detained for years. Workers at the Haft Tapeh sugar complex, who had six-month wage claims, finally received payment after a long campaign during which protesting workers faced brutal crackdowns. Even after the lifting of international sanctions, economic mismanagement is rife, due in large measure to the pervasive hold that the Iranian military has on the economy, and the influence of conservative clerics. Workers involved in independent trade union activity face severe repression, including imprisonment on false charges such as the cases of Reza Shahabi, Esmail Abdi, Ebrahim Madadi and many others. In 2018, reportedly, 150 truckers were arrested and 17 activists sentenced to death by a court in Qazvin province. The ITUC will continue to support Global Union Federations and their affiliates in the country.

**Algeria:** Freedom of association and the right to organise for independent unions continue to be under threat. Since 2015, no progress has been made regarding the registration of independent trade unions. At the same time, the labour code, which has been in the draft stage since 2011, has still not been adopted. Police violence and harassment in general against independent union leaders continue, and unfair dismissals and anti-union discrimination against CGATA's affiliates is rampant. The ITUC has referred the most recent violations to the ILO CAS and Committee on Freedom of Association (CFA). Several urgent intervention requests have been addressed to the ILO jointly with the Global Union Federations.

**Egypt:** The ever-increasing state repression against the independent labour movement in Egypt is alarming. The legislative framework, in particular new Law No. 213/2017, effectively crushes any attempt at organising freely by imposing excessive and exorbitant requirements, while the police and armed forces systematically crack down on peaceful strikes, beating and arresting protesters and in some cases arresting trade union members "preventively". Also, the "regularisation process" imposed by the Law and whereby trade unions were obligated to submit new documentation for legal recognition, has led to countless violations of the right to establish and join trade unions. The ITUC has referred the most recent violations to the ILO CAS and raised the issues through WTO review mechanisms.