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MECHANISMS UNDERMINING FREEDOM OF ASSOCIATION

Please note that in several of the below mentioned case examples, not only one mechanism is applied.

Mechanisms	Explanation	Case or example
1. Violent campaigns	Trade union and civil society activists are the targets of violent campaigns	Guatemala , campaign of ITUC coordinated by CGIL International Cooperation Network: murder and kidnapping of trade union leaders (example Enrique Linares)
2. Bureaucratic scrutiny and harassment	Subjecting civil society groups to an intense regimen of bureaucratic scrutiny and harassment. Including constant pressure to register or enforced limitations to operate freely with unduly complicated obligations such as financing regulations that undermine citizenship's demands and needs.	China – ISCOS-CISL , NGOs have been targeted because of receiving foreign funding, like in the case of the Open Constitution Initiative (Gongmeng), which was shut down in July 2009 with the pretext of some fiscal irregularities.
3. Differentiation between civil society groups	Differentiation between civil society groups, giving preference towards certain groups whose democratic credentials or ambitions are limited, while cracking down on reformist CSOs, and those movements that directly might challenge the leadership's grip on power.	China – ISCOS-CISL , The recent reforms aim at lowering barriers to registration and promoting government contracting to social service NGOs, while excluding NGOs that focus on advocacy and areas deemed more sensitive. Lebanon - Al Najdeh , partner of MPDL: systemic control mechanism imposed on Palestinian associations practically deny their right to exist; there is no statute for foreign associations
4. Establishing parallel (yellow) unions	Establishing parallel (yellow) unions is another tactic in the effort to bring the labour movement under political control. In some countries, the culture of dominant-party control over the labour movement remains	China – Asia Monitor Resource Centre , Global Network: only the trade union of the communist party is allowed to exist

	strongly anchored.	
5. Threat of instability and terrorism	The threat of instability and terrorism provides a ready justification for crackdowns on CSOs and unions. And in some countries, security forces administer oversight.	Colombia - ILSA , partner MPDL: indigenous people and organization claiming their land are accused by the government to have relation with FARC and are threatened by the army
6. Legislation withdrawal or limited	In other cases legislation has been withdrawn or limitations have been enforced without justification, but with the clear intention to undermine democracy – sometimes in the name of national security.	Egypt – Cairo Institute for Human Rights Studies , partner of Norwegian People’s Aid: the new Egyptian constitution limits the freedom of association Algeria – SNAPAP , partner of CGIL International Cooperation Network: see above
7. Tolerate NGO activity in non-controversial areas	Some governments tolerate NGO activity in non-controversial areas while restricting it in other sectors, such as human rights, corruption monitoring, police abuse, election monitoring, etc.	China – ISCOS-CISL : NGOs operating on sensitive issues - like human and labour rights - are often denied any kind of registration as NGOs and subjected to threats and harassments.
8. Restriction of other civil and political rights	Actions taken coincide often with the restriction of other civil and political rights as the right to peaceful demonstration.	Pakistan – Labour Education Foundation , Global Network: women workers are not fully respected as workers, therefore they don’t have the possibility to claim their rights
9. Right to strike is severely circumscribed	In a number of countries, the right to strike is severely circumscribed through various laws and regulations; and certain groups of workers (i.e. in the informal economy) face practical and legal barriers to achieving collective representation and organization .	Georgia – GTUC , partner of PERC and SOLIDAR: the 2006 labour law severely undermines basic trade union rights i.e. the right to strike
10. Acts of anti-union discrimination	The right to freedom of association is also violated by acts of anti-union discrimination. This may include prejudice or discrimination in relations to hiring, employment and dismissal. In recent years, the ILO has registered a surge in complaints concerning acts of anti-union discrimination.	Zimbabwe – Labour and Economic Development Research Institute , Global Network: on paper FoA is guaranteed but in practice continuous harassment of TUs continues. Two legal instruments are designed to interrupt gathering and reunions of trade unions.

<p>11. Interference in the internal affairs</p>	<p>Interference in the internal affairs of trade unions and employer organizations. This includes infringements on the right to freely draw up constitutions and rules, elect representatives, organize and control internal and financial administration.</p>	<p>N/A</p>
<p>12. Illegal to accept foreign financial assistance</p>	<p>Some governments have adopted laws making it illegal for local unions to accept foreign financial assistance, undermining solidarity support for workers' struggles in developing countries and authoritarian settings.</p>	<p>Jordan – Tamkeen Foundation, Partner of ARCI: Jordan government refused to allow 'Tamkeen' to accept foreign funding for projects</p>

