

**Conference of Non-Governmental Organizations in
Consultative Relationship with the UN (CoNGO) and World Council of Churches
75th Anniversary Commemoration
and the Sixth Global Thematic Webinar**

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***Human Rights in the context of the 75th anniversaries of the UDHR & Freedom of
Association as a fundamental human right***

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Thank you, Cyril Ritchie, and congratulations to CoNGO on your commitment to leaving no one behind and your staying power over the past 75 years!

Seventy-five years ago, in the aftermath of war, the Universal Declaration of Human Rights was adopted, as well as ILO's Freedom of Association and the Right to Organize Convention No.87 currently highly ratified, by 157 Member States. Both instruments place importance on women and gender justice, although these 21st century words were not used! It's a great opportunity today to share the parallels in these two ground-breaking texts that reflect workers' rights as human rights.

The Declaration's well known opening Article guarantees that "**All human beings** are born free and equal in dignity and rights." Article 2 says in part "Everyone is entitled to all the rights and freedoms set forth in this Declaration, **without distinction of any kind**, such as race, colour, **sex**, language, religion, political or other opinion, national or social origin, property, birth or other status" demonstrating a keen attention to equality between the sexes. Article 7 underscores that "All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination." While the English drafting style of 1948 let slip into the Declaration a few "brotherhoods" and "widowhood" and "protection of *his* interests" – definitely unacceptable in modern drafting techniques that require avoidance of words that attach to one sex alone (usually males) – the Declaration remains the guiding star for women's rights as human rights.

Similar attention to inclusiveness was given in C87, Article 2 of which says "Workers and employers, **without distinction whatsoever**, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorisation." The inclusiveness of this Article clearly means women workers in all their diversity have association rights, just as men do.

While the *December* 1948 Declaration, in Article 20, encapsulates freedom of association for "everyone" in general terms, the *June* 1948 C87 had already entered into the details of protecting the right to organize (of both workers and employers, by the way). The other Articles guarantee organizations' rights – and obligations:

- to draw up their constitutions and rules, elect their representatives, organize their administration and activities and formulate their programs with no State interference
- not to be dissolved or suspended by administrative authority
- to establish and join federations and confederations, which in turn shall have the right to affiliate internationally
- to have legal personality

- but at the same time respect the law of the land, just like other persons or organised collectivities shall, as long as that law doesn't impair, nor is applied to impair, the guarantees provided for in the Convention.

Ratifying States *must* take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise. The only exemption to scope (Article 9) is open to the armed forces and the police.

What has been accomplished under these frameworks is, quite simply, amazing. What has been achieved for women and gender justice is even more impressive given the wasteland for gender equality in 1948!

The ILO's supervisory system, comprising State reporting (similar to the UN treaty bodies' cyclical reporting) and comments and complaints on non-compliance, covers implementation in law and in practice of C87, as with all the ratified international labour standards. The ILO has classified C87 as one of the 10 fundamental Conventions (along with those concerning child labour, forced labour, non-discrimination & occupational safety and health), hence reporting is due every 3 years. In 75 years, the ILO supervisory bodies have welcomed changes in laws and in practice that bring national situations into compliance, e.g. removing clauses that excluded agricultural workers from organizing or that required government control over trade union elections or that permitted labour authorities to dissolve workers' organizations & confiscate their assets on a whim.

Given the critical importance of freedom of association for realizing all international labour standards, in addition to the cyclical State-reporting the ILO system has established a dedicated committee to hear allegations of violation of this human right. The unique feature of this process is that ratification of the freedom of association texts (there are several in addition to C87, such as C98 on collective bargaining which shall celebrate 75 years next year, in 2024), is immaterial. That's quite a bold step – allowing complaints irrespective of a State's ratification – which is justified by the crucial nature of freedom of association to the very being of the ILO. If States want to be Members, they must respect this fundamental human right and be accountable for implementing it.

I was honoured to have spent the first 15 years of my long ILO career in service to this Committee on Freedom of Association, and saw firsthand the impact of C87. It is tripartite in composition, as with almost all ILO institutions, and has registered and examined over 3,400 cases since created in 1951. Many of these cases have led to unionists being released from detention, laws repealed, practices changed, and quite a few involve women workers. In 2022, the ILO published a summary of 70 years of that Committee's achievements and I authored the chapter on the gender dimension of its mandate and functioning. Successful outcomes have been achieved in States from all regions.

Some allegations concerned arrest, detention or unjustified dismissal of women union leaders and members, some involved laws that excluded domestic workers – predominantly women – from the right to organize or from specific provisions on decent work, yet other complaints concerned intimidation and threats against women workers who were calling for decent working conditions on plantations owned by multinational companies.

Cases concerning refusal by the authorities to allow **migrant domestic workers** to create organizations to defend their interest are particularly of interest to me, given my current membership of the *Global Migration Policy Associates*, NGO accredited to ECOSOC, which offers remedial services to migrants and refugees and research, advocacy & policy advice to States and other stakeholders. Associates are here in force today to share this commemoration!

In conclusion, these two instruments go hand-in-hand to improve the wellbeing of women and men, but implementation of the fundamental human right to freedom of association is hard-won. Because the instruments remain essential for peace and gender justice, everyone and all States have the duty to protect and promote them, so that the next 75 years are based on human dignity and social justice for all.

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