**The Rights to Freedom of Peaceful Assembly and of Association for Disenfranchised Workers**

*Oct. 2016 thematic report to the UN General Assembly by the Special Rapporteur on the rights to freedom of peaceful assembly and of association*

In his upcoming report to the UN General Assembly to be presented in October 2016, the Special Rapporteur will examine the rights to freedom of peaceful assembly and of association (FOAA) for disenfranchised workers.

The Special Rapporteur considers disenfranchised workers those who are most marginalized or left behind when it comes to the exercise of FOAA rights. They could include a young woman working and living as a domestic worker in her employer’s home, a construction laborer hired day-by-day, a migrant worker on an export fishing boat who borrowed money from family to pay an agency fee, a refugee with limited knowledge of the national language trying to make some money and a mother of three picking vegetables and moving from farm to farm following the harvest seasons.

The questionnaires below solicit information with a view to assisting the Special Rapporteur in his assessment. Note that there are three separate questionnaires. Please answer only the questionnaire that corresponds to your position – UN Member State, representative of business or civil society/unions/workers.

The Special Rapporteur is especially interested specific, real-world examples related to this topic. If you cite laws or case studies, it would be helpful to include copies or links to further information. If you are unsure on how to answer a question or if it does not apply, feel free to leave it blank.

All responses received will be made public in October 2016. Civil society/unions/workers may request that identity remain confidential if they so wish (only the country where they operate will be disclosed). Please clearly state in your response if you would like your identity to remain confidential.

Please note that for this report, the Special Rapporteur is partnering with the Solidarity Center, an international organization that works in roughly 60 countries to protect workers’ rights. The Solidarity Center will assist with research the report. Responses to the questionnaires will be shared with select Solidarity Center staff prior to the publication of the report.

**Completed questionnaires should be e-mailed to** [**freeassembly@ohchr.org**](mailto:freeassembly@ohchr.org)**.**

**We will be accepting submissions until June 30, 2016. You may submit your responses in English, French or Spanish.**

**QUESTIONS FOR MEMBER STATES**

1. Which actors/workers are included or excluded from the rights to freedom of peaceful assembly and of association (FOAA rights) in your national law? In what ways are they excluded? Are there gender differences in the actors/workers excluded from the right to FOAA?
2. What are the socio-cultural barriers to realization of FOAA rights for disenfranchised workers in your country? What are the gender-dimensions to these barriers and how do they play out for different categories of disenfranchised workers? Please give specific examples.
3. What are the political, legal or structural barriers to realization of FOAA rights for disenfranchised workers in your country? What are the gender-dimensions to these barriers? Again, please provide examples.
4. How do FOAA rights for workers function in practice, both where FOAA rights formally exist and where there is the absence of formal recognition for particular categories of workers? Please give examples.
5. Are non-standard employment relationships hindering the exercise of FOAA rights in your country? Why or why not? Do you have specific examples?
6. How can existing mechanisms be strengthened to defend FOAA rights for workers and new remedies be created to address the global disenfranchisement of workers? Can this be done nationally or do new international mechanisms need to be developed?
7. What steps has your country taken to ensure the exercise of FOAA rights for all workers? For disenfranchised workers?
   1. To fulfill the positive obligation of the state what special measures can/should be taken to overcome barriers to FOAA rights, and in what particular contexts?
   2. What would these special measures look like? What different measures would have to be taken to protect women’s rights to FOAA, as compared to men?
8. What steps has your State taken to ensure that migrant workers have access to remedies for violations of their FOAA rights?
   1. How do you protect workers from retaliation (including for example, blacklisting, firing, and deportation/visa-revocation) in seeking a remedy or simply exercising their FOAA rights?
   2. Are non-citizens, including migrant workers and refugees, free to exercise FOAA rights in your national law and in practice?

**QUESTIONS FOR BUSINESSES**

What are the particular challenges to upholding individuals’ rights to freedom of peaceful assembly and of association (FOAA rights) while also operating a profitable business in your industry?

Are there peaceful assemblies you would consider unreasonable or illegal? Why?

In your experience, has your government been cooperative in balancing the needs of business and their obligation to preserve individuals’ assembly and association rights?

How does the absence or exercise of FOAA rights at work contribute or alleviate income inequality and employment discrimination of vulnerable sections of the population? Among women workers?

How does the absence or exercise of FOAA rights among workers contribute to stability or instability in your industry?

Do you have any examples of abusive practices in your industry that discourage workers from exercising their FOAA rights?

In what ways are non-standard employment relationships preventing the exercise of FOAA rights in your industry? Please give examples.

What role is there, if any, for multi-stakeholder initiatives in promoting FOAA rights for disenfranchised workers? What can be learned from initiatives like the Bangladesh Accord for FOAA rights in supply chains?

What should multilateral institutions do to better protect and promote FOAA for workers?

What can businesses do to ensure that migrant workers have access to full FOAA rights in the workplace? Women workers? Other marginalized workers?

Does your company or industry have a policy against retaliation against migrant workers and other workers for exercising FOAA rights?

If your company sources goods or labor from foreign markets, what policies and monitoring mechanisms does it have in place to ensure that your subcontractors’ workers are able to exercise their FOAA rights?

**QUESTIONS FOR CIVIL SOCIETY/UNIONS/WORKERS**

What are the challenges to exercising the rights to freedom of peaceful assembly and of association (FOAA rights) for disenfranchised workers in your country or region? Are there specific gender-related or socio-cultural dimensions to any of these challenges? Specific examples are most helpful.

What are the political/legal/structural barriers to realization of FOAA rights for disenfranchised workers in your country? What are the gender-dimensions to these barriers? Please give examples.

How do FOAA rights for workers function in practice, both where FOAA rights formally exist and where there is an absence of formal recognition for particular categories of workers such as those described above?

Have you experienced closing civic/democratic space in your country or region?

If yes, how has it impacted the exercise of FOAA rights for disenfranchised workers; and

How does the absence of FOAA rights for disenfranchised workers impact space for civil society as a whole?

What role does the lack of policy coherence at the national level play in frustrating the exercise of FOAA rights? Do other areas of law pose risks for the exercise of FOAA rights?

How should the state fulfill its duty to protect individuals from FOAA rights violations by non-state actors in global value chains?

What are the barriers to states holding corporations accountable for transnational harms – in the host country – in the home country?

How can they be overcome?

What can be done to reverse this trend?

How does the State respond to retaliation practices?

What actors/forces have been instrumental in weakening laws or preventing laws supporting FOAA rights in your country or region?

What obstacles impede workers from exercising FOAA across borders? (i.e. migrant workers, women workers)

Do you wish your identity to remain confidential?