

**Economic and Social Council****International Covenant on  
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**Committee on Economic, Social and Cultural Rights****Human Rights Committee****Statement on freedom of association, including the right to  
form and join trade unions****Joint statement by the Committee on Economic, Social and Cultural  
Rights and the Human Rights Committee\***

1. On the occasion of the 100th anniversary of the International Labour Organization (ILO), the Committee on Economic, Social and Cultural Rights and the Human Rights Committee decided to issue the present joint statement on the basic principles of freedom of association common to both Covenants, in particular in relation to trade union rights, as also protected under the Universal Declaration of Human Rights and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Committee on Economic, Social and Cultural Rights and the Human Rights Committee welcome the progress made by States to guarantee freedom of association in labour relations. At the same time, the two Committees note the challenges faced in the effective protection of this fundamental freedom, including undue restrictions on the right of individuals to form and join trade unions, the right of unions to function freely, and the right to strike.

2. Under article 8 of the International Covenant on Economic, Social and Cultural Rights, States parties undertake to ensure the right of everyone to form trade unions and join the trade union of their choice for the promotion and protection of their economic and social interests. Article 22 of the International Covenant on Civil and Political Rights guarantees the right of everyone to freedom of association with others, including the right to form and join trade unions for the protection of their interests. While the respective provisions are not identical, there is an important commonality between them, reflecting the fact that the right of each individual to freely associate with others, including the right to form and join trade unions, is at the intersection between civil and political rights and economic, social and cultural rights. The exercise of this right, moreover, may be seen both as closely linked to the freedoms of opinion and expression and the right of peaceful assembly, protected under articles 19 and 21 of the International Covenant on Civil and Political Rights, and as instrumental for the protection of workers' rights, including their rights to work and to just and favourable conditions of work, protected under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.

3. Freedom of association includes the right of individuals, without distinction, to form and join trade unions for the protection of their interests. The right to form and join trade unions requires that trade unionists be protected from any discrimination, harassment, intimidation or reprisals. The right to form and join trade unions also implies that trade

\* Adopted by the Committee on Economic, Social and Cultural Rights at its sixty-sixth session (30 September–18 October 2019) and by the Human Rights Committee at its 127th session (14 October–8 November 2019).



unions should be allowed to operate freely, without excessive restrictions on their functioning.

4. Freedom of association, along with the right of peaceful assembly, also informs the right of individuals to participate in decision-making within their workplaces and communities in order to achieve the protection of their interests. The Committees recall that the right to strike is the corollary to the effective exercise of the freedom to form and join trade unions. Both Committees have sought to protect the right to strike in their review of the implementation by States parties of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

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