

Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Working Group on discrimination against women and girls

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6 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/15, 53/3, 59/4 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of serious labour exploitation at PT Huadi Nickel Alloy Indonesia (PT HNAI)**, a subsidiary of the China-based Huadi Steel Group, **including working conditions and employment practices that may amount to forced labour, as well as allegations of failures to effectively prevent, identify and remedy such violations, including through timely protection of affected workers, provision of adequate assistance, access to justice and effective remedies including by holding perpetrators accountable.**

According to the information received:

PT Huadi Nickel Alloy Indonesia (PT HNAI), a subsidiary of the China-based Huadi Steel Group, is a mining company established in the Bantaeng Industrial Area (Kawasan Industri Bantaeng, KIBA) in 2013 and it has been operational since 2018. The company has become a major actor in South Sulawesi's nickel processing industry. It is reported that PT HNAI has committed a range of human rights abuses, including forced labour as described below.

Working hours and compulsory overtime

Firstly, it is alleged that workers at PT HNAI, including migrant workers, are required to work 12-hour shifts on a rotating basis (8.00 a.m.-8.00 p.m. or 8.00 p.m.-8.00 a.m.). Under this system, workers perform up to 20 working days per month, amounting to a total of approximately 240 working hours per month. Of these, 160 hours constitute regular working hours under national law, while the remaining 80 hours constitute compulsory overtime, which reportedly exceeds the legal limits on working hours.

Under Indonesian law, maximum regular working hours are set at either 7 hours per day for six working days per week or 8 hours per day for five working days per week, as regulated under Law Number 13 of 2003 concerning Manpower, as amended by Article 81 point 23 of Law Number 6 of 2023 on the Stipulation

of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. Overtime work is further regulated under Article 78 of the same law, which requires workers' consent and limits overtime to a maximum of 4 hours per day and 18 hours per week.

In practice, however, workers reportedly perform 4 hours of overtime per shift for five shifts per week, resulting in approximately 20 hours of overtime per week. This exceeds the maximum limits prescribed by law. Overtime is reportedly imposed unilaterally without the consent of workers, and workers who refuse to comply face threats through warning letters or other sanctions.

Employment regulations further require employers to provide rest breaks during working hours, including a break of at least 30 minutes after four consecutive hours of work, as stipulated under Article 79 paragraph 2 of the Manpower Law. According to the information received, PT HNAI does not provide such breaks in practice. Workers report that they are required to remain at their workstations throughout the 12-hour shift to monitor operating machinery. Mealtimes are not treated as rest periods and they need to eat at their working stations, and workers are not permitted to leave their posts. As a result, workers experience de facto continuous labour for the entire duration of each shift without effective rest. Even to use the toilet, workers allegedly need to seek permission from their supervisors. This puts women working alone at their stations at particular disadvantage, as even when they have their period they must wait for supervisory approval before leaving. Workers describe having to assess their supervisor's psychological state before requesting to go to the toilet and in some instances, they are reportedly denied the right to do so.

The shift system reportedly operates continuously with three rotating teams, with workers typically assigned five shifts per week. While workers may receive an interval of approximately 24 hours between shifts, there are no fixed weekly rest days.

Reportedly, these working conditions also deny workers sufficient time to fulfil their religious practices. In Bantaeng Regency, where the majority of workers are Muslim, operations reportedly continue during Friday prayers. Workers are required to remain at their posts to monitor machinery and are therefore prevented from attending Friday prayers.

Failure to Ensure Adequate and Predictable Wages in Line with Minimum Wage Standards

Secondly, it is reported that in 2025 PT HNAI paid a basic wage of IDR 3,500,000. This basic wage falls below the South Sulawesi Provincial Minimum Wage (Upah Minimum Provinsi, UMP) for 2025, which is set at IDR 3,657,527.37 (approximately 217 USD) under South Sulawesi Governor's Decree No. 1423/XII/2024.

According to information received, this basic wage applies uniformly to workers regardless of their length of service. While certain allowances – such as length-of-service-related or conditional allowances – may be provided, they are non-

fixed, discretionary, and dependent on specific conditions, rather than forming part of a transparent wage structure and scale. Generally, conditions refer to the worker's assigned position. However, workers reportedly do not receive clear written criteria or instructions regarding how these positions are determined or how the related allowances are calculated. Moreover, workers may be reassigned to different positions at the company's discretion. In some cases, individuals who were previously in higher positions have been transferred to other roles without prior notice or transparent explanation, and without being informed that the new position would not provide the same or higher level of remuneration. As such, these allowances do not form part of a transparent, predictable wage structure or scale.

It is further reported that certain benefits, including health-related allowances, are treated as components of the minimum wage rather than additional entitlements, and may be deducted in wage calculations. As such, these allowances do not guarantee that workers effectively receive wages that meet or exceed the legally mandated minimum wage on a stable and predictable basis.

This practice raises serious concerns regarding compliance with Indonesia's labour and wage regulations. Under Government Regulation No. 36 of 2021 concerning wages, which implements Law No. 13 of 2003 on Manpower as amended by Law No. 6 of 2023, the provincial minimum wage constitutes a mandatory floor, and workers with one year or more of service must be paid in accordance with a clear and transparent wage structure and scale.

Additionally, it is further reported that, on 27 May 2025, the Labour Inspectorate issued a determination in relation to alleged underpayment affecting 20 workers. According to information received, this determination was later set aside by a court and is therefore not legally binding on the company. According to official calculations by the Labour Inspectorate showing underpayment since November 2021, overtime pay is not provided in accordance with regulations.

It is also reported that, in the furnace department (where ore is smelted), supervisors sometimes order workers to enter furnaces for cleaning while they remain hot, causing shoes to melt and putting worker's health and safety at risk.

Alleged human rights abuses against women workers

Finally, violations of women workers' labour rights at PT HNAI have also been alleged. According to information received, women workers are generally not adequately informed of their rights, and they receive information about maternity-related entitlements and protections primarily through labour unions rather than through company communication.

While maternity leave is reported to be formally granted, women workers indicate that access to maternity-related and reproductive health protections remains limited in practice.

Additional allegations include the absence of designated lactation rooms, instances of sexual harassment, miscarriages allegedly linked to working conditions, and health concerns related to exposure to cigarette smoke in the workplace.

Recent developments of the situation

It is reported that on 1 July 2025 PT HNAI introduced a unilateral temporary layoff policy under a so-called “layoff” scheme, which the company refers to as a “break.” This policy was reportedly implemented without prior consultation with workers, without any guarantee of income during the layoff period, and without clarity regarding the timing or conditions of return to work.

According to information received, while the measure was initially presented as a temporary layoff, from October to November 2025 the layoffs effectively became permanent, resulting in the dismissal of the company’s entire workforce. As of 15 July 2025, it is reported that a total of 1,962 workers have been laid off.

It is further alleged that PT HNAI has failed to pay severance entitlements in full, as required by Article 43 paragraph 1 of Government Regulation No. 35 of 2021, on the grounds that the company has suffered financial losses. According to reports, the company has relied on the initial classification of the measure as a temporary layoff to justify a reduction of severance payments by approximately 50 per cent. However, these claims of financial loss have reportedly not been substantiated through any credible independent audit. As a result, affected workers are reportedly receiving only half of the severance pay to which they are legally entitled.

Reportedly, the Mining and Energy Industry Workers Union (SBIPE) of the Bantaeng Industrial Estate held a protest in front of the main entrance of PT HNAI from 14 to 25 July 2025, demanding wage payments in accordance with applicable regulations, overtime pay, and clarity regarding the legal status and employment relationship of all workers laid off by the PT HNAI. Throughout the process, it is alleged that union members of the SBIPE of the Bantaeng Industrial Estate were subjected to intimidation directly by the company. According to information received, this intimidation was accompanied by retaliation against union members, including the prioritisation of non-union members in the payment of wages and other financial entitlements. Such practices are reported to have created pressure on union members and to have undermined their ability to freely exercise their right to freedom of association.

During the protest on 15 July 2025, PT HNAI issued an internal memorandum announcing the suspension of operations for all HNAI employees, starting with the Huadi Unit, Yatai Unit, and Wuzhou Unit, until an unspecified date. As a result of this announcement, at least 400 employees at the Huadi Unit, 600 employees at the Yatai Unit, and 350 employees at the Wuzhou Unit were laid off justified by alleged material supply chain difficulties related to nickel, including suspicions concerning the use of illegally sourced materials, which reportedly contributed to the company’s bankruptcy.

The PT HNAI, together with PT HNAI's union which name is Federasi Serikat Peejuangan Buruh Indonesia (FSPBI), without involving the SBIPE of the Bantaeng Industrial Estate, made a decision on 22 July 2025, regarding the workers laid off starting 15 July 2025, namely granting them Rp 1,500,000.00 per month for three months. This policy was not agreed to by the majority of employees, as they requested wages in accordance with the minimal wages established under national legislation.

The PT HNAI reportedly issued another unilateral decision in the form of an internal memo on 23 July 2025, notifying the revocation of the internal memo on the suspension of operations and confirming the resumption of operations, requiring workers to return to work.

Following these developments, the affected workers, represented by the Legal Aid Institute (LBH) Makassar, submitted a formal complaint to the National Commission on Human Rights of the Republic of Indonesia (Komnas HAM) concerning alleged human rights abuses related to the workers' labour rights at PT HNAI. The complaint further relates to intimidation and threats allegedly faced by workers during lawful protests, including reports that workers were threatened with sharp weapons by members of a vigilante group reportedly assigned by company representatives.

In response, Komnas HAM exercised its monitoring mandate under Article 89(3) of Law No. 39 of 1999 on Human Rights and, in August 2025, issued formal requests for information to multiple relevant parties. These included the President Director of PT HNAI, the Head of the Manpower and Industry Office of Bantaeng Regency, the Head of the Manpower and Transmigration Office of South Sulawesi Province, and the Internal Affairs Division of the South Sulawesi Regional Police. Komnas HAM requested clarification regarding company policies on wages, working hours, overtime payments, layoffs, and the handling of alleged intimidation during protests.

Komnas HAM subsequently received responses from several authorities and the company. The Bantaeng Manpower and Industry Office reported that mediation efforts between PT HNAI and SBIPE of the Bantaeng Industrial had taken place on 3 and 16 July 2025 but failed to reach any agreement. Further mediation was reportedly conducted by an industrial relations mediator on 16 July 2025, between PT HNAI, represented by Sabaruddin, S.H., et al., as legal counsel, and SBIPE of the Bantaeng Industrial. The mediation did not result in an agreement, so the industrial relations mediator recommended that the two parties involved pursue further dispute resolution through the industrial relations court (PHI). The South Sulawesi Regional Police Internal Affairs Division indicated that, based on internal verification, no formal police report was found in relation to allegations of intimidation raised by workers while the Legal Aid Institute (LBH) Makassar i had filed a complaint.

In addition, Komnas HAM conducted a request-for-information meeting with PT HNAI management via Zoom in September 2025. During this engagement, the PT HNAI reportedly asserted that the "layoff" or furlough policy had been

communicated persuasively to workers in advance for efficiency reasons and that a monthly payment of IDR 1,500,000, together with continued social security coverage, had been offered during the layoff period overall. PT HNAI further claimed that the suspension of operations and furlough decisions were taken in response to prolonged protests that allegedly obstructed company operations, and that an agreement on furloughs had been reached with Federasi Serikat Pekerja Indonesia (FSPBI), operating at the company.

After reviewing these responses, Komnas HAM reportedly invited the complainants to submit further comments. In their subsequent submission, LBH Makassar and the affected workers contested the explanations provided by the PT HNAI and state authorities, emphasizing that the issues at PT HNAI were not isolated labor disputes but reflected systemic and large-scale human rights abuses affecting thousands of workers. They stressed that wages below the provincial minimum wage, excessive working hours without adequate rest, unpaid overtime, mass layoffs without full severance pay, and alleged intimidation by employers amounted to serious human rights concerns. Furthermore, the PT HNAI repeatedly invoked financial losses to justify paying only half of the legally mandated severance pay, without providing the results of any independent external audit to substantiate such losses.

The complainants therefore requested Komnas HAM to carry out a thorough investigation involving all relevant stakeholders, including the Ministry of Manpower and the Indonesian Parliament, and to ensure that the nickel downstreaming industry in Bantaeng operates in compliance with national law and international human rights norms and standards. They specifically called for the restoration of unpaid wages, overtime pay, and severance entitlements, as well as structural reforms to the PT HNAI's working hour system and layoff practices, in order to prevent further human rights abuses.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern that, if confirmed, the reported practices at PT HNAI may amount to forced labour based on the ILO Indicators of Forced Labour.¹ In particular, the combination of excessive working hours, compulsory overtime imposed without consent, restrictions on workers' freedom of movement during shifts, threats and intimidation for refusal to work overtime, and severe economic pressure arising from wage practices and mass layoffs may be inconsistent with the prohibition of forced labour.

We also express concern regarding reported wage practices that may fall below legally mandated minimum wage standards. ILO convention No. 131 on Minimum Wage Fixing, read together with ILO convention No. 95 on the Protection of Wages, requires that minimum wages be legally binding, effectively enforced, and paid in full in a regular and predictable manner.

We are also deeply concerned about threats and intimidation against workers during peaceful protests, allegedly perpetrated by members of a company-affiliated vigilante group, as well as by alleged threats and retaliation against union members

¹ https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40declaration/documents/publication/wcms_203832.pdf.

– not least because such actions have the immediate effect of discouraging workers’ exercise of their rights to freedom of peaceful assembly and of association.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide any information on whether and how the Chinese authorities have engaged with Huadi Steel Group regarding the labour conditions and alleged forced labour indicators at its subsidiary, PT Huadi Nickel Alloy Indonesia (PT HNAI).
3. Please clarify what steps, if any, have been taken to encourage the company to prevent, address and remedy the alleged labour rights violations in its overseas operations.
4. Please indicate how the Chinese authorities expect Chinese enterprises operating abroad to ensure respect for the UN Guiding Principles on business and human rights and relevant international labour standards, including in situations involving mass layoffs, wage underpayment and alleged intimidation of workers.
5. Please provide any additional information on how the Chinese authorities may support or encourage appropriate follow-up actions, including how they integrate specific considerations based on intersecting rights concerns on the basis of race, religion, and gender, in line with internationally recognised labour and human rights standards.
6. Please provide information on the measures that your Excellency's Government is taking or considering taking to ensure that persons affected by activities occurring outside your territory by business enterprises domiciled in your jurisdiction have access to remedy in your country, through State judicial or extra-judicial mechanisms.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please be informed that a letter on this subject matter has also been sent to the PT Huadi Nickel Alloy Indonesia (PT HNAI) as well as to Indonesia.

Please accept, Excellency, the assurances of our highest consideration.

Tomoya Obokata

Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Damilola S. Olawuyi

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Claudia Flores

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, is a key component of international standards regarding the elimination of all forms of slavery. Article 4 states that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” We also wish to underline the jus cogens nature of the prohibition of slavery enshrined in the Universal Declaration of Human Rights (UDHR). We would also like to draw your Excellency’s attention to article 8 of the International Covenant on Civil and Political Rights, signed by your Excellency’s Government on 5 October 1998, which prohibits slavery, the slave trade, servitude and forced labor. We refer as well to the Slavery Convention of 1926 which calls for the complete abolition of slavery in all its forms.

We also recall the obligations under the ILO convention No. 29 on Forced Labour, ratified by your Excellency’s Government on 12 August 2022, which defines forced or compulsory labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” We further recall the obligations under article 4 of the ILO Convention that States shall completely suppress forced or compulsory labour.

In addition, we would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society and the business community. The Guiding Principles have been established as the authoritative global standard for all States and businesses to prevent and address business-related adverse human rights impacts. These Guiding Principles are based on the recognition of:

- a) "The existing obligations of States to respect, protect and fulfill human rights and fundamental freedoms;
- b) The role of business enterprises as specialized bodies or corporations performing specialized functions, which must comply with all applicable laws and respect human rights;
- c) The need for rights and obligations to be matched by appropriate and effective remedies when they are violated".

The obligation to protect, respect and fulfill human rights, recognized in conventional and customary law, entails the duty of the State not only to refrain from violating human rights, but also to exercise due diligence to prevent and protect individuals from abuses committed by non-State actors (see, for example, Human Rights Committee general comment No. 31, para. 8). Consistent with these legal

obligations, guiding principle 1 reiterates the State's duty to "protect against human rights abuses within its territory and/or jurisdiction by third parties, including business enterprises." In addition, guiding principle 3 reiterates that States should take appropriate measures to "prevent, investigate, punish and redress such abuses through effective policies, laws, regulations and adjudication". Furthermore, this requires, *inter alia*, that a State "provide business enterprises with effective guidance on how to respect human rights throughout their operations". Finally, in accordance with recognized conventional and customary international law (see, for example, article 2(3) of the International Covenant on Civil and Political Rights), the Guiding Principles reiterate that States should ensure that victims have access to an effective remedy in cases of adverse human rights impacts related to business activities.

The Guiding Principles also clarify that business enterprises have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide remedies when they have caused or contributed to adverse impacts. The Guiding Principles have identified two main components of the corporate responsibility to respect human rights, which require that "enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities and address those impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly related to operations, products or services by their business relationships, even if they have not contributed to those impacts." (guiding principle 13). The commentary to guiding principle 13 notes that business enterprises may be affected by adverse human rights impacts, either through their own activities or as a result of their business relationships with other parties. (...) The "activities" of business enterprises are understood to include both actions and omissions; and their "business relationships" include relationships with business partners, entities in their value chain and any other non-State or State entity directly linked to their business operations, products or services.

States may be considered to have breached their international human rights law obligations when they fail to take appropriate measures to prevent, investigate and remedy human rights violations committed by private actors. While States generally have discretion in deciding on such measures, they must consider the full range of permissible preventive and remedial measures.

We would also like to highlight the Working Group on business and human rights' report A/80/171 on Labour migration, business and human rights. In the report, the Working Group elucidates the duty of States to fulfil and protect the human rights of migrant workers in a cross – border context and the responsibility of businesses to respect those rights, in line with the Guiding Principles on Business and Human Rights. The report provides guidance on how migrant workers can be put at the centre of efforts to implement the Guiding Principles, including, for instance, by developing and enforcing mandatory human rights due diligence measures that incorporate a migrant worker-centred lens.

We wish to emphasize the obligation of your Excellency's Government, under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by China on 4 November 1980. The Convention obligates States to refrain from discrimination against women and to ensure that public authorities

and institutions act accordingly. Article 2 also calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.

The Working Group on discrimination against women and girls in its report on Women's human rights in the changing world of work (A/HRC/44/51) stated that narrow focus on economic growth and profitability in dominant economic models, at the expense of human well-being, decent work and environmental sustainability, is at odds with the realization of women's human rights.

The Working Group further stressed that reimagining the economy for women's human rights would involve adequately recognizing and prioritizing women's specific needs, ensuring reproductive autonomy, eliminating all discrimination and valuing and investing in care work, paid and unpaid, as a central pillar. Such investments can both stimulate employment for women and build much needed physical and social infrastructure that benefits all workers.

To address violence and harassment, the Working Group on discrimination against women and girls recommended that to ensure ratification and full implementation of the ILO Violence and Harassment Convention, 2019 (No. 190) and introduction and strengthening legal frameworks to prevent and effectively respond to sexual harassment, ensuring coverage for all types of workers, particularly workers in non-standard employment, and application to all workplaces, including public spaces, transport, online and digital work platforms (A/HRC/44/51).

In its report on Gendered inequalities of poverty (A/HRC/53/39), the Working Group on discrimination against women and girls also highlighted that unequal and inadequate remuneration, precarious employment, lack of union representation, and violence and harassment in the workplace are all factors that increase gender-based inequalities and entrench poverty for women and girls. The Working Group underlined that businesses have a key role to play in reducing poverty and inequalities globally and nationally, by upholding standards on human rights, environmental protection, labour relations and fiscal accountability. Lastly, it recommended States and other relevant stakeholders, to guarantee universal, accessible, adequate, available, gender-responsive and comprehensive social protection, adhering to and applying relevant ILO conventions, and ensuring that gender-responsive social protection is granted throughout the life cycle of women and girls as part of the right to an adequate standard of living, and to guarantee equal representation and voice in labour unions and collective bargaining for women workers and create independent and transparent grievance mechanisms to protect and fulfil women's rights to decent work and to enable women to enjoy these rights and to receive gender-transformative remedies in the event of violations.

We would also like to call the attention of your Excellency's Government to articles 21 and 22 of the International Covenant on Civil and Political Right (ICCPR), signed by your Excellency's Government on 5 October 1998. It stipulates the rights to freedom of peaceful assembly and of association respectively. These rights enable the very existence of civil society, allow pluralist expression in political systems and offer choice in popular representation. Associations and other public interest groups act as the mediums of civic and political expression and serve as a bridge between

communities and authorities. These rights facilitate the inclusion of the broader population in peace and transition processes. The Human Rights Council has underlined that respect for the rights to freedom of peaceful assembly and of association contributes to addressing and resolving challenges and problems that are important to society, including achieving sustainable development, the empowerment of women, social justice and the realization of all human rights (A/78/246, para. 9).

Article 21 ICCPR protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches (CCPR/C/GC/37, para. 6).

Article 22 ICCPR in turn protects the right to association. The former Special Rapporteur on the right to freedom of peaceful assembly and of association has found that “[t]he ability to associate, including in the form of unions, is a key civil and political right, essential to individuals’ participation in their societies more broadly as well as in terms of shaping the structures that affect their lives, and essential to the establishment of democratic societies. All individuals enjoy the right, regardless of whether they work in the formal or the informal economy. All measures which restrict the right on the basis of formality of work, therefore, constitute violations of individuals’ and groups’ right to freedom of association” (A/HRC/53/38/Add.3, para. 17).

Consequently, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights) [see also ICCPR, art. 26]” (A/HRC/41/41, para. 13).