DEFEND LABOUR RIGHTS

update on NIGERIA

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

Two oil workers' leaders still detained

Denied Access To Legal Counsel and Medical Treatment

Frank Kokori, Secretary General of the National Union of Petroleum and Natural Gas Workers (NUPENG) and **Milton Dabibi**, Secretary General of the Senior Staff Consultative Association of Nigeria (SESCAN) are still being detained for their involvement in a two-month strike by oil workers in 1994. Amongst other demands, the strike called for the release of Moshood Abiola, winner of the presidential elections in June 1993, and other pro-democracy leaders.

Frank Kokori has been detained since August 1994 and is one of Nigeria's most longstanding prisoners of conscience, whilst Milton Dabibi was arrested in January 1996. Milton Dabibi was previously General Secretary of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), whose membership had gone on strike in 1994.

The government has not brought any charges against Frank Kokori and Milton Dabibi, who are believed to be held in connection with the oil strike of 1994. They have been denied visits by lawyers or union colleagues. In May 1997, Frank Kokori's home was reportedly looted and his wife and son were threatened by unidentified assailants after his wife made a public appeal for his release, and spoke concerning his health and her difficulties. Prison doctors have recommended that Frank Kokori have medical treatment for a spinal injury,

but this has not been allowed by the authorities. He is reported to be suffering from diabetes and hypertension, but has been denied medical treatment. He is permitted infrequent family visits, but only under close surveillance.

Milton Dabibi is said to have suffered from hypertension while in detention and been denied medical treatment. He is reportedly being held in Uyo Prison which is about 700 kilometres from his family home in Lagos.Both were featured in AI's 1996 Trade Union Action.

Pics of Milton Dabibi subject of TU action 1997 and Frank Kokori subject of TU action in 1994

Military decrees reduce TU rights

19 labour leaders in Kaduna State, northern Nigeria, were arrested on and around 18 June 1997, after civil servants went on strike over pay and conditions and more than 20,000 were dismissed. Those arrested were reportedly charged with unlawful assembly and causing disaffection.

Recent military decrees have further reduced trade union rights in Nigeria. In 1996, three military decrees amended the Trade Union Act, providing for up to five years' imprisonment for normal trade union activities such as freely electing officials or affiliating to an international trade union body if these are not done with the approval of, or under conditions set by, the military government.

Solidarity action worldwide

The international trade union movement has raised the plight of Frank Kokori and Milton Dabibi repeatedly. Calls on unions to block oil imports to their countries were made in a worldwide campaign by the 20 million-strong International Federation of Chemical, Energy, Mine and General worker's Unions (ICEM) in November 1997.

Amnesty International concerns

Amnesty International considers Frank Kokori and Milton Dabibi to be prisoners of conscience, detained without charge or trial solely for the non-violent expression of their political beliefs, and demands that they are immediately and unconditionally released.

Amnesty International is concerned about their lack of access to legal counsel and adequate medical treatment. Their detention and treatment amounts to a serious violation of international human rights treaties to which Nigeria is committed by law, as well as the fundamental rights guaranteed in Nigeria's own constitution.

Anti-union repression

Following the strike, NUPENG and PENGASSAN were subjected to severe repression. Police and troops occupied the union's offices. Union leaders were arrested or driven into hiding. The government replaced the executives of the Nigerian Labour Congress and the oil-workers' unions with appointed administrators. Union bank accounts were frozen and the check-off of union dues was banned. Many of the oil workers dismissed for taking part in the strike have never been reinstated.

Since 1994, some trade unions have had their elected leaders forcibly replaced by government appointed administrators and promised elections have been postponed. The right to withdraw labour has been threatened by the military authorities' recourse to coercion.

'Everyone has the right to freedom of peaceful assembly and association.' Article 20 of the Universal Declaration Of Human Rights

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

As well as articles on freedom of expression, the right to a fair trial and against ill-treatment, the Universal Declaration of Human Rights also describes other fundamental rights for workers and trade-unionists:

- 'Everyone has the right to freedom of peaceful assembly and association.'
- -Article 20
- 'Everyone has the right to work...Everyone has the right to form and to join trade unions' -Article 23
- 'Everyone has the right to a standard of living adequate for... health and well-being' -Article 25

Sign your name in, and circulate within your trade union, the books circulating around the world in which countless other people are pledging to do everything in their power to promote the human rights proclaimed in the Universal Declaration of Human Rights.

Find out more about the **Journey of the Book** from your national Amnesty office.

The core International Labour Organisation (ILO) conventions

The ILO is a specialized agency of the United Nations composed of a tri-partite structure of government, employer and worker representatives. International labour legislation is contained in ILO Conventions which are open to ratification by any member state.

Nigeria:

Despite ratifying ILO Conventions 87 and 98 in 1960, the military government in **Nigeria** has ignored the rights which they enshrine. It has aroused international concern by its detention and ill-treatment of union officials and its seizure of control of democratic trade unions.

WHAT YOU CAN DO

1 Write to the Nigerian authorities and send copies of your letters to Nigerian newspapers:

- demand the immediate and unconditional release of Frank Kokori and Milton Dabibi, believed to be prisoners of conscience, who have been detained for a number of years, uncharged and untried, for the non-violent expression of their political beliefs, in particular their advocacy of trade union and human rights.
- urge that both Frank Kokori and Milton Dabibi be granted immediate and regular access to their families, legal counsel and doctors of their own choice and appropriate medical treatment.
- demand that the government uphold ILO Conventions 87 and 98 which they have ratified and that they respect the rights of workers to independent association and the right to strike.

Send your appeals to the Nigerian authorities at the following addresses:

General Sani Abacha Chief Tom Ikimi Dr Auwahu Hamisu Yadudu Chairman Minister of Foreign Affairs Special adviser to Head of State

Provisional Ruling Council Ministry of Foreign Affairs State House, Abuja
State House Maputo Street Federal Capital Territory

Abuja PMB 130 Nigeria

Federal Capital Territory Abuja

Nigeria Nigeria

Send copies of your letters to the following press:

Newswatch The Guardian Tell

PMB 21499 PMB 1217 PMB 21749

Ikeja Oshodi Ikeja

Lagos Lagos Lagos

Nigeria Nigeria Nigeria

2 In your own union, raise the cases of Frank Kokori and Milton Dabibi and other workers whose fundamental human rights are under attack, and pass messages of solidarity from your trade union branch to:

Milton G. Dabibi Frank Kokori
Uyo prison Bama Prison
Uyo Bama
Akwa Ibom State Borno State

Nigeria Nigeria

3 Spread the message within your work-place and community:

Ask your trade-union to distribute copies of the Universal Declaration of Human Rights to each of its members, so we can all be aware of the rights to which we are entitled.

Take part in Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998:

Contact your national office of Amnesty International to find out more. Ask your trade union nationally and locally to work with Amnesty International on the cases of victimised Trade Unionists and others targeted because of their work fighting for trade union rights.

DEFEND LABOUR RIGHTS

action focus on

MIGRANT WORKERS IN SAUDI ARABIA

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

Around half the workforce in Saudi Arabia is made up of workers from other countries. Many are women from developing countries who work as domestic helpers in Saudi Arabian homes in the hope that they can earn enough to send money back home to support their own families. The reality they face in Saudi Arabia however is one of vulnerability to abuse and violations of their most basic rights.

200 lashes after feeding chauffeur, Maria's nightmare.

Maria left the Philippines in April 1994 to work as a domestic helper in Saudi Arabia '..because I wanted to achieve the dream of my children....' However it did not take long for her dream to turn sour. On 16 July 1994 at 5am, Maria's employer got angry after seeing her giving breakfast to their driver. She wrote:

"In fear, I hid behind the door of the room. I was afraid to get shot because Mr...held a gun to me. I went out of the room and when I left he slapped me. I cried and they tied my hands. I ran to the kitchen and there I cried....Then I was brought to the room and I was locked up. The police came and they investigated the man (the driver) but they did not ask me anything...They made me wear an Abaya (robe) and brought me to the precinct (police station). They made an investigation (then) we left. I thought we were going home but they brought me to al-Malaz jail. There they kept me for a "love case" which is what they called it. I was sentenced to 10 months and punished with 200 lashes."

Flogged, imprisoned, and deported with no right of defence.

Nieves, another Filipino woman and mother of two children, was working as a secretary at the King Fahd National Guard Hospital. While eating with friends in a pizza restaurant she was arrested by the mutawa'een, Saudi Arabian religious police. The women were accused of prostitution on the grounds that Nieves friend who was celebrating her birthday, had 1,000 riyals (US\$260) in her handbag. She was accused of

[picture of nieves with caption "Nieves, brutally flogged by the Saudi Arabian police"]

receiving the money from a male friend in return for introducing him to Nieves and her friend. In fact she had been paid that day and was planning to pay for the meal to celebrate her birthday. After refusing to confess Nieves, who did not speak Arabic, was asked to sign a three page report written in Arabic which she understood was a release order. However instead of being returned to the hospital where they worked, the women were taken to prison where they were held for two days. The report turned out to be a 'confession' and Nieves, who had no opportunity to defend herself was later sentenced to 25 days imprisonment and 60 lashes. In prison Nieves witnessed the lashing of her friend before her, she later described what happened next:

"Then it was my turn that is when the next nightmare came...The mutawa' (male) was sitting on the table, there was one Saudi (man) who I think was just observing and a policeman who was doing the lashing...I thought it will be fast but no it was done one at a time.... he really takes his time before striking. I started counting and when it reached 40 I thought I could not make it.....there was a policewoman holding me....I prayed so hard... At last it reached 60...I could not explain the pain experienced. The stick he used was like a bamboo (cane), round but hard...(my) roommates were ...shocked to (see) my buttocks...so violet in colour and with haematoma. (I) cried all day.."

Maria and Nieves were both deported to the Philippines immediately after serving their sentences.

WOMEN IN SAUDI ARABIA

Women in Saudi Arabia suffer an array of violations of their human rights solely because of being women. Some of the abuses are based on laws which explicitly discriminate against women, other abuses are perpetuated by discriminatory attitudes and practice. Saudi Arabia is responsible for widespread, gross violations of the most

basic human rights against men and women, Saudi Arabians and foreign nationals. Women migrant workers are particularly prone to persecution because of the position of women in Saudi Arabia and their unfamiliarity with local laws and a judicial system that does not allow for the right of defence by lawyers.

In 1992 three Irish nurses were driven home from dinner at a friends house by an elderly man. Women in Saudi Arabia are forbidden to drive a car, and forbidden from being alone with a man who is not an immediate relative. The car was blocked at traffic lights by two mutawa'een vans and all were taken to the mutawa'een headquarters where the two nurses were harassed and held for two days.

In 1993 Margaret Madil, a Canadian nurse and a women friend got into a taxi after a shopping trip. A mutawa' jumped into the taxi and instructed the driver to go to the mutawa'een headquarters where the two women were kept locked in the car for up to six hours in the extreme heat causing them to scream out in pain. They were then beaten, accused of indecent dress and public intoxication and held in prison for two days.

TRIALS, DETENTION, and THE DEATH PENALTY

Those awaiting trial in Saudi Arabia are left totally at the mercy of the arresting authority and have to face the ordeal on their own, without access to lawyers. They are often held for weeks or months without being allowed any visits, and may even be forbidden to write or receive letters from relatives or friends. The impact of these conditions on foreign workers, some of whom are illiterate, from poor families who live in distant countries is unimaginable. The families of these workers are often unable to overcome all the many hurdles placed in the way of them securing contact with their relatives. Unfortunately, the embassies of the workers home countries do not always seem interested or able to help their nationals detained in Saudi Arabia.

Saudi Arabia is among the states with the highest number of executions in the world. Amnesty International knows of at least 500 executions between January 1990 and July 1997 although the true figure is probably much higher. The majority of the victims were foreign workers from Asia and Africa. Their lives were taken after they were convicted following summary and secretive trials that flouted the most basic international standards for a fair trial.

Sarah Jane Dematera a 24 year old Filipino woman, arrived in Saudi Arabia five years ago to work as a domestic helper. Four days after arriving, Sarah Jane was arrested and charged with murdering her employer. She has since been sentenced to death and the legal process leading to her conviction and sentencing remains shrouded in secrecy. She has had no access to legal assistance, and it is not known if she has been given any opportunity to defend herself. In a message to her mother she is reported as saying 'I have done nothing wrong here. I have been with (the family) for only four days, and they have no evidence against me... You know me... and I am incapable of such wrongdoing which is a sin against God'.

Sarah Jane Dematera is facing imminent execution. Amnesty International is demanding the immediate commutation of the death penalty.

TRADE UNIONS IN SAUDI ARABIA

Workers in Saudi Arabia have precious little protection. There are no trade union rights in Saudi Arabia. Trade unions and strikes are banned. Collective bargaining is forbidden and anyone trying to organise can end up being sacked or jailed and in the case of foreign workers thrown out of the country. According to the International Confederation of Free Trade Unions, although in theory migrant workers, with the exception of domestic servants, have recourse to Saudi Arabian labour courts, in practice migrant workers do not go to court for fear of deportation and have reported that it is virtually impossible to enforce their employment rights under the law.

WOMEN MIGRANT WORKERS WORLDWIDE

Women migrant workers worldwide can face a range of physical and psychological abuse, from sexual abuse and violence at the hand of their employers and the police, to discrimination and poor working conditions. This is coupled with not only the lack of social contacts that comes from working in a foreign country far from home but often with an absence of adequate procedures to deal with their grievances and to give some redress.

The vulnerability of women migrant workers is widely recognised. A report in 1996 advanced by the UN special rapporteur on violence against women concluded that 'the issue of violence against women migrant workers is of immense and increasing concern for both labour sending and receiving countries'. The efforts made by women migrant workers themselves is acknowledged, but the countries from which women travel and the countries in which they work both have an obligation to protect the fundamental human rights of these workers.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

'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, ... national or social origin...'
-Article 2.

As well as other articles on the right to a fair trial and against torture and 'cruel, inhuman or degrading treatment', the Universal Declaration of Human Rights also describes other fundamental rights for workers and trade unionists.

- 'Everyone has the right to freedom of peaceful assembly and association.'
- -Article 20
- 'Everyone has the right to work...Everyone has the right to form and to join trade unions'
- -Article 23
- 'Everyone has the right to a standard of living adequate for... health and well-being'
- -Article 25

The International Labour Organisation and the core conventions

The International Labour Organisation (ILO) is a specialist agency of the United Nations composed of a tri-partite structure of government, employer and worker representatives. It has built up and monitors sets of standards, in the form of Conventions & Recommendations relating to freedom of association, the right to form and join trade unions, and other working conditions.

Saudi Arabia is a member of the International Labour Organisation. It has however yet to ratify the core ILO Conventions number 87 on freedom of association or 98 on the right to organise and collective bargaining. It has also yet to ratify the ILO Conventions which set out rights for migrant workers, number 97 and number 143, Article 1 of which states:

'Each member for which this convention is in force undertakes to respect basic human rights of all migrant workers.'

The core ILO Conventions

the freedom of association -Number 87 the right to organise and to bargain collectively - Number 98 the prohibition of all forms of forced labour - Numbers 29 & 105 the right to equal pay for work of equal value - Number 100 the freedom from discrimination in respect of employment/occupation - Number 111 the establishment of a minimum working age - Number 138

WHAT YOU CAN DO

1 Individuals and organisations should write to the Saudi Authorities to

- Request the immediate commutation of the death sentence passed on Sarah Jane Dematera.
- Recognise the rights of all workers to freedom of association and the right to organise. Saudi Arabia has yet to ratify the two core ILO Conventions, 87 & 98 which reflect these fundamental rights for workers.

Address your appeals to:

The Custodian of the two Holy Shrines His Majesty King Fahd bin 'Abdul-'Aziz Office of H.M. The King Riyadh Kingdom of Saudi Arabia

His Royal Highness

Prince Nayef bin 'Abd al-'Aziz al-

Sa'ud

Minister of the Interior

PO Box 2833 Airport Road

Riyadh, 11134

Kingdom of Saudi Arabia

His Excellency

Dr Abdullah bin Muhammad bin Ibrahim

Al-Sheikh

Minister of Justice Ministry of Justice

Riyadh

Kingdom of Saudi Arabia

- 2 Ensure that your own government protects the rights of migrant workers from other countries and the rights of workers from your country who work overseas.
 - Write to your own government and ask how they ensure the rights of migrant workers are protected.
- 3 In your own trade union, raise the problems faced by migrant workers and others in Saudi Arabia whose fundamental human rights are ignored.
 - Contact and support the work of other organisations in your country who work with and for migrant workers in your country and overseas.
 - Ask how your trade union organises migrant workers and deals with the problems they face.
- 4 Spread the message within your work-place and community.

Ask your trade-union to distribute copies of the Universal Declaration of Human Rights to each of its members, so we can all be aware of the rights to which we are entitled.

5 Take part in Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998

Contact your national Section of Amnesty International to find out more.

Ask your trade union nationally and locally to work with Amnesty International in the fight against human rights violations of workers and others worldwide.

DEFEND LABOUR RIGHTS

action focus on ZIMBABWE

AMNESTY INTERNATIONAL TRADE UNION ACTION 1998

TEAR-GAS & BATONS HIT TAX PROTEST

Heavily armed riot police fired tear-gas and charged with batons into crowds on a peaceful tax protest, on 9 December 1997 in Harare, capital of Zimbabwe. Tens of thousands of government and private sector workers had joined the national one-day strike called by the 300,000 member Zimbabwe Congress of Trade Unions (ZCTU) and other labour organisations. The nationwide action was in protest against a series of government tax increases.

That morning, the protest march organisers had been granted a High Court order to prevent police from blocking the demonstration, but police officers had already begun blocking the march. A representative of the Catholic Commission for Justice and Peace tried repeatedly to deliver the court interdict to Police Commissioner Augustine Chihuri but was tear-gassed each time he tried. Commissioner Chihuri finally saw the interdict several hours later but he still would not allow the demonstration to continue. The march had begun peacefully and eyewitnesses told Amnesty International that damage and violence later was a response to the brutal police action. Commissioner Chihuri later claimed that police had been forced to take action because of "hooliganism".

Government and police threats before the protest

Over the days before and after the nationwide mass strike, the government made clear its attitude towards the protesting workers and trade unionists. On Tuesday 9 December, Minister of Home Affairs Dumiso Dabengwa told Parliament: "Let no one tempt the police ...we want to warn those demonstrators who

think they want to take to the streets today in

order to loot and to commit acts which are in breach of the law that they stand a danger of being shot at by the police". Commissioner Chihuri also publicly threatened to "crush" the ZCTU demonstration, stating that the police force would "without hesitation" block any protest deemed unlawful.

[Photo Morgan Tsvangirai c. The Zimbabwe Congress of Trade Unions]

UNION LEADER ATTACKED 2 DAYS LATER

Two days after the strike, on Thursday 11 December, Morgan Tsvangirai, Secretary General of ZCTU, was brutally attacked at the congress headquarters by a group of seven men and women who entered his office posing as trade unionists. He was hit with a hard object, and knocked unconscious. The attackers fled when his secretary ran into the office after she heard the noise of the assault. Morgan Tsvangirai later needed stitches to close the wound on his head. A police investigation was conducted into the attack and police later provided a line-up of suspects for Morgan Tsvangirai's inspection, but he was unable to identify any of his attackers. He has since been informed by the investigating officer that the case has been closed. No one has been arrested or prosecuted in relation to the attack.

NOT THE FIRST INTIMIDATION

Nurses and junior doctors tear-gassed

The police reaction to the December 1997 strike was not the first time that workers have been intimidated after attempting to exercise their constitutional right of freedom of association and to demonstrate. During a peaceful march on 11 November 1996 by nurses and junior doctors about working conditions and salaries, riot police in downtown Harare broke up the gathering using tear-gas and batons. Police officers detained Morgan Tsvangirai and four other union leaders to prevent them addressing the crowd.

WHO WAS BEHIND ATTACK ON UNION LEADER?

Morgan Tsvangirai believes that the assault on him may have been committed by individuals connected with the ruling party, the Zimbabwe African National Union - Patriotic Front (ZANU-PF). The ZCTU also fears that there is a link between the assault and the earlier statements by Home Affairs Minister Dabengwa and Police Commissioner Chihuri.

Amnesty International

concerns:

Amnesty International is concerned that the safety of Morgan Tsvangirai and other trade union leaders is jeopardised whenever trade unions choose to challenge government policies.

Zimbabwe has ratified the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, both of which guarantee the right to freedom of expression, association and assembly. Amnesty International is concerned at the Zimbabwean government's disregard of these rights, also guaranteed in Zimbabwe's own constitution; the police involvement in the brutal crack-down on peaceful demonstrations; and at allegations of ZANU-PF involvement in the 11 December 1997 assault on Morgan Tsvangirai.

Amnesty International believes that the rights of workers to associate and to organise a strike have been seriously infringed by the violent and intimidatory actions of the Zimbabwean government towards them.

'Everyone has the right to freedom of peaceful assembly and association.' Article 20 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
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The core International Labour Organisation (ILO) conventions

The ILO is a specialized agency of the United Nations composed of a tri-partite structure of government, employer and worker representatives. International labour legislation is contained in ILO Conventions which are open to ratification by any member state.

ZIMBABWE

Zimbabwe has yet to ratify ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organise, which asserts the right of workers to establish organisations of their own choosing to represent them in the workplace and run them without undue interference.

Zimbabwe has also failed to ratify ILO Convention 98 concerning the right to organise and to bargain collectively, which protects workers from anti-union discrimination and interference.

The core ILO Conventions

Sign your name in, and circulate within your trade union, the books going around the world in which countless other people are pledging to do everything in their power to make the rights proclaimed in the Universal Declaration of Human Rights a reality.

Ask about the **Journey of the Book** at your national Amnesty International office.

WHAT YOU CAN DO

- 1. Write to the Zimbabwe authorities and send copies of your letters to Zimbabwean newspapers:
 - Call for a full and independent inquiry into the 11 December 1997 assault on Morgan Tsvangirai at the Zimbabwe Congress of Trade Unions headquarters in Harare, including into allegations of the possible involvement of members or supporters of the ruling Zimbabwe African National Union-Patriotic Front in the assault, and call for anyone found responsible to be brought promptly to justice;
 - Request that the Zimbabwe government ensure the future policing of peaceful stay-aways and strikes is conducted within the limits of international standards regarding the use of minimum force;
 - Request that the government ratify ILO Conventions 87 and 98 and that they respect the rights of workers to establish and run workers' organisations of their own choosing without undue state interference.

Send your appeals to the Zimbabwe authorities at the following addresses:

The Hon Dumiso Dabengwa Mr Augustine Chihuri
Minister of Home Affairs Police Commissioner
Ministry of Home Affairs Police Headquarters
P. Bag 505D PO Box 8807
Harare Zimbabwe Zimbabwe

You could send copies of your letters to either of the following press:

Tommy Sithole Trevor Ncube

Editor Editor

The Herald The Zimbabwe Independent

PO Box 396 PO Box BE1165 Harare Belvedere, Harare Zimbabwe Zimbabwe

Send messages of solidarity to Morgan Tsvangirai and the ZCTU at the following address:

Morgan Tsvangirai

Secretary-General

Zimbabwe Congress of Trade Unions

PO Box 3549

Harare

Zimbabwe

2. Spread the message within your work-place and community:

Ask your trade union to distribute copies of the Universal Declaration of Human Rights to each of its members, so that we can all be aware of the rights to which we are entitled.

3. Take part in Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights in 1998:

Contact your national office of Amnesty International to find out more.

4. Pass a resolution at your trade union branch meeting:

There is a model solidarity resolution available from your Amnesty International Trade Union coordinator.

Ask your trade union nationally and locally to work with Amnesty International on the cases of victimised Trade Unionists and others targeted because of their work fighting for trade union rights.