

APEC

Crisis, which crisis?

1. Introduction

Since the start of the economic shock in 1997, the crisis in Asia has been defined largely in terms of its financial rather than social impact. As currencies tumbled, stock markets collapsed and growth rates were regularly forecasted downwards governments and the international financial institutions have struggled to instigate policies for financial stability as the means to recovery. The 1997 APEC Leaders statement from Vancouver re-inforced this view, entrusting the responsibility of reporting back on the crisis to their Finance ministers.

Amnesty International recognizes the importance of the financial impact of the economic crisis. Key economic indicators in the region make grim reading. The International Labour Organization

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(ILO) has estimated that in the worst affected countries, namely Thailand, Indonesia and the Republic of Korea, real GDP growth has dropped suddenly from over 7 per cent per annum in 1996 to zero or negative¹ in 1998. In Indonesia the impact has been the most marked with forecasts of possible negative growth between 10-15 percent for 1998-99². These statistics mask the real costs of the crisis: the impact on poverty, unemployment and the ability of people to negotiate freely their way out of the crisis. The cycle of massive lay-offs, depressed demand, falls in consumption and average incomes has further added to the already vulnerable situation of workers or those seeking employment. The ability of organized labour and others to negotiate for their own security during this crisis has been largely impeded by the lack of respect and protection for fundamental labour rights, such as freedom of association³. Amnesty International is concerned that financial restructuring, the protection of regional currencies and the need for financial transparency and accountability, has tended to obscure these other equally compelling issues in the region.

¹ "Social Responses to the Financial Crisis in East and South-East Asian Countries", ILO paper prepared for a High-level Tripartite meeting, Bangkok, 22-24 April 1998.

² "Addressing the Social Impact of the Crisis in Indonesia: A Background Note for the 1998 CGI", World Bank Group

³ As at October 1998 only the following members and prospective members of APEC had ratified ILO Convention 87 Freedom of Association and Protection of the Right to Organise: Australia, Canada, Indonesia, Japan, Mexico, Peru, Philippines and Russia Federation.

This paper highlights the impact of the crisis on the freedom of association and expression of workers and activists in four APEC member states namely Korea, Indonesia, China and Malaysia. It argues that securing basic human rights, including labour rights to freely organize and campaign for worker's economic interests will be integral to economic recovery and the region's long term sustainable development.

The information in the report provides only a snapshot of the human rights violations suffered by workers and activists in a few APEC member states, but it does reflect more general and systemic problems in many of the countries. It highlights more importantly APEC's failure to address the human rights challenge of the region and the need to protect the rights of those it views as its "most important resource".

2. Human rights protection in social crisis

The region now faces the important challenge of guaranteeing human rights protection during a period of political and social change associated with great economic upheaval. Although there has been recognition by the international community of the need for reforms to political and financial institutions, and measures to help alleviate the worst social

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pressures, there has been too little acknowledgement that basic human rights, including labour rights, will be essential to economic recovery and long term development. Even where some governments are pressing ahead with social protection measures to alleviate the worst effects of the crisis, human rights, including labour rights, are still treated as something apart rather than the basic building blocks upon which social protection measures should be constructed. After its discussions with trade unions and members of civil society in the region, Amnesty International is urging governments to listen to their message that issues of transparency and accountability, the building of social protection policies, cannot be dealt with in isolation from recognition and respect of fundamental human rights, such as freedom of expression and association and legal measures to prevent social and gender discrimination.

The World Bank has stated that “International experience in developing and developed countries alike suggests that – after a certain level of development is reached – countries need to put in place a modern system of industrial relations. Failure to do so at a

“International experience in developing and developed countries alike suggests that – after a certain level of development is reached – countries need to put in place a modern system of industrial relations. Failure to do so at a relatively early stage can lead to serious costs later on”. **The World Bank**

relatively early stage can lead to serious costs later on”. Freedom of association and expression are the bedrock upon which an industrial relations system is built. Instead of being viewed as part of the solution to the social crisis they are often treated as the problem. This is a challenge for many countries in APEC, not just those facing the acutest form of the social crisis.

Many of the countries experiencing the current economic crisis are notable by their lack of ratification and implementation of international human rights and labour standards. In fact all members of APEC have failed to ratify all seven of the ILO “core” Conventions and several members have yet to ratify key international human rights standards⁴. With downward pressure on real wages and the relative absence of unemployment benefit and social assistance in many of the countries affected, tension between labour and governments may be inevitable. This has been further exacerbated by the lack of independent mechanisms to exchange information freely and build a consensus around policy prescriptions. Free and open dialogue between government and key constituencies of civil society has been non-existent or limited in many countries by the denial of basic rights such as freedom of association and expression.

In addition, during this period of economic crisis certain groups may be even more vulnerable than others to labour market pressures. In meetings with women’s groups in Asia Amnesty International has received information about the possible discrimination suffered by women. Women are often the first to be laid off and the lack of representation of women in workers organizations and the reluctance of governments to act often means they have little defence. This is reflected in the lack of official

⁴ “Core” labour standards are ILO Conventions No 29 Forced labour Convention - 1930; No 105 Abolition of Forced Labour Convention - 1957; No. 87 Freedom of Association and the Protection of the Right to Organize Convention - 1948; No. 98 Right to Organize and Collective Bargaining Convention - 1949; No. 100 Equal Remuneration Convention - 1951; No. 111 Discrimination (Employment and Occupation) Convention - 1958; and No. 138 Minimum Age Convention - 1973.

Key international human rights standards include the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

statistics and information available about their situation. To compound matters many women work in the informal sectors of the economy where it is notoriously difficult to get information and provide support.

Amnesty welcomes the recent APEC Ministerial Meeting on Women on 15-16 October in the Philippines. The organization supports the recognition by APEC of the position of women in the economy and the particular challenges they face as a consequence of the crisis. The organization echoes the view that “*APEC would be greatly strengthened by a more concerted and coordinated approach to integrate women and gender into all its processes and activities, and engagement of broader sectors of society*”⁵ and notes the priority given to providing more accurate data on women. But the organization believes that APEC activities should be built on a recognition of women’s rights contained in international human rights standards such as the Convention on the Elimination of All Forms of Discrimination Against Women and the Platform for Action adopted as part of the Beijing Declaration, not solely on women’s potential as an economic resource. It believes also that the social impact of the crisis should be included as part of the development of further studies and that participation by a broad range of groups working on women’s issues is key to addressing concrete issues of the crisis.

The situation of migrant workers is also precarious. Welcomed during the boom years as labour shortages appeared in some countries in the region, their numbers grew to over 6.5 million by mid-1997⁶. As the economic downturn has intensified, they are now viewed by some governments as part of the problem. Often working outside the formal framework of the economy or under tight informal restrictions, they can be the victims of unscrupulous business practices which often amount to human rights abuse. The social protection accorded to nationals of the country in which they work is usually denied to them, and given their unofficial status they can be subjected to the whims of employers and governments alike. Illegal or unemployed, they may be subject to deportation policies which lack adequate safeguards and independent scrutiny. Some of their home governments are loathe to challenge their abuse as they may be dependent on the remittances of those still in employment overseas for both access to foreign exchange earnings and social support for families in countries of origin.

⁵ See Joint Ministerial Statement, APEC Ministerial Meeting on Women, October 15-16, 1998, Makati, Philippines - APEC Secretariat Press Release 34/98, October 20, 1998.

⁶ See ILO paper as above.

Another vulnerable group are children. According to the ILO there are around 250 million children between the ages of 5 and 14 working full or part-time in developing countries. Sixty one percent are found in Asia (excluding Japan) and 7 per cent in Latin America⁷. There are fears that as income generated by households is substantially reduced child labour may become an increasingly important supplement. Employers looking for even cheaper labour may actively seek the employment of children just when the international consensus and legal framework in this area is being strengthened. Among APEC member states, prior to membership of the Russian Federation, only one country, Malaysia, had ratified ILO Convention 138, the Minimum Age Convention.

The situation has been further compounded by the reluctance of APEC governments to criticize each other's human rights and labour rights violations. Even when violations have occurred against their nationals in neighbouring countries governments have remained, in the main, conspicuously silent.

The issue of human rights and the respect for international labour standards was dismissed during the boom years by governments pointing to high growth rates and steadily improving employment prospects, arguing that there was a trade-off between protection and employment. Some governments argued that labour standards would negatively affect economic performance. Some governments in the region deliberately forewent the need to develop adequate social protection believing that growth and employment would provide all the safety nets required. The limits on independent worker representation meant that these policies could not be challenged by a principal stakeholder, the worker. Some governments emphasized the value of economic and social rights above civil and political rights such as freedom of association and expression.

In this 50th anniversary of the Universal Declaration of Human Rights (UDHR), Amnesty International maintains that not only are human rights universal, but they are indivisible and interdependent. The current crisis has shown how restrictions on freedom of expression and association in many countries in the region have prevented independent voices from

Amnesty International maintains that not only are human rights universal, but they are indivisible and interdependent. In the current social crisis, it has become apparent that the restrictions on freedom of expression and association in many countries in the region has had an impact on the ability of independent voices to scrutinize government policy on social protection issues and raise publicly concerns about the inadequacies of the financial systems in place.

scrutinizing government policy on social protection issues and raising publicly concerns about economic management and issues such as corruption. APEC governments must

⁷ See *Child labour: Targeting the intolerable*, ILO 1996

now learn that freedom of expression and association may cause them a degree of political inconvenience, but contributes to developing a society more capable of withstanding these sorts of economic shocks and building consensus at times of crisis.

In recent visits to the Republic of Korea, Indonesia and Malaysia, Amnesty International has witnessed and recorded the human rights impact of the economic crisis. From the mass deportations of economic migrants in Malaysia, the harassment of trade union activists in Indonesia and Korea, the organization has catalogued a series of violations against the rights to freedom of association and to freedom of expression.

Amnesty International acknowledges the many pressures that governments in the region currently face. It is aware of the lack of control many governments may have over significant portions of their economies. It welcomes moves by Korea and Indonesia to recognize formally trade unions and ratify international labour standards, but believes that these measures will only have effect if they reflect a genuine change in the labour and human rights culture of the countries. Recent events in those countries suggest that the practice has still a long way to go before it matches the recent human rights rhetoric of governments.

At a time when there is much discussion about the creation of a new financial architecture for the world economy, Amnesty International is urging governments to understand that labour rights and human rights are fundamental building blocks. The issues of transparency and accountability are inextricably linked to the safeguards associated with freedom of expression and freedom of association. The ability to scrutinize effectively government legislation and actions require the ability of people or organizations to participate in the discussion freely and without fear for their safety. It also requires the appropriate legal framework where the judiciary is independent and the rule of law secured on relevant international human rights standards.

3. APEC's Response

Since its foundation, APEC has been reluctant to raise the issues of human rights including labour rights, focussing its energy on trade and investment liberalization. The 1997 Vancouver Leaders Declaration emphasized that APEC was "based on three mutually supportive pillars - trade and investment liberalization, business

Since its foundation, APEC has been reluctant to raise the issues of human rights including labour rights, focussing its energy on trade and investment liberalization. The 1997 Vancouver Leaders Declaration emphasized that APEC was "based on three mutually supportive pillars - trade and investment liberalization, business facilitation, and economic and technical cooperation". Since the social crisis spread across the region the response by APEC has been both limited and inadequate.

facilitation, and economic and technical cooperation". Since the social crisis spread across the region the response by APEC has been both limited and inadequate. While the Finance Ministers have met as a group to discuss the crisis, the APEC Labour Ministers have been conspicuous by their absence, not having met since September 1997. The recent APEC ministerial meeting on women held in Manila in October 1998, while welcome, appeared to focus more on women's issues in the business and investment sphere rather than a broader human rights framework. Despite the recognition in the Vancouver Leaders statement of the need to assess the impact of trade and investment liberalisation, APEC has yet to come forward with a significant initiative to deal with the social crisis.

One reason why APEC's response has been so limited is that its current structure has fundamental weaknesses. Key among which is the inability of civil society to participate fully in the APEC process. APEC's formal organizational structure reflects this - it has left little if no room for effective participation and debate by workers representatives and non-governmental organizations. This contrasts sharply with the access accorded to the business community and the organizational arrangements introduced to support their participation such as the APEC Business Advisory Council. In effect, this means that issues which affect civil society are not adequately reflected. Expertise to analyse the crisis and develop solutions are balanced unfavourably towards academic, government and business participants. Labour related issues such as unemployment and social security receive little or no attention. The participation of a wide range of those involved in any crisis is standard practice in the key international organizations - and it arose as a lesson learnt from past ineffective remedies to cure various ills. International organizations such as the World Bank and other parts of the United Nations system have learnt that the involvement of a broader range of actors can improve their capacities to respond to crises.

The issues related to the social impact of the financial crisis have been largely consigned to the APEC Human Resources Development Working Group (HRDWG). The APEC HRD WG has defined its role in response to the crisis as that of facilitator, sharing information, networking and undertaking joint policy analysis, but not in terms of the promotion and protection of human rights and labour standards. While this may help academics and governments to understand better the "social impact of the financial crisis", it does little in practical terms for the person on the street who is going hungry and has no free political outlet for their discontent, or the trade unionist facing arrest for defending the right to protect jobs. The voices of these people are significantly absent from the gatherings to share experiences about the financial crisis. By comparison, the World Bank⁸ has at least recognized that there *is* a social crisis and that civil society has a role to play in addressing it, no matter how effective or otherwise its policies might be.

⁸ The World Bank has created a social crisis homepage on its website - whereas the APEC

On the role of good governance APEC is even more opaque. Good governance has been put forward as a component of the solutions proposed to deal with the financial crisis - even by the International Monetary Fund⁹. Good governance issues such as transparency and accountability, the rule of law and the ability for independent scrutiny of government actions are seen as essential for an effective financial system. Needless to say these issues touch the very foundation of human rights, as the freedom to engage in monitoring and reporting on those issues presupposes freedom of expression and association. APEC has so far failed to play a role in fostering the kind of dialogue and cooperation on these issues that its rhetoric about creating an Asia Pacific community would seem to justify.

4. Case Studies

4.1 Case 1 Korea¹⁰ - from early promise to repression

On 14 February 1998, in response to South Korea's current economic crisis, the National Assembly adopted amendments to South Korea's labour legislation with far-reaching consequences. The legislation paved the way for mass redundancies, leading to high unemployment in a country with very little social security provision. The government argued that the new legislation was necessary to fulfil the conditions for restructuring and labour market flexibility laid down by the IMF when it loaned US\$57 billion to Korea in late December 1997.

website has a lack of public reference to the social crisis.

⁹ Refer to "The IMF and Good Governance", address by Michel Camdessus, Managing Director of the IMF at Transparency International, Paris, France 21 January 1998.

¹⁰ For full details refer to **Republic of Korea (South Korea) Summary of Amnesty International's Concerns and Recommendations to the Government**, ASA 25/27/98, September 1998.

At the same time, the Korean government took the positive step of setting up mechanisms for social dialogue between government, business and trade unions such as a Tripartite Commission¹¹ which was launched in January 1998 and the Tripartite Social Accord, signed 6 February. The government also agreed to granting greater, but not complete, freedom of association for trade unionists. It said that teachers will be permitted to form trade unions from July 1999, (while denying them the right to take collective action), that trade unions will be allowed to participate in political activities from early 1998 and that white collar civil servants will be allowed to form a "consultative body" (as opposed to a trade union) from 1999.

The South Korean Government on becoming a member of the Organization for Economic Cooperation and Development in 1996 undertook to bring its labour laws in line with universally accepted labour standards. But other restrictions on freedom of association, however, continue - for example, multiple trade unions at the enterprise level will be prohibited until 2002 and the Korean Confederation of Trade Unions (KCTU), with a membership of over 500,000, is still not legally registered. South Korea has not yet ratified International Labour Organization (ILO) Convention 87.

Amnesty International's main concern since the new government of President Kim Dae-jung took office has focused on threats, harassment and arrests of trade union leaders who organized strike action and demonstrations to protect their basic rights. The trade unions were protesting against restructuring leading to mass redundancies, inadequate social welfare provision, the failure to prosecute employers engaging in illegal layoffs and the lack of effective consultation between the government, employers and trade unions. Thousands of workers have lost their jobs in South Korea since the start of the economic crisis, few of whom are covered by unemployment insurance. The early positive developments on workers rights are being gradually undermined by the subsequent treatment of trade unionists.

Between early May and mid-August 1998 at least 57 trade unionists were arrested for involvement in a May Day rally, two general strikes and other demonstrations linked to the strike action. They included trade union leaders charged with calling "illegal" strike action and "obstructing company business". At least 200 other trade unionists had warrants of arrest issued against them. In August the KCTU lodged a formal complaint with the ILO, relating to the arrests of trade unionists and discrimination against trade unionists at Hyundai Motor Company.

¹¹ An overview and account of the various social dialogue instruments is contained in "**Social Responses to the Financial Crisis in East and South-East Asian Countries**", ILO paper prepared for the ILO's High-Level Tripartite Meeting, Bangkok, 22-24 April 1998.

In Korea, two general strikes took place in May and July 1998. When the KCTU called the first two-day general strike on 27 May, the government responded by declaring the strike "illegal" and arrest warrants were issued against 143 trade unionists on charges of calling "illegal" strike action and "interfering with company business". After a second general strike from 14 to 16 July a number of trade union leaders were arrested, including KCTU Secretary General Koh Yong-ju, and Choi Yong-kuk, Chairman of the Pusan-Yangsan Regional Council of the Korean Metal Workers Federation, and arrest warrants were issued against over 100 others.

Yoo Duk-sang, the First Vice President of the KCTU, and Dan Byung-ho, Vice President of the KCTU and President of the Korean Metal Workers Federation were two of the many trade unionists to have arrest warrants issued against them. They were accused of leading the two general strikes and the May Day rally. In July they took refuge at Myongdong Catholic Cathedral in central Seoul where Amnesty International's Secretary General, Pierre Sané visited them in September 1998. Amnesty international believes the two men wanted were threatened with arrest for the peaceful exercise of their right to freedom of association. On 19 October, Dan Byung-ho left the cathedral to join a union rally in Seoul. He was promptly arrested. Amnesty International is calling for the immediate and unconditional release of Dan Byung-ho, who it now regards as a prisoner of conscience, and the arrest warrant against Yoo Duk-sang to be cancelled. It is also calling for the release of other trade union leaders held for the non-violent exercise of their right to freedom of expression and association, including those involved in the two general strikes and May Day rally.

The government claimed the two general strikes were illegal under the Trade Union and Labour Relations Adjustment Act because (a) they did not constitute a dispute between an employer and employees (this means that a general strike, as a protest against social and economic issues is technically illegal), and (b) some of the trade unions taking part, such as Korea Telecom union, are considered an "essential public service" and are prohibited from taking strike action. But in both cases, the trade unions had followed legal procedures and had conducted strike ballots.

Before the strike action government officials had issued warnings of a crackdown using the riot police and court action, but the trade union leadership had made efforts to carry out the strike action in a legitimate manner and called for the strike and demonstrations to be conducted peacefully.

By 9 September the number of imprisoned trade unionists had reached 107, all arrested since President Kim took office in February. The number rose dramatically in September following a huge police raid to break a strike occupation at Mando machinery. On 3 September, over 10,000 riot police stormed seven Mando plants, detaining 2400

workers. All were released apart from 39 who were formally arrested. The strike at Mando Machinery had started in mid-August when management declared plans to lay off about one quarter of the work force.

During the raid the police are reported to have used large amounts of tear gas and television pictures of the raid showed policemen beating unarmed demonstrators. Women and children were among those injured and one eye-witness informed Amnesty International that he saw a child being kicked by a policeman.

Amnesty International acknowledges that the government has a responsibility to maintain order and control violence. However it is concerned that very large numbers of riot policemen are frequently used to quell relatively small demonstrations. Although many demonstrations are peaceful, it believes that the outbreak of violence on some demonstrations might be avoided by a less oppressive police presence. The police response to violence at demonstrations has sometimes appeared to be excessive, resulting in injury to both police and unarmed demonstrators.

Amnesty International has also expressed its concern to the government about the use of the National Security Law to arrest 25 trade union leaders, youth and democracy activists on 22 July, just after the general strike. This appeared to be an attempt to link trade union leaders with "pro-North Korean" activities. Using the National Security Law to stifle peaceful political and industrial protest is a method of repression best identified with past authoritarian governments and it is worrying to see this pattern re-emerge under the new government in South Korea.

4.2 Case 2 Indonesia - failing to live up to its promises

B.J. Habibie acceded to power in Indonesia on 21 May 1998 after former President Suharto was forced to resign following the collapse of the Indonesian economy and popular protests against his repressive rule. Confronted with a financial and social crisis of unprecedented magnitude, the new president promised reform, development and respect for human rights. Within weeks of coming to power a number of measures were introduced by the central government which attempted to redress the wrongs of decades of restrictions on peaceful expression, assembly and association. They demonstrated also an awareness by the government that recovery from the economic crisis would have to be built by consensus with key elements of civil society.

Among the first initiatives taken by the new government was the ratification of ILO Convention 87 relating to freedom of association. The ratification of the convention, and the subsequent announcement by the government confirming that workers can form

their own trade unions, brought an end to the monopoly of the All-Indonesia Trade Union (FSPSI)- the only trade union federation recognized by the Suharto regime and opened the way to the formation of new independent trade unions.

Further positive developments included the release on 25 May of prisoner of conscience Muchtar Pakpahan, the leader of the Indonesian Prosperity Union (SBSI), who was completing a four year prison sentence, while at the same time on trial under the Anti-subversion Law. On 12 June another four members of the SBSI - Farah Diba, Kuldip Singh, Widhi and Wandy Nicodemus - were cleared of all charges relating to their participation in an SBSI demonstration in March 1998. They had called for the government to lower prices of staple goods and release Muchtar Pakpahan.

In the area of labour relations the Minister of Manpower, Fahmi Idris, appeared to be responding to longstanding criticisms of military involvement in the settling of industrial disputes. He reached agreement with senior military officials that the military should refrain from intervening in labour disputes in the future.

With these and other measures the Habibie Government demonstrated its awareness of the need for greater respect of human rights as part of the response to the social crisis in Indonesia. It highlighted the need to distance itself from some of the more repressive characteristics of the Suharto era to gain the confidence and trust of the Indonesian people. Yet statements and policies made at executive level have not always appeared to filter down to those who are responsible for implementing these directions. Amnesty International continues to find evidence of incidents of excessive force being used by the military to break up labour demonstrations, restrict the right to freedom of association and intimidate and harass trade union activists.

There is currently a heightened sensitivity around the issue of labour relations as the devastating effects of the economic crisis continue to be felt. The collapse of businesses and the return of migrant labourers from other countries in the region hit by the economic downturn have swelled the ranks of the unemployed. Some economists estimate that the number of unemployed will have reached 20 million or some 21 per cent of the workforce by the end of 1998. At the same time prices of staple goods continue to rise which, combined with food shortages and inadequate food distribution networks, is placing additional pressure on low wage earners and the unemployed.

In this context the previous absence of freedom of association and a genuine social dialogue between labour, business and government becomes even more apparent. The lack of social protection is just one of the many issues which would have been addressed as part of an industrial relations policy. It becomes even more imperative that social dialogue mechanisms are now established and workers representatives are allowed to participate freely and without fear of intimidation to negotiate such issues as conditions of work, employment protection contributions and redundancy benefits. Consensus can

only be built and solutions devised if workers are free to engage in discussions and are seen as part of the solution rather than the problem.

Attempts to claim these rights continue to be restricted. Among the most serious cases is that of Lasimo a worker at an East Java-based manufacturer of household appliances called Maspion who died after some 25,000 striking workers clashed with security forces on 5 June. The strike had been called to demand, among other things, an increase in wages, transport and food allowances. According to reports, Lasimo was among approximately 14 workers injured when demonstrators were confronted by the military and beaten with rattan sticks and guns. He was taken to hospital but died three days later leaving a wife and a five year old daughter. An investigation by the Surabaya Regional Police has been initiated but the results are not known.

Later the same month, on 30 June, the military are reported to have attacked and opened fire with rubber bullets on other striking workers. This time at the PT Gunung Garuda steel factory in Bekasi where over 2,000 workers were calling for the formation of a local SPSI plant level union and a change in their employment status from casual to full-time. Twenty three workers were injured in the incident. On 25 August, another 15 people were injured when the police forcibly tried to prevent protesting laid-off workers from Kartosuro, Central Java-based textile manufacturer, PT Tyfountex from marching to the International Labour Office (ILO) in central Jakarta.

Despite ratification of ILO convention 87 and other commitments made by the Indonesian Government that freedom of association would be respected, in practice unions have encountered difficulties when attempting to register new branches. The SBSI, the largest and best known independent trade union, in particular has faced what has been described as a continuous pattern of refusal to register its plant level unions in clear contravention of the right to association. In cases where SBSI has registered lists of members with the Department of Manpower, there are reports that workers have been subjected to intimidation or even dismissed from employment. The SBSI has also been refused permission to run training sessions or the sessions have been broken up by the authorities.

Such experiences differ little from the treatment experienced by the SBSI under President Suharto's government when its meetings and training seminars were regularly broken up by the security forces and SBSI officials were regularly subjected to intimidation, harassment and some cases imprisonment for attempting to carry out peaceful, legitimate union activities. Similarly, despite directives from the Minister of Manpower, employers appear to be continuing the practice of calling in the military to deal with labour disputes rather than negotiating around the table with union representatives - a practice which continues to result in the death or injury of workers.

4.3 Case 3 China - a growing list of victims

As growth rates in China slow and the authorities begin the task of restructuring state enterprises, the pressures on social protection are becoming more acute. The past few years have seen signs of increased workers activism in China and with it heightened repression by the state.

In China independent trade unions are illegal, suppressed by the government and their leaders imprisoned. The official union, the All China Federation of Trade Unions (ACFTU), is strictly controlled by the ruling Communist party which appoints key union officials. All unions, including enterprise or workplace unions, must have ACFTU approval and be under ACFTU leadership.

The National Security law, the Regulations on Re-education through Labour, and the Regulations on reform through Labour, allow activists who attempt to organize independent labour action to be detained and imprisoned. Re-education through labour (lao jiao) is being increasingly used as a form of administrative detention because it avoids the need for a formal trial and allows local police to hand out sentences of a maximum of three years in a forced labour camp.

People trying to form trade unions or warning about corrupt practices continue to be harassed, detained or imprisoned. As the issues of transparency and accountability in economic decision making become more important the Chinese authorities appear to be restricting the ability of people to report and denounce practices of corruption and social unrest. The catalogue of incidents recorded by Amnesty International over the past year reveal that China is unwilling or incapable of learning one of the lessons of the economic crisis - that freedom of expression and association are fundamental to social protection and managing industrial relations in a period of change.

Protests by workers and farmers in various provinces led to arrests in 1997, but little information has become available about those held. In Guangdong province, for example, about 30 people were arrested in August 1997 following riots in Beixiang by angry farmers who suspected they were being underpaid by the government for their grain. The farmers reportedly rampaged through local government buildings and attacked local officials and police. According to official sources, the arrests were carried out after paramilitary police were sent to restore order, but no further details were given about those arrested or the charges against them.

In Sichuan province, at least nine people were arrested in July 1997 for taking part in two days of large-scale demonstrations by workers in Mianyang. This was the

largest in a series of workers strikes and protests in the province during 1997. According to unofficial sources, police repression of the Mianyang protests resulted in scores of people being injured and dozens arrested. Local officials later denied that any workers had been injured, but confirmed that at least nine people suspected of setting up roadblocks and “instigating the incident”, including one named Wang Guangming, had been detained. No further information was disclosed about their legal status.

Li Bifeng, a labour activist and formerly a cadre in the Mianyang Tax Bureau, Sichuan province, was detained by police on 8 March 1998. He was taken from a taxi at a toll booth while on the way to visit his family. He was reportedly charged with fraud on 6 April 1998. Li Bifeng had been in hiding since July 1997, when he publicized protests by thousands of workers in Mianyang over alleged misappropriation of unemployment funds by corrupt cadres in three collapsed state firms. Li Bifeng publicly denounced the repression of the Mianyang protests in an open letter, then went into hiding to avoid arrest. In February 1998, while still in hiding, he reportedly conducted a public opinion poll on redundancies in Sichuan province. He is believed to be held at Jiangyou City Detention Centre.

Other workers and dissidents have been detained. Some were held for short periods in apparent attempts by police to intimidate or silence them. Shen Liangqing, a pro-democracy campaigner and former assistant public prosecutor from Anhui province who had also appealed to the authorities to investigate the treatment of workers in Mianyang, was taken into police custody on 1 September 1997. Shortly before, in August, Shen had written another open letter to the authorities in Beijing, protesting at an order by local authorities to hand over his house, which was formerly owned by the procuracy, but which, he said, he had purchased in 1993. His girlfriend, Huang Xianqin, was detained at the same time as him for questioning and released shortly after under instructions by police not to reveal where Shen was being held. Shen Liangqing was detained for 46 days without charge at the Hefei No.1 Detention Centre, in violation of the new provisions in the Criminal Procedure Law. He was released “on bail” on 16 October 1997 and placed under “police supervision”. This reportedly included instructions not to leave Hefei and not to give interviews to foreign journalists or issue open letters. In November 1997, he issued a written statement to police demanding that they “admit their errors” for illegally detaining him and that they stop harassing him.

In January 1998, Shen Liangqing co-signed a petition issued by several dissidents demanding the release of Li Qingxi. In February, just a few days before his arrest, he addressed an open letter to the National People’s Congress (NPC) over the anticipated appointment of Premier Li Peng as Chairman of the NPC. He was detained by police on 25 February 1998. In March 1998 he was assigned to two years of “re-education through labour” for “unauthorized contacts” with foreign journalists and human rights groups in Hong Kong and outside China.

Li Qingxi, a 41-year-old unemployed worker from Datong city, Shanxi province, was taken into police custody on 16 January 1998, after publicly posting up declarations calling for free and independent trade unions. On the morning of his detention, Li Qingxi had reportedly taken copies of his declaration to the offices of the mining company where he formerly worked. On 19 January, officials from the Datong City Public Security Bureau (police) reportedly denied that Li Qingxi was detained. On the same day, however, his 14-year-old son, Li Zheng, was asked by police to take personal effects for his father to the Datong No. 4 Detention Centre, though he was not permitted to see his father. In March 1998, he was sentenced without charge or trial to one year of "re-education through labour" reportedly to be carried out "outside the labour camp". His current whereabouts are not known.

On 13 January 1998, Zhao Changqing, a 28-year-old factory worker in Hanzhong, Shaanxi province, was detained as he was trying to stand as a candidate in local elections. Zhao Changqing, who worked at the Nuclear Industrial General Company No. 813 factory in Hanzhong, was reportedly detained in his dormitory and barred from leaving. Ten days later on 23 January 1998, he was reported to have been formally arrested and taken by police to an unknown destination. His family was given no information about his situation.

At the beginning of 1998, Zhao Changqing had reportedly distributed leaflets protesting a ruling by his factory that he was not allowed to take part in local People's Congress elections, due to be held on 14 January. Factory officials had reportedly specified that only Communist Party officials above the rank of Vice Factory Director could stand for election. This contravenes China's election law which stipulates that, with few exceptions including convicted criminals, all adult citizens who are able to gather 10 nominations are eligible to stand for election. Zhao Changqing had reportedly gathered 60 nominations. He had previously been detained for six months following the 1989 pro-democracy protests. He was reported on 22 February 1998 to have been released from jail, but placed under house arrest at his home in Hanzhong. He was reportedly re-arrested on 25 March 1998 from his home and charged on 1 April with "endangering national security". He was reportedly sentenced around September 1998 to three years imprisonment. His whereabouts remain unknown.

Zhang Shanguang was taken from his home in Hunan on 22 July 1998. He was detained for allegedly trying to set up the Society for the Protection of Laid-Off Workers Interests. He was formally arrested on 28 August 1998 after one month's detention. His whereabouts are unknown.

In October of this year, as a sign of further pressure within the labour market, reports indicated that around 200 workers demonstrated against 50 per cent cuts to their

salaries in the Wuhan city. The protestors were former employees of a construction material factory which had been privatised. In another incident 1,200 workers staged a protest in Shiyan, Hubei province. Their company had declared itself bankrupt but had left them with illegal IOUs to the value of 10 million yuan (1.25 million US Dollars) since 1993. Four of the protestors were reportedly arrested for causing a disturbance.

With no independent representation and the lack of freedom to organize and express their discontent workers are unable to engage in debate around social protection measures which should be put into place to protect their jobs, their salaries or provide potential safety nets should they be made redundant.

4.4 Case 4 Malaysia - cracking down on migrant workers

As the regional economic crisis has deepened the fate of migrant workers has become more uncertain. Their status in the host country often means that they face a mixture of inadequate employment protection and political expediency. They can be subjected to mass deportations without adequate legal safeguards, and when held in detention camps, they at times face the threat of ill-treatment by immigration officials and police. In addition, if currency controls are introduced by countries with severe balance of payments problems or as a means to protect domestic currencies from speculative attack, migrant workers' ability to transfer funds to their home countries will become restricted with the knock on effects to informal social support networks in home countries. In some cases, governments have used the excuse of "illegal economic migrants" to deport genuine asylum-seekers and those at risk of grave human rights violations when returned to their home countries.

Governments in sending countries are at times reluctant to act vigorously to defend the rights of their citizens working abroad. Sending countries may place a premium on securing the continued repatriation of foreign exchange earnings of those migrant workers still in employment, and on maintaining the contribution workers' remittances make to social support networks at home. In other cases migrant workers may be reluctant or unable to leave as they may be owed unpaid wages by employers or face possible human rights violations on return to their home countries.

In Malaysia estimates of the number of migrant workers, both legal and illegal, range from over 1.5 million to over 2.5 million. Exact figures are unknown because of the movement of high numbers of unregistered, illegal workers. Thousands of these workers end up in nine detention camps throughout the country. The detainees include both those who entered the country illegally, and those who entered with the necessary papers but were disowned after disputes with their employers - who then withdraw or withhold sponsorship documentation.

Over recent years reports have emerged in Malaysia highlighting the vulnerability of illegal migrant workers, many of them women, to unscrupulous or abusive employers and to corrupt immigration officials and police. Migrant workers detained in official camps for breaking immigration laws have also reportedly faced ill-treatment and harsh conditions.

In August 1995, as a result of a research project into health and HIV/AIDS issues in the migrant detention camps, a Malaysian women's non-governmental organization (NGO), Tenaganita, headed by Irene Fernandez, published a report alleging medical negligence and abuse. During the course of a year, Tenaganita staff interviewed over 300 migrant workers following their release from detention as alleged illegal immigrants at various camps including Semenyih, Juru, Kelantan, Johore and Melaka. Most of the migrant workers interviewed are believed to be of Bangladeshi, Indonesian or Filipino nationality.

Tenaganita's report detailed allegations of a pattern of abuses in the camps, including a series of deaths reportedly caused by malnutrition, beri-beri and other easily treatable illnesses. The majority of the former detainees interviewed are alleged to have been suffering from dehydration and malnutrition on their release. Many claimed to have been beaten or made to stand in the sun for hours if they asked for water. There were also allegations of sexual abuse of female detainees. Medical treatment was claimed to have been denied to sick detainees.

Following publication of Tenaganita's report, former Deputy Minister of Home Affairs, Datuk Megat Junid Megat Ayob, announced in September 1995 the appointment of a visitors' panel to study conditions in the camps. To date, however, the visitors' panel has failed to publish a report of its findings. In April 1996 the Ministry of Home Affairs admitted that as many as 71 detainees, including 37 Bangladeshis, had died in camps for detained migrants since 1992. However, the Ministry claimed that medical reports showed that the deaths were not caused by any abuse or torture and dismissed all allegations of sexual abuse of female detainees.

Since 1996 through to 1998, Amnesty International has been concerned about the case of Irene Fernandez, director of Tenaganita, who was arrested on 18 March 1996 and charged under Section 8A(1) of the Printing Presses and Publications Act¹² with

¹² Section 8A(1) of the Printing Presses and Publications Act stipulates that "Where in any publication there is maliciously published any false news, the printer, editor and the writer thereof shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or a

publishing “false news” in the report mentioned above. She is currently on bail as her trial enters its third year and, if found guilty, faces a prison term of up to three years. Should she be imprisoned, Amnesty International believes Irene Fernandez would be a prisoner of conscience imprisoned solely for the peaceful expression of her opinion in defence of the rights of migrant workers.

Concerns over the treatment of migrant workers were again highlighted when, on 26 March 1998¹³, Malaysian police mounted a major operation to deport more than 500 Indonesians from four heavily overcrowded immigration detention camps. Eight Indonesians and a Malaysian police officer were killed in violent clashes, an unknown number people were injured and many are believed to have been transported suffering from serious injuries. The authorities have refused to allow independent monitors to assess conditions in the camps, or to launch a public inquiry into allegations of excessive use of force by immigration and police officers during the deportations.

The forced deportations took place as the Malaysian authorities stepped up efforts to stem the tide of economic migrants from neighbouring Indonesia, fleeing escalating unemployment, food shortages, rising prices and social unrest. According to press reports, about 17,000 alleged illegal immigrants, the majority from Indonesia, had been detained in the camps by March 1998 as domestic pressure mounted on the Malaysian authorities to deal with Malaysia’s own growing economic crisis. The authorities continue a rolling programme of deportations, with reports of at least 200,000 migrant workers targeted for removal from Malaysia by the end of 1998.

Amnesty International has particular concerns that the deportation operation conducted on 26 March 1998 appeared to be focused on Indonesians from Aceh province. Although some of the Acehnese targeted may indeed have been economic migrants, many others were genuine asylum-seekers, seeking refuge in Malaysia from persecution in their home province. The organization remains concerned that those returned to Aceh, where the political and security situation remains uncertain, remain at risk of serious human rights violations, including incommunicado detention, torture, extrajudicial executions and “disappearances”.

In an action which caused further disquiet the Malaysian authorities refused the United Nations High Commissioner for Refugees (UNHCR) access to 27 Acehnese who sought protection in the Swiss, French and Brunei diplomatic compounds in Kuala

fine not exceeding RM20,000 or both.”

¹³ For further details refer to Amnesty International, **Malaysia: Asylum-seekers at risk in mass deportation of economic migrants**, ASA 28/09/98, 2 April 1998

Lumpur on 10 April 1998 and were subsequently handed over to the Malaysian authorities. The men were held incommunicado in Bukit Aman federal police headquarters in Kuala Lumpur and were reported to have been subjected to torture and beatings after arrest and during interrogation.

The UNHCR considers them to be in need of protection as refugees on the grounds that their situation resembles that of another group of 14 Acehnese, who sought refuge in the US embassy and the UNHCR compounds in Kuala Lumpur on 10 April and 30 March respectively. These 14, who were allowed to remain temporarily in the compounds, are currently being resettled in third countries having had their cases assessed by the UNHCR.

Amnesty International learned that six of the 27 Acehnese held at police headquarters were *refouled* to Aceh on 9 September and another seven on 7 October. The organization is currently seeking further information regarding their situation. There are continuing fears that the remaining 14 asylum-seekers face imminent *refoulement* to Aceh, where they may be at risk of serious human rights abuses.

Amnesty International recognizes the economic problems being faced by Malaysia and the authorities' responsibility to manage migration flows, but urges the Malaysian government to deal with these issues in a manner which does not violate internationally recognized human rights standards, which include the principle of *non-refoulement*. Access to the migrant detention centres and police stations by UNHCR representatives and other monitors is required to assess detention conditions and the validity of claims of refugee status. These visits must be accompanied by open and prompt investigations into continued reports of human rights violations in the detention centres.

5. APEC and the Social Crisis

Since the onslaught of the economic crisis APEC has seemed largely impotent to address the key issues of the region. Only in November 1997 the APEC Economic Outlook was predicting "sustained but moderating growth in Asia Pacific". The 1997 Vancouver Leaders Declaration announced that "the prospects for economic growth in the region are strong". A prisoner of its own growth rhetoric it took an inordinately long time before the organization could admit that the region was in deep crisis.

Subsequent analyses of the social impact of the financial crisis have tended to identify issues which have always been present in the region, but which took the collapse of the financial system to be given international prominence. Many members states have had ongoing political and social tension of varying degrees for many years now, exemplified by the continuing human rights violations against trade unionists, worker

organizers and human rights defenders. In many APEC member states, legal and institutional development has lagged behind rapid social and economic transformation.

The crisis has seen belated recognition that the rule of law, good governance, transparency and accountability in the financial systems, are inextricably linked to the lack of basic human rights and labour standards in the countries of concern. Genuine sustainable development can only be achieved in societies where freedom of expression and association are respected and protected. APEC has to ensure that the foundations for recovery are not built on the sands of political expediency, only to be washed away during the next economic storm.

In its response to the crisis, APEC should be guided by the following principles:

a. *Recognition of legal obligations*

Activities by APEC member states should be conducted with full respect for human rights, including labour rights. APEC members states should ratify and implement international human rights and labour standards. They should always comply with human rights obligations, deriving both from treaties and general norms, as well as policy commitments they have undertaken in the Vienna Declaration and Programme of Action.

They should explore the extent to which their cooperation within the APEC context provides opportunities to honour those obligations, both within and outside APEC as well as at the national level. Basic human rights and labour rights must become an integral part of APEC activities and fully permeate all activities of APEC

b. *Universality and Indivisibility*

APEC should always uphold the principle that human rights are universal in nature and must be respected by all States and applied to all individuals. Civil and political rights cannot be separated from economic, social and cultural rights. The process of development should entail the realization of the full range of human rights.

c. *Transparency and Participation*

In its activities APEC must pursue a policy of transparent decision-making. This requires the release to the public of more information about APEC's activities, including its working groups. It also requires greater access to the APEC process by the broad range of non-governmental organizations as representatives of civil society, not only academics and business.

In the short to medium term there are four interdependent areas where APEC can take action now: through political leadership, by supporting ratification and implementation of international standards on human rights and labour, by changes to its structure and by support for civil society.

5.1 Political leadership

Through its profile as the only region wide body APEC can give greater political weight to the social dimension of the crisis. It should ensure that social issues are addressed at ministerial meetings and in particular convene a meeting of Labour Ministers as a matter of priority to adopt concrete measures for the promotion and protection of workers rights¹⁴.

It should also ensure that follow up meetings on women include a broader discussion of women in a human rights framework.

APEC prides itself on being an ongoing process flexible enough to react to changes in the region and adopt policies to meet the challenges. The 1998 APEC Leaders Meeting provides such an opportunity for APEC leaders to demonstrate that they are indeed responsive to the needs of the broader community in which APEC operates.

5.2 Weaknesses of APEC structure

The ongoing crisis has revealed defects in the organizational capacity of some APEC structures to take concrete action. The human resources development working group in particular has a responsibility to ensure that issues of a social nature have their place at the APEC table. Omitting the issues of human rights and labour standards has meant that the response from the human resource development working group is failing to grasp the underlying issues. The lack of freedom of association or expression in the APEC member states is a major limiting factor on human development in the region. One role that the human resource working group could begin to play is to contribute to cultivating a new culture of industrial relations in the region, based on dialogue, recognition and respect for a broad range of differences and a willingness to work together to strike an acceptable balance between economic considerations and social needs. The role of the ILO in the Human Resource Development Working Group is welcome, but it needs to encompass further the diversity of views still not been heard. It must widen its formal links to the trade union and non-governmental organization community.

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Since the economic crisis spread throughout the region, APEC has not called a Labour Ministerial meeting. The Government of the United States of America agreed, after the last Labour Ministers meeting in Seoul in September 1997, to host the next meeting sometime before the year 2000. It should host a meeting as soon as possible. The lack of a ministerial meeting may be interpreted by some as reflecting the importance that APEC attaches to the issue. It may also be viewed, given the prominence attached to the Finance Ministers Meeting, that APEC believes that changes to the financial architecture are all that is required to return to the period of high growth rates and employment creation.

The issues of transparency and accountability apply equally to the APEC process. Due to the restrictions on participation and the lack of parliamentary scrutiny of the APEC process, members states have been under no pressure within APEC to respond to public concern and pressure. The glaring lack of reference to labour and human rights issues in the leaders' statements, even when labour and human rights violations have accompanied meetings, can only re-inforce this impression that somehow APEC is losing touch with those it purports to help.

5.3 Ratification of international human rights and labour standards

A key component of strengthening the rule of law, transparency and accountability, and institutions that can deal with change are the rights to freedom of expression and association. As a start APEC can encourage member states to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the seven "core" conventions of the ILO. APEC members must recognize that these are not industrialised country standards which require great leaps in development to attain or which restrict their comparative economic advantage, but benchmarks which reflect the common values of dignity and freedom.

These standards assert the right of workers to form and join trade unions and to negotiate conditions of employment that are fair and appropriate for their country's level of development and meet their needs of basic requirements such as food, health and shelter. They outlaw forced labour or slave labour, which prevents workers from having any say in where they work or in the terms of their employment. They seek to end discrimination in employment based on for example gender, nationality or ethnicity. They seek to end the commercial exploitation of children and provide a framework of international cooperation to support those dependent on child labour.

In the 1997 Leaders statement, APEC reflected on the coming 50th anniversary of the General Agreement on Tariffs and Trade, 1998 is also the 50th anniversary of the Universal Declaration of Human Rights and ILO Convention 87 on Freedom of Association, APEC has an opportunity in November at Kuala Lumpur to affirm its commitment to the principles which underpin basic human rights.

5.4 Supporting civil society

Members of civil society are often the victims of the crisis and yet are absent from consultations about the solutions. APEC's model of engagement must be reviewed. APEC's engagement with civil society should be the norm rather than exception. APEC needs to regard civil society as its partner rather than an adversary. The participation must be wide ranging and reflect a broad range of expertise and experience in the region. APEC can learn from the various experience of other international organizations such as the UN

“Civil society constitutes a major and increasingly important force in international life. In recent years, the United Nations has found that much of its work, particularly at the country level involves intimately the diverse and dedicated contributions of non-governmental organizations and groups - be it in economic and social development, humanitarian affairs, public health or the promotion of human rights.”
Kofi Annan, *Renewing The United Nations: A Programme For Reform, Report of the Secretary-General.*

system, the ILO and the World Bank which have come to recognize that contributions from civil society have improved the quality and legitimacy of their work. In those organizations there is an explicit acknowledgement that civil society can make a contribution to monitoring, reporting and investigating issues. They also recognize that civil society is a resource of expertise and experience on various issues and that their engagement is key in order to get social acceptance for project and policy decision-making. Civil society can be key to the policy formulation and strategy process.

APEC partnerships with international and local NGOs could assist in public consultation, the design and implementation of projects and assessment of the impact of the crisis and the effectiveness of the counter measures taken. New tripartite relationships such as between NGOs, government and business can be formed on sectoral issues were APEC to facilitate with technical expertise.

6. Recommendations

Amnesty International makes the following recommendations for steps APEC can take to help serve human rights, including labour rights, both in the midst of the current crisis and for the future. They are not intended to be all encompassing, but rather a starting point for a human rights dialogue between APEC and civil society.

6.1 Show Political Leadership

As a first step the APEC 1998 leaders statement should:

- Emphasize that the region faces a social crisis with human rights consequences as well as a financial crisis.
- Call for APEC ministerial meetings and working groups to address the impact of the crisis on human rights, including labour rights.
- Call for a follow up meeting on women to include the broader human rights framework.
- Highlight the importance of legal protection for human rights in models of good governance for dealing with the crisis.
- Emphasize the importance of social partnership and dialogue in dealing with the social crisis, including through wider involvement of civil society in APEC mechanisms.
- Emphasize the importance of freedom of association and expression for economic development and industrial relations.
- Recognize the 50th anniversary of the Universal Declaration on Human Rights and the ILO Convention 87.
- Affirm that the principles of international human rights standards and the principles of universality, indivisibility, transparency and the participation for civil society will guide the activities of APEC.
- Support publicly the ILO Declaration on fundamental principles and rights at work and its campaign on “core” labour standards.

6.2 Ratify and Implement International standards on human rights and labour

- Call on APEC member states to ratify and implement international human rights standards in national legislation, in particular the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- Call on APEC member states to ratify and implement the seven ILO “core” conventions in national legislation, namely ILO Conventions No 29 Forced labour Convention - 1930; No 105 Abolition of Forced Labour Convention -

1957; No. 87 Freedom of Association and the Protection of the Right to Organize Convention - 1948; No. 98 Right to Organize and Collective Bargaining Convention - 1949; No. 100 Equal Remuneration Convention - 1951; No. 111 Discrimination (Employment and Occupation) Convention - 1958; and No. 138 Minimum Age Convention - 1973.

- Support the Vienna Declaration and Programme of Action.
- Support the Beijing Declaration and Platform for Action.
- Set public time frames for APEC member states to ratify and implement the ILO “core” labour standards and key international human rights standards and include in the Individual Action Plans a report on ratification and implementation of ILO “core” conventions.
- Call for ratification of the International Convention on the Protection of the Rights of All Migrant Workers and their Families.
- Support the ILO Declaration on fundamental principles and rights at work.
- Support publicly the drafting of the new ILO convention to deal with the worst forms of child labour.

6.3 Undertake organizational and policy changes to make the APEC process more transparent and accountable

- Increase the public release of information on APEC processes, including the work of the working groups.
- Working groups to provide official access to receive information from a wider range of sources where governments have restricted access for civil society participation and views.
- Working groups to seek actively to encourage wider participation by civil society.
- Ensure that those involved in designing and implementing labour market policies are educated on basic human rights principles, including ILO Conventions.

6.3.1 To the APEC Human Resources Development Working Group(HRD WG)

- Introduce the impact of the social crisis as a specific programme of work for the human resources development working group.
- Enhance the Role of APEC HRD WG to include - monitoring, reporting and overseeing implementation of freedom of expression and association, working with other agencies, international and national NGOs.
- Extend the brief of human resource development to include labour rights issues related to migrant workers, women and children and where necessary create mechanisms specifically to address these issues.
- Introduce information on ratification and implementation of international human rights standards, particularly on freedom of expression and association, as part of the work of the human resources working group.

6.3.2 To the APEC Business Advisory Council (ABAC)

- Emphasize the role that ABAC has to play in ensuring that ILO Conventions are implemented by businesses.
- Enhance the Non-binding Investment principles to include core labour standards and basic human rights principles.
- Initiate a dialogue between business and civil society on ways to address the social crisis.
- Produce guidelines for companies on compliance of human rights and labour standards in cooperation with relevant APEC working groups, trade unions and NGOs.
- Produce a code of conduct for business based on human rights principles in cooperation with the relevant APEC working groups, trade unions and NGOs.

6.4 Support the role of Civil Society

- Encourage members states to engage more fully in dialogue on social issues with a broad range of civil society such as Trade Unions, NGOs, community organizations and educationalists.
- Ensure that representatives to APEC working groups reflect the broad range of actors on the particular issues in the country.

- Ensure that where civil society is restricted that the views of those unable to participate can be included.