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*Lawyer and Director of the Trade  
Union Rights Centre, Indonesia*

## Ozlem Yildirim

*Policy Officer, International  
Department,  
CGT France*

## Director

*Daniel Blackburn, MA, barrister*

## Researcher

*Ciaran Cross, LL.M.*



## International Centre for Trade Union Rights

*Centro Internacional para los Derechos Sindicales  
Centre International pour les Droits Syndicaux*

Address: 177 Abbeville Road, London SW4 9RL, UK

Tel: +44 (0) 20 7498 4700

Fax: +44 (0) 20 7498 0611

E-mail: [ictur@ictur.org](mailto:ictur@ictur.org)

Web: [www.ictur.org](http://www.ictur.org)

ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violations  
around the world

### By e-mail:

[info@pmo.gov.pk](mailto:info@pmo.gov.pk)

[mail@supremecourt.gov.pk](mailto:mail@supremecourt.gov.pk)

[contact@molaw.gov.pk](mailto:contact@molaw.gov.pk)

[minister@molaw.gov.pk](mailto:minister@molaw.gov.pk)

[secretary@mohr.gov.pk](mailto:secretary@mohr.gov.pk)

### Attn:

**Nasirul Mulk, Caretaker Prime Minister  
Prime Minister's Office, Islamabad  
Pakistan**

### CC:

Mr. Mian Saqib Nisar, Chief Justice Of Pakistan

Roshan Khursheed Bharucha, Caretaker Minister for Human Rights

Syed Ali Zafar, Minister for Law and Justice

Clément Nyaletsossi Voule, United Nations Special Rapporteur on the  
rights to freedom of peaceful assembly and of association

## August 2018

Dear Prime Minister Nasirul Mulk,

The International Centre for Trade Union Rights is writing to express its concerns over remarks reportedly made by Chief Justice Saqib Nisar in July. It is understood that the Chief Justice declared publicly that, if the Constitution of Pakistan did not permit trade unions, he would have banned them.

ICTUR wishes to remind the government and the Chief Justice that the rights of workers to freely organise in a trade union are not only protected under Article 17 of the Constitution of Pakistan, but also enshrined in the fundamental International Labour Organisation (ILO) Conventions, all of which Pakistan has ratified. ICTUR notes that the ILO's Committee on Freedom of Association has identified that 'pressure exerted on workers by means of public statements made by the authorities' constitutes a method of anti-union discrimination, which 'jeopardizes the right of workers set out in Convention No. 87, Article 2, to establish and join organizations of their own choosing.' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 342). The Committee has furthermore emphasised the importance of 'an independent and impartial judiciary in all cases' (*ILO Digest*, para. 109).

The Chief Justice is the head of the judiciary and the official custodian of constitutional and human rights in Pakistan, mandated by the Constitution to ensure that fundamental rights are protected and that infringements of such rights are remedied. Discussing the judicial abolition of trade unions clearly both threatens the exercise of workers' freedom of association and casts a long shadow on the independence and impartiality of Pakistan's judiciary.

**ICTUR urges on the Chief Justice to issue a public withdrawal of his statement, and to clarify that workers' freedom of association and assembly are protected under international labour and human rights law, and are of fundamental importance for the exercise of democracy and the pursuit of social and economic justice. The Pakistani government should further issue a clarification on the rights of workers to form or join trade unions, and publicly disavow the statement of the Chief Justice.**

ICTUR further calls on the government to undertake all necessary measures to ensure that it complies with Pakistan's international obligations, and to protect the fundamental freedoms of workers to join and form unions and take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director