**ARREST AND DETENTION**

- **Trade unionist has been arrested**
  - “The arrest of trade unionists may create an atmosphere of intimidation and fear prejudicial to the normal development of trade union activities.”

- **Charged?**
  - **YES**
    - **Charged with violation of ordinary criminal law?**
      - **NO**
        - **NO**
          - **NO**
            - **NO**
              - Is the charge related to trade union activities or membership?
                - **YES**
                  - “The detention of trade unionists for trade union activities or membership is contrary to the principles of freedom of association.”
                - **YES**
                  - Is there reason to believe the charge is a pretext?
                    - **NO**
                      - “The arrest of trade union leaders against whom no criminal charges are laid involves restrictions on the exercise of trade union rights.”
                    - **YES**
                      - “Although the exercise of trade union activity or the holding of trade union office does not provide immunity as regards the application of ordinary criminal law, the continued detention of trade unionists without bringing them to trial may constitute a serious impediment to the exercise of trade union rights.”

- **NO**
  - “Anyone who is arrested should be informed, at the time of the arrest, of the reasons for the arrest and should be promptly notified of any charges brought against her or him.”

- **Is the charge related to trade union activities or membership?**
  - **YES**
    - “While persons engaged in trade union activities or holding trade union office cannot claim immunity in respect of the ordinary criminal law, trade union activities should not themselves be used by the public authorities as a pretext for the arbitrary arrest or detention of trade unionists.”
  - **NO**
    - **NO**
      - **NO**
        - **NO**
          - **NO**
            - **NO**
              - “The detention of trade unionists for trade union activities or membership is contrary to the principles of freedom of association.”

- “If in certain cases the Committee has reached the conclusion that allegations relating to measures taken against trade unionists did not warrant further examination, this was only after it had received information from the governments showing sufficiently precisely that the measures were in no way occasioned by trade union activities, but solely by activities outside the trade union sphere that were either prejudicial to public order or political in nature.”

- Consider FOA recourse

*CFA Compilation of 2018*, para. 120, 126, 129, 132, 144 and 182.