



**CENTER FOR TRADE UNION & WORKERS SERVICES
(CTUWS)**

Honored the French Republic's Human Rights Prize

Returning to point zero
Report about Violations for Union Freedoms

1/1/2016 – 1/6/2016

Cairo/ Egypt

Helwan- Mohammed Said Ahmed st.- Petrogas buildings- Alexandria building- Second Floor –

Apartment No. (2)

Tel: (2) 01220532488

E-mail : ctuws.ctuws@gmail.com

Tel & Fax : (202) 25593932/25593929

In this report The Union and Workers Services Centre monitors current trends of the authorities and their position regarding union freedoms. Through the facts and events that took place during the past six months, we shall see how authority is moving to squash union freedoms on two main levels: -

The first level:

To squash and liquidate independent unions. This has been disclosed by successive resolutions issued by government agencies criminalizing independent unions and besieging its work by preventing any departments of the state to deal with the independent unions. The authority also deals with cruelty with leaders of workers who demanded legitimate rights of workers.

The second level:

The Egyptian state is acting clearly and unequivocally to revive the governmental union and empower its men. This was clear through the imposition of five members of the administrative committee as members of parliament through their nomination to the list "In love with Egypt" backed by the state. And once again the minister of labor was appointed among members of the administrative committee to manage the affairs of the union.

Ministry of Interior faces independent unions

The current authority returned once again to the policies of Mubarak's regime with the same mechanisms and men. This is how the current authority announces it to Egyptians in the face of aspirations of workers who opened up their hopes for freedom after the revolution of 25 January, 2011, and in spite of the constitution. Egyptian workers have no right to form their unions freely and with all crudeness the state is working to return to one union organization, one that follows the authority and has no relations whatsoever with workers, their demands and their rights.

The year 2016 was seen as a year for the siege of independent unions and flagrant violation of every constitutional article which gives the right to people to organize union work. In March this year, the state issued a decision to cease the adoption of the seals of a number of independent unions at all levels and on any papers prohibiting any dealing with them and considering them illegal entities. As decree No. 6 for the year 2016 issued by the Ministry of Interior, Department of Civil Status specifically, a booklet was issued about the cessation of adoption of seals of independent unions. The booklet was signed by Major General Ihab Abdel-Rahman, assistant to minister of industry, department of civil status, and directed to managers of civil status departments of the police [managers of information and documents centers - directors of departments and heads of departments in the headquarters - managers of card issuing centers] asking them to take into account the following: "Stop the adoption of seals of independent unions of all denominations to register professions on national ID cards including all previous circulars issued in this regard, the obligation to prove professions and skill levels according to certificates issued by the Ministry of Manpower. For occupations that are not issued by the cabinet and is subject to decisions to measure the skill level, a letter by the labor office in the area of residence of the worker and the adoption of social insurance, establish career of workers by social security or specialized public unions (General union of building and wood workers, General union for engineering and electrical industries). "

This decision was considered a blow to the experience of independent unions after a long series of conflicts that have lasted nearly five years between independent unions and the state

represented by the Ministry of Manpower in the past, and today with the Ministry of the Interior and Social Solidarity which have entered as new parties to the ongoing conflict involving union and labor rights.

The most dangerous thing in this booklet is not the procedures - as important as they are - but in the directives and their goal of "closing the door to the unions and illegal entities that carry similar names." Therefore, discussing this booklet does not stop when the adoption of the seals of independent unions stop but clearly illustrates the hostile attitude of the state regarding freedom of unions.

The decision of the Interior Ministry to ban dealing with independent unions and entities and consider them illegal at the request of the Ministry of Manpower as such unions are not subject to the provisions of law 35 for the year 1976 which organizes union action and confiscates union freedoms. Article 13 of Law No. 35 for the year 1976 which is related with the organization of union action in Egypt, states that the employed workers in one professional groups, similar industries, interrelated and shared in one produce have the right to form one union in the republic without the other. Although this is a breach of articles 76 and 93 of the constitution concerning the right of workers to form their unions and to choose which union to join, while article 76 stipulates that the establishment of unions and federations on a democratic basis is a right guaranteed by law. It shall have legal personality, operate freely, contribute to raising the level of competence among its members, defend their rights and protect their interests. The state shall guarantee the independence of unions and federations, and that their boards are not to be dissolved without a court order.

As is the decision of the Interior Ministry referred to violation as stated in the Declaration on Fundamental Principles and Rights at Work adopted in 1998, the International Labour Organization, which applies to all countries, especially Convention No. 98 of 1949 which prohibits the employer or his agent from interfering in the affairs of trade unions and its alignment to the union at the expense of other.

The aforementioned decision of the Interior Ministry is considered a violation of the Declaration of Fundamental Labor Principles and Rights adopted in 1998 by the International Labor Organization which applies to all countries, especially Convention No. 98 of 1949 which prohibits the employer or his agent from interfering in the affairs of unions and its alignment to one union at the expense of other.

The most dangerous thing is that periodical booklet was also on the book of the General Directorate of Technical Office of the Minister No. 3721 dated 17.2.2016 containing the conclusion of the national security sector of the failure to adopt seals of independent unions to prevent the issuance of official documents. It is difficult to believe that the opinion of the National Security to "activate the mechanisms that contribute to the development of service sectors" or the achievement of "discipline in proving professions". The matter here is related to the purpose of "closing the door to the illegal unions and entities that carry similar names". The more dangerous aspect here is dealing with the unions from a security perspective, a perspective we have experienced for a long time which sees in every initiative or independent organization a potential threat that should be disposed of or subjected to the government or the security services. A security perspective does not recognize the civil society and its organizations or vocabulary. Nothing is away from the government and nothing is not subject to control and domination.

Parliamentarians Against Union Freedoms

The parliament, in its session held on May 22, 2016, headed by Dr. Aly Abdel Aal, agreed to the suggestion to amend some of the rules of the labour union laws. The suggestion was presented by a number of representatives – 88 representatives among them members of the

labour committee- during the first week of the same month. The content of the suggestion was to cancel decree law number 97 for the year 2012 and extending the union term to six months starting on May 28th and November 11th 2016 or until a labour union law is issued, whichever comes first. This approval came after the suggestion was referred to the labour committee for their opinion where it was approved by all members of the committee. By approving this law, article number 42 of law 1976 stating (if the seat of a member of the board of any union organization is vacated for any reason, the nominee following him in the number of votes replaces him. If board members were selected by acclamation, the board continues its activities as long as it has not lost more than a third of its members. In this case the general assembly is called for in thirty days to take the necessary measures to complete the number of board members. In all cases the term of the new member is equal to the term remaining for his predecessor) and added article number 23 to the law number 35 for the year 1976 stating (the unemployed worker retains their membership in the general union if he had been a member for one year at least. In this case he is exempted from paying the membership of the union while unemployed. Members who retire due to disability or to reaching retirement age may retain his membership in the general union on the condition that he continue to pay the membership fee. A person who reaches the legal retirement age may enter into a job in the union classification without a time gap. They may also vote and be nominated in the union bodies and in all cases the board member may continue his term). Additionally the third article specifies (the current union term on the boards of labour union organizations is to be extended for a period of six months starting on the day that the current union term ends or until the union law is issued, whichever comes first).

As for the reasons and justifications for the presentation of this draft law and its approval as it was mentioned in the report prepared by parliament member Gebaly Al Maraghy, the head of the labour committee and presented during a parliamentary session: avoiding a legal void when the term of the board of directors comes to an end according to the law of labour unions. It also aims at correcting what was corrupted by the Muslim Brotherhood through law decree number 97 for the year 2012 as a consequence of which union members were deprived from retaining their membership in unions and participating in elections as voters or nominees to the board of directors of unions.

It is clear from all previous indicators starting with the presentation of the suggestion and the reasons for it and the speed by which it was approved by the parliament, that the parliament is interested in preserving this institution. An institution that it considers the official union formation even if it has lost its legitimacy due to the annulment of the elections of its current term including all its formations according to constitutional law number 220 for the 19th judicial year that was issued on Sunday April 1st 2012. Additionally there are over 100 verdicts against the elections and the decisions organizing all of them especially the verdicts for the higher administrative court numbers 1827 and 3469 and 4328 for the judicial year 61. According to the previously mentioned the former cabinet in its session number 20 held on August 4th 2011 decided to annul the board of directors of the Egyptian Labour Federation.

Despite the truth of the allegation that the law decree number 97 for the year 2012 that amends law number 35 for the year 1976 issued during the rule of the Muslim Brotherhood aims at empowering them, there was also the amendment presented by the labour committee in the parliament to annul the provisions of the law decree number 97 for the year 2012 and the reinstating of law number 35 for the year 1976. That in turn detailed and aimed at empowering a number of the members of the administrative committees (known as boards of directors) – who are about to retire- to continue in their positions after they reach 60. This explains the rush to amend the law that we are supposedly about to annul and issue a new law.

As the demand that Egyptian workers fought for is the abolition of legal restrictions on the right to form unions independent from the official union organization imposed on them, and enabling them to cultivate entities that represents them and expresses their interests, to keep the General Federation of unions for Egypt workers with the same image is fruitless and the system must be changed.

Against the constitution

Since the establishment of the independent union of real estate taxes and the general union for pensioners and the general union of health sciences in the period between 2008- 2010 outside of the framework of the governmental union federation, conflict is still on going between these unions and the ministry of labour until the Ahmed Al Borai issued the labour freedoms law on March 12th 2011 which opened the door for workers to establish their own independent unions, it is the law that has been described by unionists as the law of trade unionists as the most advanced and sophisticated project. Successive Egyptian governments began to force the independent unions to make concessions and imposed new arbitrary limitations on union freedoms including the draft law prepared by former Minister of Manpower Nahed al-Ashry (2014- 2015) was the most important as it imposed prison sentences for anyone who founded a union without consent. In addition the independent unions were unable to deduct from the salaries of its members and people registered within those unions were not allowed to represent their colleagues in national councils and during negotiations with employers.

The current government is not satisfied with the limitations imposed on independent unions and the disruption of constitutional articles that allow the right to organize, but at the beginning of 2016 former Minister of Manpower Gamal Serour in February 2016 said that he would prepare a draft of a new law that does not recognize "independent unions" (Al Masry Al Youm, February 4, 2016). Current minister Mohammed Saafan, who replaced Serour in the last cabinet reshuffle, said the same thing in March 2016 and said that he did not recognize such entities in the justification for his refusal to meet with delegations from independent unions (Human Rights Watch's report 0.2016).

The conflict between independent unions and successive governments did not stop at this point, but extended to a legislative struggle in a serious setback of articles of the constitution which guarantees the right to freedom of association where the legislation committee in the Egyptian parliament prepared a draft law to dissolve all the independent unions and sent it to the government as stated by the MP Jebali al-Maraghi, who is also the chairman of the management committee which manages the General Federation of Unions of Egyptian workers and the chairman of the labor committee in the parliament (Al-Watan, February 11, 2016).

Until regulations to squash independent unions are issued and restores the struggle between workers and the state to point zero, waiting is not acceptable. The regime rushed to have its supporters file lawsuits at the Administrative Court to undermine the gains won by independent unions in its struggle. Head of the "General Union of Workers of Finance, tax and customs", a subsidiary of the General Union, recently filed a lawsuit with the administrative court demanding the dissolution of independent unions. A verdict is expected on 26 June.

This is in addition to what the ministries of solidarity and manpower mentioned about scrutiny of the funds for independent union after "monitoring contacts between the unions and a number of entities and international donor organizations to inflame protests within the labor circles" according to a statement the two ministries published in Al-Ahram newspaper on April 17.

Siege of Independent Trade Unions

- Taking advantage of the booklet issued by the Secretary General of the Council of Ministers on November 25, 2015 and under the guise of directions of the president, the General Union of Railroad Workers in Egypt, with the blessing of the management committee of the Federation of Union of Egyptian Workers to apply to the head of the Egyptian Railway Authority asking him to withdraw all headquarters allocated for independent unions and disable their role to serve its members and the interests of the public good. In spite of that, there is no indication from near or far to the President of the Commission issuing a decision in this regard. An internal memo from the Director General of administrative Affairs of the underground was issued on 16 / 1/2016. Based on a photocopy of the booklet of the Chairman of the General Union dated 12.2.2015, the underground management complied to the orders of the General Union and the note requesting the withdrawal of the independent unions' headquarters for employees underground in an unprecedented event. This is a back track by the administration from the previously agreed upon allocation of the office so that the union can function in a normal atmosphere and serve its members. It is also considered a bias of unions towards the administration which has proven unsuccessful for nearly 60 years. Thus the subway management is shutting mechanisms of cooperation, consultation and dialogue to resolve the problems of workers and improve the terms and conditions of their work.

- In the framework of the ongoing attack on independent unions, director of Children's University Hospital at Mounirah (Abu al Rish) on 28 March, 2016 issued a decision to form a committee to retrieve the independent union headquarters and ordered the confiscation of seals of the union which is flagrant interference from the hospital management in affairs of the union despite the fact that the union had provided management of the hospital with all the official paperwork to prove its existence as an independent and legal entity since its inception on 19 October, 2011 representing the members who joined it. Its general assembly was held and a board was elected on 04.22.2013. It is worth noting that the union repeatedly demanded that the hospital administration deducts union subscription from the salaries of members according to the affidavits submitted to them. The union got the approval of the director of hospitals of Cairo University on 15.12.2015 to adopt the opinion of the general administration of opinions, contracts and grievances at the university which said it was legal to deduce monthly subscriptions in favor of the independent union and transferring the money into the account at the post office. It also said the administration should note the applications submitted by staff of the hospital. But the management procrastinated the implementation of the decisions on the hospital staff.

- The Administrative Court of the State Council, second circuit, booked Case No. 24661 for the judicial year 69 for a verdict on 06.26.2016. The lawsuit was issued by President of the general union of workers of tax, finances and customs, a subsidiary of the General Federation of Unions of Egypt, against the Egyptian Federation of Independent Unions, the General Independent Union of Workers for real estate tax, the general independent union for workers on taxes, sales and General union of workers independent public taxation.

- The director of the new educational Kasr El Aini hospital issued decree number 863 for the year 2016 on May 19th 2016 cancelling the secondment to union tasks in the hospital for which a decree number 421 for the year 2012 was issued on February 16th 2012. It also stated that “what is known as independent union” are not recognized. Accordingly it is

expected that the independent union's premises will be confiscated. This was subject to another decree number 51 for the year 2016 dated March 29th 2016 by the legal department of the university giving Mr. Mubarak Abdel Kader the right to dedicate his time to union related work in the hospital.

Abuse of Labor Leadership

- The end of 2015 witnessed a number of strikes and arrests of workers. In the beginning of 2016, workers of the petroleum business services company " Petrotrade" entered the fourth week of their strike for lack of equality with other sectors of companies and application of the constituent list of the company; the implementation of the minister's decision to annex two years administratively and financially just like the rest of the group companies as well as medical treatment for their families.

The company's management had issued a decision to dismiss 43 workers from branches of the company in the areas of (Nasr City, Greater Cairo, Pyramid, Umraniya, Banha, Shibin, Assiut), where 13 workers from the distribution of natural gas bills were dismissed in the area of Assiut alone without informing them beforehand. That prompted employees of Petro trade Assiut branch to fully declare strike of action in protest against the separation of their colleagues chanting "one hand" and "one charter " until the management backtracked on its decision and their fellow workers returned.

Three workers were also arrested in the Agouza district while filing an official complaint to prove the case against the company's management. They were surprised that the company made malicious complaints against them and were arrested as a result. The company management also referred six workers for investigation and prevented them from entering the company. They were investigated and some of them went to the Labor Bureau to prove the case.

The company's workers had entered an open-ended sit in to demand 4 months as a bonus of excellence disbursed by the Chairman of the Board, Amal al-Ulami, for about 2200 employees of the company of his close associates while turning a blind eye to the rest of employees of the company.

It should be noted that on December 17, Karim Al-Ashry was arrested on the way to file an official complaint at the Montazah police station against the Board of Directors of Petro trade. Five other workers were on their way to another police station to prove the case of preventing them from signing the payroll attendance and finding out the company had already complained them on charges of inciting the strike. Another two workers in the area of Haram were arrested: Zainab Omar and Ali Salem in addition to six of the Heliopolis branch: Abdul Hamid Nada, Reda Mohamed Hassan, Karim Ali Mohamed, Mohamed Abdel-Moneim Abdel-Rahman, Fathi Ashour Abdel-Hamid and Ahmed Hussein Tawfiq in addition two from Faisal branch and ten from Umraniyah, Faisal and Hadayek Al-Ahram. On 21 December the board of Directors suspended 144 workers and were referred them to investigation.

- In continuation of the series of harassment of independent leadership of unions for demanding the rights of their fellow workers, the prosecution of Dekheila in exotic in Alexandria decided to imprison worker Said Shehata from the Arab Company for Spinning and Weaving "Bolivar" 15 days pending charges of violating the demonstration law following the submission of two official complaints against him on charges of participating in demonstration opposing the regime on 3 January , 2016 in the area Abu Yusuf, west of Alexandria. The security forces arrested the worker

from his home in the eastern region of Abu Suleiman, east of Alexandria, and was interrogated by the state security prosecutor then forwarded to the second department of eastern Alexandria to be deported to Dekheila west of Alexandria for interrogation.

Said had filed a lawsuit at State Council against the Cabinet's decision to sell Bolivar company to the private sector. He was suspended from working at the Bolivar Company on 20 December last year for participating in a protest of the workers in front of the company headquarters to demand the salary of three months in arrears and to protest the closure of the company for 40 days.

- The Arab Company for Spinning and Weaving (Bolivar) had moved their subordination to the Holding Company for Spinning and Weaving which sold two manufacturers belonging to the company, the fourth and fifth units, in order to pump financial resources to develop the company in 2009 and 2010 which led to protests and labor strikes during the last period in objection to the privatization of the company and the continuation of leadership in management positions and also to demand financial rights.
- The Attareen court for misdemeanors on 23 February, 2016 ruled in case No. 24,239 for the year 2014 to five years prison, a fine of 100 thousand pounds, and removal from office for both Magdy al-Badri, president of the Union of Workers in hospitals of the University of Alexandria; Mohammed Naguib, employees at the financial and administrative inspection of the university hospital; Mohammad Anwar, a lift technician; Isam Ali, a cleaner and Amr Al-Sayed, a temporary worker at the pharmacies on charges of organizing a demonstration.

The workers at hospitals of Almabry, and Hadra and Shatibi University hospitals held a sit in from 5 to 8 November 2014 to protest low wages and the failure of management to disburse incentives for the three months previous to the sit in because of linking incentives to the minimum and maximum wage. Although the protesters did not stop working at the hospitals during their sit-in, but were careful to maintain the work and its continuity.

- The Wabaryat Samanoud Company also violated the rights of workers. On 6 March, 2016, the company's board issued a decision to separate eight workers who are: head of the trade union committee of the company Hisham Ibrahim Al-Banna, and 7 others (Ahmed Rajab al Minshawi, Ahmed Salah Mustafa Abdulmaaboud, Yasser Mostafa Abdullatif Taha, Ahmed Mustafa Abdul Latif Taha, Salah Ibrahim Ramadan Al-Metawalli, Mohammad Metwally Izzat Abdul Ghani, Mohammad Saber Mohammed Al Helw). The board's decision to dismiss them came against the backdrop of workers gathering in the company to achieve their demands and find solutions to get paid their dues, which had already been rejected by management. The arrears include the wage increase of 2014 and an incentive for development and to ensure the payment of salaries and dues on time.

In preparation for the dismissal decision, the company's chairman filed an official complaint against the workers at the Samanoud police station on 3 March, 2016 No. 7/94/2016. Then the decision was made without the appearance of any of the dismissed employees for investigation whether within the company or outside and in violation of legal procedures. Despite that among the dismissed is the head of the union committee who enjoys unionized immunity awarded to ensure workers' representation without fear or arbitrariness in his rights that prevents his dismissal only after an investigation attended and reassured by the General union of Textile which should also recognize the

properness of its procedures.

- Labor strikes included the nursing sector as Hana Amin Abdel Sayed and Amira Ahmed Mohamed, nurses at the General Medical Center in Kanater, entered an open-ended hunger strike on 10 April 2016 in protest against exposure to administrative arbitrariness by Dr. Nahed Sadik, director of the center. They had filed complaints against her to the Directorate of Health in Qalyoubia and she replied with another complaint until a decision was made by the undersecretary of the ministry of health in Qalyoubiata transfer them from the General medical Center to the nursing staff at health directorate.

The nursing inspector began persecuting them and incited nurses to accuse them false accusations and threatening them. The center's director was not satisfied but had a resolution pass from the undersecretary of the ministry of health to transfer them to health units far from their workplaces and their homes despite the fact that one of them suffers liver disease and is infected with virus C. Several doctors and nurses intervened but the undersecretary of the ministry, however, strongly refused to meet the two nurses despite his presence in Kanater. They then engaged in a hunger strike which was a major threat to Hana who has the liver disease. Her blood pressure decreased to 60 over 40 and experienced a state of unconsciousness. The incident was recorded in an official complaint no. 3 dated 04/10/2016 demanding their return to The General Medical Center as they are not guilty and did not receive any penalty because they did not commit any wrongdoing and were transferred in an arbitrary and unacceptable way.

- Workers leader Khaled Tosson (head of the independent union of employees of Alexandria oil and soap) was subject to a series of harassment actions and arbitrary practices pursued by the security forces against labor leaders. Days after his names was mentioned by many news websites as one of the defendants under the administrative pretext No. 1061/2016 and accused, among other labor leaders such as Magdial-Naqib and Mahmoud Farghaly, on grounds of involvement in acts detrimental to national security and joining a group founded at odds with the law and coordination with the Muslim Brotherhood to overthrow the existing regime, disturbing peace and security and incite factional demonstrations and sit-ins and strikes, on 21 April 2016 security forces raided his home. But he was not at home and his son was arrested instead who is still a student. He was released two hours later as the procedure was illegal. Investigations are underway after the prosecution decided on 21 May, 2016 to release the Labor leadership after he turned himself in.

- A labor supply company in Helwan Cement Company on 19 May, 2016 decided to suspend 10 workers and cancel their fingerprint from the company gates, following a sit-in with hundreds of workers of the company on 15 May, 2016 in front of the company's management headquarters and their refusal to succumb to pressures and threats by the administration of fabricating terrorism issues and joining the Muslim Brotherhood if they did not break up the sit. They were also prevented from drinking water and entering the water closets after they made their demands to the management of the company of insurance protection and just treatment because of the increased risks that they are exposed to during their work and the high temperature of the workplace without the intervention of industrial security to protect them against the risk of high-temperature furnaces. Also increasing the basic salaries according to the minimum wage as the salaries are not equivalent with the living conditions and the requirements of everyday life where basic ranges salaries from 250 to 300 pounds; paying fair wages to them in equality with employees of the company.

Storming the Syndicate of Journalists

The syndicate of journalists witnessed an unprecedented incident that surpassed all forms of violations and abuses when the union was stormed by security on the eve of Sunday, the first of May 2016. No one ever dared before to break into the headquarters of the unions. Whatever the arguments and grounds that may be invoked to justify this attack, the whole of Egyptian society still sees the severity of the move.

It cannot be possible that the motive behind the storming of the union in this way, its siege for hours and ignoring contacts from the board of syndicate is what the security services said which is to arrest journalists Amr Badr and Mahmoud Al Sakka who had been protesting at the headquarters of their union. It was to break into an important entity that irks state agencies because of its history of support and embracement of the claimants of their rights and what its journalist members suffer from the tightness of the freedom of the press. This is the syndicate of journalists whose words are no longer stood nor are the lenses of their cameras; the syndicate which rents out halls for activities and events prevented by hotels and halls of hosting. Because the stairs of this building embraces protesters demanding their rights despite their diversity and differences, nevertheless security forces themselves ask them to organize their demonstrations on the stairs rather than anywhere else. This intrusion was another step on the road to squashing freedoms and rights.

Cancelling the Conference of Egyptian Workers on the first of May

Concurrent with Labor Day, security forces prevented hundreds of workers from different governorates of Egypt from reaching the headquarters of their conference which was prepared by a coordinating body for union freedom including independent unions and labor leaders at the headquarters of the Journalists' Syndicate in the city center on the evening the first of May 2016. The organizers had rented the hall from the syndicate by more than fifteen days but it was a surprise to everyone that security forces had sieged the downtown area to prevent vehicles and pedestrians from entering or passing through downtown leading to the cancellation of the conference and prevent it without clarifying reasons and without respect to the rights of both the workers' freedom of association and the journalists' union, which is hosting the conference. This is considered a flagrant and frank violation of the union's liberties and rights of expression and association and especially after the state apparatus celebrated an alleged Labor Day on April 28 that did not actually express the workers.

Center for Union and Workers' Services

Tuesday, May 24, 2016