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Egypt: On Labour Day – relentless assault on labour rights

Egyptian authorities have subjected dozens of workers and trade unionists to unfair military trials, arbitrary arrest, dismissal from work, and other disciplinary measures solely for exercising their right to strike and form independent trade unions, Amnesty International said today.

The government has also proposed amendments to the [Labour Law](#) and [the Trade Unions law](#) that will further undermine the right to strike and threaten the existence of dozens of independent trade unions that gained partial recognition in 2011. Amnesty International reviewed several official letters issued by government agencies as instructions to their local offices that refer to independent unions as “illegal entities” and prohibit civil servants from dealing with their representatives.

With economic hardship in Egypt worsening, waves of labour strikes have continued to take place in both the private and public sector, as well as military-owned industries. According to the [annual report](#) of the Egyptian Center for Economic and Social Rights, 1736 protests demanding against prevailing economic and social policies took place in 2016.

Over the past four years the authorities have continued their targeting workers with arrest, detention, investigations and trials including before military courts for exercising their labour rights and expressing their grievances and demands.

The International Labour Organization has on at least [two](#) occasions, in 2008 and 2013, added Egypt to its blacklist for its failure to respect and promote labour rights and freedom of association.

Workers are often arrested merely for participating in strikes or peaceful protests. On April 23 and 24, 2017, police forces arrested 16 workers from the Telecom Egypt Company in Cairo and Giza for participating in a peaceful demonstration to improve their wages and receive their delayed bonuses. The Public Prosecution charged them with participating in an unauthorised protest before releasing them following solidarity protests by different departments of the company. Following their six months pre-trial detention, two workers from the Public Transport Authority now spend four hours twice a week on probation in two different police stations. They were arrested, along with other four workers, on charges of “participating in a strike” and “inciting” their colleagues to strike in September 2016.

Workers in military-owned factories risk unfair trials by military courts to deter them from striking. On 23 May, a military court in Alexandria will resume the trial of 25 workers from the military-run Alexandria Shipyard Company on charges of “inciting the workers to strike” in May 2016 for which they could face two years in prison. The military prosecution detained 15 workers on 25 May including a woman who was released on bail on the same day. The military court continued to renew the detention of 14 other workers until they were released in groups between October 2016 and January 2017. According to their lawyer, a military officer from the company told families of detainees that they would be released if they resigned. As a result, 11 workers at least resigned as a condition for their release. Another six workers who were tried *in absentia* also resigned fearing conviction.

In addition to these criminal measures, workers in various industries face pay cuts or suspension or dismissal from work for participating in a strike or criticizing their working conditions. The administration of the state-run Zagazig University Hospital suspended 12 nurses, including a unionist, from their posts pending disciplinary investigations after they had participated in a week-long partial strike in February 2017. Decree number 1185 of 2003 issued by the Prime Minister prohibits strike in sensitive facilities, including hospitals. It did not establish alternative mechanisms for workers of these facilities to express their grievances. It also does not distinguish between full strike and partial strike since in this case the nurses had continued to work in vital departments in the hospital during their strike. The administration of Ain Shams University Hospital fired another nurse for criticising the minister of health and discussing nurses’ rights in a TV interview.

After the government in 2011 gave partial recognition to independent trade unions operating outside the state-controlled official unions, the authorities appear intent on crushing independent unions capable of advancing workers’ rights, Amnesty International said.

They not only block the activities of independent unions and ban them from representation in official fora which they reserve unions controlled by the government, but also they target members and leaders of these unions with disciplinary measures.

Two unionists from the Independent Union of Real Estate and Independent Union of Workers of the Manpower Ministry told Amnesty International that their work is hindered due to bans by security agencies on their activities, such as trainings and conferences and that the authorities prohibit government agencies from acknowledging or dealing with independent unions.

Although the current labour and unions laws already impose severe restrictions on rights to strike and organize, the government is seeking to replace them with even more restrictive laws. The Ministry of Manpower proposed a bill parliament to replace current Labour Law no 12 of 2003. It was returned to the ministry to rewrite several provisions after the State Council’s review, which concluded that it undermines several rights, including the right to strike. The government also proposed another bill to replace the Unions’ Law no 35 of 1976 which is currently under consideration in the Committee of Manpower in the parliament. Amnesty international reviewed the drafts of both bills and found that the labour law bill prohibits workers’ strikes in work places considered vital for protecting

“national security” without defining exclusively which facilities are included under this classification and frees employers from any contractual liabilities towards workers during strikes.

The Law on Trade Unions [bill](#) puts onerous requirements for the establishment of new unions. It forces current independent unions that don't meet these requirements to comply with these rules to get legal recognition or face dissolution and the criminalization of their activities.

If this law passes, it will be essentially impossible to establish or join an independent union, Amnesty International said.

Although the Egyptian Constitution guarantees the right to strike in article 15, the right to organize in article 76 and the right to freedom of peaceful assembly in article 73, the Egyptian government and security agencies employ dozens of legal provisions to hinder and even criminalize the exercise of these rights. These include the draconian anti-protest law no 107 of 2013 and the vaguely worded articles 124, 124 a and 347 of the penal code that punish participating and inciting workers to strike in public facilities and services with up to two years imprisonment sentences and allow for the dismissal for public sector employees. Provisions of the Penal Code don't establish a threshold at which a strike could be considered illegal, but they criminalise refraining from working in public facilities to “harm public interests.”

Arrests for organizing “un-authorized” protests and strikes

The authorities will at times seek to deter further protests or strikes by workers by forcibly dispersing strikes or arresting workers. Broadly worded penal code and anti-protest provisions allow for the prosecution and imprisonment of workers who participate in peaceful protests or strikes.

On 23 April, 2017, a group of around 25 workers at the main headquarters of the Egypt Telecom company in Cairo organised a protest calling for an increase in their wages and the payment of their delayed allowances. Security forces dispersed the protest and arrested nine workers. On 24 April, workers from of company's branch in Giza governorate organised another protest in solidarity with their arrested colleagues calling for their immediate release. The same day security forces arrested seven of the workers and referred them and the first nine to the office of the Public Prosecution on charges of participating in an unauthorised protest. They were subsequently released. However, lawyers from the Legal Cooperative to Support Workers' Awareness and the Egyptian Commission for Rights and Freedoms told Amnesty International that the investigations are ongoing and that charges were not dropped, warning that the case could still be referred to court.

A worker from the company told Amnesty International that although the 16 workers have been released pending investigations, authorities ordered the [arrest](#) of two others, Hossam Ahmed al-Laqany from al-Behirah and Shoukry al-Gebaly from Alexandria who also participated in the protests. Security forces arrested al-Laqany on 28 May and referred him to the prosecutor who released him on 29 May pending investigation.

Pre-trial detention and probation

Workers arrested after strikes are often held for long periods in pre-trial detention and subsequently subjected to onerous probation measures that have a significant impact on their ability to work.

Ayamn Abdeltawwab and Mohamed Abdelkhalik, both employees of the Public Transport Authority, currently spend four hours twice a week under police probation. They participated in September 2016 in organizing a peaceful protest that was scheduled to take place on 24 September, to call for an improvement in the incentives system and payment of a 7% annual bonus. Police forces arrested them, along with other four workers, before the protest on 23 September 2016. Ayamn Abdeltawwab and Mohamed Abdelkhalik spent six months in pre-trial detention.

One of the six workers told Amnesty International that security forces arrested him and his colleagues on charges of “inciting” workers to participate in a strike, “preventing workers from performing their duty” and “belonging to a banned group”. The six workers were referred to the State Security Prosecution who ordered their detention. Two of the group were released after 60 days and another two after 90 days. However, the State Security Prosecution and later the Cairo criminal court kept renewing the detention of Ayamn Abdeltawwab and Mohamed Abdelkhalik for six months until the Court ordered their conditional release on probation.

A human rights lawyer representing the group told Amnesty International that the six workers were held incommunicado for few days following their arrest. Their families and lawyers found out that the State Security Prosecution ordered their detention from the media, despite their efforts to discover their whereabouts including by approaching and submitting written requests to relevant authorities. He added that the case was initiated against the workers after the president of the Public Transport Authority complained to the Prosecution. The lawyer informed Amnesty International that he and other members of the defence have not been granted access to the case file or the evidence against their clients. The case against the six released workers has not been dropped yet.

Workers tried before notorious military courts

Workers in military-owned or run industries pay an even higher price for their labour activism since article 5 of the Code of Military Justice no 25 of 1966 grants military courts jurisdiction over crimes in military industries.

In May 2016, hundreds of workers at the Ministry of Defence-owned Alexandria Shipyard Company organized a peaceful demonstration. Workers from the company told Amnesty International that they had been demanding safety measures in the work place because of a series of incidents that had caused severe injuries, the application of the minimum wage standards and an increase in annual bonuses.

On 25 May 2016 Military Police surrounded the company and closed its gates after the workers organised a peaceful protest for three days. The following day, military prosecutors issued arrest warrants for 25 of the workers.

Labour rights lawyer Suzan Nada from the Egyptian Centre for Economic and Social Rights who represents the workers before the military court told Amnesty International that 15 of the workers went to the office of the Military Prosecutor to explain their situation and try to argue against the arrest warrant but prosecutors ordered their detention. One of them, who was a woman, was released on the same day, but charges were not dropped. Military prosecutors referred the 25 workers to military court in June 2016 that kept renewing the detention of the 14 workers before releasing them between October 2016 and January 2017 after forcing at least 11 of them to resign. The court has been postponing the case since then and the possibility of their conviction remains.

Amnesty International spoke to two workers at the Alexandria Shipyard Company who said that an estimated 1,500 workers, out of a total of 2,400 workers, have remained unofficially suspended from their jobs by the company's administration orders since this protest and are still waiting for notice from the company to resume their work. They informed Amnesty International that six workers who had not been detained but were referred to the military trial had resigned in fear of being convicted.

Dismissal and suspension from their posts

Disciplinary measures are another tool the authorities have used to punish workers for exercising their freedom of expression and association

Nurse and labour activist Saida Fayed had been working in the state-run Ain Shams University Hospital for over three years (since November 2013). On 26 January 2017 she gave a TV [interview](#) in which she said that nurses in Egypt are being exposed to different types of infections as a result of their work conditions. She added that the Ministry of Health pay nurses only a supplementary 15 EGP (less than 1USD) a month in lieu of their exposure to these infections. During the TV interview, she called on the authorities to replace this ineffective compensation by offering nurses full medical insurance that can cover the expenses of medical examination and lab services. She also spoke of the poor medical services provided in state-run hospitals. A few days later, on 1 February 2017, the administration of the hospital terminated her contract.

Fayed told Amnesty International that the hospital administration had terminated her contract without formally questioning her with regard to any irregularities she may have committed. She added that hospital administrators told her verbally that her public criticism of the health sector was the reason behind her dismissal and that she needed to obtain her employer's permission before giving media interviews. However, the written decision stated that the reason for her dismissal was that she was being made redundant.

Karima Abdelaziz is a senior nurse in the state-run Zagazig University Hospital and a member of the management board of the High Education Union. The administration of the hospital suspended her from her post along with 11 other nurses on 12 February 2017 after referring them to a disciplinary panel due to their participating in partial strike on 11 February. She told Amnesty International that the demands included payment for overtime worked at night after official working hours and wage increases. She provided Amnesty International with an official letter issued by the head of the department responsible for kidneys diseases treatment stating that nurses continued work in this department during

their partial strike.

Abdelaziz told Amnesty International that one of the reasons that she and her colleagues had participated in the strike was the administration's decision to forcibly deduct 15% of their salaries for a social solidarity fund without their consent.

Abdelaziz told Amnesty International that the suspended nurses went to the Zagazig police station to file a complaint against their arbitrary suspension, but a police officer refused to file their complaint. She said the officer had informed them that the prosecution had issued an arrest warrant against them on charges of inciting nurses to participate in the strike. The police officer ordered them to leave or face immediate arrest. Abdelaziz and her colleagues are currently waiting for the results of the disciplinary investigation.

Independent Unions subjected to bans on activities and the targeting of unionists

Trade unions in Egypt have historically been centrally state-controlled and any union activity had to occur through the government-controlled Egypt Trade Unions Federation. In 2009 however the first independent trade union declared its formation, the Real Estate Tax Collectors. In 2011, then-minister of labour and manpower Ahmed el-Borei announced his official recognition of independent trade unions who had applied for recognition by the ministry according to the standards of the International Labour Organisation and without need for complying with the restrictive rules set forth by the domestic trade unions laws. At this time there are three independent federations that comprise dozens of independent unions. However, the government and the official Trade Union Federation have been working to deprive independent unions of their legitimacy and their ability to function freely.

Amnesty International reviewed a letter sent from the pro-government "Trade Union Federation" to the Ministry of Finance in March 2017 ordering the discontinuation of any kind of administrative or financial dealings with independent unions and emphasising that the only legitimate unions are those affiliated to the Egypt Trade Union Federation. Another document examined by Amnesty International includes instructions issued by the Ministry of Finance, based on the Egypt Trade Unions Federation's letter, directed to local offices of the Ministry prohibiting any kind of dealings with independent unions.

Deputy Secretary General of the Independent Union of Real Estate Tax Collectors, Noha Mohamed Morshid told Amnesty International that the authorities have taken a number of measures to restrict the activities of independent unions and strip them of any official recognition. She explained that members of the independent union of real estate who are administratively affiliated to the Ministry of Finance had given consent for their membership fees to be automatically withdrawn from their salaries. Yet a January 2017 letter from the Ministry of Finance to its local offices banned the automatic withdrawal of membership fees directly from members' salaries under the pretext that "independent unions are illegal." She added that as a result of this step, the Independent Union of Real Estate is unable to collect members' dues to pay the rent of its offices in many governorates.

In October 2016, the head of the Real Estate Authority in Cairo cut three days' pay from

Morshid's monthly salary as a disciplinary punishment for participating in a peaceful protest in 2013. She told Amnesty international that Real Estate Authority officials ban members of the independent union from participating in union activities during working hours, saying that their union is not legitimate, while members of the pro-government union regularly participate in similar activities, such as trainings and conferences without any consequences.

She added that security agencies have on at least two occasions interfered with activities of the Independent Union of Real Estate Tax Collectors. In June 2016, the German organisation Friedrich-Ebert booked a hotel in Ismailia to organise a training for a group of independent unions entitled "Social dialogue as an alternative to protests." A day before the event was due to take place they learnt that the hotel administration cancelled their booking and told a member from the Friedrich-Ebert foundation that a security official had instructed them not to host any activities by independent unions. Morshid added that they also faced cancellations when attempting to organise similar trainings in Cairo.

Fatma Ramadan, the head of the Independent Union for Workers of the Ministry of Manpower told Amnesty international that she and three other members of the union had had five days' worth of pay cut from their monthly salary because of a complaint they had filed against their administrative director. In December 2016, the director of the Manpower Directorate in Giza punished her along with three other members of the union by cutting five days of their salaries for "insulting him" by complaining about him to the Administrative Prosecution Authority. Ramadan told Amnesty International that workers filed this complaint in May 2015, while the Administrative Prosecution Authority rejected their complaint in January 2016. They were informed that they were referred to administrative interrogation. She added that this interrogation never happened and that they were sentenced without having the opportunity to defend themselves.

Amnesty International reviewed the complaint filed by the four unionists to the Administrative Prosecution. It included the exclusion of the independent union from representation in the Human Resources Committee, established by Civil Service Law number 18 of 2015 that has been replaced by law 81 of 2016. They also complained about their director covering up irregularities allegedly committed by leading members of the pro-government union.

According to article 4 of the Civil Service Law number 81 of 2016, the workers' union should be represented in human resources units, established by law in every government authority. Ramadan informed Amnesty International that independent unions in all sectors are excluded from representation, with only pro-government unions represented.

Proposed bills further undermine workers` rights and unions` independence

Under Article 192 of the current labour law, a strike is legal only if the administration of the union approved it, regardless of whether this union is independent or controlled by the pro-government unions federation. Article 17 of the unions' law render all trade unions in the country under the administrative control of this federation, which hinders their independence and prevents trade union pluralism.

In February 2017, the Ministry of Manpower proposed a new [draft](#) Labour Law to replace Law 10 of 2003. Article 203 of the bill prohibits workers' strikes in "sensitive and strategic facilities" that would harm "national security". The Prime Minister has the authority to determine what amounts to a strategic or sensitive facility. It also prohibits striking during "exceptional times". The bill does not provide any definitions for these vaguely worded terms, leaving broad discretion to the executive authority to interpreting these phrases and prohibiting strikes. In the same month, the parliamentary Manpower Committee sent the bill to the State Council for review. The Council recommended that these vague terms to be clarified in the law itself and not to be left to the discretion of the Prime Minister, arguing that as the issue touches human rights, it should be defined by the law. The draft was returned by the parliament to the Ministry of Manpower to amend it according to the State Council's comments.

According to [The Committee on Freedom of Association and the Committee of Experts of the International Labour Organisation](#), public servants who are not granted the right to strike, should enjoy sufficient guarantees to protect their interests, including appropriate, impartial and prompt conciliation and arbitration procedures.

Also, in February 2017, the Ministry of Manpower has submitted a bill to parliament replacing Law 35 of 1976 on Trade Unions. Article 16 of the draft bill requires for unions to have at least 30,000 members, while it stipulates that the number required for the establishment of a unions' federation is 300,000 workers. The International Labour Organisation has [criticised](#) the proposal as it risks favouring large industries and services, while depriving smaller sectors of the right to organize and for collective bargaining.

The bill gives legal recognition only to unions established in accordance with current law 35 of 1976, these unions are affiliated to the government-controlled Trade Union Federation. It enshrines that other entities not established according to this law should comply with its rules. This means that independent unions that won't be able to gather the number of workers required for the establishment of the union will be automatically dissolved.