



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Egypt - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 3 & Friday 5 April 2019

Information on workers/trade union rights

In June 2018 the *International Trade Union Confederation* states that:

“In 2018, state repression against independent trade unions intensified with crackdowns on peaceful strikes and arbitrary arrests” (International Trade Union Confederation (6 June 2018) *2018 International Trade Union Confederation (ITUC) Global Rights Index: The World's Worst Countries for Workers [Egypt excerpt]*).

In December 2018 the *European Commission* states that:

“Law 217/17 on trade union organisations was adopted by the Egyptian Parliament on 5 December 2017 and ratified by President Al-Sisi on 17 December. The new law replaces Law 35/1976, which had recognised the Egyptian Trade Unions Federation (ETUF) as the only representative of labour unions in Egypt, thus potentially allowing independent unions to be established simply by notifying the Ministry of Labour and Manpower. The International Labour Organisation (ILO) has, however, expressed concerns regarding membership threshold requirements under this new law that are not in line with international standards and are difficult to achieve¹⁰, as well as the fact that Law 217/17 prohibits trade unions from receiving funding from international entities” (European Commission (5 December 2018) *Report on EU-EGYPT relations in the framework of the revised ENP (2017-2018)*, p.7).

In December 2018 the *European Parliament* points out that:

“...the Egyptian Government has intensified its crackdown against civil society organisations, human rights defenders, peaceful activists, lawyers, bloggers, journalists, labour rights defenders and trade unionists, including by arresting and disappearing several of them and increasingly using counter-terrorism and state of emergency laws...” (European Parliament (13 December 2018) *European Parliament resolution of 13 December 2018 on Egypt, notably the situation of human rights defenders (2018/2968(RSP))*, p.2).

In 2019 *Freedom House* issued a report reviewing events of the preceding year which included stating that:

“The government only recognizes unions affiliated with the state-controlled Egyptian Trade Union Federation, which held its first elections in 12 years in May 2018, amid accusations that the government prevented independent labor leaders from running. While Article 15 of the constitution provides for the right to organize peaceful strikes, they are not tolerated in practice, and the 2013 law on protests prohibits gatherings that impede labor and production. Striking workers are regularly arrested and prosecuted, particularly since labor protests increased in 2016; workers at military-owned businesses are subject to trials by military courts. In 2017, the parliament approved a law on trade unions that forced independent unions to dissolve and resubmit applications for recognition, effectively compelling them to join the state-controlled federation. The law also set membership threshold requirements that

made unionization impossible in enterprises with fewer than 150 workers. Employers who violate the law face limited financial penalties, while workers involved with illegal unions could face imprisonment” (Freedom House (2019) *Freedom in the World 2019, Egypt*, p.8).

Human Rights Watch in January 2019 issued a report reviewing events of 2018 which included noting that:

“Authorities held in May the first trade union elections in Egypt in 12 years. However, while state officials claimed the elections were transparent and fair, results only reflected the former status quo, with the government-affiliated Egyptian Trade Union Federation (ETUF) emerging from the process effectively in control of the unions. The Center for Trade Union and Workers Services, the oldest independent labor rights group in Egypt, said that the elections were marred by violations such as the exclusion from the electoral process of hundreds of candidates not aligned with the government” (Human Rights Watch (17 January 2019) *World Report 2019: Egypt*, p.5).

In February 2019 *Amnesty International* released a report commenting on events of 2018 which included stating that:

“The authorities forcibly dispersed strikes and held trade unionists in prolonged pre-trial detention. They also removed the names of hundreds of outspoken, independent candidates from ballot papers for elections for leadership roles in independent and state labour unions in June, which led to unrepresentative unions controlled by pro-government figures” (Amnesty International (26 February 2019) *Human rights in the Middle East and North Africa: Review of 2018 – Egypt*, p.6).

A publication issued in March 2019 by the *United States Department of State* commenting on events of 2018 notes that:

“The law provides for the rights of workers to form and join independent unions, bargain collectively, and strike, with significant restrictions. The constitution provides for freedom of association. In December 2017 authorities passed a law regulating labor unions. The law does not recognize independent trade unions and proscribes a strict hierarchy for union formation consisting of a company-level trade union committee, a profession- or industry-level general union, and a national-level federation. It also stipulates a minimum of 20,000 members needed to form a general trade union and 200,000 to form a national-level trade federation. In March the government issued executive regulations of the trade unions law that affirmed the right of unions to form, join, or withdraw from higher-level unions. It also affirmed the legal status and financial independence that allowed them to make administrative and financial decisions independent of national-level unions” (United States Department of State (13 March 2019) *2018 Country Reports on Human Rights Practices: Egypt*, p.37).

It is also pointed out in this document that:

“While the law provides for collective bargaining, it imposes significant restrictions. For example, the government sets wages and benefits for all public-sector employees. The law does not provide for enterprise-level collective bargaining in the private sector and requires centralized tripartite negotiations that include workers, represented by a union affiliated with the Egyptian Trade Union Federation (ETUF); business owners; and the Ministry of Manpower overseeing and monitoring

negotiations and agreements. The constitution provides for the right to "peaceful" strikes. The Unified Labor Law permits peaceful strikes as well, but it imposes significant restrictions, including prior approval by a general trade union affiliated with ETUF" (ibid, p.38).

A report published in January 2019 by *Frontline Defenders* states that:

"Labour rights defenders in Egypt are facing more risks than they have in decades..." (Frontline Defenders (14 January 2019) *Striking Back, Egypt's Attack On Labour Rights Defenders*, p.5).

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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