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Ninth sitting, 14 June 2019, 7.25 p.m.
Neuvième séance, 14 juin 2019, 19 h 25
Novena sesión, 14 de junio de 2019, 19.25 horas

Chairperson: Mr Rochford
Président: M. Rochford
Presidente: Sr. Rochford

Discussion of individual cases (cont.)
Discussion sur les cas individuels (suite)
Discusión sobre los casos individuales (cont.)

Egypt (ratification: 1957)

Freedom of Association and Protection of the Right
to Organise Convention, 1948 (No. 87)
Convention (n° 87) sur la liberté syndicale et la protection
du droit syndical, 1948
Convenio sobre la libertad sindical y la protección
del derecho de sindicación, 1948 (núm. 87)

Interpretation from Arabic: Government representative (Mr SAAFAN, Minister of Manpower) – The Egyptian Government has always warmly welcomed suggestions and modifications to our working methods as per document D.1. However, we hope that other wider ranging amendments will be made. We have mentioned these on a number of

occasions along with others with a view to greater equity and transparency that would improve the ILO's work further. One of those suggestions related to the criteria that are used to establish the list of individual cases. They remain very ambiguous and unfair in our opinion. We welcome the new proposal that has been made which relates to stressing cases of progress, among those that are looked at.

I would like to inform you that Egypt is one of the longest standing members of this Organization. We joined the ILO in 1936. Egypt has ratified 64 labour Conventions, including the fundamental Conventions and we have always striven to deliver our periodic reports in a timely fashion.

The political authorities in Egypt always called upon international labour standards in every field – health and labour, among others, so we do not fully understand why Egypt is on this list, however, we will take this opportunity to present examples of Egypt's progress in applying Convention No. 87.

The Egyptian case has already been presented to this Committee and we took into account the Committee's recommendations. We have begun to review our legislation in this area and continued to do so until 2011 when our region began undergoing a period of instability, which interrupted our work. However, we subsequently began preparing a new Labour Code and we now have a draft Labour Code which was prepared in April 2017. Since April 2017, the ILO has been supporting us. The draft new Labour Law was indeed submitted to the ILO and we later received comments on it from the ILO. We then reviewed the text further in light of the comments that had been made because the Egyptian State respects all international labour Conventions and we do want to ensure that all Egypt's ratified Conventions are applied. The new Law was promulgated in 2017. After lengthy discussions with the ILO, we met with a representative of this Organization on more than one occasion. The Law was promulgated in 2017 and following that we did hear protests being made against the Law. The Law enabled all organizations, either new or old trade union organizations, and regardless of whether they were in contravention of the previous

Labour Law, to exist. That is because the Egyptian Government absolutely wanted to establish a Trade Union Law that protected all workers and all trade union organizations and to ensure that the right to organize was fully enjoyed.

Secondly, we promulgated the Law on trade union elections. The trade unions had been waiting for this Law to be established for more than 12 years. However, following that, the Egyptian Government was attacked by a number of organizations that had nothing to do with trade union activity. We tried more than once to find the sources of those accusations and attacks. Some entities claim to have formed trade unions with more than 7,000 affiliates and yet they remain unable to set up a single trade union committee and that is despite having presented the necessary documentation on a number of occasions. The entity that I am talking about refused to present the documents and the person in question simply makes accusations against the Egyptian Government and the Egyptian State, accusing the Government of contravening international texts.

We appeared before this august assembly to tell you that we have a new law to regulate better the situation of trade unions. It enables independent trade unions and trade union committees to be set up. A number of trade unions and similar organizations are able to benefit from this Law. More than 75 unions are now legal whereas before, under the previous Law, they were considered illegal. These organizations are now cooperating with the Government and they are able to do that because they have been able to present full documentation in line with requirements and these organizations really have trade union members. The Government is still receiving documentation from various sources and anyone who wants to set up a trade union of any type can submit such documentation. Last month a new trade union came into being. This was a general trade union which managed to get together the necessary documentation relating to its trade union committees. Last month this trade union was able to come into being. It completed the process. We can therefore see that the Egyptian Government is helping trade union organizations and it is driven to do that by a firm desire to enable real and independent trade unions to be formed. For some years now,

we have been following the path of transparency and credibility. Concerning the accusations lodged against the Government, I will leave those who have made those accusations to present evidence to back them up. It has been said that the Law contains some paragraphs that may restrict trade union activities. Those provisions have been submitted to the Supreme Council and a tripartite group has recently been formed to look at the different amendments that have been proposed. The tripartite group has already presented its recommendations to the recently created Supreme Committee for Social Dialogue and they have even been approved – that took place in May 2019. The Parliament has approved these amendments on 9 June 2019.

I will now move on to equal opportunities among all trade union organizations. The new Labour Code has taken into account the observations made by the Committee, on the occasion of the direct contact mission's visit to Egypt. All existing trade unions that were in line with the Law are now being treated equally alongside all those that were not previously in line with the Law. All trade unions, regardless of which law they were created under, are treated equally and I can confirm that the Government does treat all trade union organizations in Egypt on an equal footing.

We also have evidence that shows that equal and fair participation has been enjoyed by all trade union organizations in the elections that have been held. That is regardless of whether candidates were members of the Egyptian Trade Union Federation (ETUF) or other trade unions. Each time a trade union event takes place, we invite all trade unions to that event regardless of which federation they are in. There are a number of independent trade unions in Egypt today that are not part of the ETUF. That said, the ETUF is still today the most representative workers' organization and that is in line with the Convention; although it is a majority organization, we do invite other organizations regardless of size and affiliation to all trade union events.

Our wish is to take any measure that will enable us to apply this Convention and all international instruments fully. We stand ready to cooperate with this Organization in order

to respect the conclusions of this Committee so that we can make the necessary changes and ensure full respect for international Conventions. We have insisted in the past and continue now to insist on the importance of social dialogue. We hold the principle and we ask this Committee to look at the complaint mechanism that we have, regardless of the party lodging complaints. The complaint should be accompanied by evidence, we cannot simply deal with allegations or unjustified claims.

I would also like you to take into account the case of States that make a great deal of effort. Perhaps we should sometimes thank those countries that put in a great deal of effort. I think everybody is aware of what the Egyptian Government has done over the course of the past three years. And you know what forward steps Egypt has been able to make where labour law is concerned over the course of the past period.

We have taken every effort to ensure full conformity between our legislation and national and international instruments. The Egyptian Government is keen to respect all international instruments.

Membres travailleurs – Le cas de l’Egypte revient de nouveau devant notre commission. Vous vous souviendrez que nous l’avons examiné lors de notre avant-dernière session et nous avons adopté à ce moment-là des conclusions très claires. Le fait que ce cas revienne à nouveau signifie qu’entre-temps la situation ne s’est malheureusement guère améliorée.

Certes, comme cela vient d’être mentionné par le gouvernement dans son discours, une nouvelle loi encadrant l’activité syndicale a été adoptée. Des modifications ont encore été proposées la semaine passée, soit après que l’Egypte a été placée sur la liste préliminaire. Pour ceux qui en douteraient encore, cela constitue une preuve évidente de l’efficacité des mécanismes de supervision de l’OIT. Manifestement, la perspective que le cas soit examiné par notre commission suscite l’enthousiasme et redouble les ardeurs. Malgré l’adoption de

cette nouvelle loi, la législation égyptienne demeure incompatible avec la convention n° 87. Cette non-conformité se vérifie sur plusieurs aspects, que nous allons détailler maintenant.

D'abord, sur le plan général, la nouvelle loi portant le numéro 213 se caractérise par une forte volonté d'organiser en détail tous les aspects de l'organisation syndicale. Une législation aussi détaillée n'est pas conforme à l'article 3 de la convention qui prévoit que «les organisations de travailleurs et d'employeurs ont le droit d'élaborer leurs statuts et règlements administratifs, d'élire librement leurs représentants, d'organiser leur gestion et leur activité, et de formuler leur programme d'action». Cet article précise également que les autorités publiques doivent s'abstenir de toute intervention de nature à limiter ce droit ou à entraver l'exercice légal.

Sans être exhaustif, je me permets de citer à ce stade plusieurs dispositions qui illustrent cette incompatibilité. Commençons par l'article 5 de la loi qui prévoit qu'une organisation syndicale ne peut être fondée sur une base religieuse, idéologique, politique, partisane ou ethnique. Cette exigence va à l'encontre de l'article 2 de la convention qui garantit aux travailleurs le droit de constituer les organisations de leur choix. La liberté de choix implique de pouvoir fonder une organisation sur la base de l'un de ces critères et le droit des travailleurs de donner à leurs organisations l'orientation qu'ils souhaitent. Si toutes les organisations devaient suivre une seule et unique ligne sans aucune distinction, ce serait le règne de la pensée unique et l'absence de tout pluralisme syndical. Le fait qu'une organisation se donne une orientation bien précise ne signifie nullement qu'elle peut discriminer ses membres sur cette base. Elle affirme uniquement son identité et se distingue ainsi des autres organisations.

L'article 7 de la loi donne au ministre le droit de saisir le tribunal compétent en vue de dissoudre le conseil d'administration d'une organisation en cas de faute grave dans la gestion administrative ou financière. Ce faisant, la loi donne aux autorités le droit de contrôler la gestion des organisations, ce qui va à l'encontre de l'article 3 de la convention qui leur garantit le droit de gérer librement leurs activités. Si des erreurs ou des fautes graves devaient

être commises, c'est aux seuls affiliés qu'il appartient de saisir la justice pour engager la responsabilité des administrateurs, pour peu bien évidemment qu'ils aient commis quelque chose de répréhensible.

Dans le même ordre d'idées, l'article 58 qui soumet la comptabilité des organisations à un contrôle de l'organe central de la comptabilité aussi représente une ingérence dans leur gestion. En effet, l'organe est une institution publique qui à la base est principalement chargée de contrôler les comptes publics, c'est-à-dire des organismes qui gèrent les deniers publics. On ne voit pas en quoi cet organe est habilité à contrôler la comptabilité des organisations syndicales qui ne gèrent pas de l'argent public. Rappelons à cet égard que la commission d'experts a eu l'occasion de préciser que le fait d'imposer un contrôle financier de la comptabilité par les autorités publiques n'est pas conforme à la convention.

L'article 41 de la loi prévoit une série de conditions d'éligibilité pour les dirigeants syndicaux. A nouveau, nous sommes contraints de constater que cette disposition ne respecte pas l'article 2 de la convention. Le fait, par exemple, d'exiger que le candidat au conseil d'administration doive disposer d'un diplôme, ne soit pas en congé sans solde ou ne soit pas un travailleur intérimaire constitue une ingérence dans la liberté d'élection des travailleurs.

J'attire particulièrement l'attention sur la condition relative à la réalisation du service militaire. En effet, étant donné que celui-ci ne s'applique qu'aux nationaux, cette condition implique de facto que les migrants ne peuvent pas prétendre aux fonctions de dirigeants syndicaux, ce qui à ce titre est également incompatible avec la convention, comme la commission d'experts a eu l'occasion de le rappeler à plusieurs reprises.

Nous observons par ailleurs que l'article 30 contient des dispositions très détaillées sur les compétences du conseil d'administration. L'article 35 décrit également de manière minutieuse la procédure d'élection des assemblées générales. Ces deux éléments sont des illustrations importantes de l'ingérence systématique des autorités qui fixent par voie législative l'essentiel du fonctionnement des organisations syndicales.

Certes, l'article 65 de la loi leur donne une autonomie quant au droit de rédiger leurs statuts et d'élire leurs représentants. Mais que reste-t-il de cette autonomie lorsque tous ces aspects sont réglés par la loi? Il en résulte que cette pseudo-garantie est en réalité tout à fait illusoire.

La commission d'experts relève dans son rapport que la législation prévoit toujours une limitation du droit de s'affilier à plusieurs syndicats. Contrairement à ce que prétend le gouvernement, cette disposition existe toujours dans la législation, puisqu'elle est reprise à l'article 21 de la nouvelle loi.

La commission d'experts dans son rapport a pointé le problème persistant que constitue le seuil de représentativité dans la législation égyptienne. La loi que j'ai commentée ici ne prévoit pas de modification à ce propos. Nous regrettons que ce point n'ait pas été solutionné lors de l'adoption de la loi n° 213 alors que le gouvernement sait pertinemment que les exigences qu'il formule ne sont pas compatibles avec la convention. Nous apprenons néanmoins que des modifications sont actuellement en discussion sur ce point au sein du Parlement. Nous examinerons dans quelle mesure ces adaptations verront le jour ainsi que leur degré de conformité avec la convention.

La commission d'experts a par ailleurs relevé que la législation nationale prévoit toujours des peines d'emprisonnement et d'amendes pour une série d'infractions à la loi. Les modifications qui sont actuellement en discussion au Parlement semblent vouloir supprimer les peines d'emprisonnement, mais en aggravant néanmoins les peines d'amendes. Toutefois, il convient de rappeler que cela constitue également une peine pénale. Le fait de vouloir les aggraver illustre que l'intention est de retirer d'une main ce qu'on donne de l'autre. L'examen détaillé des dispositions dont le non-respect entraîne ces sanctions montre la volonté des autorités de mettre en place un arsenal visant à limiter la liberté syndicale.

A titre d'exemple, le non-respect de l'article 5 que j'ai déjà évoqué et qui concerne la constitution d'un syndicat sur une base politique, religieuse ou partisane est sanctionné

pénalement. Il en va de même du non-respect de la procédure d'exclusion d'un membre du conseil d'administration qui donne lieu à une sanction pénale. Cette matière relève pourtant purement et simplement de l'autonomie syndicale.

Citons enfin l'article de la loi relatif aux moyens financiers des organisations. Cette disposition énumère une série de sources de financement et criminalise tout ce qui n'en relève pas. Or le principe est que tout est licite, sauf ce qui est interdit. La loi inverse ce principe en énumérant ce qui est permis, et tout ce qui n'est pas mentionné est par définition interdit et même criminalisé.

Notre commission n'est pas seulement chargée de vérifier la conformité des législations aux conventions, mais aussi d'examiner la conformité dans la pratique. A cet égard, nous devons constater que, comme le note la commission d'experts, de nombreux problèmes continuent à se poser. C'est ainsi que, dans le cadre de la mise en œuvre de la nouvelle loi, des élections syndicales ont eu lieu. Celles-ci furent malheureusement émaillées de nombreuses irrégularités.

En effet, malgré toutes ces imperfections, la nouvelle loi n'est pas correctement appliquée. Plusieurs organisations syndicales ne sont toujours pas enregistrées, soi-disant parce que leur dossier serait incomplet. En réalité, les autorités continuent dans les faits de faire preuve d'arbitraire dans l'enregistrement des organisations syndicales. Elles refusent de rencontrer les 29 organisations qui ont déposé plainte. D'autres collègues du groupe des travailleurs auront l'occasion d'y revenir en détails.

Avant de clore mon propos, force est de constater qu'en Egypte, que ce soit sur le plan légal et, comme nous le verrons également, sur le plan pratique, la situation reste encore éloignée des normes de l'OIT.

La nouvelle loi que nous avons commentée ici s'intitule «loi sur les organisations syndicales et sur la protection du droit syndical». En réalité, une appellation plus précise

voudrait qu'on ajoute à cet intitulé «loi organisant la tutelle sur les organisations syndicales et entravant le droit syndical».

Or le but de l'Etat ne peut pas être de confisquer la liberté syndicale ou de la soumettre à une tutelle. Sa mission est au contraire de préserver et de développer les libertés fondamentales.

A cet égard, je souhaiterais partager avec vous une réflexion du philosophe Spinoza qui écrivait que «la fin de l'Etat n'est pas de faire passer les hommes de la condition d'êtres raisonnables à celle d'animaux ou d'automates. Au contraire, le but de l'Etat est de faire en sorte que les citoyens développent leur corps et leur esprit, fassent librement usage de leur raison pour qu'ils ne rivalisent pas entre eux de haine, de colère ou de ruse, pour qu'ils se supportent sans malveillance les uns les autres. La fin de l'Etat est donc en réalité la liberté.»

Employer members – I would like to thank the distinguished Government delegate for his submissions this evening, and in particular I was pleased to hear the Government's indication that it comes to the Committee with the goal of full respect for international labour standards. I was pleased to hear the Government's indication that it stands ready to accept the conclusions of the Committee in order to ensure full respect for international labour standards, and I was very pleased to hear the Government's commitment to social dialogue. I think that this is a very positive way to begin this conversation, and so we welcome these introductory comments. The case of Egypt was most recently discussed in our Committee in 2017, when the Committee called on the Government to accept a direct contacts mission to assess progress in respect of its conclusions, namely, that the draft law on trade unions was prepared in conformity with Convention No. 87 and that all trade unions in Egypt were able to exercise their activities and elect their officers in compliance with the Convention and operate in that spirit, both in law and practice.

The Employers' group was pleased to observe that the direct contacts mission took place in November of 2017, and we would note that that mission made a number of

recommendations. We also note that the ILO implemented a Better Work pilot programme in Egypt in June 2017, with the purpose of paving the way for the establishment of a full Better Work programme, if and when the proper environment for such a programme existed. We understand that in March 2019 it was determined that the conditions were not yet there for a full Better Work programme.

The Employers' group notes positive aspects of the Government's effort and, in particular, positive aspects to promote a sustainable business environment and is encouraged by these efforts and this progress. The Employers' group encourages the Government to continue its efforts with respect to social dialogue in this regard and continue efforts to promote a sustainable business environment, with the cooperation of the social partners.

The Employers' group must also note, however, that in light of the Committee of Experts' observations, there are ongoing issues that continue to exist in Egypt. In particular, issues continue to exist as far as we understand in respect of the obligations of the Government in relation to the Convention on the one hand, and Egypt's national legislative framework regulating trade union organizations on the other hand. The Employers' group understands that the new Trade Union Law, enacted in December of 2017, has given rise to concerns about its compatibility with the Government's obligations under the Convention.

The Committee of Experts identified concerns related to obstacles in the new Trade Union Law in relation to the registration of independent or autonomous trade unions that would be trade unions that are independent from the ETUF. The Committee of Experts identified concerns that included allegations regarding the registration and election processes that in their observation excluded from elections certain unions where they were unable to reconcile their status, as well as requests for documentation for registration that went beyond what was appropriate, as well as issues in relation to postponement in accepting applications for registration, or delays in delivering certificates.

The Worker spokesperson noted in considerable detail the restrictions that the Workers' group considers to be concerning in terms of interference with the free operation of trade unions. The Employers' group noted with interest that the Government described an intention to establish and reconcile this new law to ensure that the issue of registration and elections came into compliance with the Convention.

Therefore, the Employers' group at this moment would recall that the Convention provides that both workers' and employers' organizations are free to form and join organizations of their own choosing, and that the core of the issue before us today is the need for the Government to respect that freedom and autonomy of workers' organizations to organize their activities.

As a result, the Employers' group requests that the Government carefully consider these important issues and without delay implement measures which could include the revision of the Trade Union Law, in order to immediately address the issues and tackle this question of the regulation, and the improper regulation of internal union affairs and organization. Once measures are taken in this regard, we would ask that the Government report to the Committee of Experts at its November 2019 session on this expected progress.

To us, this is the core of this case in respect of the issues noted by the Committee of Experts regarding the draft Labour Code. The Employers' group will not address those elements which deal with the prohibition of industrial action as, in our view that falls outside of the four corners of our consideration of this case.

Therefore in closing, we would focus on the commitment to social dialogue, the commitment to ensure that there is a full respect for the obligations under the Convention, and a full commitment to address these, hopefully limited, outstanding issues that continue to impede the ability for our Committee to find that there is full and complete compliance with these aspects of the Convention. We will certainly look forward to progress in this regard as well as full reporting on these measures.

Interpretation from Arabic: **Worker member, Egypt (Mr MOHAMED)** – We thank the ILO and the Committee for their interest in the circumstances of Egyptian workers and the need to ensure that they enjoy their trade union freedoms. We would have liked to have encouragement for Egyptian workers rather than having Egypt listed on the agenda of this Committee this year. We are members of the most representative workers' organization, the ETUF, and we firmly believe in trade union freedoms. Workers are the beneficiaries of the new Egyptian Law on trade union activities, which has improved on Law 35 of 1976. We suffered under that Law, and we are not the only ones, because under Law 35, everyone was under the umbrella of the General Federation. Under the new Law, we have been able to strengthen our position and we are now able to work for trade union freedoms and the application of ILO Conventions. We believe that workers have the right to their own safety and their right to withdraw from federations, while also putting into practice the standards of the ILO. Our organization was the first one to request that Law 35 of 1976 be amended based on the observations that were presented in 2008. We can go back to the minutes of the ILO, the record of this Committee's session that year. We were the ones that asked for that Law to be amended. Freedom of association has a pivotal role to play to ensure that investment pours into our country and leads to new work opportunities for Egyptian workers. We have read the Committee of Experts' conclusions on Egypt as concerns the new law relating to the formation and registration of new unions. The Committee of Experts says that the new law is not in line with the Convention. However, the restrictions on trade union freedoms referred to by the Committee of Experts need to take into account the high level of representation from 2008 to 2017, and that clearly shows us that since the promulgation of the 2017 Law, the situation has been in line with the Convention. Things have greatly improved as against Law 35 of 1976. The previous Law made the authorities the highest representatives. That was amended in 2008, and if we compare this with the current Law, we see that the current Law is much better than the previous one. The new Law enables trade unions at all levels to exist. The new Law allows trade unions to present their lists and their statutes through their assemblies and enables them to hold free elections with no intervention

from the administration or a high-level representation. This resolves the problems which existed under the previous legislation. The new Law criminalizes the elimination of any official through illegal means. There is a full freedom to join trade unions. There are articles on the registration of trade unions that takes place through the Supreme Council in all provinces, and this was accepted by the workers and approved by the Government. It was then submitted back to the Parliament and is currently being debated. It has also been accepted by the Labour Commission. Concerning the observations on the Labour Law, we have held dialogue and a new Law has been accepted by the Supreme Council. There is now an agreement between the social partners where real application of the Trade Union Law is concerned. There has also been an agreement to hold new elections in the next period, so that will enable trade union organizations that have not been able to register previously to do so in future. There are wide-ranging agreements with the social partners. A committee is also being set up to look at complaints relating to freedom of association and resolve those. In light of all of this, and the results of the most recent elections, we can see that improvements have been made on Law 35, almost 1,500 new committees have been set up and 145 of those would not have been able to exist under Law 35. New trade unions are being created then, particularly in the health and legal sectors. They have been able to join the ETUF. The same is true of an organization in the transport sector. So we can see that we have moved on to a new chapter where freedom of association is concerned. At the Federation level, more than one federation is registered, new entities have been set up with no intervention from the authorities and in some cases 80 per cent of members are women and young people, so we can see how freedoms are being extended across all sectors.

We feel that there is cooperation from the employers to bolster freedom of association and we assure that we will be able to reach an agreement between employers and workers in Egypt with a view to achieving all the goals and respecting all interests involved, so that Egyptian workers can protect their rights and enjoy new work opportunities while also boosting the economy in line with the two Conventions. We hope that the ILO will offer

technical assistance so that we can meet the expectations of all Egyptian workers while applying the Conventions. There is no doubt that in light of all of this there are some very positive signs. The new law has brought great improvements, and further legislative changes are still being debated by the Parliament. We therefore hope that this Committee will take the necessary measures and that the conclusions drawn will bear in mind the progress being made. We also hope that Egypt will subsequently be removed from the shortlist. Egyptian workers have benefited a great deal from the new Law. We agree that certain articles could be amended in collaboration with the employers. That would help us to achieve our new vision for Egyptian workers.

Employer member, Egypt (Mr TORKI) – I represent the Federation of Egyptian Industries which includes 60,000 employers. We believe that there is a very positive and progressive development occurring now in the field of freedom of association. Simply because after 50 to 60 years we now have a new Law. Is it a perfect law? Does this mean that we are in a perfect freedom of association in Egypt in a perfect situation? Of course not. But the question is are we on the right track? Yes. Are we now in a very satisfactory situation? Yes, but of course we all need to pull hand in hand in order to reach to our ultimate goal or almost perfect situation and in this regard we appreciate the efforts exerted by the Minister of Manpower in putting social dialogue mechanisms and social dialogue activities in order to negotiate together and discuss together the new amendments.

We believe also that there is political will and goodwill from the employers' organizations. Within a few weeks we have managed to put a new legislative verification which means that within two years we action the rule and a new modification which is now in front of the Egyptian Parliament including adopting some of the recommendations required by the Committee of Experts.

Why we are in this situation? Simply because we cannot go from one extreme to the other extreme all of a sudden without any transition period. For that reason we say that we are on the right track. After 50 to 60 years of resistive stagnation we cannot implement

everything correctly from day one. Of course each new legislation has people or parties who accept it or do not accept it. We are benefiting from the views and opinions and recommendations of the Committee of Experts in order to enhance our performance. Again, we are not in a perfect situation, this is very logic thinking. We are trying to enhance our implementing the recommendations, for that reason we have asked the International Organisation of Employers (IOE) for the necessary technical support in order to be more able to understand and to implement correctly the requirements of the Committee of Experts.

After the revolution in Egypt and after the enacting of this Law we have political, social and economic challenges. We need time to find appropriate solutions to those, otherwise there will be chaos. We are very pleased as employers from the current situation which we believe is not our ultimate objective or goal but we believe that we are on the right track.

Interpretation from Arabic: Another Employer member, Egypt (Mr ESHRAH) – I am not going to add anything to what the Government representative has said. I think it has been sufficient. My colleagues have also made good contributions but perhaps one or two quick messages.

The Constitution is the mother of the legislation and the last Constitution of Egypt provides for the establishment of trade unions without outside interference, so if there is any law that contradicts the Constitution it has to be considered null and void. The principle there is quite clear.

If the Vice-Chair of the Workers says that a law makes it impossible for a trade union to be established on a partisan, political or religious basis. My question is then, for example, would it be possible to have in a given sector, let us say in the production of oil, one trade union for Christians, another for Muslims or for example one trade union belonging to one political party or another political party. I think the existing approach is rational because trade unions have to serve the interest of workers, not in their capacity as socialists or capitalists or Muslims or Christians or any other ideology, but as workers. Our trade union

cannot therefore be based on these particularities and this is something that needs to be recognized otherwise you are contravening common sense.

There has been a reference made to imprisonment. Here again, there are laws which have the contradictory meaning if somebody subjects documentation, which is not in accordance with the law, then they have to be subject to the power of the law in that regard.

The workforce in Egypt today is 13 million, 10 million of them are in trade unions. In the informal sector we would work together with the federation of workers and others to try and bring these informal activities into the formal sector. We are trying to get organizations that can protect workers to serve their interest, not the interest of the employers. Obviously there can be contradictory opinions sometimes between employers and workers and these organizations protect the interest of the workers. If we have 10,000 workers with five different trade union committees and each one of them wants to provide services for workers, I do not think that takes in the right direction when there is a single trade union committee, but that is different.

When we are dealing with a situation of public funds, the auditors' court is the one that oversees the management of funds. Now he is not doing to serve the interest of the Government, but in order to ensure effective financial supervision. If there is no such control, then we can see cases of misuse of funds, which contravene laws.

These provisions have been drafted in order to serve the interests of the members of these organizations. The process simply involves an accounting report which can be put to the auditors' court and they have experts which can assess whether the interests of the workers and the trade unions are being served. When you have a committee with 100 or 1,000 workers, they pay their dues and these need to be managed properly. The Government has to oversee these activities. We should not set out to completely dismantle such activities.

Membre gouvernementale, Sénégal (M^{me} FALL) – Le Sénégal salue les efforts entrepris par l’Egypte et présentés par le représentant de son gouvernement pour donner

plein effet à la convention. Tout en réaffirmant son attachement aux idéaux et objectifs universels de l'OIT ainsi que la nécessité pour tout Etat Membre d'assurer le respect des droits et libertés syndicaux de tous les travailleurs, au sens de la convention, le Sénégal exhorte le gouvernement égyptien à poursuivre les progrès réalisés et les moyens importants déployés pour améliorer la situation de sa législation et de sa pratique nationales en matière de respect et de protection des droits syndicaux des travailleurs.

Le Sénégal invite le gouvernement égyptien à renforcer la coopération étroite avec le BIT en vue de donner plein effet à la convention.

Observer, Public Services International (PSI) (Ms REFAAT MAHMOUD FATHALLA) – We are very concerned about the conditions imposed by the Trade Union Organization Law No. 213 of 2017 and the oppressive practices that accompanies its application since the end of 2017. We welcome the Minister's decision to adopt a proposed bill that includes important amendments, granting it is approved by the Parliament. However, we affirm that this is not sufficient to correct the flaws of the law and the shortcomings it includes. Despite being a long-awaited step towards ensuring the right of independent unions to organize, the Trade Union Law has in its state come to stifle this right imposing the same buttons of governmental control and threatening the existence of strong independent unions.

The independent trade unions continue to make genuine efforts towards regulating their status based on the new Law and its provisions and within the allocated time required to do so. Attempts to regulate the union's legal status have been marred by repressive practices in violation of the law itself. The Government has forbidden the regularization of many independent organizations (for example, the Real Estate Tax Authority General Union, the Trade Union Committee of Workers in Egypt Telecom and the Trade Union of Workers in the Bibliotheca Alexandria), disapproves the establishment of most of the independent unions created after the passing of the Law (for example, the Trade Union Committee of Workers in Alexandria Company for Garments, the Trade Union Committee of Workers in

Leoni Company), as well as rejected the statutes submitted by unions and forced their members to replace them with guidelines issued by the Ministry of Manpower.

Accordingly, the situation of many trade union organizations remains unsettled. Their regularization or registration has been disapproved despite meeting the law condition and submitting all required documents. Most of these unions are facing reoccurring pressure from different governmental bodies to join the ETUF. The Ministry of Manpower oppresses the fundamental right of the union's general assembly to settle their matters and elect their representatives freely. Governmental bodies intervene in several instances to prevent the union's general assemblies from convening and in case of their meeting, the Manpower Ministry refuses to recognize the general assemblies' decision no matter whether the concern is electing the executive council or a decision on other issues. As a result, statutes of many union organizations have been suspended (for example, the Trade Union Committee for Damietta Fishers, the Trade Union Committee of Workers in Suez Canal Clubs and the Trade Union Committee for Transportation Xervice in Qaluobia). Actually, throughout the last six months, 29 organizations made every effort to negotiate with the Government. They discuss with the Manpower Ministry, submit to it their petitions, address and appeal to different governmental bodies (Cabinet, the Ministry of Investment and the Ministry of Trade and Industry). Nevertheless, they have not met except hard intention to adopt the same course. The trade union election took place in 2018 under the new Trade Union Law, nevertheless, it is hard to assess whether those were real elections.

Government member, Zimbabwe (Ms CHIVAKE) – The Government of Zimbabwe would like to thank the Government of Egypt for updating the Committee on the progress it is making in addressing the legislative gaps, sighted by the Committee of Experts, as well as the practical steps it has put in place, to address the complaints raised by some of the trade unions in respect of the registration processes of workers' organizations. It is pleasing to note that labour law reforms are ongoing in Egypt. To this end, the Government of Egypt

should be commended for having brought to the attention of the Egyptian Parliament, in May 2019, a bill seeking to amend some provisions of its trading and law.

Furthermore, the Egyptian Government has informed about its engagement with the trade union organizations that have concerns about the registration and the recognition of trade unions, both in law and practice. This is also commendable, more so when the engagements are overseen by officials from the ILO Cairo Office.

Finally, we call upon ILO officials to continue working for the Government of Egypt and the trade unions across all sectors. The Government of Egypt has shown its sincerity to the issues raised by the Committee of Experts, to address through social dialogue.

Interpretation from Arabic: **Observer, International Trade Union Confederation (ITUC) (Mr MAKROUM)** – I would like firstly to state that the Arab Trade Union Confederation must show solidarity and defend trade union freedoms and for that reason I take the floor on behalf of the Egyptian Democratic Trade Union Federation to speak about the problems that are affecting activists of our trade union. We face many problems as an Egyptian working class and that is particularly true of those that are affiliated to the Egyptian Democratic Trade Union Organization. Actions are taken against us. Government's officials working in the Ministry for Labour present obstacles to trade unions work and this is true even following the approval of the 2017 Law and the associated regulation of 2018. All of this has led to the imposition of obstacles to the trade unions work.

Our trade union expressed reservations in relation to this Law. We tried to forge an agreement that might satisfy everybody, but that was not possible in the end, because the Government representatives overlooked all our amendments. That includes those related to the minimum number of affiliates necessary to be able to found a trade union or a trade union committee.

In the preamble to the Law that I referred to before, there is a text which grants independence to trade unions and we all thought that that Law would encourage trade union

independence; would give trade unions a certain legal status so that affiliates would be able to join trade unions or leave them without any intervention from the administration. Unfortunately the situation was quite different from that, in fact the Government drafted its regulation precisely to undermine the rights of workers as set out in the Convention and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It turns out then that the Law was favourable to the workers but the regulation completely overrode those provisions. Unwritten interventions also took place and of course that also overrode the effect of the new Law. The Law was also infringed on many occasions, for instance the interpretation of article 24 of the Law which grants trade union federations that were created under a previous law to maintain their legal status.

Interprétation de l'arabe: Membre gouvernemental, Algérie (M. MEKHAZNI)

– Le gouvernement égyptien nous a bien démontré qu'il avait la volonté politique d'appliquer les recommandations de la commission d'experts, de façon à ce que les lois soient mises en conformité avec les normes internationales en la matière.

La délégation algérienne a pris note des informations communiquées par l'Egypte de toutes les mesures qu'elle a adoptées et tient à exprimer sa satisfaction quant aux amendements proposés, notamment en matière de réduction du nombre de travailleurs requis pour former un comité syndical ou une fédération syndicale.

L'Algérie considère aussi qu'une collaboration accrue avec le Bureau international du Travail est essentielle pour accélérer la mise en œuvre du cadre juridique fixant les modalités d'exercice du droit syndical en Egypte.

Nous restons déterminés à soutenir l'Egypte dans la poursuite du dialogue et des consultations tripartites pour pouvoir donner pleinement effet à la convention. Nous appuyons les efforts de l'Egypte pour développer la culture de la liberté syndicale et du pluralisme syndical et nous remercions l'Egypte d'accepter l'hommage que nous tenons à

rendre aux mesures et aux efforts déployés par ce gouvernement, et nous demandons à la commission de soutenir les réformes engagées par l’Egypte.

Miembro trabajadora, España (Sra. ORTEGA FUENTES) — El Gobierno egipcio dice haber enmendado algunas disposiciones de la ley núm. 213 de 2017 para ajustarse al Convenio. Si bien nadie sabe cuándo entrarán en vigor o si en realidad las promulgará el Parlamento, afirmamos que esto no es suficiente para obligarle a cumplir sus compromisos con las normas que esta Comisión revisa. El 17 de diciembre de 2017 se promulgó esta ley. Aunque ya existía un nefasto marco legal relativo a los sindicatos en Egipto, el nuevo texto en lugar de garantizar el derecho a la libertad de asociación, ha restringido aún más este derecho y lo anula casi por completo.

Una vez más en la larga historia de la lucha obrera en Egipto, la ley impone a la clase trabajadora el patronazgo de la federación sindical gubernamental cuya naturaleza la acerca más a una institución gubernamental que a una organización sindical.

En este contexto de una evidente represión contra la libertad sindical en Egipto, el proceso que aquí se debate carece de credibilidad. A modo de ejemplo, el artículo 11 propuesto inicialmente establecía que los comités sindicales necesitaban 50 miembros para establecerse; sin embargo, después de la discusión en el Parlamento, el número se elevó a 150 miembros y luego se redujo nuevamente justo antes del inicio de esta Conferencia de 2019. Además de la enmienda de los artículos 11 y 12 de la ley, se debería al menos enmendar los artículos 21 y 54 y también las disposiciones del capítulo 10 (sobre sanciones) de la ley. La sección penal de la ley sindical impone graves penas de prisión por una amplia variedad de violaciones.

El movimiento sindical independiente egipcio sigue sufriendo la opresión y la arbitrariedad y la privación de sus derechos para realizar actividades sindicales. La puesta en marcha de la ley viola el Convenio en sí mismo. ¿De qué sirve reducir el requisito mínimo para la formación de sindicatos, cuando los sindicatos que ya cumplían con el requisito

existente no han podido legalizar su estado y completar el proceso? ¿De qué sirve reducir el requisito mínimo para la formación de sindicatos si el Gobierno impone un modelo de estatutos y obliga a los sindicatos a cambiar las disposiciones de sus estatutos porque no son conformes con las proporcionadas por el ministerio?

Lamentablemente, una vez más, constatamos que la clase trabajadora egipcia, tras décadas de lucha contra la represión en su país, no sólo no puede aún disfrutar de su derecho a la libertad de asociación, a establecer sus sindicatos independientes y a disfrutar de su personalidad jurídica, sino que vive una nueva época de represión.

Hoy en Egipto se impide cualquier tipo de activismo en pro de las libertades democráticas y se persigue y señala a activistas, periodistas, académicos, estudiantes y sindicalistas entre otros muchos grupos. En definitiva, a cualquiera que trate de defender las libertades fundamentales en el país.

Government member, Ghana (Mr OFOSU) – Ghana wishes to express its gratitude to the Committee of Experts and this Committee for the work done so far to ensure that member States comply with the agreed standards in their various countries. Freedom of association is a fundamental right of workers as enshrined in the Convention, which was ratified by the Government of Egypt as far back as 1957. The Government of Ghana supports any effort to ensure mutual respect, tripartite social dialogue, social justice and cooperation between the Government and its social partners. We look forward to seeing that the Government of Egypt and worker representatives, as well as employers relate in a cordial atmosphere in their engagements and in line with the Convention. Ghana is of the considered opinion that the Egyptian Government's priority to review and consolidate the Labour Legislation including the Trade Union Law in consultation with the social partners and with the support of the ILO Office is in the right direction. With our experience in ensuring freedom of association, democratization and greater participation of trades unions in matters that affect workers, the Government of Ghana encourages the social partners, with the support of the ILO Office, to continue on the path of social dialogue. We urge the ILO Office

to provide them with the necessary technical support as requested by the Government of Egypt in their quest to reform their laws to comply with the Convention. With the above in place, we are convinced that the Government of Egypt will be in a position to adopt measures to align its laws and practices in line with the comments of the Committee of Experts. The Government of Egypt must continue to ensure that labour and employment issues are dealt with in accordance with their obligations under the Convention and with mutual respect.

Membre travailleuse, France (M^{me} SCHLACTHER) – C’est à travers un cas concret évoqué comme cas d’école par Frontline Defenders que nous souhaitons illustrer les graves manquements auxquels se livre le gouvernement égyptien et la répression syndicale extrêmement dure qui règne dans ce pays.

En mai 2016, des centaines d’ouvriers de l’Alexandria Shipyard Company (chantier naval d’Alexandrie) ont organisé un sit-in illimité pour protester contre les bas salaires, qui selon eux étaient largement en dessous du salaire mensuel minimum national. Plus d’une vingtaine d’ouvriers ont été arrêtés et accusés d’être à l’origine de cette grève; ils ont été placés en détention pendant des mois et contraints à démissionner de leurs emplois. Près de deux ans plus tard, ils sont toujours jugés devant un tribunal militaire.

Lors du sit-in de mai 2016, les travailleurs d’Alexandria Shipyard affirmaient manifester en faveur d’un salaire minimum pour l’obtention de tenues et de matériel de sécurité que l’usine leur refusait, et contre une baisse de leur prime annuelle pour le Ramadan. Selon l’avocat des ouvriers, les responsables de l’armée ont décidé que les ouvriers employés dans une usine appartenant à l’armée n’avaient droit qu’à des primes alignées sur celles versées à d’autres employés du ministère de la Défense, renforçant ainsi leur traitement comme du personnel militaire. Les ouvriers ont employé une tactique syndicale classique: ils n’ont pas stoppé complètement la production, mais ils travaillaient et manifestaient par équipes. Des unités de la police militaire et des forces centrales de sécurité ont été déployées dans et autour du chantier naval, et la direction a décrété un blocage renforcé par l’armée afin d’empêcher les ouvriers d’entrer dans l’usine pour

travailler. Les 2 300 personnes qui travaillent dans l'usine ont ainsi été suspendues indéfiniment.

Fin mai, les ouvriers se sont rendus au poste de police local pour porter plainte contre le blocage de la direction, cherchant à savoir pourquoi ils n'étaient pas autorisés à travailler. Au poste de police, ils ont appris que l'armée avait ouvert une enquête sur la participation présumée de 15 travailleurs au sit-in. Le parquet militaire a convoqué 26 ouvriers pour une enquête (l'affaire est classée 2759/2016). Parmi eux, six étaient connus pour avoir plaidé par le passé en faveur de réformes du travail dans l'usine. Quatorze des ouvriers convoqués se sont rendus au parquet pour l'enquête, où ils ont ensuite été placés en détention et interrogés.

Le parquet a refusé de libérer les ouvriers et a indiqué qu'ils seraient transférés vers les postes de police de leurs quartiers et libérés plus tard. Cependant, les ouvriers ont été détenus quatre jours ou plus. Le parquet militaire a accusé les ouvriers d'incitation à la grève et d'avoir perturbé le fonctionnement de l'entreprise. Il a accusé les ouvriers civils d'avoir violé l'article 124 du Code pénal égyptien, selon lequel les fonctionnaires qui s'abstiennent délibérément d'exercer leur devoir peuvent être emprisonnés ou condamnés à payer une amende. A ce jour, les 26 ouvriers sont toujours sans emploi, hors de prison et dans l'attente du verdict du tribunal militaire. Le verdict a été reporté plus de 30 fois en deux ans, et des centaines d'employés du chantier naval sont toujours interdits de pénétrer dans l'usine.

Il est temps que le gouvernement égyptien applique la convention. Il doit agir rapidement pour répondre à ces préoccupations fondamentales du groupe des travailleurs et de la communauté internationale.

Interpretation from Arabic: **Government member, Iraq (Ms AL-OGAILI)** – We would like to thank the Government of Egypt for its efforts. It has been striving to apply the Convention. We would like to pay tribute to the efforts made in relation to the new Law, which applies to all Egyptian workers, regardless of the type of work in which they are involved or the sector to which they belong. This Law grants a number of advantages, for

instance respect for trade union pluralism. When the Government of Egypt drafted this Law, it drew inspiration from ILO recommendations, and it involved the social partners in that process. It also consulted civil society. Egypt has respected the recommendations of the Committee of Experts. In light of this, we feel that this new Law, as amended, is perfectly in line with international labour standards. Nor should we forget that the Magna Carta of Egypt, otherwise known as the Constitution, grants room for freedom of association and the right to organize. Geneva is the host city of the ILO, admittedly, but the Arab Labour Organization has its headquarters in Egypt. They are sister organizations, and that serves only to reinforce the conviction that Egypt cannot escape its international obligations. On the contrary, Egypt is very committed to respecting all international labour Conventions.

Worker member, United Kingdom (Mr RUSSELL) – I speak on behalf of the workers of the United Kingdom and the International Transport Workers’ Federation (ITWF). Since the Committee now allows for the submission of additional documentation and other evidence by governments due to be considered by the Committee, it remains vital to keep us all up to date with recent events. Sadly, in the case of Egypt, these events portray an ongoing climate of repression of trade union freedoms that demands far stronger action from the Government to comply with the Convention.

The Government itself insists there is no evidence for union claims that they have faced pressure if openly critical of government policy or not aligned with unions with favourable views of the same. We are happy to provide some examples.

Throughout 2018, the Egyptian Seafarers’ Union (ESU) attempted to register a branch in the Port of Alexandria, and was consistently refused. The branch has now had its activities suspended. The union had already been seriously weakened by Law No. 213 of 2017, which allowed the Government to dissolve most of the ESU structure, leaving only branches in Suez and Port Said. Action should be taken immediately to restore the rights of the port workers to form or join unions of their own choosing, without state interference.

We note that port workers are not part of the group exempt from the Convention, being neither, under any reasonable interpretation, part of the police nor military.

Last year, workers at a factory producing ceramics and sanitary ware, took part in a strike over, among many things, paid holiday, which was being withheld in defiance of Egypt's labour laws. Also at stake, were an annual pay increase, payments for hazardous work, access to health care and a request to change the election procedure for trade union committees. As for that last point of dispute, a company attempting to control such processes is itself a breach of the Convention.

Rather than negotiate, the ceramics company closed down all power to the factory and called the police, providing them with details of the striking workers. On 17 February 2018, seven of those workers were arrested. During the arrest, one worker fell three stories and sustained serious injuries. He was arrested nevertheless. On 25 May, the workers were charged with inciting the strike, which – by coincidence – the Labour Office retrospectively adjudged illegal, just in time for their sentencing to 15 days' imprisonment on the same day. The workers were then forced to agree, in negotiations with the Ministry of Manpower, that they were to abandon several of their pre-strike demands, in return for the police ending their pursuit of other strike participants. The Ministry also compelled the workers to sign a no-strike agreement as part of the arrangement.

Ceramics and sanitary-ware producers are not listed as essential services by the ILO.

Finally, in April 2018, workers at a biscuit factory entered a dispute with their management over the distribution of profits after a productive and rewarding year for the factory. The workers joined the strike on 29 April 2018, and their protest lasted for seven days, at the end of which the security services arrested six of the workers and charged them with organising a protest without a licence. Biscuit production is also not listed as an essential service by the ILO.

These cases show that state interference in the activities of trade unions has continued up to very recent times, and promises of reform must be taken in the context of a total failure to change the behaviour of the Government and its enforcement agencies.

Government member, Brazil (Mr NUNES) – Brazil thanks the Government of Egypt for the presentation of detailed information to the consideration of this Committee. Brazil shares Egypt's unease with various aspects of the supervisory system, and in particular the working methods of the Committee. This Committee is far from conforming to best practices in the multilateral system. It is not transparent, it is neither impartial nor objective, it is not tripartite in the house of tripartism, and it does not favour social dialogue in the house of social dialogue. The lack of due notice, the opaque nature of the selection of cases and the negotiation of conclusions, seriously hinder our efforts to build constructive dialogue and give meaningful consideration to the submissions of various parties.

A strong, effective and legitimate ILO, adapted to the contemporary challenges of the world of work and multilateralism, is of interest to all, governments, workers and employers. This should and can be achieved by means of cooperation, dialogue and partnership. The information from the Government shows that it has made clear efforts to seek social dialogue in recent years and that amendments to the Trade Union Law, approved by the Council of Ministers last month, are a promising development. Yet, we reiterate that in Brazil's view, only clearly defined standards to which a government has agreed, through the formal ratification process, should grant any questions or requests for clarification before this Committee.

The Office, this Committee and the ILO as a whole should recognize the important role of governments, national institutions and organizations in the interpretation of standards, with a view to accommodating national circumstances and capabilities.

Worker member, Belgium (Mr VANDER LINDEN) – First of all, we would like, once again, to draw attention to the fact that it has been three years since the mutilated body

of the Italian student, Giulio Regeni, was found; he was 28 years old and did research on the organization of trade unions in Egypt. Trade unions, the very freedom of association and the protection of the right to organize are the reason we are discussing the case of Egypt today.

As the Committee of Experts notes in its report, the Government assures that it will continue to work with full transparency in cooperation with the ILO in order to overcome the challenges facing the Egyptian experience in establishing a nascent trade union freedom that has not been witnessed in the country for ages. Trade union freedom can only be exercised if workers and trade unionists do not have to fear arrest, military trial enforced disappearance, dismissal and a range of disciplinary measures solely for exercising their right to strike and to form independent trade unions. It is a euphemism to describe these as serious obstacles impeding the full exercise of freedom of association for all workers. This is further aggravated by the fact that various contraventions of the Trade Union Law are penalized with imprisonment. Combined with the Egyptian authorities' use of solitary confinement as a tool to inflict additional punishment against prisoners as is infamous and has been widely documented by human rights organizations, this nascent trade union freedom the Government talks about is far from being a reality on the ground and seems to only exist on paper. As yet another example of the complete disdain by the Egyptian authorities for workers and trade unions we can refer to the arbitrary detention of the labour rights lawyer, Haytham Mohamdeen, that happened just last month; he had been on a probation since his release from months of arbitrary detention over trumped-up charges of inciting peaceful protests against austerity measures. Instead of stepping up the repression with a fresh round of arbitrary detentions, the authorities should immediately ensure that their citizens can peacefully exercise their right to freedom of association and protect their right to organize.

Miembro gubernamental, Estado Plurinacional de Bolivia (Sr. ALANOCA) — El Estado Plurinacional de Bolivia agradece la información presentada por el Gobierno de Egipto en referencia al Convenio. La libertad sindical y la protección de derecho de

sindicación son uno de los pilares fundamentales de la Organización Internacional del Trabajo. Es por ello que en Bolivia se reconoce el derecho de los trabajadores y las trabajadoras a organizarse en sindicatos de acuerdo a la ley. En tal sentido, saludamos que la Comisión de Expertos haya acogido con agrado la adopción de la nueva Ley de Sindicatos en Egipto, la cual ya no hace referencia a una federación sindical específica sino que permite a las organizaciones afiliarse a otras, constituir federaciones o actuar de manera autónoma conforme señala el Gobierno de Egipto.

Destacamos también, la invitación del Gobierno a ayudar a aquellas organizaciones que no pudieron regularizar su situación a la fecha para poder ser registradas de conformidad con la legislación. Es por ello que alentamos al Gobierno de Egipto a continuar las medidas a favor de la promoción y protección del derecho de sindicación.

Interpretation from Arabic: **Government member, Bahrain (Mr SALMAN)** – I am speaking on behalf of the Governments of the Arab countries (Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen). The ILO Arab group would like to applaud the efforts made by the Egyptian Government to ensure full application of the Convention and also to implement the recommendations of the Committee. Over the course of the past two years, the Government has set up a council for social dialogue, involving all the social partners, and a very wide-ranging social dialogue effort has also been lodged. Trade union elections have also been planned and held in a transparent way. All of this shows how much importance Egypt attaches to the Convention and to the protection of the freedom of association. We would encourage Egypt to continue cooperating with the ILO. The member States of the Arab group note that the efforts made by Egypt are very recent – these are all very recent initiatives. And so we would ask to give them a chance to bear fruit. We thank Egypt for all the efforts that it has made, and more specifically, we would like to draw attention to the efficient cooperation that is taking place between the social partners to ensure the stability of Egypt and its workplaces.

Government member, Ethiopia (Mr ADEWO) – My delegation takes due note of the observations of the Committee of Experts in relation to the application of the Convention in law and in practice on which the Government of Egypt is requested to provide information. We also learned that the Committee called on the Government of Egypt to take steps to ensure that all workers are ensured the full enjoyment of their fundamental right to freely organize and, in particular, to guarantee the independence of trade unions and the elimination of all forms of interference in workers' organizations.

The Committee had also requested the Government to lower the minimum membership requirements for forming a trade union at enterprise level, so as to ensure the rights of workers to form and join the organizations of their own choosing. In light of the above, the Government of Egypt had provided the required information with regard to the achievements and progress made towards advancing the application of the Convention, in point taking into account the observations of the Committee.

Accordingly, we have listened with keen interest that relevant provisions of the existing Trade Union Law were amended that include: number of workers required to form a trade union; number of unions required to form a general union; and number of general unions required to form a federation, among others. We are also informed by the Government of Egypt that the amendments of the Law in point included the abolition of penalties of imprisonment contained in the provisions of the Law, and includes only fines against illegal practices of any of the trade unions. We also learned that the Cabinet of Ministers approved the amended draft Law and referred it to the Parliament for adoption, which in our view is a positive step.

In conclusion, in light of the progress made by Egypt and commendable measures taken by the Government towards aligning its national legislation with Convention, we hope that the Committee will consider these developments while drawing its conclusions.

Interpretation from Arabic: **Government member, Sudan (MS ABDALBAGI)** – We would like to thank the Government representative and his delegation. We have taken note of the efforts the Government has been making and the measures taken in order to bring law into line with the Convention. It is absolutely essential to support the efforts of the Government in order to be able to apply the amended 2017 Law, which has been brought into line with the request made by the Committee. Many trade unions have been established since the adoption of this Law which removed the restrictions on freedom of association. The initiatives and the efforts of the Government have not stopped there. We have heard that there is now a body which assists trade unions and federations to register their status and other matters.

This brings the Government much closer to applying the provisions of the Convention and we welcome Egypt's initiatives and would call on the country to use the technical assistance provided by the ILO.

The sitting closed at 9.10 p.m.

La séance est levée à 21 h 10.

Se levantó la sesión a las 21.10 horas.

Tenth sitting, 15 June 2019, 10.10 a.m.
Dixième séance, 15 juin 2019, 10 h 10
Décima sesión, 15 de junio de 2019, 10.10 horas

Chairperson: Mr Rochford
Président: M. Rochford
Presidente: Sr. Rochford

Government representative – Allow me first to thank all of those who spoke in the discussion. I would like to thank everyone for their positive contributions. The idea here is to reach the best outcomes. We have noted all of the comments and we will take all of them into account.

I would particularly like to say that there is not a single State in the world which can meet the criteria and standards to 100 per cent, neither in law, nor in practice. However, some countries have better performance than others with regard to the adoption of decisions, to reinforce their compliance with international standards, and we would reiterate once again that for us in compliance with standards is one of our priority objectives, so that we can achieve social justice, stability and peace.

We have faith in the progress of the Egyptian trade union movement, and we are proud of the changes that have taken place, maybe not enough yet, but we can say that we are on the right track.

On the occasion of the high-level and direct contact missions, I said that in Egypt we now have the opportunity which everybody can take. Trade unions now can look towards a trade union movement following years of absence.

A few points were raised which I would like to touch upon. For example, the representative of the Workers said that the Government had made certain amendments to legislation simply in response to this meeting taking place, and this case being on the list. That is not right. I would recall that there was an ILO high-level visit in August 2018 to Egypt, and then the Superior Council for Social Dialogue met on 9 October 2018. Because that is what was scheduled, that is what had been promised to the high-level mission. We

said we would get right down to studying the amendments. They were studied. The study was commended to a technical committee for fine-tuning and then referred to the Superior Council for Social Dialogue. In December 2018, we sent a letter where we referred to these amendments. These changes have been made in order to better comply with our international obligations. Claiming that they were made simply at the last minute in response to us being on the list is something that we categorically reject.

We wanted to amend Egyptian legislation in order to better comply with the Convention, and we did that following a request that had been made by the Committee of Experts. The representative of the Workers' group referred to a series of articles in the new law. Now I cannot go into details, but I can say that there are errors in the interpretation of these provisions. Somebody has urged the Workers' group to make these comments, and I imagine that they did so in offering a personal and distorted interpretation.

Now we are open to discussing these matters with the Workers where we will be able to talk about the correct interpretation of the provisions, including those that they think violate the provisions of the Convention. We want to set things absolutely straight and if there is something that contradicts the Convention, then we can quite easily amend these articles to bring them into line.

A number of other speakers took the floor making claims or allegations. However, the ILO mission was able to see with their own eyes what the real situation is in Egypt. But let us pick up a few of these examples. For example, there has been interference in trade union elections by the State. Well there has been judicial oversight of the elections, nobody interfered however in any of the trade union electoral processes.

That is the first thing. The second thing, and with regards to the claim that there were prisoners taken and arrests made in Alexandria shipyard. Well what actually happened is that in one of the enterprises there were actions, disturbances and confrontations. What the

enterprise did was turn to the authorities who stepped in and took decisions in accordance with the laws that are in force.

There were also comments relating to us hampering the creation of the Egyptian Workers' Democratic Organization. Now I talked about this a number of times. I talked about it with our colleagues who visited Egypt, and we talked about it on a number of different occasions. We discussed this question yesterday as well, and I will continue talking about this issue and reaffirming our position with regard to the union Egyptian Democratic Workers, who have acclaimed that they have more than 700,000 affiliates. Now before the law was adopted and before we have these trade union legislations, we looked into this issue, but then during a period of reconciliation, what we have tried to do, is enter into contact with them. But the problem is that no trade union committee has come to us and said, yes, they are affiliated to these confederations. So apparently, it has 700,000 affiliates, but it has not been able to provide documentation of a single affiliated union.

On the occasion of the ILO Centenary, I spoke to the President of this trade union confederation. I said, please provide us with the relevant documentation and we will protest your request so that we then cannot be accused that our Ministry is somehow blocking the registration of your organization, but we have not heard anything, despite having tried to enter into contact a number of times.

So how can this trade union say that they have so many affiliates? This is a confederation which claims to have affiliates but has not demonstrated any affiliates at all.

So we would like to say to the Committee that, in line with the recommendation of the Committee of Experts, we are creating a technical body to study all of the complaints of the trade unions that we have received, including considering the possible creation of new organizations to provide technical support. We asked the Cairo Office of the ILO to send a representative to this technical committee so that it can provide the support that would be helpful in processing all of these requests. About Mr Regeni, this is a case which is currently

before the courts in Egypt. The Egyptian authorities and the Italian authorities are cooperating. I do not think that this is a case that merits being discussed here. Here, we deal with labour issues. We could talk about other cases, Egyptian workers who have been killed in other countries but we have not done this because this is not the appropriate place.

Some people yesterday asked whether we were being serious when it came to submitting amendments, whether our motivation was good. I can assure you that everything is being done properly. The Parliament has approved the legislation. The employers are part of the consultation which is taking place. Employers are obviously part of that consultation. The thing you have to remember is that we have grown economically in Egypt and we have, therefore, needed to make changes to the laws in correspondence with this. So, we will happily respond to any further points. We have taken measures to adapt to evolving situations. We want to cooperate with this Organization and continue benefiting from the technical assistance of this house.

Employer members – I would like to thank the distinguished Government delegate for his responding comments and I would like to thank everyone that took the floor to add their voice to the discussion of the case.

In the Employers' view, this case really deals with some fairly limited issues around whether obstacles exist in law and practice to the free and autonomous operation of trade unions. So we are hopeful that the spirit in which the Government attended and made its interventions represents a desire to work constructively with both social partners, workers' and employers' organizations at the national level to move forward to try to address some of the concerns that have been identified and to remove the obstacles both in law and in practice that exist for trade union registration.

And so from the Employers' perspective if we were able to see that kind of forward motion and progress we would think that those would be very positive developments and

certainly, to the extent that it is possible, the Employers' group stands ready to participate in that process.

As a result, we think that this is a case in which the Government should be encouraged to remain open and willing to hear the stakeholders' concerns on these aspects of the case and should remain open and willing to remove any obstacles that will continue to exist in the new trade union law.

Membres travailleurs – Je remercie d'abord toutes celles et ceux qui ont pris la parole pour illustrer les discordances qu'il y a quand même entre la description que fait le gouvernement et la réalité.

Le gouvernement égyptien n'est pas content d'être sur la liste. Mais, je peux le rassurer, je ne connais pas un seul gouvernement qui serait content d'être sur la liste. Pourtant, il apparaît clairement que les nombreuses dispositions de la nouvelle loi que j'ai mentionnées ne sont pas conformes à la convention. Il en résulte que la présence de l'Égypte sur la liste se justifie pleinement.

Le représentant des employeurs égyptiens a fait part de certaines réflexions qu'il convient de rencontrer. D'abord, concernant l'interdiction de fonder des syndicats sur une base religieuse, politique ou idéologique. L'honorable membre semble ignorer que, dans de nombreux pays dans le monde, il y a des syndicats socialistes, chrétiens, communistes et même libéraux. Votre serviteur est lui-même président d'un syndicat chrétien.

Cela ne veut pas dire qu'il n'y a que les chrétiens qui peuvent s'affilier à notre organisation puisque nous comptons parmi nos membres des affiliés de toutes les religions ainsi que des athées. Cela signifie simplement que les organisations ont le droit, sur la base de la convention, de donner à leur organisation la ligne idéologique qu'ils souhaitent sans devoir subir aucune ingérence. C'est ce qu'on appelle la liberté et le pluralisme.

Le deuxième point concerne le contrôle financier. L'organe central de comptabilité est une institution publique rattachée à la Présidence de la République et chargée de contrôler l'argent public. Contrairement à ce que soutient l'honorable membre, les cotisations syndicales n'en font pas partie. L'argent public est ce qui est prélevé sur une base obligatoire par voie d'impôt. Les cotisations syndicales sont payées sur une base volontaire suite à une affiliation à un syndicat. Ce n'est donc pas de l'argent public. Si on devait étendre ce raisonnement, toutes les sociétés commerciales devraient également être contrôlées sur cette base. Il s'agit donc d'un raisonnement absurde.

Ces éléments témoignent néanmoins d'une attitude paternaliste insupportable qui prétend connaître l'intérêt des travailleurs mieux qu'eux. On les traite comme des mineurs, des brutes ou des automates, des ignorants. Il semblerait que le gouvernement ait choisi d'appliquer la célèbre maxime de Di Lampedusa: tout changer pour que rien ne change.

En effet, il s'agit pour lui de persister à ne pas respecter la convention tout en faisant croire que les changements introduits garantissent la liberté syndicale. Le rôle du groupe des travailleurs est d'exercer un devoir de vigilance en brisant les miroirs aux alouettes.

Il ne suffit pas d'adopter une nouvelle loi pour garantir la liberté syndicale. Il faut encore et surtout que son contenu soit conforme en tous points à la convention. Dans mon discours d'introduction, j'ai fait de nombreuses références aux dispositions légales qui continuent à poser problème. Nous insistons notamment pour que l'article 5 qui interdit de fonder des syndicats basés sur les critères énumérés par cet article soit abrogé.

Il en va de même des dispositions qui donnent au ministre la possibilité d'initier une procédure de dissolution en cas de faute grave dans la gestion financière et administrative. Nous insistons sur le fait qu'il n'appartient pas aux autorités de fixer les conditions d'éligibilité pour les candidats dans les instances syndicales.

Dans le même ordre d'idées, le groupe des travailleurs invite le gouvernement à retirer les dispositions qui déterminent les compétences des conseils d'administration et qui réglementent l'élection des assemblées générales.

En outre, le problème persistant quant à l'impossibilité de s'affilier à plusieurs syndicats doit être résolu.

Enfin, nous invitons le gouvernement égyptien à abroger les dispositions prévoyant des sanctions pénales, en ce compris les amendes. On ne voit pas quel est l'intérêt de prévoir des sanctions pénales en cas de non-respect d'une procédure d'exclusion par exemple.

Nous invitons le gouvernement à inscrire toutes les organisations syndicales qui en ont fait la demande et de recevoir sans délai celles qui ont déposé des plaintes.

Nous demandons également au gouvernement de transmettre à la commission d'experts, pour septembre 2019, un rapport détaillé quant aux suites qu'il réservera aux demandes de notre commission.

Eu égard au fait que nous parlons de problèmes persistants depuis plusieurs années, que cela concerne un aspect fondamental qu'est la liberté syndicale, nous demandons par conséquent au gouvernement d'accepter qu'une mission de haut niveau se rende sur place.

Le cas de l'Egypte a été traité à plusieurs reprises par notre commission. A chaque fois, le gouvernement a choisi la voie des restrictions et des entraves de toutes sortes avec, à chaque fois, des résultats négatifs. Il est peut-être venu pour lui le moment d'essayer la voie du respect de la liberté syndicale, car toutes les autres mènent incontestablement à des impasses avec toutes les conséquences.

The sitting closed at 10.35 a.m.

La séance est levée à 10 h 35.

Se levantó la sesión a las 10.35 horas.