



## **EuroMed Rights Briefing**

### **Violations of trade union freedoms and harassment of independent unionists in Algeria**

25 May 2016

#### ***a. Recommendations by international bodies***

Repression of independent unionists is intensifying in Algeria and the creation of autonomous unions remains hampered by [abusive administrative practices](#) that violate the international convention of the International Labour Organisation (ILO), including Convention No. 87 on the freedom of association and the right to organise, ratified by Algeria.

In June 2015, the Standards Committee of the International Labour Conference investigated Algeria for the second time for non-compliance with this Convention. The General Confederation of Autonomous Workers in Algeria (Confédération Générale des Travailleurs Autonomes en Algérie - CGATA) submitted a complaint to the International Labour Office (ILO) alleging violation of the freedom of association in Algeria including instances of harassment and arbitrary suspensions and dismissals of autonomous unionists as well as instances of use of violence by the police forces during demonstrations.

Following the investigation conducted by the Standards Committee, the ILO issued recommendations to the Algerian authorities to put an end to the practices preventing the registration of autonomous unions and to reinstate all workers suspended or dismissed because of their trade union activities. The ILO was also concerned that the Algerian Government had not yet submitted the draft of the new Labour Code, still being drawn up in absolute secrecy and without consultation with the unions. To date, the Government has not implemented any of these recommendations.

In spite of this, Director of the International Labour Office (permanent secretariat of the ILO) Guy Ryder, was invited to the tripartite State-Employers-Unions "social dialogue" (UGTA, central pro-regime unit), which excludes autonomous unions, and unfortunately did not take the opportunity to publicly address these recommendations. The Algerian autonomous unions, international confederations and NGOs questioned the ILO on what they criticised as an "endorsement" of the Algerian policy of exclusion and repression of autonomous unions. Following this pressure and industrial action from the General Confederation of Autonomous Workers in Algeria, the International Labour Office undertook to conduct a mission of technical assessment of the application of Convention No. 87 in Algeria in the course of 2016.

In its [resolution of April 2015](#), the European Parliament questioned the authorities with regard to the cases of several right-to-work activists and made recommendations for the respect for trade union freedoms.

**b. Harassment of independent trade unionists**

The CGATA has documented many cases of harassment of autonomous unionists. For several years, these activists have been subjected to various forms of persecution: suspension and dismissal from their jobs, including within the public administration, as well as trials and police repression. These forms of [harassment](#) aimed at preventing the legitimate trade union activities of workers are a violation of Algeria's commitments to union freedoms and the freedom of association.

It has to be noted that most of autonomous trade unionists have been on a “**signal any travel**” list at the borders for several years and due to an arbitrary and non-regulatory procedure. based on this list, some fifty trade union and human rights activists have been banned from leaving the country as they were on their way to take part to the World Social Forum which was held in Tunisia in 2013.

In 2012, fifty-seven clerks, unionists within the National Federation of Justice-sector Workers of the SNAPAP, were suspended following a long strike they had begun to demand better working conditions. None of them ever received a written notification from the administration or a summons to appear before the Disciplinary Board. These unionists were arbitrarily deprived of their wages and of any possibility to receive state aid in relation to their inactivity, and of any form of appeal. Nearly three years later, the administration obliged/forced the clerks to sign a letter of apologies renouncing their membership to the union and asking for their reinstatement. Those who agreed to sign the letter were reinstated after being formally heard by the disciplinary committee/board (in December 2014) with automatic transfer and were deprived of any retroactive rights. In the end, those who refused to sign the letter were also reinstated with the same sanctions.

In March 2013, members of the SNAPAP section of the national office of hydraulic resources were threatened with sanctions if they didn't withdraw their membership to the union.

Trade unionists in other sectors are suffering the same treatment. This is the case for Tarek Khodja Amar and Mourad Nekkache, postal workers and activists of the National Autonomous Postal Workers' Union (Syndicat National Autonome des Postiers - SNAP) who were suspended from duty in July 2014 following their participation in trade union activities. In 2015, the court ordered the reinstatement of Khodja and Mr. Nekkache, but *Algérie Poste* still refuses to apply this decision, which led to the activists filing a complaint with the International Labour Office.

Activists of the cleaning sector were suspended in the city of Batna in 2014: Nadji Hassani, Nour Eddine Meziani, Mr. Messaoud Boudjelal, Abdessamed Hamza.

Four Higher Education activists were also suspended in Sidi Bel Abbes: Setti Abdelkader, Mr. Mourad Naimi, Kaddour Dalli and Mr. Ali Aous.

In October 2015, Yahia Habib was suspended from his job in the local administration of Tiaret because of his trade union activities. He remained abusively without wages for 45 days and was demoted by two levels after an audience with the Disciplinary Board.

The members of the SNAPAP section/branch of the trade directory of Oran's Wilaya (400 km North-West from Algiers) are threatened with sanctions and bans from any trade union activities should they refuse to give out the list of names of the members and the status of their union (Marc and April 2016).

Mourad Tchiko, trade unionist of the National Civil Protection Federation, has been the subject of persecution for over 10 years. After having denounced cases of corruption in the recruitment of agents, in 2004, he was placed under conservatory measures without pay, a situation that persists to this day. Although he was acquitted and rehabilitated by the courts in first and second instance, he has still not been reinstated to his position to date.

Other workers were dismissed. The most significant case is that of SONEGAS (National Electricity and Gas Company) where 5 trade unionists were arbitrarily dismissed over the past two years: Abdellah Benkhalfa, Raouf Mellal, Mr. Mourad Samoudi, Faouzi Maouch, and Belkacem Khamis Chikca. Requests sent to the competent departments of the Labour Inspectorate did not deliver any results as the latter refused to acknowledge the dismissed workers as trade unionists. Since 2014, sanctions are applied against any person not withdrawing their affiliation to the autonomous trade union of the sector.

In November 2015, after a three day strike of the workers of the foreign affairs Ministry, threats have been made against and sanctions applied to the members of the autonomous trade union section leading to the Communication officer of the branch to be transferred.

One cannot turn a blind eye on the ambivalence of the Algerian authorities, as with each registration request from a trade union that is validated (such as the trade union of the electricity and gas workers or the postal workers' union) in a bid to curb critics at the international level, they also resort to suspension and dismissal against the members of the national boards of these unions as ways to undermine the registration process and thus maintain pressure on trade unionists.

Trade unionists, much like human rights activists and defenders, suffer persecution from the security forces and are sometimes prosecuted. Trade unionist Ms. Fatiha Houiche was prosecuted in March 2015 for "*illegal gathering*" following a demonstration of precarious workers in Msila. She was ordered to pay a fine following an appeal of the first judgment, but she continues to be harassed by the security services. On 18 October 2015, police invaded the University of Tiaret to arrest trade unionist Mr. Mansri Ahmed, who was released the next day. Mr. Yahia Habin has also suffered legal persecution since October 2015 for "*gathering*" following a rally of workers who had not received their wages.

M. Yahoui Abdelmajid, member of the national board of the federation of clerks and judges, has been brought to justice on 6 December 2015 on allegations of forgery and misappropriation of funds, acts that date back to 2005, according to the prosecution. In addition, it has to be noted that the inquiry started on 8 April 2013, almost a year after the strike which began in April 2012, at a time when M. Abdelmajid was suspended, along/together with colleagues of his.

M. Kotni Azzedine, in charge of the trade union section of the Olympic complex Mohamed BOUDIAF's office in Algiers, has been brought to justice on charges of defamation and condemned on 14 January 2016 to pay 50.000 DA, after he disclosed/shed the light on the mismanagement of the office in his quality of General Secretary of the trade union section/branch.

Trade unionists also suffer violent attacks. In 2012, SNAPAP President Rachid Malaoui was the victim of an assassination attempt (the brake fluid cables of his personal vehicle were cut). The complaint that he filed with the courts was not followed by any measure from the departments concerned.

***c. Restrictions to the freedom of peaceful assembly***

It should be recalled that if any demonstration is prohibited in the capital city Algiers since 2001, it is also the case in the other cities even though there's no decree to enforce the ban. Local authorities can even indulge in turning down any formal request to hold demonstration. With the exception to certain cities where mobilisation is permanent, demonstrations are actually prohibited all over the country. However, people from all sectors still try to stand up for themselves. Consequently, on 1 December 2015, the workers of the National Industrial Vehicles Company (Entreprise nationale des véhicules industriels - SNVI) in Rouiba (a city near the capital) gathered in front of the factory to denounce late payment of their wages. The police violently repressed the mobilisation and followed the strikers into the factory. Around ten demonstrators were injured and a further twenty were arrested by the police and released a few hours later.

On 6 February 2016, a large number of police agents prevented a meeting on economic austerity policies planned to be held in a private office, the 'Trade-unions House' in Algiers, and 6 activists were arrested. On 21 and 22 of March, more than a hundred teachers were arrested during peaceful protests denouncing their short-term job contracts. The march organised by determined-term contract teachers which started in Bejaia (300 km East of Algiers) has been blocked by the police force at the door of Algiers (city of Boudouaou). For several days, demonstrators had to sleep rough in severe weather conditions. About a fortnight later, police intervened during the night (at 3.00 am) to evacuate present-the premises against the demonstrators' will.

In January 2016, a demonstration against the finance law was banned in Batna and lead to the arrest of participants and charges of non-armed gathering.

***d. Obstacles to the registration of Trade Unions***

The law governing the legalisation of new trade unions only requires that new unions notify the authorities of their existence, and does not require them to request permission to incorporate. After 30 days, the authorities are expected to issue a receipt acknowledging the incorporation of the union. However, the authorities frequently refuse to issue such a receipt.

The National Autonomous Union of Workers of the SONELGAZ group (National Electricity and Gas Company), filed its incorporating documents on 14 June 2012. The Ministry for Labour and Social Security sent a letter dated 13 September 2012 asking the union to fill out its application and to contact the Ministry, so that the latter could submit its comments and observations on the Articles of Association filed. The comments concerned the certificates certifying the nationalities of the founders, the work certificates and the legal documents concerning the location of the organisation's registered office. The President, Mr. Benkhalfa, confirmed that the union had filed these additional documents on 15 October 2012. The union eventually received its registration receipt on 28 December 2013, much later than the 30

days provided for by law. In spite of this, the company refuses to acknowledge this union and dismissed its activists.

To date, the applications of six autonomous unions (Syndicat des travailleurs du jardin d'essais d'El-Hamma (Union of Workers of the Botanical Garden of Hamma), Syndicat National Autonome des Travailleurs du Nettoyage Algériens (National Autonomous Union of Algerian Cleaning Workers), Syndicat National Autonome des Travailleurs de la Fabrication et Transformation du Papier et Emballage (National Autonomous Union of Paper Manufacturing and Processing and Packaging), Syndicat National Autonome de la Banque de l'Agriculture et du Développement rural (National Autonomous Union of the Bank of Agriculture and Rural Development), Syndicat Régional Autonome des Travailleurs de la Construction du Bois et de ses Dérivés (Regional Autonomous Union of the Construction of Wood and its Derivatives), and the Syndicat des Enseignants du Supérieur Solidaires (Union of Higher Education Teachers in Solidarity) even after the corrections requested by the administration were made, have remained without a response for over a year. The National Postal Workers' Union, which had filed an application for approval in 2012, received confirmation of its registration in December 2015, 3 years and 7 months after having applied for it, not without sanctions however, as mentioned above.

It has to be noted that magistrates are trying to set up an independent trade union to represent them as they consider that the current union can no longer act on behalf of their grassroots members in the wake of the reshuffling operated by authorities in 2004. Their attempt was followed by a rapid intervention from the Ministry of Justice that transferred one of the magistrates seen as founder of this new trade union.

In addition to these administrative obstacles, the unions seeking to register are subjected to other abusive practices. As is the case for the registration of association, the trade union activists can be subjected to perfectly illegal police investigations. This was recently the case for founding members of the Syndicat des Enseignants du Supérieur Solidaires, who were investigated by the security services in 2015.

Moreover, the authorities argue a very restrictive interpretation of Act No. 90-14 which governs the right to organise, for the purpose of rejecting the registration of autonomous trade union confederations. Following an attempt in 2001, the National Autonomous Union of Public Administration Staff (Syndicat national autonome des personnels de l'administration publique - SNAPAP) once again tried to create a confederation, the General Autonomous Confederation of Algerian Workers (Confédération générale autonome des travailleurs algériens - CGATA), bringing together unions of the public and private sectors. On 9 June 2013, a bailiff and process server hired by the SNAPAP filed the Articles of Association of this new confederation and all the other documents required under Act No. 90-14 to the Ministry for Labour and Social Security. The confederation has yet to receive a response from the government. On 26 November 2013, it filed a complaint with the ILO's Freedom of Association Committee. On 29 March 2014, it organised a General Meeting in the Trade Union House in Algiers. Observers from various international confederations took part in the meeting in order to assess the democratic legitimacy of the CGATA. The CGATA has since been accepted as a member of the International Labour Confederation.

Finally, it must be noted that the management of the majority union UGTA has behaved in an obstructive manner, being as it does not hesitate to proclaim its allegiance to the government and regularly castigates

the autonomous trade unionists and the activists of independent civil society as "agents from abroad"<sup>1</sup>. The UGTA, considered the single union partner of the "social dialogue" and the State-Employers-Unions negotiations, showed its hand at the ILO conferences by attempting to prevent the assessment of Algeria for non-enforcement of the international convention on the rights of workers and freedom of association.

***EuroMed Rights calls on the EU and its Member States, within the framework of the bilateral relations with Algeria, to relay the following recommendations to the Algerian authorities:***

*Ensuring in all circumstances that autonomous unionists in Algeria are able to fully exercise their rights to freedom of expression, association and peaceful assembly without fearing harassment or interference, in accordance with the ILO's conventions and the international human rights conventions ratified by Algeria;*

- *Putting into practice the commitments made under Convention No. 87 of the ILO on the freedom of association and the protection of the right to organise, pursuant to the recommendations of the ILO Standards Committee of June 2015 during the assessment of Algeria, namely:*
  - *Ensuring that there are no obstacles in practice and in law to the registration of unions in accordance with Convention No. 87;*
  - *Acting promptly in order to process pending applications from the unions and informing the ILO;*
  - *Reinstating public servants dismissed on the grounds of anti-union discrimination;*
- *Bringing the Labour Code into compliance with international labour standards;*
- *Amending Act No. 90-14, so that workers, regardless of their sector, can form the unions, federations and confederations of their choosing.*

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<sup>1</sup> See for instance the declarations of the Secretary General of the UGTA at the closing of its 12th Conference on 12 January 2016: <http://www.lequotidien-oran.com/index.php?news=5208182>