



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MEDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

C I S A

SOLIDARITY WITH INDEPENDENT UNIONISTS IN ALGERIA: CALL FOR THE REINSTATEMENT OF RACHID MALAOUI, PRESIDENT OF SNAPAP

The International Trade Union Confederation (ITUC), Public Services International (PSI), the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), the Comité International de Soutien au Syndicalisme Autonome Algérien/CISA (International Support Committee for Autonomous Algerian Trade Unions), the Solidarity Center from AFL-CIO and the Euro-Mediterranean Human Rights Network (EMHRN)

Express

their solidarity with independent Algerian trade unionists who are fighting for the defense of freedom of association;

Condemn

all acts of intimidation and harassment regularly experienced by independent unionists because of their activities aimed at defending trade union rights in Algeria, run independently from the Union générale des travailleurs algériens/UGTA (General Union of Algerian Workers);

Particularly condemn

the arbitrary dismissal of Rachid Malaoui, President of the Syndicat National Autonome des Personnels de l'Administration Publique /SNAPAP (National Autonomous Union of Public Administration Personnel), since May 2013;

Call

all unions and international organizations defending human rights to support SNAPAP by sending letters to the President of the Republic of Algeria, demanding that Rachid Malaoui be reinstated as soon as possible and that the right to exercise his union mandate be guaranteed in accordance with Algerian law and Algeria's international commitments.

In May 2013, Rachid Malaoui was removed from his post at the University of Continuous Education while he was about to take part in the International Labour Conference, organized by the International Labour Organization (ILO), last June, in Geneva. This type of harassment clearly demonstrates a desire to punish Rachid Malaoui because of his trade union activities and his commitment to defending human rights, in violation of Article 53 of Algerian Law No. 90-14 of 2 June 1990, which states that "no union delegate may be dismissed or transferred by his employer, nor can any disciplinary action be undertaken as a result of his/her union activities". In June and July 2013, both during and after the ILO's International Labour Conference, several informal negotiations took place with the Ministry of Labour and other state institutions, during the course of which Rachid Malaoui was advised of the possibility of his eventual re-integration. Unfortunately, to this date, no concrete steps have been taken and all the attempts to have his case heard remain unanswered.

In order to join the Support Group for SNAPAP, please send a copy of your solidarity messages and your protest letters to the following email: Rights@world-psi.org

WORKERS' AND TRADE UNION RIGHTS UNDER ATTACK IN ALGERIA

Although Algeria has ratified most of the ILO Conventions, including Convention No. 87 on freedom of association and the right to organize in 1963, the exercise of trade union rights is constantly hampered by abuses from the administration, while the intimidation of trade unionists is common practice. The International Labour Organization, international trade union organizations and international human rights NGOs have repeatedly condemned these violations and called on the Algerian authorities to implement their commitments on trade union rights, in accordance with Algerian law and international conventions ratified by Algeria (see [more info](#)).

The **right to form trade unions** is regularly violated by the administration. While the law provides that the receipt acknowledging the creation of a union is to be issued within 30 days, the registration of several new independent trade unions in the public and private sectors, supported by SNAPAP, has been delayed for several months by the administration. In June 2013, SNAPAP and other unions have also declared the creation of the *Confédération Autonome des Travailleurs Algériens/CATA* (Autonomous Confederation of Algerian Workers), which, as other new confederations, has not been registered yet.

According to the law that governs trade union rights in Algeria, in order to be **representative** within a company, a union must represent at least 20% of the total number of employees of the company. However, it is up to the employer and the administration to determine their representativeness: in practice, this prevents unions from being recognized and denies their right to collective bargaining.

In such a context, the conditions imposed by law for the **organization of strikes** cannot be met. If a union which is not recognized by a company cannot gather the workers it represents, the organization of a secret ballot of the entire workforce as required by law cannot be organized. In addition, the very restrictive interpretation of the law 90-02 of 6 February 1990 allows the administrative authorities to regularly ban strikes on the basis of vague terms such as when it is "likely to cause a serious economic crisis". Justice is also based on the same restrictive interpretation to determine the legality of strikes in response to employers' complaints. Moreover, in case of conflict, the law gives the State the opportunity to refer the workplace dispute to the National Commission for arbitration even if the employer or workers' representatives have not requested it.

At the national level, although civil unrest is affecting all economic sectors, including areas where it is usually absent such as the justice sector, the Algerian authorities continue to refuse to recognize independent unions as social partners, and these continue **to be excluded from negotiations**.

Unions' offices and headquarters are not protected from **administrative closures, surveillance** and sometimes **police repression**. Individuals who rent their premises to trade union organizations are often the victims of pressure and threats to put an end to the lease. In February 2013, the *Maison des Syndicats* (Union House) was surrounded by police who banned the entry of participants to the 1st Forum for the fight against unemployment and precarious work, and prevented them from meeting. Members of the Tunisian, Moroccan and Mauritanian delegations were arrested and sent back to their home country by the police. In general, **freedom of association and assembly** is constantly hampered: independent unions are systematically denied the authorization to hold such meetings or events, thus preventing any major union action.

Intimidation of trade unionists is another tool used by the Algerian authorities to reduce union action. The most active unionists are victims of threats, arbitrary dismissals and suspensions, judicial harassment, police violence, restrictions on freedom of movement, and most of the time appeals have no effects. Thus, the Algerian judicial authorities have not given any response to the complaint made by Rachid Malaoui following the attempt of sabotage of the brakes of his car, which could have killed him on 15 July 2011 when he was about to meet the Special Rapporteur for the right to housing of the United Nations. More

recently, on 25 March 2013, on the eve of the World Social Forum (WSF) in Tunis, a delegation of 96 people, consisting of trade unionists from SNAPAP and activists from Algerian civil society associations, was arbitrarily prohibited from crossing borders to reach Tunisia. Therefore, all members of the delegation were prevented from participating in the WSF.

The interference of the Algerian authorities in the affairs of independent unions is such that they try to **clone autonomous unions** in order to challenge the legitimacy of the leadership which is considered to be too critical vis-à-vis the government and in order to increase divisions within the union movement. **Campaigns of slander and defamation** are also published in the press, targeting union leaders who are treated as "traitors" because of the international support they receive in order to delegitimize them vis-à-vis their members and to legitimize their repression.

The ***Syndicat National Autonome des Personnels de l'Administration Publique/SNAPAP*** (National Autonomous Union of Algerian Public Sector Workers) is a national trade union organization, which was created on 22 August 1990, and which has been registered by the Ministry of Labour. The SNAPAP's President is Mr Rachid Malaoui, and the General Secretary is Ms Nassira Ghoulane.

SNAPAP is active in all the branches of the public sector and administration. The union represents a space for dialogue, exchange and solidarity. It works in collaboration with all civil society organizations, social and union movements, at national or international levels, in the defense of trade union rights and freedom of association.

SNAPAP is autonomous in its running and independent from the government and political parties. Its mission is as follows:

- To defend the material and moral interests of public sector workers;
- To defend freedom of association;
- To promote union activism and culture;
- To educate public sector workers to defend their labour rights;
- To fight for the implementation of human rights and fundamental principles in all areas;
- To strengthen the fight against poverty and corruption, and the struggle for the protection of the national, regional and international environment.

SNAPAP is working to establish trade unionism based on:

- The struggle to improve social and working conditions;
- Trade union pluralism and autonomy (that accepts the plurality of opinions and recognizes the universal and individual right of freedom of opinion for all, based on the respect of union Constitution and policies);
- A multi-sectoral vision far removed from corporate interests;
- Mobilization, activism and negotiation, promoting greater unity amongst public sector workers, as well as democracy in the struggle facing public sector workers, based on democratic management;
- The struggle for equality of rights and against all forms of discrimination.

SNAPAP has helped workers to organize unions in the areas of production and trade, but they have not yet obtained their registration. SNAPAP formed a confederation with these unions (the CGATA), which is not yet legally recognized in Algeria.

In 2002, the engagement and strong participation of women in the union struggle led to the creation of SNAPAP Women's Committee, which has the mission of: inspiring women to become involved in the work of autonomous trade unionism, to encourage and affirm their role as women as full and equal citizens, to allow women to express themselves freely and emancipated, and to collaborate with civil society. The SNAPAP has also established a Young Workers' Committee, which is working towards protecting men and women young workers.

For more information:

367th Report of the Committee on Freedom of Association (2013):
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_208542.pdf, §128 - §142

Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Organisation, ILC.101/III/1A, 2013: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_205472.pdf, p. 51

Concluding observations of the Committee on Economic, Social and Cultural Rights of the United Nations, Juin 7, 2010:
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW7fYS1R9V2pBpBOqHIZJ5n4BdGzroe5%2fQUsM4sNSkXc89h%2bhUg6uKHc3tPcKkIfA1dBdJ%2fJU5ki4of84NO4SFlxWe2BQ0hKk%2fD6uXXYYVpFD>

International Trade Union Confederation (ITUC), Survey of violations of Trade Union Rights:
<http://survey.ituc-csi.org/Algeria.html?lang=en#tabs-3>

(French only) Comité international de soutien au syndicalisme autonome algérien (CISA), « *Algérie 2013 : la poursuite des violations des libertés syndicales par le pouvoir* », octobre 2013 : <http://cisa-algerie.com/wp-content/uploads/2013/10/rapport-2013-CISA.pdf>

(French and Arabic only) Collectif des Familles des Disparu(e)s en Algérie, « *Le Régime algérien à l'épreuve des droits de l'Homme. L'illusion du changement* », Rapport 2011 – 2013, pp. 121-127 : http://www.algerie-disparus.org/index.php?option=com_content&view=article&id=639&catid=94&Itemid=183

Human Rights Watch, “Algeria: Crackdown on Independent Trade Unions. Unionists Prosecuted, Imprisoned for Peaceful Activities”, press release, October 6, 2013:
<http://www.hrw.org/news/2013/10/06/algeria-crackdown-independent-trade-unions>

Euro-Mediterranean Human Rights Network (EMHRN), “Open letter to the Director-General of the International Labour Office in view of his official visit to Algeria”, April 12, 2013:
<http://www.euromedrights.org/eng/2013/04/12/open-letter-to-the-director-general-of-the-international-labour-office/>

“Algeria: Waves of repression against labor rights activists”, joint press release, February 21, 2013:
<http://www.euromedrights.org/eng/2013/02/21/algeria-waves-of-repression-against-labour-rights-activists/>

“96 Algerian Human Rights Defenders Banned from Attending World Social Forum in Tunis”, joint press release, March 26, 2013: <http://www.euromedrights.org/eng/2013/03/26/96-algerian-human-rights-defenders-banned-from-attending-world-social-forum-in-tunis/>

(French and Arabic only) Fédération Internationale des ligues des Droits de l'Homme (FIDH), « *La mal vie* » : rapport sur les droits économiques, sociaux et culturels, mai 2010 :
<http://www.fidh.org/IMG/pdf/AlgerieDESCfr.pdf>

(French and Arabic only) Fédération Internationale des ligues des Droits de l'Homme (FIDH), « *Algérie. Mission d'enquête internationale sur les libertés syndicales : pluralisme formel et entraves à l'exercice du droit syndical* », décembre 2002 : <http://www.fidh.org/IMG/pdf/dz349f1.pdf>

(English, French and Spanish) “No social progress without independent unions”: article from PSI website, on the World Social Forum 26-30 March 2013 in Tunis, Tunisia, April 2013

<http://www.world-psi.org/en/no-social-progress-without-independent-unions>

(English and French) “A delegation of 100 Algerians prevented from attending the World Social Forum”, PSI website, March 2013:

<http://www.world-psi.org/en/algeria-no-wsf>

“PSI workers’ voices at the 102nd International Labour Conference”: article from PSI website where you can find an interview from Nassira Ghozlane, June 2013

<http://www.world-psi.org/en/psi-workers-voices-102nd-international-labour-conference>

“ILO Director-General meets with SNAPAP union representatives in Algeria”, PSI website, April 2013

<http://www.world-psi.org/en/ilo-director-general-meets-snapap-union-representatives-algeria>

(English and French) “PSI denounces the violations and attacks on trade union rights and human rights in Algeria”, PSI website, October 2012

<http://www.world-psi.org/en/psi-denounces-violations-and-attacks-trade-union-rights-and-human-rights-algeria>

“Hunger strikers risk their lives to try to break deadlocks”, PSI website, June 2012

<http://www.world-psi.org/en/hunger-strikers-risk-their-lives-try-break-deadlock>