

**Ayuba Wabba**

President  
Président  
Präsident  
Presidente

**Sharan Burrow**

General Secretary  
Secrétaire générale  
Generalsekretärin  
Secretaria General

**The Honourable Faizullah Zaki**

**Minister of Labour, Social Affairs, Martyrs and Disabled**

**Islamic Republic of Afghanistan**

**Email: [info@molsamd.gov.af](mailto:info@molsamd.gov.af) ;**

**[Hameed.hamnawa@gmail.com](mailto:Hameed.hamnawa@gmail.com) (via**

**Hameed Sadat, Chief of Staff of Ministers)**

**HTUR/MW**

**20 May 2019**

Dear Minister Zaki,

The International Trade Union Confederation (ITUC), representing 207 million workers globally, would like to thank you for your availability and discussion with the ITUC delegation during our visit to Kabul from 4-6 March 2019. The mission was taken to investigate the violations of the trade union rights of the ITUC's affiliate, NUAWE, and the measures taken by the government of Afghanistan to return the seized trade union properties requested by the supervisory bodies of the International Labour Organization (ILO). Jeroen Beirnaert, Director of Human and Trade Union Rights of the ITUC; Shoya Yoshida, General Secretary of ITUC Asia-Pacific; Parayarikkal Haridasan, Divisional Director of ITUC Asia-Pacific; and Sultan Ahmed from ILO ACTRAV participated in the mission.

The delegation was able to receive an update from the Ministry about the commitments of the government of Afghanistan at the level of the ILO, such as the establishment of the tripartite High Labour Council (HLC), commencement of the Decent Work Country Program of Afghanistan, and ratification of ILO Conventions No. 87, No. 29 and No. 89 by the government of Afghanistan.

On the seizure of NUAWE's properties and the raid of its headquarter in May 2018, the delegation was informed of the commitments made by your Ministry to redress the abuses. However, we are disappointed to find that the following issues are yet to be settled, and up to now no progress has been made to enforce the conclusions of the ILO Committee on Freedom of Association (Case 3269, interim report issued on 9 June 2018).

*Registration and bank account of NUAWE*

The Ministry assured the ITUC delegation that the license of NUAWE had been renewed according to the law instead of being issued on a temporary basis. Moreover, an administrative instruction had been given to re-open the bank accounts of NUAWE so that the union would have full freedom over its internal finance.

The assurance made by your Ministry is far from truth. According to a copy of the Letter No.2387/4577 issued by the Ministry of Justice to the Ministry of Finance on 1 March 2019, NUAWE's license was renewed in 2018 only for the temporary purpose of allowing it to attend the International Labour Conference and to hold its congress. In the same letter, the Ministry of Justice reaffirmed the decision to restrict the re-opening of NUAWE's account for the usage of holding the trade union congress and election in coordination with the Ministry of Labour. NUAWE's bank accounts, since last May, remain blocked, therefore making it impossible for the union to hold its congress in 2020.

*Confiscation of NUAWE's properties*

We learned from the Ministry that it had offered NUAWE the use of a floor of the ministry building for office work. The Ministry also did not foresee any prospect of withdrawal of the Presidential decree and

release of NUAWA's properties unless there was a change of leadership in NUAWA's next congress.

*Participation in the 2019 ILC*

Although the Ministry guaranteed the participation of NUAWA's leader as the worker delegate in the Afghanistan delegation for the next ILC in Geneva in 2019, we understand that the government has yet to confirm the participation of NUAWA's president, Maroof Qaderi, and his assistant for interpretation, Sweeta Azimi. We reiterate the request made by the Credentials Committee of the 107<sup>th</sup> Session of the ILC, 2018, to the government of Afghanistan regarding its obligations to facilitate and finance the worker delegates' participation for the full period of the conference.

The ITUC and ITUC Asia-Pacific deplore the continuous violation of the constitutional and trade union rights of NUAWA, which has totally inhibited the union from maintaining its role with the members, and from participating meaningfully at the tripartite platforms. Moreover, the government's intervention in NUAWA's activities and election by means of confiscation of its properties is a serious violation of the ILO Declaration on Fundamental Principles and Rights at Work, and of Convention No. 87 on Freedom of Association. We urge the government of Afghanistan to immediately restore the full rights of NUAWA. We also request an official meeting with you and the ILO to discuss these matters during the upcoming International Labour Conference in June in Geneva.

**Yours sincerely,**

A handwritten signature in black ink, appearing to read 'A. Burrow', with a stylized flourish at the end.

**Sharan Burrow**  
**General Secretary**