

Ayuba Wabba
President
Président
Präsident
Presidente

H.E. Mohammad Ashraf Ghani
President
Islamic Republic of Afghanistan
Presidential Palace
Kabul
Afghanistan

Via Haroon Chakhansuri
Deputy Chief of Staff and Spokesperson to the
President
By email

Sharan Burrow
General Secretary
Secrétaire générale
Generalsekretärin
Secretaria General

HTUR

Brussels, 7 September 2020

Dear President Ghani,

The International Trade Union Confederation (ITUC), representing 200 million workers in 163 countries, strongly condemns the government of Afghanistan for repeated interventions in the trade union activities of the National Union of Afghanistan Workers and Employees (NUAWE), the ITUC affiliate and the most representative trade union confederation in Afghanistan. On 31 August, NUAWE was instructed by the Head of Cohesion of the Ministry of Justice to call off the 6th trade union congress of NUAWE scheduled on 5 September. An earlier attempt by the union to hold the congress on 14 February had also been blocked by the government.

We notice that the interference of the Head of Cohesion of the Ministry of Justice contradicts the request sent by the Social Unions and Political Parties of the Ministry of Justice to NUAWE on 29 December 2019. The Social Unions and Political Parties urged NUAWE to convene a transparent and democratic election of its leadership with the supervision of the Ministry of Justice in order to be in line with the internal reconciliation decision on the internal trade union dispute adjudicated by the Department of Financial Cases of Kabul Province Appeal Court.

Yet, no congress could possibly be held due to repeated objections and interventions by government ministries over the composition of the trade union congress preparation committee and the continued suspension of the union's bank account. The decision of the union board to hold the congress on 14 February and again on 5 September was rejected by the government.

Under the principle of freedom of association, members of NUAWE have the right to freely organise their congress to discuss and decide on trade union matters and to elect the leaders of the trade union to represent their interests. Interventions of any form by the public authorities in the proceedings of the congress and the leadership elections, including the determination of the eligibility of the candidates, are blunt acts of government interference to exert control over the trade union and constitute serious violations of ILO Convention No. 87 on freedom of association.

Up to now, the government has not taken any step to restore the functioning of NUAWE, as requested by the ILO Committee on Freedom of Association. The Committee has considered the August 2016

decree ordering confiscation and the government's seizure of 28 trade union properties of NUAWA as clear contraventions of the ILO Convention No. 87 (Case No. 3269, Interim report June 2018). The government has not returned these properties, nor has it suspended and amended the August 2016 decree.

During the mission of the ITUC and ITUC-Asia Pacific to Kabul in March 2019, the MoLSAMD indicated that a return of these properties without attaching any condition, as required by the ILO's supervisory body, could only take place after a NUAWA congress. The other commitments made by the MoLSAMD to renew the registration of NUAWA according to the law and to unblock the frozen bank account of the union have not been honoured.

Mr President, the government of Afghanistan has repeatedly breached its international obligations under the ILO with incoherent policies, failed commitments, and persistent attacks against its trade union social partner. The lack of respect for trade unions as a social partner and for internationally recognised labour standards is detrimental to the international cooperation that is all the more needed by the working people in Afghanistan devastated by the Covid-19 pandemic. We urge the government of Afghanistan to enforce the decision of the ILO Committee of Freedom of Association, restore the normal functioning of NUAWA and refrain from further interfering in the internal affairs and activities of the union.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary

Copy: Embassy of Afghanistan in Brussels, Belgium