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Lomé, 4th September 2012

O/R.: 113/2012/SG/RB

Dear M. Dlamini Zuma,

Respect for democratic and trade union rights in Swaziland

I am writing to you on the occasion of the upcoming celebration of Independence Day in Swaziland. On 6 September, this AU member state will commemorate its independence from British rule, which it obtained in 1968.

Unfortunately, it was just four and a half years later, on 12 April 1973 that the Swazi authorities would establish a state of emergency which is still in force to date. On that day, King Mswati's father and predecessor, Sobhuza II, issued his Proclamation to serve as the country's fundamental law, thereby establishing what has become known as the Tinkhundla regime.

To date, the formation of political parties remain banned, in spite of the adoption of a new Constitution in 2005, which in itself is still highly ineffective in preserving fundamental democratic rights, including trade union rights. Trade union activities are systematically labeled as political and then severely repressed. This sadly culminated in the death of Siphon Jele, a trade union activist who was arrested for wearing a T-shirt from a political party at a 2010 May Day celebration, and who subsequently died in police custody in suspicious circumstances.

On numerous occasions, the Swazi government has been called to account for this state of affairs in international bodies, a.o., the International Labor Organization's Committee on the Application of Standards (ILO CAS). This Committee has exposed the Swazi government, for a number of years in a row now, for serious breaches of workers' rights as enshrined in ILO Convention 87 (on Freedom of Association).

Unfortunately, the most recent events do not bode very well for the Swazi government's efforts to improve on this count.

On 13 July, the International Trade Union Confederation (ITUC) formally protested the way the Swazi police handled the peaceful protest actions by the National Public Service and Allied Workers' Union (NAPSAWU), the Swaziland Transport and Allied Workers' Union (STAWU) and the Swaziland National Association of Teachers (SNAT), on Wednesday 11 July. These actions were met with disproportionate violence, including the use of tear gas canisters, batons and rubber bullets, and NAPSAWU President Quinton Dlamini was arrested. The police's violent interventions led to twelve people having to be hospitalized. The unions had organized a strike in order to demand a mere 4.5 % salary adjustment, which is way below Swaziland's inflation rate.

On 30 July, STAWU's legal officer Bazel Tfwala was arrested by the police without charges. On the same day, STAWU General Secretary Simanga Shongwe was detained whilst protesting Tfwala's arrest and was driven 30km away from Manzini, where he was thrown out of the vehicle. Earlier on, the union's organizer, Sticks Nkambule, had been temporarily detained after a transport strike on 16 - 17 July.

Since 1 August, the Swazi government has fired hundreds of teachers across the country, including the SNAT's entire executive. On 3 August, the Industrial Court of Swaziland ruled that those dismissals were unlawful and requested the government to withdraw them.

It has to be stressed that these events are taking place while Swaziland's national trade union center, the ITUC-affiliated Trade Union Congress of Swaziland (TUCOSWA), is banned after its de-registration on the basis of fickle legal arguments against which the ITUC has protested on numerous occasions, and after which a Complaint was filed with the ILO's Committee on Freedom of Association (CFA).

It is out of solidarity with our Swazi friends and colleagues that the African Region of the International Trade Union Organization (ITUC-Africa) is now writing to you. The Swazi government should finally start taking into account the people's demands for constitutional reform, multiparty democracy and the full respect of trade union rights. These demands are legitimate and Swazi citizens are only standing up for what is self-evident. They should be able to exercise their legitimate rights without having to fear persecution, harassment, intimidation or violence.

In the African Union's Constitutive Act, it is stated that one of the Objectives of the organization is to "promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments; and among its Principles figures "respect for democratic principles and human rights". In the light of the aforementioned facts, it is pretty obvious that these are not being respected in Swaziland. The ITUC-Africa wants to bring this to your kind

attention, hoping that AU will call on Swaziland to finally abide by these principles, which it is bound to do by virtue of its membership.

We express the firm hope that this year's Independence Day will finally herald true change for the people of Swaziland, who throughout the years have endured their scourge with admirable resolve and dignity.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'K.A.S.', enclosed in a thin black rectangular border.

Kwasi Adu-Amankwah

General Secretary