

Resolution on Situation of Human Rights in Swaziland

For almost four decades, as a consequence of the 1973 state of emergency decreed by King Sobhuza II, systemic and systematic human rights attacks have continued unabated leading to varying degrees of serious physical and psychological harm to persons and families in Swaziland.

The absolute monarchical system of government of Swaziland is structurally unsound, profoundly anti-democratic, economically unjust, and fundamentally corrupt. The Monarchy is insensitive and non-responsive to the needs and plight of the people.

Poverty, at 63% of the populace, is endemic in Swaziland. About 26% of the population is living with HIV with an existing population of orphaned and vulnerable children estimated at 120 000. The hardest hit is the economically active members of the population and those aged between 15 and 49 years.

Press Freedom is highly restricted and the Press is largely state-owned. It is unprofessional, politically biased, tightly controlled and closely censored by the Monarchy and Government. Consequently, civil and political groups are routinely denied access to the media. Under threat, harassment and intimidation, media houses and individual practitioners have been unable to freely exercise freedom of expression despite its purported guarantee in the country's national constitution.

The role of civic groups in decision-making has been relegated to the backyard as they are been treated with hostility and suspicion and as mere nonentities where national policy formulation and implementation is concerned. The entire social dialogue process is heavily manipulated and does not include political discussions. Mass meetings that are organised by civic groups are regularly banned, broken up or invaded by the police who often use excessive force against peaceful citizens sometimes resulting in their murder, injuries, arbitrary arrest and unlawful detention.

The demands of the Swaziland people amongst other things are to have a true participatory democracy that will contribute to the betterment and wellbeing of the people on the basis of equality and non-discrimination. A critical condition for this is to have a genuine and transparent constituents-led constitutional reform that will give birth to a people's constitution and the return to multiparty democracy.

One of the most heartening developments in Swaziland over the last year has been the emergence of a united and purposeful trade union federation bringing together all Swazi trade unions into a single entity, the Trade Union Congress of Swaziland (TUCOWSA).

The attention of the NGO Forum has been drawn to the de-registration of the recently formed Trade Union Congress of Swaziland (TUCOSWA) by the Office of the Commissioner of Labour acting on the advice of the Attorney General of the Swaziland Government. The action unjustly infringes on the rights of workers in Swaziland to freely and independently form and join trade union organisations of their choice. This is unacceptable and demands urgent redress.

The NGO Forum calls upon the African Commission on Human and Peoples' Rights (ACHPR) to urge the Kingdom of Swaziland to do the following:

- i. Repeal/ amend all restrictive legislations that constrain enjoyment of civil and political rights.
- ii. Cease the practices of torture and arbitrary detention of political and pro-democracy activists, human rights defenders, trade unionists and civil society representatives by state agents with impunity and investigate deaths in custody and ensure that perpetrators are prosecuted.
- iii. Immediately commence a process of creating the infrastructure for conducting multi-party elections in 2013 that will include genuine and inclusive constitutional reform and political dialogue and the creation of a legal framework that enables the registration and free operation of political parties.
- iv. Speedily reverse the order to de-register the Trade Union Congress of Swaziland (TUCOSWA) and desist from continued intimidation and harassment of TUCOSWA leaders and members.
- v. Ensure freedom of expression by the media and refrain from censorship, denial of free access to the media by civic and political groups and harassment and intimidation of media houses and journalists.
- vi. Repeal legislation that discriminates against women, children, youth, people with disabilities, LGBTs and other vulnerable groups and adopt legislation that ensures that human rights are enjoyed by all in Swaziland on the basis of equality.
- vii. Enable a fact-finding mission to Swaziland to report on the situation of human rights in the country.
- viii. Submit a State Party report on the implementation of human rights in accordance with the African Charter on Human and Peoples' Rights.