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Lome, 10<sup>th</sup> October, 2014

Dear Mr. Prime Minister,

### **Protest against the planned dissolution of TUCOSWA and ATUSWA**

I write to convey to you serious concerns from the African Organisation of the International Trade Union Confederation (ITUC-Africa), which represents over 17 million workers in 49 African countries - including Swaziland. ITUC-Africa strongly condemns your plans to dissolve the Trade Union Congress of Swaziland (TUCOSWA) and the Amalgamated Trade Unions of Swaziland (ATUSWA). This development is coming on the heels of several complaints we have made in recent times concerning the need for the Swaziland Government to engender, as well as create genuine spaces for the enjoyment of fundamental human rights.

We have been informed that the Minister of Labour and Social Security, Winnie Magagula, held a press conference yesterday and announced a Cabinet resolution deciding that pending legal reforms all federations should stop operating immediately. Federations were called upon to submit reports of their operations to date including their prepared audited financial statements to the Commissioner of Labour. This decision will affect not only TUCOSWA and ATUSWA but also the Federation of Swaziland Employers and Chamber of Commerce, and the Federation of the Swazi Business Community. Tripartite bodies such as the Wages Council, Labour Advisory Board, Conciliation, Mediation and Arbitration Commission, Swaziland National Provident Fund, Training and Localisation Committee and the Social Dialogue Committee will stop functioning as a result.

Article 5 of ILO Convention No. 87 on Freedom of Association recognises the right of workers' organizations to establish or to join federations and confederations of their own choosing. In response to complaint filed by TUCOSWA and the ITUC on 23 May 2012 (Case No 2949), the Committee on Freedom of Association recommended that pending legislative reforms TUCOSWA is able to effectively exercise all its trade union rights without interference or reprisal. An ILO High Level Fact Finding Mission that

visited the country in January 2014 and recommended the registration of the worker and employer federations by end of April 2014.

Your government has completely ignored these recommendations as well as repeated calls from the international trade union movement to respect rights guaranteed under international conventions ratified by Swaziland, in particular ILO Convention No. 87. Instead you have now suspended workers' right to freely associate and to carry out trade union activities completely. This decision also goes against the decision of the Industrial Court which recognised that TUCOSWA could operate in terms of its own constitution. We are shocked that you even argue that your actions are required by the ILO, nothing could be more cynical and farther from the truth.

For us as a Pan-African trade union movement, we view this latest action as a pattern for serial breach of existing African Union instruments on the protection and promotion of fundamental human rights, as well as those within the Southern Africa Development Community (SADC), to which Swaziland is a signatory to. The African Union Charter on Democracy, Elections and Governance strongly prescribed that state parties should make conscious efforts to promote citizens' rights to freedom of association, choice, expression, representation, as well as pluralism. Sadly, this latest action by your government is once again aimed at undermining these instruments with the intention to expose workers to the vagaries of political and administrative interpretations and actions. We reject this development in the strongest terms and ask that the status quo be maintained.

We urge you to revoke the decision to dissolve TUCOSWA and ATUSWA and to start engaging in a genuine dialogue with unions about legislative reforms that will ensure that workers' rights are respected in line with Swaziland's international obligations without any further delay. We remain hopeful that your government will act responsibly.

Sincerely,



**Kwasi ADU-AMANKWAH**

**General Secretary**