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Lomé, 12th April 2012

O/R.: 042/2012/SG/RB

Dear Sir,

Urgent Call to restore the registered status of the Trade Union Congress of Swaziland (TUCOSWA)

The attention of the African Regional Organisation of the International Trade Union Confederation (ITUC-Africa) 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.

ITUC-Africa followed developments preceding the purported de-registration of TUCOSWA and can draw the firm conclusion that 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.

ITUC-Africa reminds the Swazi government that the International Labour Organisation (ILO) Convention 87 (Freedom of Association and Protection of the Right to Organize, 1948), which Swaziland has ratified, unambiguously stresses the free will of workers or employers as the case may be, to establish and join organisations of their own choice. Thus, the merger exercise that established TUCOSWA represented the Swazi workers' expression of that freedom of choice and action and needs to be fully respected.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has reported repeatedly on the systematic abuse of workers' rights by the Swaziland government, noting with particular concern, infractions of Convention 87. These reports have been acted on at different times by the International Labour Conference (ILC) Committee on the Application of Standards (CAS), and have resulted in Swaziland being placed in the "Special Paragraph" category by the ILC for three years continuously. It is noteworthy that the deteriorating workers' rights situation in the country prompted the institution of an ILO mission in 2010 and led to the acceptance by the Swaziland Government of the ILO's assistance to amend its labour legislation.

ITUC-Africa is concerned that the attempts to improve the atmosphere for the protection and promotion of the rights of workers, especially as it relates to Convention 87, have not enjoyed genuine goodwill and commitment from the Swaziland Government. The claim that TUCOSWA cannot be registered as a merged trade union federation is baffling. It defies reason that the same Industrial Relations Act under which the defunct Swaziland Federation of Trade Unions (SFTU) and the Swaziland Federation of Labour (SFL) were registered as federations is now being used to de-register TUCOSWA which was duly registered on January 25, 2012. This is regrettable and is again further evidence of interference on the part of the Swaziland Government in the activities and operations of trade unions in Swaziland.

ITUC-Africa urges you to use your good offices to cause a quick reversal of the order to de-register TUCOSWA. We emphasise that the rights to form and join trade union organisations are fundamental rights of workers that must be defended and promoted to provide opportunities for the attainment of peace, progress and social justice.

Yours sincerely,



Kwasi Adu-Amankwah

General Secretary, ITUC-Africa

CC: African Union

Southern African Development Council

Ministry of Labour

Trades Union Congress of Swaziland