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HTUR/MS

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Repression of trade union activities during the Global Week of Action

Prime Minister,

I am writing on behalf of the International Trade Union Confederation (ITUC), which represents 175 million workers in 156 countries and territories - including Swaziland - to strongly condemn the repression of trade union activities during the Global Week of Action.

On 5 September 2013, the General Secretary of the Trade Union Congress of Swaziland, Vincent Ncongwane, was followed by ten police officers in plain cloth. Upon entering his office he was arrested and taken to the police station without any explanation or arrest warrant. After three hours at the police station he was put under house arrest with the argument that he had attempted to instigate an illegal protest. TUCOSWA fully complied with Swazi laws by announcing a protest march for the Global Week of Action on 15 August 2013 to both police and the Commissioner of Labour. Nevertheless, the Commissioner of Labour claims not to have received the notice and argues that TUCOSWA may not organise any protests because it is not a registered trade union federation. Vincent Ncongwane was unable to communicate with other trade union leaders and his legal advisor because phone connections were blocked throughout the day.

In addition, the Commissioner of Labour asked TUCOSWA to not hold the Global Inquiry Panel Swaziland, a workers' hearing in the presence of international experts. Police and military have threatened personnel at the venue of the Global Inquiry Panel and have been following staff from the ITUC, COSATU, FES/DGB and Industriall around the clock. Alec Muchadehama, Paul Verry and Jay Naidoo, who are part of the international panel of experts as well as Paliani Chinguwo, were questioned at the police station upon arrival in Manzini on 5 September 2013. Police stated it would not allow the Global Inquiry Panel to be held without police presence.

As you know, the detention of trade union leaders or members for trade union activities is contrary to the principles of freedom of association protected by Convention 87. As the ILO Committee on Freedom of Association has explained, "Measures designed to deprive trade union leaders and members of their freedom entail a serious risk of interference in trade union activities and, when such measures are taken on trade union grounds, they constitute an infringement of the principles of freedom of association."¹ Freedom of association implies not only the right of workers and employers to form freely

¹ ILO Digest on Freedom of Association, para. 61

organizations of their own choosing, but also the right for the organizations themselves to pursue lawful activities for the defence of their occupational interests.²

At 102nd International Labour Conference your Government committed itself to guarantee that TUCOSWA can participate in national tripartite bodies but can also hold legitimate trade union activities without police interference. The ITUC therefore condemns interference in trade union activities and protests during the Global Week of Action, and in particular the detention of Vincent Ncongwane, Alec Muchadehama, Paul Verry and Jay Naidoo and Paliani Chinguwo. We ask you to honour your international commitments and obligations and to put an end to the repression of trade union activities, including the Global Inquiry Panel Swaziland.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Bunu".

General Secretary

² ILO Digest on Freedom of Association, para. 495