



19.5.2015

B8-0485/2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Swaziland, the case of human rights activists Thulani Maseko and Bheki Makhubu (2015/2712(RSP))

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on behalf of the S&D Group

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European Parliament resolution on Swaziland, the case of human rights activists Thulani Maseko and Bheki Makhubu (2015/2712(RSP))

The European Parliament,

- having regard to the revised Cotonou Agreement,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the African Charter on Human and Peoples' Rights,
 - Having regard to the Swaziland industrial Relations Act, 2000 (amended)
 - Having regard to the ILO Decent Work Country Programme for Swaziland
 - Having regard to the Universal Periodic Review (UPR) of Swaziland before the UN Human Rights Council, 4 October 2011
 - Having regard to the EU's system of Generalised System of Preferences, as approved by the European Parliament in 31 October 2012
 - Having regard to the EU statement at the International Labour Conference 103rd session, in Geneva on 6 June 2014
 - Having regard to the Statement by the Spokesperson of the EU High Representative on the sentencing of the Nation Magazine Editor Bheki Makhubu and Human Rights Lawyer Thulani Maseko of 30 July 2014
 - having regard to Rule 135 of its Rules of Procedure
- A. Whereas Swaziland is an absolute monarchy under King Mswati III who exercises absolute authority over the cabinet, Parliament, and judiciary, and under whose rule there has been a significant deterioration in human rights and respect for the rule of law, including the outlawing of political parties.
- B. Whereas Mr Thulani Maseko, a lawyer working for the Trade Union Congress of Swaziland, was arrested on 17 March 2014 after writing an article criticising the lack of independence of the judicial system in Swaziland, and subsequently sentenced to two years in prison. Whereas on 19 March 2015, following the publication of a prison letter denouncing his detention conditions, he was moved to solitary confinement.
- C. Whereas Mr Bheki Makhubu columnist and Editor-in-Chief of The Nation, considered as the sole independent newspaper of the country was arrested on 18 March 2014 and sentenced to two years of prison without the possibility of bail on charges of “scandalising the judiciary” and “contempt of

court” following the publication of the article criticising the judicial system

- D. Whereas in April 2014 seven people were arrested and charged with acts of terrorism simply for wearing political t-shirts; whereas in July 2014 Swaziland’s Prime Minister, Barnabas Sibusiso Dlamini, told Parliament that two union leaders who had attended the African Summit in Washington DC should be strangled for criticising the government
- E. Whereas Mario Masuku, President of the banned political party, the People’s United Democratic Movement (PUDEMO) is being detained in poor conditions, which are having a detrimental impact on his health and being denied adequate medical attention.
- F. Whereas the detention and arbitrary arrests of political activists represent a worrying erosion of the already limited human and political rights space in Swaziland.
- G. Whereas, in response to a complaint filed by Trades Union Congress of Swaziland (TUCOSWA) and the ITUC on 23 May 2012, the Committee on the Freedom of Association recommended that, pending legislative reforms, TUCOSWA be allowed to function without interference.
- H. Whereas following this, on 8 October 2014, Winnie Magagula, Swaziland Minister of Labour and Social Security, suspended all federations with immediate effect dissolving TUCOSWA and the Amalgamated Trade Unions of Swaziland (ATUSWA) and also the Federation of Swaziland Employers, Chamber of Commerce and a number of other statutory bodies.
- I. Whereas Article 5 of ILO Convention No. 87 on Freedom of Association ratified by the Government of Swaziland recognises the right of workers’ organisations to join federations and confederations of their own choice
- J. Whereas an ILO High Level Fact Finding Mission that visited Swaziland in January 2014 recommended that the registration of the workers’ and employers’ federations be reinstated by the end of April 2014.
- K. Whereas the Government of Swaziland completely ignored the 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 but instead suspended workers’ right to freely associate and to carry out trade union activities completely.
- L. Whereas the EU concluded negotiations on an Economic Partnership Agreement (EPA) on 15 July 2014 with the SADC EPA Group, including Swaziland and which is set to come before the European Parliament in the second half of 2015 for possible approval.
- M. Whereas in November 2014 Swaziland lost its preferential trade agreement with the US under the African Growth and Opportunity Act (AGOA) after the government failed to take reform measures, which it had voluntarily undertaken to do in 2013, including addressing restrictions on freedoms of association, assembly and expression, and amending the Suppression of Terrorism Act, the Public Order Act and the Industrial Relations Act.

- N. Whereas coupled with decreasing living standards, Swaziland has the highest prevalence of HIV/AIDS in the world claiming victim to large numbers of workers and farmers, creating thousands of orphans and further reducing life expectancy.
- O. Whereas under the 11th EDF the EU has allocated EUR 62 million under the National Indicative Programme for the period 2014-2020, with priorities including promoting good governance, transparency, accountability, judicial independence, the rule of law and strengthening of security.
1. Expresses its deep concern about the erosion of democracy and basic rights in Swaziland and the increasing brutal manner in which the government is responding to its critics.
 2. Calls for the immediate and unconditional release of Thulani Maseko and Bheki Makhubu; Calls also for the immediate and unconditional release of Mario Masuku – President of the People’s United Democratic Movement – and Maxwell Dlamini, Secretary General of the Swaziland Youth Congress both jailed for shouting political slogans at a union rally and charged under the notorious Suppression of Terrorism Act.
 3. Demands that the government of Swaziland brings an immediate end to intimidation by authorities of journalists, lawyers, independent-minded judges, trade union officials and parliamentarians who have been threatened with violence, arrest, prosecution or other forms of pressure as a consequence of their advocacy for human rights, respect for the rule of law or for political reforms
 4. Calls on the Government of Swaziland to revoke the decision to suspend TUCOSWA and ATUSWA and to engage in genuine dialogue with unions about legislative reforms that will ensure the respect of workers’ rights in line with international obligations. Calls upon the Swaziland authorities to respect and promote the freedom of expression, in line with the country's Constitution and international and regional human rights obligations
 5. Condemns the Government of Swaziland for completely ignoring the recommendations of the ILO High Level Fact Finding Mission report of January 2014 and the repeated calls from the international trade union movement to respect rights guaranteed under international conventions ratified by Swaziland.
 6. Recalls that the ILO advised the government of Swaziland to amend certain provisions of its Industrial Relations Act to allow for the formal registration of the Workers and Employers Federations in the country, which in no way amounted to a recommendation to stop the functioning of trade union and employer federations pending the amendment of the industrial relations act.
 7. Considers the banning of Trade Unions to be in clear contravention of the spirit and letter of ILO conventions, the Cotonou Agreement, and the sustainable development chapter of the SADC Economic Partnership Agreement under which the parties (including Swaziland) reconfirmed their obligations under international conventions, including core ILO standards.
 8. Recalls that the EU grants GSP trade preferences to Swaziland in order to provide trade incentives for the respect of core human and labour rights and good governance. Considers that the banning of trade unions runs counter to these aims.
 9. Calls therefore, on the European Commission to respect its monitoring obligations of Swaziland's

adherence to human rights, labour and environmental conventions under the Generalised System of Preferences and open an investigation to determine whether there has been a serious and systematic violation of the labour rights protected under the GSP.

10. Reminds the Government of Swaziland that failure to improve its human rights standards and ensuring a legal framework for better working conditions and greater individual freedoms will jeopardize its access to lucrative overseas markets, and therefore delivering higher wages and reducing poverty benefitting the country as a whole.
11. Instructs its President to forward this resolution to the Council, the Commission, the EU High Representative/Vice-President for foreign affairs, the Government of Swaziland, the governments of the South African Development Community, the ILO, the African Union, the United Nations Secretary-General.