



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

19.5.2015

B8-0479/2015

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 ALDE Group

B8-0479/2015

**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 statement of 30 July 2014 by the Spokesperson of the EEAS on the sentencing of the Nation Magazine Editor Bheki Makhubu and Human Rights Lawyer Thulani Maseko
- having regard to the EU Delegation to the Republic of Swaziland's statements of 1 April 2014 on the recent arrest and continued detention of the Nation Magazine Editor Bheki Makhubu and Human Rights Lawyer Thulani Maseko
- having regard to the UN Millennium Declaration of 8 September 2000, which sets out the Millennium Development Goals,
- having regard to the African Charter on Democracy, Elections and Governance of January 2007, which Swaziland has signed in January 2008,
- having regard to the Joint Africa-EU Strategy, which was adopted by Heads of State and Government from Africa and Europe at the Lisbon Summit in December 2007
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States, of the one part, and the European Community, on the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement),
- having regard to the African Growth and Opportunity Act (AGOA), signed into law on May 18, 2000 as Title 1 of The Trade and Development Act of 2000
- having regard to the African Charter of Human and Peoples' Rights of June 1981, which Swaziland has ratified in September 1995,
- having regard to the ILO Freedom of Association and Protection of the Right to Organise Convention, (No. 87) of 1948 ratified by Swaziland in April 1978
- having regard to the Universal Declaration of Human Rights of December 1948,
- having regard to the UN Declaration on Human Rights Defenders of December 1998,
- having regard to Rules 135 of the Rules of Procedure,

- A. Whereas Thulani Maseko a prominent human rights lawyer who was acting as legal counsel to the Trade Union Congress of Swaziland (TUCOSWA) and Bheki Makhubu columnist and Editor-in-Chief of The Nation, considered as the sole independent newspaper of the country, were arrested and detained on 17 March 2014 and 18 March 2014 respectively for writing articles in the Nation Magazine regarding the circumstances surrounding the arrest of Bhantshana Gwebu, Chief Government Vehicle Inspector and a member of the National Public Servants and Allied Workers Union, arrested on 20 January for having given a ticket to a High Court driver in his capacity as Chief Vehicle Inspector and about the lack of integrity, impartiality and independence of the Swaziland judiciary.
- B. Whereas after a trial with numerous flaws and irregularities demonstrating a bias against them, both of them were convicted of contempt of court on 17 July 2014; whereas instead of the ordinary 30-day sentence, they were sentenced to two years imprisonment on 25 July 2014, underscoring the political nature of their trial and sentence.
- C. Whereas Thulani is a human rights lawyer and a pro-democracy activist who repeatedly defended political activists and trade unions in and outside the courts; whereas he represented Mario Masuku, president of the banned opposition party, the People's United Democratic Movement, and Siphon Jele on their pro-democracy struggles, which the state had termed treasonable,
- D. Whereas, unfortunately, the arrests of Thulani Maseko and Bheki Makhubu are not isolated cases when it comes to the violation of the right to freedom of association in Swaziland; whereas Basil Thwala, paralegal officer at the Swaziland Transport and Allied Workers Union, was detained in July 2012 and sentenced to two years imprisonment under the Road Traffic Act and the Public Order Act for having participated in a strike,
- E. Whereas Thulani and Bheki continue to sit in a prison cell, waiting for their chance to challenge the decision that has for one year denied them their freedom; whereas on 19 March 2015 Thulani was moved to solitary confinement after the publication of a prison letter marking the one-year anniversary of his detention,
- F. Whereas violations against the fundamental rights of workers have become systemic and for the past decade the Swazi government has infringed on trade union and human rights and evaded interventions by the ILO on the application of Convention 87; Swaziland's King Mswati has threatened police violence against trade unionists taking part in a planned May Day rally in the major commercial city of Manzini with police announcing that only "recognised unions" will be allowed to celebrate May Day and said that they will enforce "law and order" at any rally,
- G. Whereas Peoples United Democratic Movement (PUDEMO) president Mario Masuku has been in detention since having addressed a workers' May Day rally on 1 May 2014; PUDEMO youth leader Maxwell Dlamini was detained alongside Masuku,

- H. whereas the right to express opinions through the press is an essential aspect of trade union rights; whereas as a Swazi citizens Thulani Maseko and Bheki Makhubu have the right to express their opinion freely regarding the treatment of trade unionists in the judicial system;
- I. Whereas the detention of human rights activists and trade unionists for reasons connected with their activities in defence of the interests of workers, constitutes a serious interference with civil liberties in general and with trade union rights in particular according to the ILO Committee on Freedom of Association,
- J. Whereas on 8 October 2014 Swaziland's government has announced an immediate ban on all trade union and employer federations; with one of the worst industrial relations records of any country, this constitutes a violation of ILO Convention 87; whereas there are 32 laws in Swaziland that place restrictions on freedom of expression and access to information,
- K. Whereas freedom of assembly, association and expression are essential components of any democracy; whereas the small southern African country is governed by a monarch that instituted a state of emergency in 1973 that is still in place 41 years later; whereas the abuse of power extends to the police and judiciary, since arrests and trials are used to deal with dissent,
- L. Whereas the economic recovery of the country is still fragile and certain State policies pose a threat to future economic relations between the Union and Swaziland; whereas Swaziland signed an interim EPA in June 2009 and negotiations towards a full and comprehensive EPA are ongoing,
1. Strongly condemns the detention of Thulani Maseko and Bheki Makhubu and the other human rights activists and defenders of the rights of workers and the right to association; Condemns the violation of human rights, including the political intimidation, harassment and arbitrary arrest of human rights activists and trade union rights particularly the right to freedom of association and assembly;
 2. Holds the authorities of Swaziland directly responsible for this state and calls upon them Calls upon the authorities of Swaziland to guarantee in all circumstances their physical and psychological integrity and to take all necessary measures to provide them the full protection of the law, within its overall responsibilities of ensuring the safety of all its citizens;
 3. Calls upon the authorities of Swaziland to unconditionally release all the human rights, rights of workers and the right to association defenders detained for exercising human rights activities, to end judicial harassment and to fully investigate abuses faced by human rights defenders;

4. Urges the government of Swaziland to refrain from arresting and detaining trade unionists for exercising their legitimate rights;
5. Calls upon the Swaziland Government to acknowledge the lack of progress on registration of two labour federations, the Trade Union Congress of Swaziland (TUCOSWA) and the Amalgamated Trade Unions of Swaziland (ATUSWA);
6. Calls upon the Swazi authorities concerned in this matter to respect and promote the freedom of expression, in line with Swaziland's legislation and international and regional human rights obligations;
7. Recalls the commitment made by Swaziland under the Cotonou Agreement to respect democracy, the rule of law and human rights principles which include freedom of expression and freedom of the media; urges the government of Swaziland to uphold these provisions in accordance with Articles 11b, 96 and 97 of the Cotonou Agreement;
8. Recalls the commitments made by the Government of Swaziland to the international community and that it is bound by its obligations under ILO Convention No. 87 which they ratified in 1978 and must therefore make a genuine effort to give effect to the rights under the Convention in practice;
9. Expresses concern over the failure of the Government to implement its international commitments with respect to the right to freedom of association; urges the government to overturn its decision from 8 October 2014 regarding registration of unions and their activities;
10. Calls on the Government of Swaziland to take the necessary steps, including restoration of the rule of law, democracy and respect for human rights;
11. Calls on the Commission to strengthen and enforce the respect of the human rights clause, by linking specific aid by the European Union to the Economic Partnership Agreements in a binding way;
12. Instructs its President to forward this Resolution to the Council, the European Commission, the VP/High Representative of the Union for Foreign Affairs and Security Policy, the governments and the Parliaments of the Member States, the EEAS, the government and the Parliament of Zimbabwe, and the Pan-African Parliament.