



EUROPEAN PARLIAMENT

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Plenary sitting

19.5.2015

B8-0481/2015

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 trade union leader Thulani Maseko and Bheki Makhubu
(2015/2712(RSP))

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on behalf of the GUE/NGL Group

B8-0481/2015

European Parliament resolution on Swaziland, the case of trade union leader Thulani Maseko and Bheki Makhubu (2015/2712(RSP))

The European Parliament,

- having regard to the resolutions of the European parliament on the situation in Swaziland
 - having regard to the revised Cotonou Agreement,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the African Charter on Human and Peoples' Rights,
 - having regard to Rule 135 (5) of its Rules of Procedure,
- A. whereas the Kings Proclamation which was adopted on 12 April 1973 introduced an absolute monarchy placing all executive, judicial and legislative functions in the King;
- B. whereas the Constitution of Swaziland adopted in 2005, not repealed this decree and continue to be used;
- C. whereas human rights lawyer and legal counsel to the Trade Union Congress of Swaziland (TUCOSWA), Thulani Maseki and Bheki Makhubu, editor of the Nation magazine, have been arrested on 17 March 2014 and 18 March respectively for having exercised their right to freedom of expression through opinion pieces regarding the deficiencies in the Swazi judicial system;
- D. whereas Thulani Maseko is senior member of Lawyers for Human Rights Swaziland and the Southern Africa Human Rights Defenders Network.
- E. whereas they were judged the 6 April 2014 and the court ruled that the arrest warrants, charges and pre-trial detention were unlawful. Thulani Maseko and Bheki Makhubu were released, but the next day already another arrest warrant was issued against them after the authorities appealed the court decision, whereas on 8 April, both were arrested again, whereas the appeal filed by their lawyers did not succeed.
- F. whereas on 17 July, Thulani Maseko and Bheki Makhubu were convicted for ‘contempt of court’ by the High Court of Swaziland, whereas shortly after, they were both sentenced to two years in prison,
- G. whereas that sentence is much heavier than the 30-days sentence or 2,200 Euro fine that is common for the offence, whereas the judge found, referring to the constitution, that the right of freedom of expression is not absolute but limited,
- H. whereas according to the Southern Africa Human Rights Defenders

Network (SAHRDN), such a narrow interpretation of the constitution and the conviction itself shows that the judiciary cannot handle criticism; whereas the conviction will set a bad precedent.

- I. whereas Swaziland has been placed under a special paragraph of the ILO Report of the Committee on the application of Standards for serious violations of the right to freedom of association; whereas the International Trade Confederation has serious concerns over increased attacks and the deterioration of already existing fundamental rights deficit in Swaziland;
 - J. whereas Mr Thulani Maseko was sent to two weeks of solitary confinement on 19 March 2015, without access to legal counsel during the course of the disciplinary proceedings;
 - K. whereas these restrictions on access to legal counsel fail to meet international human rights standards and are also a violation of Article 16 of Swaziland's Constitution;
 - L. whereas the Swaziland authorities are actively using the 2008 Suppression of Terrorism Act (STA) and the 1938 Sedition and Subversive Activities Act (SSA Act) to intimidate activists, further entrench political exclusion and to restrict the exercise of the rights to freedom of expression, association and peaceful assembly. Whereas international organizations condemned the provisions of the STA as incompatible with Swaziland's human rights obligations on a wide range of grounds;
 - M. whereas in Swaziland there is an extremely unequal income distribution (wealthiest 10 per cent of the population account for nearly half of total consumption) and about 84 per cent of the country's poor people live in rural areas, whereas a large proportion of rural households practice subsistence agriculture; whereas a big part of the land is property of European or foreign enterprises; whereas about 66 per cent of the population is unable to meet basic food needs, while 43 per cent live in chronic poverty, whereas there is a big unemployment rate and many people don't have access to adequate sanitary conditions;
 - N. whereas women and young people are increasingly vulnerable to poverty, especially in rural areas. Whereas factors aggravating poverty are an increasingly uneven distribution of resources, the rise in unemployment, the HIV/AIDS pandemic and the fact that large parts of the country are vulnerable to drought and climate change; whereas environmental fragility is beginning to affect food security, whereas overgrazing has caused soil depletion, while drought and periodic floods have become persistent problems;
 - O. whereas the Swazi economy is very closely linked to the economy of South Africa, from which it receives over 90% of its imports and to which it sends about 70% of its exports.
1. calls for the immediate an unconditional release of trade union lawyer Thulani Maseko and journalist Bheki Makhubu;

2. expresses a deep concern on the fact that the Swazi government is using the Suppression of Terrorism Act (STA) of 2008 and the 1938 Sedition and Subversive Activities Act (SSA Act) to restrict the freedom of association and the freedom of expression;
3. calls for the respect of the workers' rights and stresses the need to comply with the ILO conventions, notably Convention No. 87 on Freedom of Association and Protection of the Right to Organize and the Convention No. 98 on the Right to Organize and Collective Bargaining;
4. stresses the need to ensure that judiciary respects the rule of law and maintain its independence;
5. is concerned about the harassment and intimidation of trade union activists, journalists and defenders of human rights and to comply with international conventions including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights;
6. calls on the EU and the Member states to ensure that European companies in developing countries as Swaziland, respect workers' rights, local communities rights and the environment;
7. calls on the EU to use the economic resources to support the development of the country and their own resources, taking into account the interests and needs of the population.
8. stresses the need to guarantee an equal access to the land, water, seeds and financial resources to promote food sovereignty and to reinforce the local market and to visualise the important role of women in the society, the economy of the country, the food production and the preservation of the environment, and to promote women's participation in public and political life.
9. stresses the need to implement programs to fight against the HIV/AIDS, and prevent new infections.
10. considers that the registration of the Trade Union Congress of Swaziland (TUCOSWA), Federation of Swazi Business Community (FESBC) and the Federation of Swaziland Employers and Chamber of Commerce (FSE&CC) as part of government's tripartite alliance, which consisted of government, workers and employers representatives is a positive step and stresses the need of, from now on, allow the Trade Unions to develop their activities freely and in respect of the freedom of association.
11. Instructs its President to forward his resolution to the Council, the Commission, the Government of Swaziland, the African Union, the SADC (Southern African Development Community), the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the UN Secretary-General,