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Surya Tjandra
Lawyer and Director of the Trade
Union Rights Centre, Indonesia

Ozlem Yildirim
Policy Officer, International
Department,
CGT France

Director
Daniel Blackburn, MA, barrister

Researcher
Ciaran Cross, LL.M.



International Centre for Trade Union Rights
Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

E-mail: ictur@ictur.org
Web: www.ictur.org

ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

By e-mail:
kunenejabu@gov.sz
dludlusp@gov.sz
mbingoli@gov.sz
deptlab@realnet.sz

Attn:
Barnabas Sibusiso Dlamini
Prime Minister
Cabinet Offices
Hospital Hill, Mbabane
Kingdom of eSwatini

CC:
Winnie Magagula, Minister for Labour and Social Security
Clément Nyaletsossi Voule, United Nations Special Rapporteur on the rights
to freedom of peaceful assembly and of association

August 2018

Dear Prime Minister,

The International Centre for Trade Union Rights is writing to express grave concerns about recent police violence against a trade union demonstration in the Kingdom of eSwatini.

ICTUR understands that on 29 June, police attacked a workers' demonstration organised by the Trade Union Congress of Swaziland (TUCOSWA), leaving four TUCOSWA members with serious injuries. Police reportedly deployed a water cannon, rubber bullets, stun grenades, tear gas and batons to attack the demonstrators; one TUCOSWA member was arrested and later released. It is understood that the protestors intended to deliver a petition to the Deputy Prime Minister's office to protest the violations of the rights of sugarcane workers, and to demand the introduction of a minimum wage, a ban on replacement workers during strikes, and other labour reforms.

ICTUR wishes to remind the government that the right of assembly is an essential element of workers' freedom of association, enshrined in the International Labour Organisation Convention 87, which eSwatini has ratified. Following the interpretation of the ILO's Committee on Freedom of Association, the rights of workers can only be 'exercised in a climate that is free from violence... and it is for governments to ensure that this principle is respected' (*Digest of decisions and principles of the Freedom of Association*

Committee of the Governing Body of the ILO, Fifth Edition, 2006, paras. 42-45). The use of force by the authorities should only be resorted to in due proportion to the danger to law and order that the authorities are attempting to control. During trade union demonstrations, this should be limited to cases of genuine necessity and, in cases of strike movements, to grave situations where law and order is seriously threatened (*ILO Digest*, para. 140, 150 and 644).

ICTUR calls on the government to undertake all necessary measures to ensure that it complies with eSwatini's obligations under international law, and to protect the fundamental freedoms of workers to join and form unions and take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director