



**INTERNATIONAL
LAWYERS ASSISTING
WORKERS NETWORK**

Cleopas Sipho Dlamini
Prime Minister
Cabinet Offices
Hospital Hill
Mbabane
Eswatini

Email: nxumalovictorphinda@gmail.com

6 August 2021

Re: State repression against protesters

Dear Prime Minister,

On behalf of the International Lawyers Assisting Workers (ILAW) Network, which unites over 650 workers' rights lawyers in 75 countries, I write to strongly condemn the violence and repression perpetrated by security forces against peaceful protesters in eSwatini. This violence constitutes a blatant violation of the several human rights instruments that the government of eSwatini has ratified -- all of which guarantee the human right of all people to free expression and peaceful assembly.¹

I understand that the protests began in May following the death of Thabani Nkomonye, a law student, allegedly at the hands of the police. In June, protests evolved and included demands for economic reforms and fundamental political change, including the establishment of a constitutional democracy in which the people elect their government representatives in full freedom. The country remains an absolute monarchy and has banned political parties since 1973. The protests escalated when the government announced that it would no longer accept petitions, shutting down the ability to submit grievances through official channels. In response to the protests, the government launched a violent assault on pro-democracy protesters, using excessive, and indeed lethal, force. To date, security forces have killed at least 71 people and have injured many others.

I also take note that the violent crackdown perpetrated by the government has led to an overall state of disarray. As a result, workers are unable to work and earn an income. Many workers have

¹ See, e.g., International Covenant on Civil and Political Rights: articles 19, 21 and 22, the African Charter on Human and Peoples' Rights: articles 9, 10 and 11, and ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise.

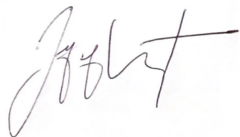
little to no savings and any prolonged period of unemployment, in the absence of any social or employment protection, will result in extreme hardship for many people.

We also note that democracy is a core trade union issue. As the ILO Committee on Freedom of Association has recently held, *“a system of democracy is fundamental for the free exercise of trade union rights.”* It further held that *“in a situation in which they deem that they do not enjoy the fundamental liberties necessary to fulfil their mission, trade unions (and employers’ organizations) would be justified in calling for the recognition and exercise of these liberties and that such peaceful claims should be considered as lying within the framework of legitimate trade union activities.”*²

Prime Minister, I urge you to immediately end the violence against protestors and heed their legitimate demands. We also join the UN in calling for a prompt, transparent, effective, independent and impartial investigation into all allegations of human rights violations by law enforcement personnel in the context of the demonstrations, and that those responsible are held to account. We would urge you to accept an independent investigation under the aegis of the UN for this purpose. Of course, the underlying issues which gave rise to the protests must be addressed, including by immediately legalizing political parties and by making a formal commitment to a negotiated political reform process with eSwatini civil society and political parties.

We hope and trust that your government will take the necessary measures to establish a democratic state without further delay, and I look forward to your response to this letter.

Yours Sincerely,



Jeffrey Vogt
Chair, ILAW Network

cc: United Nations Human Rights Council: InfoDesk@ohchr.org

cc United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association: civilsociety@ohchr.org

cc: The African Union Commission: chairperson@africa-union.org

cc: African Commission on Human and People’s Rights (ACHPR): au-banjul@africa-union.org

cc: SADC secretariat: registry@sadc.int

cc: Commonwealth Secretariat: partnerships@commonwealth.int

cc: EU-EEAS delegation in Eswatini: delegation-swaziland@eeas.europa.eu

² See, ILO, 394th Report of the Committee on Freedom of Association, Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry, March 2021, para 44.

cc: Minister for Labour and Social Security: pholile@swazilaw.com
cc: Minister of Industry and Commerce: nkambulesib@gmail.com
cc: TUCOSWA: tucoswa@swazi.net

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