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Southern Africa: Swaziland Worst Offender on Workers' Rights

Brussels, 4 November 2009 (ITUC OnLine): A new report by the ITUC on core labour standards in the countries of the Southern Africa Customs Union (SACU), published to coincide with the World Trade Organisation's (WTO) review of their trade policies, has found that the current legislation limits the right to organise and restricts collective bargaining instead of promoting it. SACU comprises Botswana, Lesotho, Namibia, South Africa and Swaziland.

Although all SACU member states have ratified both the main ILO Conventions on trade union rights, Conventions No. 87 and No. 98, there remain violations of freedom of association and the right to collective bargaining in most SACU countries, sometimes of an extremely serious nature. In Swaziland, the law does not allow strikes, and the police use excessive violence to repress any strikes that take place, arresting unionists and their leaders and using torture to obtain information. Other countries that prohibit or make it impossible for a strike to be declared are Botswana and Lesotho. In Lesotho, furthermore, public workers are not allowed to form trade unions and there have been repeated violations of labour rights by enterprises in Export Processing Zones.

The report finds that in all the member states of the SACU, discrimination in the labour market on the grounds of gender remains a problem. Additionally, in South Africa and Namibia, racial discrimination stemming from the apartheid legacy is persistent. The report calls for special attention to the growing population of persons who live with HIV/AIDS and the discrimination these persons face, making it particularly difficult for them to find work and resulting in their economic deprivation and social stigmatisation.

Among the report's findings is that exploitation of child labour in all the SACU members remains an unrecognised problem, largely due to social norms that tolerate and foster it. With the exception of South Africa, there are significant gaps in the legislation of the SACU countries and governments are insufficiently active in addressing the problem. Child labour is found chiefly in informal economic activities and in agriculture while child prostitution and trafficking are also reported in the entire region.

The report's findings show that there has been some progress on the issue of forced labour, with the exception of Swaziland where the government has institutionalised forced labour on the grounds of tradition. Furthermore in all SACU member countries the governments have generally failed to design and implement strategies against trafficking, which notably concerns children. Lack of inspections and of anti-trafficking legislation makes the tracing and prosecution of such cases difficult

while little is known of the real dimensions of the problem.

The report calls on the SACU member countries to improve the training of labour inspectors and law enforcement officials in order to identify and remedy cases of child labour, forced labour and violations of trade union rights, as well as improve the application of the penalties foreseen under the law. It is vital that amendments in existing legislation and new laws should be enacted, and that the governments build effective policies to address the problems described in the ITUC report.

To read the full report:

http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final.pdf

To read the ITUC "Union View" on Swaziland":

<http://www.ituc-csi.org/spip.php?article3671>

The ITUC represents 170 million workers in 158 countries and territories and has 316 national affiliates.

Website: www.ituc-csi.org and <http://www.youtube.com/ITUCCSI>

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