

Eswatini 2022 Human Rights Report

Executive Summary

There were notable changes in the human rights situation in Eswatini during the year. The killing in January of Thulani Maseko, a leading human rights activist by unknown gunmen, heightened fears among other activists that the government had embarked on a campaign to silence dissent. Several activists subsequently fled the country.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture and cruel, inhuman, or degrading treatment or punishment by the government; serious problems with the independence of the judiciary; political prisoners or detainees; transnational repression against individuals in another country; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including censorship; substantial interference with the freedom of peaceful assembly and freedom of association; serious and unreasonable restrictions on political participation; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, and child, early, and forced marriage; trafficking in persons; significant restrictions on workers' freedom of association, including threats

against labor activists; and the existence of the worst forms of child labor.

The government did not take credible steps to identify and punish officials who may have committed human rights abuses. Unidentified opposition elements claimed credit for inspiring and conducting violent crimes throughout the country including targeted killings of security personnel and traditional leaders. The government referred to members of these groups as “terrorists” and investigated their activities. The government made five arrests with prosecutions pending at year’s end.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings during the year. South African-based media reported the government hired “mercenaries” to hunt down and kill activists. The government denied these reports but acknowledged it hired security experts and trainers from outside the country as consultants.

On January 21, leading human rights, labor, and proreform advocate Thulani Maseko was shot and killed at home in front of his wife and two children. The investigation remained ongoing, and no arrests were made as of year’s

end. Following his killing, numerous domestic and international human rights organizations reported an exodus of proreform activists from the country due to fear for and alleged threats to their safety.

On March 3, the Umbutfo Eswatini Defense Force shot laborer Isiah Amen Mavimbela while he was attempting to enter South Africa at an informal border crossing. Mavimbela later died of his wounds while undergoing treatment. No reason for the shooting was reported.

Throughout the year, opposition groups used widespread threats and intimidation of progovernment elements and claimed responsibility for the 2022 killings of police officers, prison guards, and a traditional leader. They also threatened violence against anyone who testified on behalf of the government in judicial proceedings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibited such practices and there were credible reports that government official employed them.

The law prohibited security forces from inflicting, instigating, or tolerating

torture and other forms of cruel, inhuman, or degrading treatment or punishment. The law also established a disciplinary offense for officers who used violence or unnecessary force, or who intimidated prisoners or others with whom they had contact in the execution of their duties. There were numerous credible reports security forces employed such practices.

On June 12, defense attorneys asserted police tortured Thabo Kunene, a suspect allegedly involved in the killing of security forces in 2021 and 2022, during an interrogation.

On September 29, defense attorneys recorded to the Attorney General that incarcerated Member of Parliament Mduduzi Bacede Mabuza was assaulted by prison wardens and new recruits, stripped naked, humiliated in front of wardresses, kicked in the face, beaten, gouged in the eye, and stabbed with blunt objects.

There were media reports of cruel, inhuman, and degrading treatment by community police and local police elements working under the direction and authority of local chiefs.

Impunity was entrenched in the security forces with still no investigation through year's end of police violence against citizens in 2021. The forces in which impunity existed included elements of the Royal Eswatini Police Services (REPS)

Prison and Detention Center Conditions

Prison conditions varied depending on location. Primary problems included overcrowding, decaying of some facilities, poor ventilation, and substantial deficiencies in dietary nutrition, health services equipment and supplies, as well as prisoner-on-prisoner violence.

Abusive Physical Conditions: Facilities were of mixed quality. Some were old and dilapidated while others, such as the women's prison and a dormitory opened in 2022 at a medium security prison in Matsapha, were well maintained. Prisoner-on-prisoner violence remained a concern due to gang activity among inmates. The government reported youth-related gang activity at the juvenile rehabilitation center increased. Prison mental health facilities lacked basic rehabilitation and recreational services.

Administration: Authorities investigated allegations of mistreatment and held prison officials accountable through appropriate disciplinary measures, primarily suspensions without pay. The HMCS met with the Commission on Human Rights and Public Accountability (CHRPA) as needed to review prison conditions, individual cases, and prisoner needs such as legal counsel.

Independent Monitoring: The government permitted monitoring of prison conditions by independent nongovernmental organization (NGO) observers with some limitations.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law required warrants for arrests, except when police observed a crime being committed, believed a person was about to commit a crime, or concluded evidence would be lost if arrest was delayed. The law required authorities to charge detainees with an offense within a reasonable time, usually within 48 hours of arrest or, in remote areas, as soon as a judicial officer was available to assume responsibility. Authorities sometimes failed to charge detainees within this period, sometimes taking up to a week.

There was a bail system and suspects could request bail at their first appearance in court, except in serious cases such as those involving murder or rape charges. In general, detainees could consult with lawyers of their choice, to whom they were generally allowed prompt access. Lawyers could be provided to indigent defendants at public expense in capital cases or if conviction of a crime was punishable by life imprisonment.

Pretrial Detention: CHRPA stated lengthy pretrial detention was common, with most pretrial detainees incarcerated due to shortages of judges,

prosecutors and courtrooms, a weak case management system, and a lack of access to pro bono legal representation.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary and the government in many cases respected judicial independence and impartiality. Civil society alleged the government institutionally failed to respect judicial independence in politically high-profile cases. The king appointed Supreme Court and High Court justices. According to the constitution, these appointments were to be made with the advice of the Judicial Service Commission, which was chaired by the chief justice and consisted of other royal appointees, but civil society groups alleged the king made judicial appointments without consultations. Judicial powers were based on a dual legal system: Roman-Dutch law and a system of traditional courts which followed traditional law and custom. Neither the Supreme Court nor the High Court, which interpreted the constitution, had jurisdiction in matters concerning the Offices of the King or Queen Mother, the regency, chieftaincies, the Swati National Council (the king's advisory body), or the traditional regiments system based on clan loyalties. Unwritten traditional law and custom governed all these institutions.

Trial Procedures

The constitution provided for the right to a fair and public trial, and the

judiciary generally enforced this right. Trials were held without undue delay. Although the judiciary generally enforced most rights to a fair public trial, prolonged delays during trials in magistrate courts and the High Court were common.

Traditional courts were empowered to administer customary law only “insofar as it is not repugnant to natural justice or morality,” or inconsistent with the provisions of any civil law in force, but some traditional laws and practices violated civil laws, particularly those involving women’s and children’s rights. For instance, customary law permits chiefs to evict women from their land, denying equal treatment guaranteed under the constitution. Defendants in traditional courts were not permitted formal legal counsel but could speak on their own behalf, call witnesses, or be assisted by informal advisors.

In a decision adopted unanimously by the International Parliamentary Union on March 15, the legal proceedings observed by an independent judge identified abuses of human rights and called into question the competence and independence of the court, including arbitrary arrest and detention, inhuman conditions of detention, lack of fair trial procedures, excessive delays, abuses of freedoms of expression, assembly, and association, failure to respect parliamentary immunity, and other acts obstructing the exercise of the parliamentary mandate.

Political Prisoners and Detainees

There was one report of political detainees, noted in the case of the two incarcerated MPs. On June 1, the High Court found two proreform members of parliament, Mduduzi Bacede Mabuza and Mthandeni Dube, guilty on charges of terrorism and murder. Local and international groups claimed the verdict was a predetermined outcome and a denial of a fair trial by the courts.

Media and political activists reported incarcerated opposition members of parliament Mduduzi Bacede Mabuza and Mthandeni Dube were beaten and abused while in government custody on charges of terrorism and murder stemming from their alleged roles in 2021 civil unrest.

f. Transnational Repression

Media reported government engaged in transnational repression on the pretext of defending the Swazi people against a campaign of terrorism outside of its borders, including against members of diaspora populations, political opponents, civil society activists, human rights defenders, and journalists operating in South Africa.

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or

Threats of Violence: The government was alleged to have killed or kidnapped persons or used violence or threats of violence against individuals in other countries, for politically motivated reprisal. These

allegations were made by political parties, the mass democratic movement including proreform groups, civil society organizations, church groups, and media. On June 12, prodemocracy and proreform political parties filed a formal complaint with the South African High Commission over REPS' alleged May 31 kidnapping and illegal extradition of the self-declared "commander" of the Swaziland International Solidarity Forces, Thabo Kunene, and his accomplice Sibusiso Nkomonye.

Threats, Harassment, Surveillance, and Coercion: Opposition groups such as the Southern Defenders, political parties, and the Multi-Stakeholder Forum reported politically motivated efforts by government to use threats, harassment, and arbitrary surveillance against individuals located outside the country. There were reports labor union activists, civil society dissidents, and journalists who lived outside the country suffered digital harassment and family members who remained in the country faced intimidation.

g. Property Seizure and Restitution

Forced evictions, instigated by landowners who took steps to regain land with the support of traditional authorities, threatened the right to adequate housing of hundreds of families. Amnesty International reported marginalized groups such as widows or households headed by children or women were the most affected and the most likely to have insufficient means to challenge evictions.

According to Freedom House, women faced enormous challenges to retain and exercise their rights to land as afforded by the constitution. A deeply flawed land governance system particularly disadvantaged those under threat of imminent eviction, according to Amnesty International, as residents' legal challenges to evictions were continually delayed by being shuffled between ministries, chiefdoms, and courts.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions and there were reports that the government failed to respect these prohibitions. These actions were prohibited except “in the interest of defense, public safety, public order, public morality, public health, town and country planning, use of mineral resources, and development of land in the public benefit.” The law required police to obtain a warrant from a magistrate before searching homes or other premises, but officers with the rank of sub-inspector or higher had authority to conduct a search without a warrant if they believed a delay might cause evidence to be lost. There were reports of unlawful interference with privacy by the government. On January 4, media reported police in Siteki searched the house of Siteki Bank Branch Chairperson Khetha Dlamini, without a search warrant in the company of soldiers. There were reports police used excessive force during the search. On March 23, the International Observatory of Lawyers reported attorney Maxwell Nkambule

was threatened and reported an attempted burglary of his office which police refused to investigate.

Human rights organizations reported government authorities arbitrarily, or without appropriate legal authority, accessed, collected, or used private communications or personal data; used technologies and practices including those involving internet and social media controls, sensors including unmanned aerial vehicle surveillance of homes of proreform individuals, spyware, recording devices, and noncooperative location tracking. In addition, there were reports government authorities pursued and punished family members for offenses allegedly committed by relatives; and removed or threatened removal of children from the custody of their parents to punish dissent or for other political purposes.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provided for freedom of expression, including for members of the press and other media, but the government restricted this right, particularly regarding press freedom to report on matters regarding the monarchy.

Freedom of Expression: Tension in civil society remained high since the

2021 unrest, and resulted in reports of citizens, businesses, and even government officials and parliamentarians not exercising their right to free speech, fearing professional retaliation by the government.

Violence and Harassment: Although journalists avoided writing about certain topics – a self-censorship enforced by the government through professional intimidation such as demotions – they were also harassed and physically threatened with violence by groups outside the government, including prodemocracy reform groups.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The law empowered the government to ban publications it deemed “prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health.” According to an October 2022 report by the Campaign for Free Expression and the Inhlase Center for Investigative Journalism, a widespread culture of self-censorship existed among journalists, especially regarding reporting related to the king and the royal family. Most journalists and broadcast media avoided criticizing the palace due to fear of reprisals such as being professionally ostracized or losing paid government advertising in their outlets. Self-censorship was rare in relation to the government or corruption, which media frequently criticized.

Libel/Slander Laws: Although the country had no formal criminal libel or slander laws and no laws forbidding criticism of the monarchy, the courts

entertained defamation lawsuits through other legal provisions such as the right to privacy. Media outlets were often taken to court for defaming powerful leaders and charged large fines if found guilty.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The government limited the freedom of peaceful assembly.

Freedom of Peaceful Assembly

The constitution and law provided for the freedom of peaceful assembly, but the government failed to respect that right on some occasions. There were reports of security forces preventing previously approved public gatherings from taking place or ignoring other requests. Police used the law to deny citizens the right to assemble, on public safety grounds, in at least two cases even after municipalities gave their approval. On April 12, labor unions assembled to celebrate the International Day of Action to end the culture of impunity in the country on the anniversary of its independence. Umbrella organizations, such as the Multi-Stakeholder Forum and the Political Party Assembly, a consortium of political parties in the country, organized activities to bring about a nationwide transport shutdown and

border closures. REPS and the South African Police Service prevented the Ngwenya/Oeshok border closure and transport shutdown but allowed the protest celebration to occur on the South African side of the border.

In August, police refused to allow a petition delivery at the Ministry of Health led by the Swaziland Democratic Nurses Union. Police used tear gas to disperse the peaceful crowd.

c. Freedom of Religion

See the Department of State's International Religious Freedom Report at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not respect all these rights.

In-country Movement: The ability to move freely and safely around the country remained restricted. The government cited targeted shootings of security service personnel by unidentified opposition elements to justify increased security operations, including police checkpoints and random searches. Women and Law in Southern Africa, a regional NGO, reported traditional chiefs regulated movement and residence within their

communities and generally denied access to groups advocating for human rights or democratic reforms.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a functioning system for providing protection to refugees. There was, however, a significant backlog of refugee status determination cases leading to asylum applicants lacking benefits for an extended waiting period. NGOs attributed the backlog to the replacement of caseworkers and the time needed to train replacements.

Employment: There were credible reports the government imposed restrictions on refugees' ability to work after their status as refugees was official. Although the government granted refugees temporary residence permits and allowed them to apply for jobs, refugees reported difficulties obtaining work permits outside of the subsistence agriculture sector. Refugees who gained employment as French language teachers in public schools reported the government refused to renew their work permits, citing localization policies.

Access to Basic Services: Children of asylum seekers were not permitted to attend free primary and secondary school without paying fees.

Durable Solutions: Refugees who lived in the country more than five years were eligible for citizenship, but due to the chronic government processing backlog, many waited more than a decade for citizenship without success. The government permitted refugees to integrate locally in the country, although refugees reported increasing challenges and discrimination that have continued since the beginning of the COVID-19 pandemic.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

The country contributed to statelessness, including through discrimination in nationality laws or their administration, or birth registration problems. There were reports of children unable to access services, including education, due to lack of citizenship documentation, including children of refugees born in the country. The constitution did not provide for women to transmit citizenship to their children, except in cases of births out of wedlock. On April 6, an application was made at the High Court to declare laws limiting the passing of citizenship from Swazi women to their children

be declared unconstitutional due to their discriminatory nature. Low levels of birth registration also contributed to increased risks of statelessness (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

Political rights were restricted, although citizens could choose 59 of the 69 members of the House of Assembly in procedurally credible, periodic elections held by secret ballot.

Under the constitution the king selected the prime minister, the cabinet, two-thirds of the Senate, 10 of 69 members of the House of Assembly, the chief justice and other justices of the superior courts, members of commissions established by the constitution, and the heads of government offices. On the advice of the prime minister, the king appointed the cabinet from among members of parliament.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections in August and September were conducted in accordance with the Swazi constitution and were free of significant abuses and irregularities, according to an observer mission from the Southern African Development Community. Political party participation was not allowed, however, and international

election observers avoided using the phrase “free and fair” to describe the elections. Many civil society and political organizations insisted conditions were not conducive to elections in view of what they described as the lack of political or social dialogue since the unrest of 2021 and a prevailing climate of fear and intimidation.

Political Parties and Political Participation: The constitution provided for freedom of association but did not address how political parties could operate, and there was no legal mechanism for them to contest elections or appear on a ballot. The constitution also required candidates for public office to compete “on their individual merit”, which courts interpreted as blocking competition based on political party affiliation. Some individual members of political parties, however, successfully ran for parliamentary seats on their individual merits. During the nomination phase of elections, candidates for parliamentary elections were not chosen by secret ballot but rather by a public show of hands in the presence of the local traditional chief and among community members at a special gathering held for this purpose. Democracy advocates, including the Swaziland Human Rights Watch, contended this traditional practice was counter to democratic principles and served to intimidate would-be candidates and supporters.

Participation in the traditional sphere of governance and politics took place predominantly through chiefdoms. Chiefs were custodians of traditional law and custom, reported directly to the king, and were responsible for the day-to-day running of their chiefdoms and maintenance of law and order.

Although local custom mandated chieftaincy was hereditary, the constitution, while recognizing chieftaincy was “usually hereditary and is regulated by Swati law and custom,” also allowed the king to “appoint any person to be chief over any area.” As a result, many chieftaincies were nonhereditary appointments, a fact which provoked land disputes, especially when chiefs died.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption, however, and Freedom House and other anticorruption watchdogs reported implicated officials often enjoyed impunity.

Corruption: The International Monetary Fund reported in May public perceptions of corruption worsened since 2022.

Throughout the year, there were allegations of corruption in the Ministry of Works regarding lack of transparency in the tendering system. In August and September, corruption in the health sector spilled into public view, when shortages of drugs and medical supplies led to negative impacts on public perception of the government’s service delivery. The Ministry of Finance and auditor general launched investigations and forensic audits in response to the health crisis, and the cabinet established a task force to

reform the public health supply chain system. On October 14, rampant reports of corruption and bribery in the election of 10 Senators led to an open investigation. On November 3, the king declared elimination of corruption a policy priority for the new prime minister.

Although the government initiated several corruption investigations, there were no reports of prosecutions or convictions for corruption during the year.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups operated under government restrictions and were unable fully to investigate and publish independent findings on human rights cases. Government officials were rarely cooperative with or responsive to the views of these groups.

During the year, the government became much more defensive regarding human rights, claiming proreform and human rights advocates had become

weaponized by enemies of the state seeking overthrow of the monarchy. In June, government introduced a bill in parliament to establish a framework for regulating NGOs, proposing to facilitate a relationship between NGOs and the government involving “constructive collaboration and partnership in furtherance of the public interest.” Civil society watchdog organizations claimed the bill would give the government disproportionate and discretionary powers to restrict the independent work of registered NGOs, including criminal sanctions for administrative errors. In June, the Executive Director of the Coordinating Assembly of NGOs rejected the bill, stating, “The bill in its current form threatens the autonomy of the NGOs and is contrary to the letter and spirit of the Constitution.”

Retribution against Human Rights Defenders: The Maseko killing had a chilling effect on human rights defenders (see section 1.a.). Numerous human rights defenders have gone into hiding or left the country, according to regional human rights network reports.

The United Nations or Other International Bodies: The government refused to allow urgent human rights agenda items at the January 31 SADC Extraordinary Summit. According to SADC evaluations of the situation, the government also refused the assistance offered by the SADC Parliamentary Forum, the SADC Observer Mission, and the SADC Technical Cooperation Division. The African Commission on Human and People’s Rights called for the government to refrain from any form of victimization, harassment, intimidation and targeting of human rights defenders, political parties,

protesters, prodemocracy leaders and campaigners through the arbitrary use of the police and security forces, earning terse rejection from government. The SADC Troika Organ for Peace, Defense, and Security stated in December 2022 a framework for national dialogue would be announced, which never took place. Instead, the government asserted at the SADC Troika meeting in January 31, the government was under attack by well-resourced and -coordinated elements masquerading as prodemocracy advocates and the climate was not conducive to dialogue.

Government Human Rights Bodies: The constitution empowered CHRPA, which received its funding and staffing from the Ministry of Justice, to investigate complaints of corruption, abuse of power, human rights abuses, and mismanagement of public administration. In contrast to 2022, local observers no longer regarded CHRPA as effective or independent; it did not investigate complaints, open new investigations, make findings of fact, appear in court on behalf of aggrieved parties, or issue recommendations to judicial and governmental bodies. A permanent replacement for the CHRPA commissioner who left office in July 2022 had not been named at year's end.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized domestic violence and rape for both men and women, including rape of a spouse or intimate

partner. The penalties for conviction of rape were up to 30 years' imprisonment for first offenders and up to 40 years' imprisonment for repeat offenders. The penalty for conviction of domestic violence was a fine, up to 15 years' imprisonment, or both, and several convicted perpetrators received lengthy sentences. The government generally enforced the rape law effectively, although NGOs and health officials stated many rapes went unreported and gender-based violence (GBV) remained a problem. In a survey conducted during the year by the government among women and girls ages 13 to 24, more than 8.1 percent reported they had experienced sexual violence during their lifetime. On October 28, a deputy sheriff shot and killed his girlfriend and three other women in Goje Township. On November 15, the *Eswatini Observer* reported there were 147 murders and 133 suicides directly tied to domestic violence during the year. An Afrobarometer survey also reported a steep increase in unreported GBV due to fear of reprisal by perpetrators, losing financial support, and stigmatization.

Few social workers or other intermediaries were available to work with survivors and witnesses to obtain evidence of rape and domestic violence. There were reports survivors faced intimidation, stigmatization, and violence from authorities, relatives, and perpetrators when attempting to report rape and domestic violence to police or other authorities. Rural women who pursued prosecution for domestic violence in traditional courts often had no relief if family intervention failed because traditional courts

were generally less sympathetic to women and less likely than civil courts using Roman-Dutch-based law to convict men of spousal abuse.

Other Forms of Gender-based Violence or Harassment: Amnesty

International and academic articles routinely reported sexual harassment as being widespread.

The law classified witchcraft, sorcery, and the practice of voodoo as punishable offenses under the Witchcraft Act of 1889, although many such practices remained among popular customary and traditional healing rituals. Accusations of witchcraft against women in family or community disputes led to them being physically attacked, driven from their homes, or both. For example, on August 7, media reported community members hacked to death Elizabeth Sisana Dlamini of Bhadzeni regarding witchcraft allegations.

Discrimination: The country's dual legal system complicated the protection of women's rights. Since unwritten customary law and practice governed traditional marriage and certain matters of family law, women's rights often were unclear and changed according to where and by whom they were interpreted.

Women continued to occupy a subordinate role in society. Even women in elected positions reported facing systemic discrimination. A member of parliament who advocated for a declaration of gender-based violence as a national disaster reported she was effectively punished in parliament for her comments. Polygamy was practiced under traditional custom, creating

unequal relationships for women, according to Amnesty International, with most decision-making power vested in the male partner and his family.

Polygamy was not permitted in civil marriages. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules applied to the marriage and to subsequent questions of child custody, property, and inheritance in the event of divorce or death.

The constitution provided for equal access to land, and civil law provided for women to register and administer property, execute contracts, and enter transactions in their own names. Women, however, faced discrimination in exercising customary land tenure rights. Women also encountered employment discrimination.

Girls and women in rural areas faced discrimination by community elders and authority figures. Although customary law considered children to belong to the father and his family if the couple divorce, custody of the children of unwed parents typically remained with the mother unless the father claimed paternity. When a husband died, tradition required the widow to stay inside the residence of her husband's family in observance of a strict mourning period for one month, although in some cases the mourning period lasted up to two years. No similar mourning period applied to men. Media reported widows and their dependents sometimes became homeless and were forced to seek public assistance after the husband's family took control of their homestead. Women in mourning attire were generally not allowed to mix freely in public or participate in public events

and were barred from interacting with royalty or entering royal premises.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization by government authorities. Some individuals, particularly young women, often lacked the information and means to support their reproductive health.

Although there were periodic disruptions in the supply of family planning commodities, generally there was wide access to contraception, including in health facilities, retail stores, public restrooms, and workplaces throughout the country, and most persons had access to reproductive health and contraception information. The UN Population Division estimated 51 percent of girls and women ages 15 to 49 used a modern method of contraception during the year. The government provided emergency contraception and postexposure HIV prophylaxis to survivors of sexual assault.

According to the World Health Organization, the maternal mortality ratio was 437 deaths per 100,000 live births. A general pattern of late presentation for first antenatal care visits resulted in late identification of high-risk pregnancies. Lack of equipment and medications, limited training, and a shortage of specialist obstetricians further worsened maternal and neonatal health outcomes.

There were reports girls, particularly in rural areas, missed school on occasion due to lack of sanitary products. The government's National

Development Plan noted a rise in teen pregnancies, especially among poor households. Government officials announced pregnant pupils were welcome to attend public schools, but some private religious schools did not allow pregnant girls to attend.

Systemic Racial or Ethnic Violence and Discrimination

Under the constitution all persons were equal before the law.

Discrimination based on gender, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion, age, or disability was prohibited.

Governmental and societal discrimination sometimes occurred against ethnic minorities, primarily persons of South Asian descent, but not on a systemic basis. These persons at times encountered difficulty obtaining official documents, including passports, and suffered from other forms of governmental and societal discrimination such as delays in receiving building permits for houses, difficulties in applying for bank loans, and being required to obtain special permits or stamps to buy a car or house.

Children

Birth Registration: There was no difference in birth registration policy between boys and girls. The law mandated compulsory registration of births, but data on compliance was unavailable. The birth of a child born to unwed asylum seekers could only be registered by the mother, thus

increasing the risk of statelessness. Lack of birth registration could result in denial of public services, including access to education.

Child Abuse: The law provided broad protections for children against abduction, sexual contact, and several other forms of abuse. The penalty for indecent treatment of children was up to 25 years' imprisonment, depending upon the age of the survivor. Although the government generally enforced the law effectively, child abuse remained a serious problem, especially in poor and rural households, as noted by UNICEF.

Laws permitted corporal punishment and provided specific guidelines on the number of strokes by infraction after a medical doctor had cleared the student to receive corporal punishment. There were multiple media and civil society reports of excessive corporal punishment in schools.

Child, Early, and Forced Marriage: The government recognized two types of marriage: civil marriage and marriage under uncoded traditional law. The legal age for civil marriage was 18 for both boys and girls, but girls could marry at 16 with parental consent and approval from the minister of justice. Because uncoded traditional marriage law did not provide for a specific minimum age in marriage approval, it was open to abuse and child marriage was reported to be practiced in some communities.

Sexual Exploitation of Children: The law prohibited commercial sexual exploitation, including sex trafficking and the sale, grooming, or use of children for commercial sexual exploitation and practices related to child

pornography. Although the government generally enforced the law effectively, NGOs reported some children were victims of commercial sexual exploitation, including sex trafficking. The law criminalized “mistreatment, neglect, abandonment, or exposure of children to abuse” and imposed a statutory minimum of five years’ imprisonment if convicted. Although the law set the age of sexual consent at 16, it also outlawed “maintaining a sexual relationship with a child,” defined as a relationship involving more than one sexual act with a person younger than 18.

Antisemitism

The Jewish community was very small, and there were no known reports of antisemitic incidents.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Common law was understood to criminalize sodomy, but no penalties were specified. There were no reported arrests or prosecutions

for consensual same-sex conduct.

Violence and Harassment: Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons reported high levels of violence and abuse, with a recent study finding that 60 percent of LGBTQI+ persons experienced violence in their lifetime, and 25 percent of lesbians reporting sexual violence in 2021. No reports, however, were released during the year.

Discrimination: The law did not explicitly recognize LGBTQI+ couples and their families and did not grant them rights equal to rights of other persons. The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. Societal discrimination against LGBTQI+ persons remained a concern, and LGBTQI+ persons often concealed their sexual orientation, gender identity or expression. LGBTQI+ persons who were open about their status faced censure and exclusion from the chieftom-based patronage system. Some traditional, religious, and government officials opined regularly in a weekly newspaper editorial campaign that same-sex sexual conduct was immoral. LGBTQI+ persons faced discrimination and were subjected to ridicule based on their sexual orientation, particularly when seeking employment and healthcare services in hospitals and clinics.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices: There were no

reports of surgeries performed on minors or nonconsenting adult intersex persons. There was an unconfirmed media report in June that members of the LGBTQI+ community were forced into heterosexual marriages. In 2022, the organization Eswatini Sexual and Gender Minorities reported two instances of alleged “corrective” rape.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Freedoms of peaceful assembly and of association were restricted for LGBTQI+ persons. On September 27, the Ministry of Commerce refused the right of an LGBTQI+ NGO, Eswatini Sexual and Gender Minorities, to register as a legal entity; the Ministry declared the association was an offense “against Swazi law and custom.” The government acted despite a June ruling by the Supreme Court that an earlier denial of registration was unconstitutional. A celebration of Pride Month was given permission to occur in Mbabane. Due to a political party coopting the event for unrelated political purposes, however, the celebration was canceled at the last minute.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. The law protected the rights of persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The law mandated access to

buildings for persons with disabilities, but such regulations were rarely enforced and public awareness of them remained minimal. The Office of the Deputy Prime Minister was responsible for upholding the law and for protecting the rights of persons with disabilities. The government did not enforce these provisions effectively.

There was little progress in expanding accessibility and access to public services for persons with disabilities, although some newer government buildings, and those under construction, included various improvements for persons with disabilities, including access ramps. Public transportation was not easily accessible for persons with disabilities, and the government did not provide any alternative means of transport. The government did not provide information and communication in accessible formats.

There were only minimal services provided for persons with disabilities and no programs in place to promote their rights. Persons with disabilities complained of government neglect and of a significantly lower rate of school attendance of children with disabilities. Children with disabilities were placed in schools with children without disabilities but sometimes failed to receive adequate support due to a lack of teachers with training to meet their needs. There was one private school for students with hearing disabilities and one private school for children with physical or mental disabilities. The hospital for persons with mental disabilities, located in Manzini, was overcrowded and understaffed.

By custom and cultural norms, persons with disabilities were not permitted to be in the presence of the king because they were believed to bring “bad spirits.” Persons with disabilities were sometimes neglected by families and kept indoors, thus denying their freedom of movement.

Other Societal Violence or Discrimination

Although discriminatory attitudes and prejudice against persons with HIV persisted, the country’s 2019 HIV Stigma Index Report (the most recent data available) suggested declining HIV-related stigma and discrimination.

Individuals with HIV reported it was difficult or uncomfortable for them to disclose their HIV status, due to possible stigma and discrimination from family members or health-care workers. Persons living with HIV were ineligible for armed forces recruitment; the military, however, encouraged active members to test for HIV and did not discriminate against those testing positive. Effective treatment for persons living with HIV was widely available across the country, and public messaging was oriented towards wellness through HIV testing and treatment, rather than campaigns which might increase fear and stigma.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective

Bargaining

The law provided workers, except for those designated as providing essential services or those employed in export processing zones, with the right to form and join independent unions, conduct legal strikes, and bargain collectively. The law placed restrictions on the exercise of labor rights and did not prohibit antiunion discrimination. The law provided for the registration of unions and federations but granted far-reaching powers to the labor commissioner in determining eligibility for registration. The law limited union membership to workers who were current on their union dues. Only union members could participate in union elections.

The constitution and law provided for the right to organize and bargain collectively, subject to various legal restrictions. The law gave employers discretion as to whether to recognize a labor organization as a collective employee representative if less than 50 percent of the employees were members of the organization. If an employer agreed to recognize the organization as the workers' representative, the law granted the employer the ability to set conditions for such recognition. The law provided for the registration of collective agreements by the Industrial Court. The court was empowered to refuse registration if an agreement conflicted with the law, provided terms and conditions of employment less favorable to employees than those provided by any law, discriminated against any person, or required membership or nonmembership in an organization as a condition

for employment. The Conciliation, Mediation, and Arbitration Commission (CMAC) presided over resolution of all labor disputes.

Employees not engaged in “essential services” had the right to undertake peaceful protest actions to “promote or defend socioeconomic interests” of workers. The law defined “socioeconomic interests” as including “solutions to economic and social policy questions and problems that are of direct concern to the workers but shall not include matters of a purely political nature.” The law did not require reinstatement of workers fired for union activity but allowed workers to seek judicial redress for alleged wrongful dismissal, and courts had broad powers to award reinstatement and retroactive compensation.

Although the law permitted strikes, the right to strike was strictly regulated, and the administrative requirements to register a legal strike made striking difficult. The law required unions to provide a 21-day notice to the commissioner, indicating their intention to strike. The commissioner was charged with organizing a strike ballot, and the law required unions to satisfy a legislatively prescribed quorum (majority) of members before a strike could move forward. Following the strike ballot, the law imposed a two-day waiting period before the strike action could begin. Trade unions complained the right to strike was further improperly limited by a 2017 court ruling in favor of an employer who hired replacement workers to replace striking workers. The law further prohibited trade unions from participating in political strikes, which was punishable by deregistration. The

law gave the labor minister authority to declare a strike illegal.

Strikes and lockouts were prohibited in essential services, and the minister's power to modify the list of these essential services provided for broad prohibition of strikes in sectors including postal services, telephone, telegraph, radio, and teaching. The procedure for announcing a protest action required advance notice of at least seven days. The commissioner of labor had the power to "intervene" in labor disputes before they were reported to the commission if there was reason to believe a dispute could have serious consequences for the employers, workers, or the economy if not resolved promptly.

The government did not enforce the law in all sectors, and labor inspectors lacked authorization to assess penalties or enforce compliance. Penalties were not commensurate with those for similar violations.

To protect employee welfare and prevent exploitation, the government had legal restrictions on labor brokers who recruited domestically for foreign contracts of employment, but these were inconsistently enforced.

In June the International Trade Union Confederation and Action for Southern Africa criticized what it called brutal repression against workers by state security forces, the government's unwarranted restrictions on labor rights, and its escalating failure to protect workers. In one example, the government penalized the secretary general of the Swaziland Transport and Combi Association, Sticks Nkambule, for an apparently legal stay-away strike

of union members. Ahead of Nkambule's court appearance, Vongai Chikwanda, Amnesty International's interim deputy director for Southern Africa, said "the harassment and intimidation of Sticks Nkambule shows that Eswatini authorities are effectively criminalizing peaceful dissent." Labor unions reported Nkambule and other trade unionists were forced to leave the country, fearing for their lives.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: There was no single national minimum wage. The Ministry of Labour and Social Security set wage scales for each industry. There was a legally mandated sliding scale of minimum wages depending on the type of work performed. Minimum wages were above the poverty line

in all sectors.

There was a standard 48-hour workweek for most workers and a 72-hour workweek for security guards spread over a period of six days. The law required all workers to have at least one day of rest per week and provided premium pay for overtime.

Occupational Safety and Health: The government set appropriate occupational safety and health (OSH) standards for industrial operations and encouraged private companies to develop accident prevention programs. Inspectors had the authority to make unannounced visits and levy sanctions. By law, workers could remove themselves from situations that endangered their health or safety without jeopardy to their employment. Authorities did not effectively protect employees in this situation.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. There were reports of unsafe working conditions in the agricultural industry, particularly at sugar companies with large milling operations. There were also reports of safety and health violations in the informal sector in painting businesses including car spray-painting. Penalties were commensurate with those for similar violations but were seldom applied.

The Ministry of Labour and Social Security was responsible for enforcement of wage and hour laws but did not effectively enforce them. The government did not prioritize enforcement, resulting in constraints such as a

lack of motor vehicles and inability to hire additional staff. The number of labor inspectors was insufficient to enforce the law, and while the labor commissioner's office conducted inspections in the formal sector, it did not do so in the informal sector. Public transportation workers complained they were required to work 12 hours a day or more without overtime compensation and were not entitled to pensions and other benefits.

The government set appropriate safety standards for industrial operations and encouraged private companies to develop accident prevention programs. Inspectors had the authority to make unannounced visits and levy sanctions.

A large proportion of workers (67.5 percent) were employed in the informal economy, according to International Labor Organization research. Some labor laws applied to the informal sector but were seldom enforced. The law also excluded some informal workers from the national pension system.

No inspections were conducted in the informal sector and violations were common. Minimum wage guidelines did not apply to the informal sector.