

Eswatini 2024 Human Rights Report

Executive Summary

There were notable negative changes in the human rights situation in Eswatini during the year. The conviction and sentencing of two former parliamentarians to lengthy prison terms for political activity, and judicial rulings that limited free expression reflected an increasingly challenging environment for human rights and their defenders.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture and cruel, inhuman, or degrading treatment or punishment; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom; prohibiting independent trade unions or significant or systematic restrictions on workers' freedom of association; violence or threats against labor activists or union members; and significant presence of any of the worst forms of child labor.

The government did not take credible steps or action to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

There were several reports the government or its agents committed arbitrary or unlawful killings during the year. On July 2, police in Manzini shot and killed Mandlenkhosi Ray Mngometulu, who was suspected of stealing goats and cattle. Members of parliament raised the killing during a debate on an unrelated matter, but did not take further action. At year's end, there were no known government investigations into the circumstances of the killing or disciplinary actions taken against the police officers involved.

The law gave government antipoaching units wide latitude to “shoot on sight” wild animal poachers found within nature reserves, including private reserves. On August 19, a senator revealed that 17 members of his chiefdom had been killed by antipoaching units during the year. Although such killings were permitted by law, there were increased calls in parliament to amend the law to limit the ability of antipoaching units to use lethal force.

The investigation into the 2023 killing of leading human rights, labor, and proreform advocate Thulani Maseko continued, and authorities made no arrests as of year's end. The lack of progress in the investigation led many human rights activists to suspect authorities lacked interest in protecting them.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization by government authorities.

Section 2. Liberty

a. Freedom of the Press

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 media freedom to report on matters related to the monarchy.

Tension in civil society remained elevated since 2021 civil unrest and resulted in reports of citizens, businesses, and even government officials and parliamentarians not exercising their right to free speech, fearing retaliation by the government.

On August 13, the Supreme Court overturned a lower court decision that had found certain provisions of the terrorism and sedition laws violated the constitutional right to free expression, ruling that the laws should be read to prohibit speech leading to violence or disorder. In this case, the litigants, including the deceased Thulani Maseko, were tried and convicted under the terrorism and sedition laws for expressing opinions in a speech, on a banner,

by singing a song, and wearing a shirt with printed words, and in none of the cases did violence or disorder ensue.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

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 August report by the nongovernmental organization (NGO) Campaign for Free Expression, 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 demotions, being professionally ostracized, or losing paid government advertising in their outlets. Self-censorship was less common in relation to the government or corruption, which media frequently criticized. The April publication of articles by the NGO International Consortium of Investigative Journalists based on a leak of documents from the national anti-corruption authority, however, spurred virtually no local reporting on the alleged corruption and financial crimes revealed by the leak; local journalists instead focused on the possible identity of the leaker.

In February and March, Prime Minister Russell Dlamini repeatedly called for

the empowerment of a regulator to govern media content, reportedly telling leading media members that media needed to be “more patriotic.” After public backlash to the comments, Dlamini suggested only stronger media self-regulatory structures.

Journalists were harassed by groups outside the government, including prodemocracy reform groups.

b. Worker Rights

Freedom of Association and 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 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 government at times used the prohibition on political matters to suppress protest activities by public sector unions, such as the Swaziland National Association of Teachers. 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 of labor, 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.

Public sector unions faced challenges including unstable remittances of union dues from the government, the hiring of temporary or informal replacements for permanent staff, and the lack of acknowledgement and harassment of duly elected union leadership. Leaders of the Swaziland National Association of Teachers alleged the government prevented them from obtaining visas to attend meetings of the International Labor Organization (ILO).

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 rarely applied against violators. 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 ILO Committee on the Application of Standards reviewed the country for violations of ILO Convention 87 on the Freedom of Association and Assembly, finding that the government had taken violent, intimidating and harassing action against trade union leaders, and that perpetrators of crimes against unionists acted with impunity.

Forced or Compulsory Labor

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

Acceptable Work Conditions

Wage and Hour Laws

There was no single national minimum wage. The Ministry of Labour and Social Security set wage scales for each industry that included a minimum wage that varied by 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 but used this authority infrequently. 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 rarely 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. The ministry's 2023 annual report stated it carried out 1,242 total inspections in 2023, down from 1,586 in 2022.

There were several high-profile cases of workers taking action due to unsafe working conditions. On January 13, workers at the Mpakeni Dam construction site, a project backed by parastatal Eswatini Water and Development Enterprise and contracted to the People's Republic of China's joint venture company Sakhalive, shut down the project due to poor safety standards, refusal by project management to provide medical care to

injured workers, and the lack of a workers' representative. The minister of labour and social security intervened directly, giving project management seven days to correct working conditions.

A large proportion of workers, 67.5 percent, were employed in the informal economy, according to ILO research. Some labor laws applied to the informal sector but were seldom enforced. No inspections were conducted in the informal sector and violations were common. Minimum wage guidelines did not apply to the informal sector.

c. Disappearance and Abduction

Disappearance

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

Prolonged Detention without Charges

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 at times 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 a crime was punishable by life imprisonment.

There were reports of arbitrary arrests and unlawful detentions, particularly directed against those involved in political or human rights activism. On March 27, Tanele Maseko, the wife of slain human rights activist Thulani Maseko, was detained without a warrant as she attempted to enter the country from South Africa. Her cell phone and passport were seized, also without legal justification. She was compelled to appear at police stations three times for questioning related to her husband's killing, but actual interrogation did not take place as police wished to question her without her accompanying legal counsel present. She was released and her possessions were returned on April 2.

The Commission on Human Rights and Public Accountability, the government's human rights body, 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. On February 12, a national newspaper reported 437 defendants were in pretrial detention awaiting trial due to a backlog of cases.

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibited security forces from inflicting, instigating, or tolerating torture and other forms of cruel, inhuman, or degrading treatment or

punishment. There were numerous credible reports security forces employed such practices.

On July 1, national media reported prison officials employed inmates to attack incarcerated former parliamentarian Mduduzi Bacede Mabuza after he raised concerns regarding his treatment, including being denied access to the telephone. Mabuza further claimed in a sworn affidavit filed July 20 with the High Court that, upon confronting officials with his fear of being killed, they recruited 15 inmates to beat him. This followed several credible reports of similar cruel or degrading treatment of Mabuza and his codefendant, former parliament member Mthandeni Dube, throughout their imprisonment.

The law 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, but the law was not enforced effectively. Impunity was entrenched in the security forces with no investigation through year's end of police violence against citizens. The forces in which impunity existed included elements of the Royal Eswatini Police Service.

b. Protection of Children

Child Labor

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>.

Child 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. The government did not enforce the law effectively. Because uncoded traditional marriage law did not establish a minimum age in marriage approval, it was open to abuse and child marriage was reported to be practiced in some communities. In a high-profile August 24 case, the Department of Social Welfare removed a girl, age 13, from her marriage to a much older man; her parents had sold the girl for less than 550 lilangeni (\$30).

c. Protection to Refugees

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

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a 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.

Resettlement

Refugees who lived in the country more than five years were eligible for citizenship, but due to a 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 increased challenges and discrimination.

d. Acts of Antisemitism and Antisemitic Incitement

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

e. Instances of Transnational Repression

Human rights defenders, political activists, and journalists located in South Africa reported surveillance by unknown parties, online harassment, and threats and intimidation by individuals they believed were linked to the government.

Threats, Harassment, Surveillance, or Coercion

NGOs such as the Southern Defenders and the Multi-Stakeholder Forum, as well as independent journalists, reported politically motivated efforts by the government or individuals linked to the 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.