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COI QUERY RESPONSE

ESWATINI- INFORMATION ON THE HUMAN RIGHTS SITUATION

The *Daily Maverick* in January 2025 points out that: "The International Commission of Jurists' report also found that the Swazi judiciary is not independent and is becoming less so. The unsolved assassination of top Swazi human rights lawyer and political activist Thulani Maseko two years ago this week has had a "chilling effect" on the independence of lawyers in Eswatini "and their ability to practice without fear of threat or reprisal". This is one of the main findings of a major report by the International Commission of Jurists (ICJ) investigating the independence of judges and lawyers in Eswatini, with a particular focus on the experiences of lawyers handling public interest and human rights cases. Titled "No situation is permanent - repression, intimidation, harassment and killing of lawyers in Eswatini", the report, released on 23 January, was based on interviews in late 2023 and early 2024 with about 30 individuals, 25 of whom are legal professionals working in Eswatini, mostly on sensitive or controversial cases. The report found that many lawyers fear the same sort of "extrajudicial killing" which befell Maseko, the country's leading human rights lawyer and political activist, who was shot dead through a window of his home near Mbabane on the night of 21 January 2023. No one has been arrested for his murder. "Lawyers almost unanimously suspect that his persistent legal representation of individuals challenging the government and the monarchy likely at least partly motivated his killing, engendering a chilling effect on the overall independence of lawyers in Eswatini and their ability to practice without fear of threat or reprisal," says the ICJ report"¹

The *Action for Southern Africa (ACTSA)* in January 2025 reported that: "Today marks two years since the brutal murder of Swaziland human rights defender and lawyer Thulani Maseko. Despite calls from his family, and human rights organisations within and outside the country, no credible investigation has been launched by the Swaziland authorities about why this outspoken critic of the King and leader of a key civil society organisation was assassinated in front of his family by masked gunmen. This two year anniversary must serve as a moment to remember the severity of the democratic and human rights crisis in Swaziland and the cost of fighting for democratic reform.

¹ Daily Maverick (23 January 2025) TROUBLED KINGDOM : Swazi human rights lawyers live in fear after Thulani Maseko assassination - ICJ report

Human rights in Swaziland have kept deteriorating in 2024 with a continuation of the repression of civil society, judicial independence and the rule of law.”²

In January 2025 *Human Rights Watch* commenting on events of the preceding year mentioned that: “In 2024, Eswatini’s human rights record deteriorated, as civic space, judicial independence, and the rule of law remain under threat. The authorities have yet to apprehend the killers of human rights lawyer and opposition activist Thulani Maseko, who was shot in his home in January 2023. There is no indication that the government has undertaken or is prepared to undertake a credible investigation into Maseko’s killing. The rights of women and girls remain a concern as incidences of brutal intimate partner violence, rape, and femicide persisted throughout the year.”³

The *Financial Services Monitor Worldwide* in January 2025 notes that: “Eswatini was temporarily suspended from AGOA in 2015 due to failure to meet benchmarks in democratization and human rights. The suspension resulted in thousands of job losses. However, the country was reinstated in 2017, reinvigorating its economic prospects and reinstating its eligibility for duty-free access to the US market. Wandile Dlodlu, the deputy president of the opposition People's United Democratic Movement (PUDEMO), expressed disappointment at the renewal of AGOA benefits to Eswatini, stating that the country's government continues to disregard the rule of law, arrest political activists and obstruct an international investigation into the assassination of human rights activist Thulani Maseko. "We have MPs who are languishing in jail and have been convicted on the basis of the Suppression of Terrorism Act, for which not only was copied from the American version, but has been greatly supported by the same American government. And in our context, it is being used as a bush knife against pro-democracy forces and human rights activists. And we think it's very much an inconsistency on the part of the government of the U.S. We have a very hostile political environment [here in Eswatini], wherein the same government that they are opening markets to have refused to allow the international community to conduct an independent investigation on the murder," said Dlodlu.”⁴

The *CountryWatch Reviews* in January 2025 states that: “The Kingdom of Swaziland is a modified monarchy where the king has executive, legislative, and some judicial powers. The monarch rules according to unwritten laws and customs, in conjunction with a partially (popularly) elected parliament. Recent elections raised questions by international monitors about the level of freedom and fairness. Meanwhile, the government's human rights record is poor. Party politics is limited and citizens lack the ability to effectively or peaceably change their government. The government limits freedoms of speech, press, assembly, association, movement, and privacy rights. Opponents of the government are often harassed and threatened with violence. Police and security forces act with impunity. Actions such as arbitrary arrest and detention, torture, beatings, and arbitrary killings are committed without fear of punishment. Issues such as rising rates of HIV/AIDS infections, high levels of unemployment, corruption, poverty and drought are all negative influences on the country's ability to improve its situation. Societal discrimination against mixed race and white citizens is an additional problem. Finally, child abuse, human trafficking and child labor also continue to be problems in the nation.”⁵

Voice of America News in September 2024 mentioned that: “Eswatini Sexual and Gender Minorities, an LGBTQ advocacy group, was denied registration by authorities in 2019, and even after seeking relief from the Supreme Court, which had ruled the group must be registered, its efforts have been

² Action for Southern Africa (ACTSA) (21 January 2025) Two years on from Thulani Maseko murder – a reminder to keep Swaziland's struggle for democracy on your agenda

³ Human Rights Watch (16 January 2025) World Report 2025: Eswatini, p.2

⁴ Financial Services Monitor Worldwide (10 January 2025) Eswatini AGOA trade benefits renewed for 2025

⁵ CountryWatch Reviews (1 January 2025) Human Rights Swaziland

unsuccessful. Human rights lawyer Sibusiso Nhlabatsi said the harsh legal environment for LGBTQ individuals in the southern African kingdom causes significant problems. "There is denial that they exist, so they do not have any form of protection as a group," Nhlabatsi said. "They only rely on protection from the law or enjoyment of any rights from the law as human beings under Chapter 3 of our Bill of Rights of our Constitution. So I can say it's quite challenging, because there's no instrument that seeks to protect them. There's no instrument that seeks to recognize them as a group of people that exist. I don't think there's any progress that has been made." Besides the lack of legal recognition, LGBTQ individuals in Eswatini often face discrimination in gaining access to services, high rates of intimate partner violence, and exclusion from public discussions."⁶

In July 2024 *Amnesty International* points out that: "Following the sentencing of former Eswatini Members of Parliament Mduduzi Bacede Mabuza to 85 years and Mthandeni Dube to 58 years in prison, with effective sentence terms of 25 years and 18 years respectively due to concurrent sentences, Amnesty International's Deputy Regional Director for East and Southern Africa, Vongai Chikwanda, said: "Eswatini authorities must immediately quash the unjust and baseless convictions and sentences of the former members of parliament. Their convictions and sentences stem solely from the peaceful exercise of their human rights."⁷

The same report states that: "Mduduzi Bacede Mabuza and Mthandeni Dube have been arbitrarily detained since their arrest during pro-democracy protests in 2021. They have been subjected to a prolonged legal process characterized by baseless charges under the Suppression of Terrorism Act and Sedition and Subversive Activities Act. The former members of parliament were prosecuted for calling for political reform in Eswatini. "Their ongoing arbitrary detention is part of a growing crackdown on peaceful dissent in Eswatini, where protests for political reforms have been met with the use of excessive force by security forces."⁸

A report issued by *Amnesty International* in April 2024 notes that: "The authorities enjoyed impunity for attacks on human rights defenders and activists, and failed to investigate the unlawful killing of Thulani Maseko. Rights to freedom of expression, association and peaceful assembly were routinely violated. Opposition activists and dissenters faced unfair trials and harsh punishment. The right to health was restricted. Hundreds faced forced eviction. The government refused to allow an LGBTI rights group to register despite a supreme court ruling."⁹

The *US Department of State* Country Reports on Human Rights Practices in April 2024 reported that: "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

⁶ Voice of America News (27 September 2024) LGBTQ advocates struggle for visibility in Eswatini

⁷ Amnesty International (16 July 2024) Eswatini: Authorities must quash convictions and sentences of former MPs

⁸ *ibid*

⁹ Amnesty International (23 April 2024) The State of the World's Human Rights - Amnesty International Report 2023/24: Eswatini

workers' freedom of association, including threats against labor activists; and the existence of the worst forms of child labor.”¹⁰

In March 2024 *Bertelsmann Stiftung* states that: “Although the constitution guarantees gender equality, society is still patriarchal, and women's rights are not always a given”¹¹

In 2024 *Freedom House* states commenting on events of 2023 that: “Sexual and domestic violence remains extremely common; in 2020, the UN resident coordinator for Eswatini reported that 48 percent of Swazi women and girls experience sexual violence in their lifetimes. Punishment for perpetrators is often lenient. The Eswatini government made progress on women's rights in 2019 by amending the 1964 Marriage Act to prohibit marriages of persons under the age of 18 and passing the Sexual Offences and Domestic Violence Act, which criminalizes nonconsensual sex between spouses”¹²

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¹⁰ US Department of State (22 April 2024) 2023 Country Reports on Human Rights Practices: Eswatini

¹¹ Bertelsmann Stiftung (19 March 2024) Bertelsmann Stiftung's Transformation Index (BTI) 2024 Country Report – Eswatini, p.15

¹² Freedom House (2024) Freedom in the World 2024: Eswatini, p.8

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Online Newspapers
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Reliefweb
United Kingdom Home Office
United States Department of State
UNHCR Refworld

Contact Information

Refugee Documentation Centre
Legal Aid Board
48/49 North Brunswick Street
Dublin 7
Ireland

Email: research@legalaidboard.ie