

SWAZILAND 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Swaziland is an absolute monarchy. King Mswati III and Queen Mother Ntombi, the king's mother who rules as his comonarch, have ultimate authority over the cabinet, legislature, and judiciary. There is a parliament consisting of appointed and elected members and a prime minister, but political power remained largely with the king and his traditional advisors. International observers concluded the September 2013 parliamentary elections did not meet international standards. Authorities failed at times to maintain effective control over the security forces.

Citizens remained unable to change their government. The three main human rights abuses were police use of excessive force, including torture, beatings, and unlawful killings; restrictions on freedoms of association, assembly, and speech; and discrimination against and abuse of women and children.

Other human rights problems included arbitrary arrests and lengthy pretrial detention; arbitrary interference with privacy and home; prohibitions on political activity and harassment of political activists; trafficking in persons; societal discrimination against members of the lesbian, gay, bisexual, and transgender (LGBT) community and persons with albinism; mob violence; harassment of labor leaders; child labor; and restrictions on worker rights.

In general perpetrators acted with impunity, and the government took few or no steps to prosecute or punish officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

During the year there were numerous reports the government or its agents committed arbitrary or unlawful killings. Police investigated unlawful killings and referred cases to the Directorate of Public Prosecutions as appropriate, but there was no evidence suggesting the state prosecuted perpetrators.

On January 30, Manzini police shot and killed a man suspected of copper theft. Police shot the man in the back while he was trying to force his way out of a bus to evade arrest. He bled to death at the scene.

On July 22, police from Manzini Regional Headquarters shot and killed Majahonkhe “Jesus” Dlamini, a robbery suspect. Police shot Majahonkhe twice at close range. He was unarmed with his hands in the air when shot.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices. Security officials who engage in such practices may be punished, and some officers were brought to court on charges, but no convictions or punishments were reported during the year. Police stated that they investigated allegations of torture cited by Amnesty International, but their findings were not made public. Security officers used excessive force in carrying out their duties. These practices led to a death in at least one case.

According to the Royal Swaziland Police Service (RSPS), police investigate complaints of police abuse and unlawful killings, and refer cases to the Directorate of Public Prosecutions as appropriate. At year’s end the RSPS reported several cases of police abuse were under investigation but provided no details on the nature of the investigations. There were no reports of prosecution during the year.

There were credible reports of use of excessive force by community police and security forces during the year. For example, on July 21, the *Times of Swaziland* reported that on July 13, three Malindza community police beat to death a mentally challenged man who had escaped from the National Psychiatric Center. The three were arrested, jailed, denied bail, and awaiting High Court trial at year’s end.

The *Times of Swaziland* of July 28 reported that during the first week of July correctional services officers from Big Bend correctional facility re-apprehended an escaped prisoner, beat him, and locked him overnight in a truck as punishment for escaping. The inmate died, reportedly due to lack of medical attention and exposure to the cold.

Prison and Detention Center Conditions

Prison and detention center conditions varied. Overcrowding in some prisons was a problem, exposing inmates and corrections officers to diseases and infections

such as tuberculosis, HIV/AIDS, and hepatitis. Sexual violence, including rape, allegedly took place in prisons.

Physical Conditions: Statistics released by His Majesty's Correctional Services (HMCS) in March indicated there were 3,616 sentenced inmates, which exceeded the prison system's holding capacity by 338 inmates. Female inmates constituted 2.9 percent and juveniles 0.7 percent of the prison population. Women and men were detained together at police stations after arrest due to space constraints. Pretrial detainees and convicted prisoners were held separately. Juveniles were held separately from adults in pretrial detention. In prisons women were held separately from men.

Although authorities provided potable water and food to prisoners, pretrial detainees depended on family members or friends to provide food. Facilities were of mixed quality. While some were old and dilapidated, others such as the women's prison were newer and well maintained.

The Swazi Observer and Save the Children reported juvenile prisoners faced inhuman and degrading treatment at the juvenile centers, including physical assault and strip searches of female juvenile prisoners.

Political prisoners were isolated from the general prison population and denied recreational opportunities.

Administration: The HMCS kept adequate records, updated daily, on prisoners. Convicts who committed minor offenses had free movement to perform outdoor chores and play sports. There were no provisions for alternative sentencing of nonviolent offenders. The HMCS used a committee structure through its legal department to receive and process complaints from inmates, the public, and the HMCS staff. Authorities claimed to have investigated allegations of inhuman conditions and documented results of such investigations, but the reports were never made public. Prisoners and detainees had reasonable access to visitors. Christian inmates could observe their religious practices, and authorities generally allowed religious leaders to minister. The government did not specifically prohibit non-Christian inmates from religious observance.

Independent Monitoring: The government permitted very limited monitoring of prison conditions. Independent monitoring groups found it difficult to access prison facilities during the year, and none issued public reports. The government routinely denied prison access to local human rights organizations, African Union

Special Rapporteur for Freedom of Expression Pansy Tlakula, and foreign diplomatic representatives. Authorities permitted international officials and nongovernmental organizations (NGOs) working on programs to fight HIV to enter prisons and detention centers, although sometimes with difficulty.

Authorities generally did not allow journalists inside prisons. On April 12, the HMCS denied visitation rights to six journalists from different media houses seeking to visit incarcerated *Nation* magazine editor Bheki Makhubu and stated visitors must obtain permission from the commissioner of correctional services. Several international NGOs attempted to obtain permission without response from the commissioner.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, police arbitrarily arrested and detained numerous persons, primarily to prevent their participation in public protests. For example, on August 30, the *Times of Swaziland* newspaper reported police detained 25 residents of KaLuhleko for three days for their opposition to the authority of a certain chief. Residents, including persons over the age of 71, alleged police tied their hands and legs to benches and covered their heads for three days.

Role of the Police and Security Apparatus

The king is the commander in chief of the Umbutfo Swaziland Defense Force (USDF), holds the position of minister of defense, and is the commander of the RSPS and the HMCS. He presides over a civilian principal secretary of defense and a commanding general. Approximately 35 percent of the government workforce was assigned to security-related functions.

The RSPS is responsible for maintaining internal security. The USDF is responsible for external security but also has domestic security responsibilities, including protecting members of the royal family. The prime minister oversees the RSPS, and the principal secretary of defense and the army commander are responsible for day-to-day USDF operations. The HMCS is responsible for the protection, incarceration, and rehabilitation of convicted persons and keeping order within HMCS institutions. HMCS personnel, however, routinely worked alongside police during protests and demonstrations. While the conduct of the RSPS, USDF, and HMCS was generally professional, members of all three forces

were susceptible to political pressure and corruption. There were few prosecutions or disciplinary actions taken against security officers accused of abuses.

There is an independent body with authority to investigate police abuses and corruption. An internal RSPS complaints and discipline unit investigated reports of police abuse but did not release its findings to the public. Police academy training for new recruits included human rights components in line with regional standards. Some officers also attended additional training programs that included a human rights component. Traditional chiefs supervised volunteer rural “community police,” who had the authority to arrest suspects and bring them before an inner council within the chiefdom for trial for minor offenses.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests, except when police observe a crime being committed, believe a person is about to commit a crime, or conclude evidence would be lost if arrest is delayed. The law requires authorities to charge detainees with the violation of a statute within a reasonable time, usually within 48 hours of arrest or, in remote areas, as soon as a judicial officer is present to assume responsibility. Authorities did not always charge detainees according to these norms. In general detainees could consult with lawyers of their choice to whom they were generally allowed prompt access. Lawyers may be provided to indigent defendants at public expense in capital cases or if a crime is punishable by life imprisonment. There is a bail system, and suspects may request bail at their first appearance in court, except in the most serious cases such as murder and rape. In politically motivated prosecutions, bail was often set at inordinately high levels. There were no reports of detainees held incommunicado or under house arrest.

Pretrial Detention: Lengthy pretrial detention was common, particularly in politically sensitive cases. Judicial inefficiency and staff shortages also contributed to the problem, as did the police practice of prolonging detention to collect evidence and prevent detainees from influencing witnesses. There were instances in which the length of detention equaled or exceeded the sentence for the alleged crime.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the king’s power to appoint the judiciary on recommendation of the Judicial Services Commission limits judicial independence. The judiciary was generally impartial in

nonpolitical criminal and civil cases not involving the royal family or government officials. In cases involving high-level government officials or royal family members, however, outcomes in favor of these individuals were predetermined. High Court judges who exercised a degree of independence were sidelined and blocked from ruling on political cases, including human rights cases.

Judicial powers are based on two systems: Roman-Dutch law and a system of traditional courts that follows traditional law and custom. Neither the Supreme Court nor the High Court, which interprets the constitution, has jurisdiction in matters concerning the office of the king or queen mother, the regency, chieftaincies, the Swazi National Council, or the traditional regiments system. Traditional law and custom govern all of these institutions. Courts were unwilling to recognize many of the fundamental rights guaranteed in the constitution and instead relied on antiquated civil laws, which often reduce or disregard these rights. The chief justice, who is appointed by the king, must approve the short-term contracts of Supreme Court judges, all of whom were foreigners who hear appeals twice yearly.

Most citizens who encountered the legal system did so through the 13 traditional courts. Each has a president appointed by the king. Authorities may bring citizens to these courts for minor offenses and violations of traditional law and custom. By law traditional courts are not to try cases involving non-Swazis but in fact did so. Authorities generally respected court rulings.

The director of public prosecutions has the legal authority to determine which court should hear a case and has delegated this responsibility to public prosecutors. In March, however, the chief justice appropriated this power and charged a journalist and lawyer with contempt of court for an article they wrote criticizing the judiciary. The chief justice acted as complainant, prosecutor, and judge in the case and ordered another judge to sentence them both to two years' imprisonment.

Rather than refer a case to the director of public prosecutions, police often referred cases not properly investigated to one of the 13 traditional courts because the standard of evidence required for conviction was not as high as in the western-style courts. Persons convicted in the traditional courts may appeal to the High Court. Prolonged delays during trials in the magistrate courts and High Court were common.

Military courts are not allowed to try civilians and do not provide the same rights as civil criminal courts. For example, military courts may use confessions obtained under duress as evidence and may convict defendants based on hearsay.

In April 2013 the Lawyers for Human Rights of Swaziland filed a complaint with the African Commission on Human and Peoples Rights (ACHPR) alleging the country lacked an independent judiciary and asking the ACHPR to compel reinstatement of High Court judge Thomas Masuku, whom Chief Justice Michael Ramodibedi unilaterally suspended in 2011. The complaint alleged Masuku's removal from office was in violation of articles 1 (mutual obligations), 7 (right to fair trial), and 26 (independence of the courts) of the African Charter on Human and Peoples Rights. In a letter dated July 28, the commission accepted the complaint, finding that it "reveals prima facie violation of the African Charter." The commission subsequently reviewed the complaint during its extraordinary session in July, determined it was admissible, referred it to the government, and was awaiting a response at year's end.

Trial Procedures

Defendants enjoy a presumption of innocence. A defendant enjoys the right to be informed of charges promptly, in detail, and in a language the defendant understands. The constitution provides for the right to a fair public trial without undue delay, except when exclusion of the public is deemed necessary in the "interests of defense, public safety, public order, justice, public morality, the welfare of persons under the age of 18 years, or the protection of the private lives of the persons concerned in the proceedings." Aside from these exceptions and political cases, the judiciary generally enforced this right. There is no trial by jury. Court-appointed counsel is provided to indigent defendants at government expense in capital cases or if the crime is punishable by life imprisonment. Defendants and their attorneys have access to relevant government-held evidence, generally obtained during pretrial consultations from the Public Prosecutor's Office. Prosecutors have discretion to withhold information they deem privileged or not relevant to the case. Defense lawyers reported not having access to state evidence in politically sensitive cases. Defendants have the right to adequate time and facilities to prepare a defense. Defendants may question witnesses against them and present witnesses and evidence on their own behalf. Defendants may not be compelled to testify or confess guilt. Defendants and prosecutors have the right of appeal up to the Supreme Court. The law generally extends the foregoing rights to all citizens.

The traditional courts operate under traditional authorities, including local chiefs. In general chiefs preside over traditional courts as court presidents. Traditional courts hear both civil and minor criminal matters. Although the courts are authorized to impose fines up to 240 emalangen (E22) and prison sentences of up to 12 months, there were reported cases in which traditional courts imposed sentences exceeding these limits.

Traditional courts are 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 violate civil laws, particularly those involving women’s and children’s rights. Defendants in traditional courts are not permitted formal legal counsel but may speak on their own behalf, call witnesses, and be assisted by informal advisors. Traditional law and custom provide for an appeals process. Judicial commissioners within the traditional legal system may adjudicate appeals or refer appeals to a court within the civil judicial system on their own volition or if desired by plaintiffs or defendants.

Political Prisoners and Detainees

According to Amnesty International, there were political prisoners, but no reliable comprehensive list existed. Politically motivated cases often involved lengthy pretrial detention and excessively high bail. In some cases the government did not file charges or waited many years to do so.

For example, in March the government charged Thulani Maseko, a human rights lawyer, and Bheki Makhubu, editor of the only independent magazine in the country, *The Nation*, with contempt of court for criticizing the judiciary. After a lengthy and irregular trial, they were convicted in July and were serving a two-year prison sentences at year’s end. Maseko lodged an appeal against the sentence and conviction, but his case did not appear on the November case roll of the Supreme Court, which sits only in April and November. Maseko was also charged with sedition stemming from his previous statements criticizing the country’s governance, and Makhubu was charged with “scandalizing the court” for a previous article he wrote. Maseko’s sedition trial was scheduled for March 2015 at the request of the crown to await the pending resolution of a challenge to the constitutionality of the Suppression of Terrorism Act and the Subversive and Seditious Activities Act.

In May police arrested president of the banned Peoples United Democratic Movement (PUDEMO) party Mario Masuku and member Maxwell Dlamini. They were charged with terrorism and sedition. The High Court denied them bail in November.

Access to political prisoners was restricted. Following the arrest of Bheki Makhubu and Thulani Maseko, the government denied prison access to domestic and international organization and diplomatic representatives, including the African Union representative.

Civil Judicial Procedures and Remedies

The judiciary tries civil as well as criminal cases, including suits for damages against government agents. Administrative remedies are available under civil service rules and regulations. The government respected domestic court decisions. Individuals and organizations may seek civil remedies for human rights violations, including appeal to international courts or bodies.

There were 208 civil claims against the RSPS for assault, wrongful death, and torture, with a total claimed liability of 76 million emalangeni (\$6.9 million). Only five cases were scheduled by the courts during the year.

Property Restitution

Authorities demolished homesteads at Nokwane, evicting 10 families who had lived on the public land for decades, to make way for construction of the Royal Science Innovation Biotechnology Park, a project initiated by the king and supported by a foreign government. Authorities did not provide alternative shelter to the evictees. Leadership from the Trade Union Congress of Swaziland (TUCOSWA) joined prodemocracy activists and members of the banned PUDEMO political party to help victims of the evictions. The South African Litigation Center declared the evictions unlawful and in blatant disregard of the rights of the victims.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions 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 government did not always respect these prohibitions and broadly construed

exceptions to the law. The law requires police to obtain a warrant from a magistrate before searching homes or other premises, but police officers with the rank of subinspector or higher have authority to conduct a search without a warrant if they believe delay might cause evidence to be lost. During the year police conducted random checks for irregular immigrants, weapons, stolen vehicles, and evidence of other criminal activities through roadblocks and searches in homes. Police entered homes and businesses and conducted searches without judicial authorization. They conducted physical surveillance of members of labor unions, political groups, religious groups, and others. For example, in August police instituted 24-hour surveillance of human rights lawyer Siphon Gumedze and trade union leader Vincent Ncongwane following their return from civil society events abroad. The prime minister threatened to “strangle” Gumedze and Ncongwane for their criticism of the government’s failure to acknowledge its human and worker rights obligations. Members of civil society and prodemocracy groups reported the government monitored e-mail, Facebook, and internet chat rooms, and police bugged certain individuals’ telephones. Both undercover and uniformed police officers appeared at labor union, civil society, arts, and business functions. Police also monitored prodemocracy events in South Africa.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the king may deny these rights at his discretion, and the government restricted these rights during the year. Antiterrorism, sedition, and public order legislation also severely restrict the constitutional guarantees. Officials impeded press freedom. Although no law bans criticism of the monarchy, the prime minister, chief justice, and other officials warned journalists the government could construe publishing such criticism as an act of sedition or treason, and authorities threatened media organizations with closure for criticizing the monarchy.

Freedom of Speech: The king may suspend the constitutional right to free expression at his discretion, and the government severely restricted freedom of expression, especially regarding political issues or the royal family. Individuals who criticized the monarchy risked exclusion from the patronage system of the traditional regiments (chiefdom-based groupings of men dedicated to serving the king) that distributed scholarships, land, and other benefits. This would also prejudice the interests of their family members. In April 2013 a court held the editor of *Nation Magazine*, Bheki Makhubu, in contempt of court for articles he

wrote critical of the judiciary and the chief justice in particular. The court imposed a fine of 200,000 emalangeneni (\$18,180) or two years' imprisonment. Makhubu paid the fine and appealed. In May the Court of Appeals confirmed the conviction but reduced the sentence to three months and the fine to 30,000 emalangeneni (\$2,730). On March 17 and 18, Thulani Maseko and Bheki Makhubu were arrested and charged with contempt of court based on their articles criticizing the judiciary's handling of the arrest of a government vehicle inspector (see also subsection 1.e., Political Prisoners).

The law severely restricts free speech and gives police wide discretion to detain persons for lengthy terms without trial or public hearing. Those convicted of sedition may be sentenced to up to 20 years in prison.

Press Freedoms: The law empowers the government to ban publications if it deems them "prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health." Most journalists practiced self-censorship. Members of the press expressed fear of judicial reprisals for their reporting on some High Court cases.

Daily newspapers criticized government corruption and inefficiency but generally avoided criticizing the royal family.

On March 27, four police officers questioned Comfort Mabuza, national coordinator of the Human Rights Institute of Swaziland, on an article he wrote in the *Swazi Observer* lamenting the state of the judiciary and warned him to refrain from similar writing.

The broadcast media remained firmly under state control. There were two state-owned radio stations and one private station owned by a Christian group. Most persons obtained their news from radio broadcasts. There were two Swazi television stations, one of which the state owned. Despite invitations issued by the media regulatory authority for parties to apply for licenses, no new licenses were awarded. Stations practiced self-censorship and refused to broadcast anything perceived as critical of the government or the monarchy.

Violence and Harassment: Journalists continued to be harassed during the year. For example, on March 12, the *Times of Swaziland* reported the president of the Senate, who was also an acting chief, assaulted a journalist when asked to comment on a chieftaincy dispute.

Internet Freedom

There were no official government restrictions on access to the internet. For the most part, individuals and groups could engage in the peaceful expression of views via the internet, including by e-mail. Nevertheless, there were reports the government monitored e-mail, Facebook, and internet chat rooms. According to the International Telecommunication Union, 27 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

Restrictions on political gatherings and the practice of self-censorship affected academic freedom by limiting the content and frequency of academic meetings, writings, and discourse on political topics. At the University of Swaziland, political research documents may be obtained only upon special request. There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution provides for freedom of assembly, the government severely restricted this right. The law requires police consent and a permit from the municipal council to hold political meetings, marches, or demonstrations in a public place. These permits were rarely granted. In rural areas chiefs controlled access to and prohibited political rallies in public spaces.

The government harassed and detained opposition members and conducted surveillance on members of labor unions, political groups, and groups considered potentially political. Authorities routinely attempted to prevent meetings and demonstrations by withholding consent or taking civil society leaders to court. When demonstrations took place, security officials were deployed in force, on occasion outnumbering protesters. Political activists alleged that authorities monitored their telephone calls. The government harassed and detained opposition members and conducted surveillance on members of labor unions, political groups, and groups considered potentially political.

On April 7, police visited the family of journalist Bheki Makhubu to inquire about a prayer service held by the family on April 6 to grieve over his imprisonment. Police accused the family of subversion and disturbing the peace.

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. The constitution does not address the formation or role of political parties. It states that individual merit shall be the basis for election or appointment to public office. While officials argued the 1973 ban on political parties is no longer valid, because the constitution replaced and superseded it, there are no legal mechanisms for parties to register or contest elections. In addition several prodemocracy NGOs were banned as terrorist organizations despite their pacific nature and absence of ties to international terrorist organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. It also states provisions of law and custom that impose restrictions on the freedom of any person to reside in the country shall not contravene the freedom granted by the constitution.

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

By traditional law and custom, chiefs have power to decide who may reside in their chiefdoms; evictions occurred due to internal conflicts, alleged criminal activity, or opposition to the chief.

Foreign Travel: Nonethnic Swazis sometimes experienced lengthy processing delays when seeking passports and citizenship documents, in part due to the country's history of not treating mixed-race and white persons as "legitimate" citizens. In addition political activists and their families often had difficulty obtaining passports.

On September 29, Minister of Health and Social Welfare Sibongile Simelane announced health ministers from the Southern African Development Community had decided that, to contain the Ebola virus disease, persons with plans to travel to West Africa must postpone their travel until further notice. Thousands of Swazis travel to West Africa for religious motives each year.

Protection of Refugees

Access to Asylum: Laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and minimal assistance to refugees and asylum seekers. The country hosted an estimated 1,000 refugees, the majority from the Great Lakes region and Somalia.

Durable Solutions: During the year the government accepted 89 refugees for permanent resettlement. It allowed some refugees to compete for jobs and granted them work permits and temporary residence permits. The government also provided refugees with free transportation twice a week to buy and sell food in local markets. Refugees who live in the country more than five years are eligible for citizenship, but many waited longer to acquire citizenship, sometimes more than 10 years, due to bureaucratic inefficiency and onerous requirements that delayed the process. During the year the government introduced a psychological support program that provides counselling to refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens could not change their government peacefully, and political parties remained unable to register, contest elections, or otherwise participate in the formation of a government. The king is an absolute monarch with ultimate decision-making authority. Some prodemocracy organizations were banned, while there is no legal mechanism under which political parties may compete in elections. The Elections and Boundaries Commission (EBC) did not permit candidates of political parties to register under the names of their parties. Legislation passed by parliament requires the king's consent to become law. Under the constitution the king selects the prime minister, the cabinet, two-thirds

of the senate, 10 of 65 members of the house, many senior civil servants, 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 appoints the cabinet from among members of parliament.

Elections and Political Participation

Recent Elections: In September 2013 peaceful and generally well-managed parliamentary elections took place, the second time since the constitution went into effect in 2006. The king appointed a government in October 2013. International observers concluded the elections did not meet international standards. Political parties could not register or sponsor candidates of their choice.

Ballots were cast in secrecy but could be traced by registration number to individual voters, and some ballot boxes were not properly protected. There were accusations of bribery and widespread reports citizens were advised that if they did not register to vote, they would no longer receive government services.

Political Parties and Political Participation: The government harassed and detained opposition members and openly stated it did not want political parties in the country. The constitution provides for freedom of association but does not address how political parties may operate. While political parties existed, there is no legal mechanism under which they may register or contest elections. The constitution also states that candidates for public office must compete on their individual merit, thereby effectively blocking competition based on political party affiliation. For example, in 2013 the EBC denied participation in parliamentary elections to two members of the Ngwane National Liberatory Congress party, who then filed an application with the High Court to compel the EBC to register them. The Registrar of the High Court refused to put the matter on the docket, so no court date had been set by year's end.

On August 3, police physically blocked the Swaziland Youth Congress from holding its anniversary celebration, citing the Public Order Act (POA).

Participation in the traditional sphere of governance and politics takes place predominantly through chiefdoms. Chiefs are custodians of traditional law and custom, report directly to the king, and are responsible for the day-to-day running of their chiefdoms and maintenance of law and order. Although local custom mandates that chieftaincy is hereditary, the constitution, while recognizing that

chieftaincy is “usually hereditary and is regulated by Swazi law and custom,” also states the king “may appoint any person to be chief over any area.” As a result many chieftaincies were nonhereditary appointments, a fact that provoked land disputes, especially at the time of burials.

Participation of Women and Minorities: The constitution provides for 55 of the 65 seats in the House of Assembly to be popularly contested and for the king to appoint the remaining 10 members. The constitution provides for five of the 10 to be women and for the other five to represent “interests, including marginalized groups not already adequately represented in the house.” In addition the constitution stipulates that if less than 30 percent of assembly members are women, four additional women shall be selected on a regional basis. The king appointed only three women to the House of Assembly following the elections, and although less than 30 percent of its members were women, the assembly did not elect four additional women despite requests from civil society and women’s advocacy organizations urging the government to fulfill this constitutional requirement.

The king appoints 20 members of the 30-seat Senate, and the House of Assembly elects the other 10. The constitution provides that eight of the 20 members appointed by the king be women and that five of the 10 members elected by the assembly be women. Following the elections, the king filled five of the eight designated seats with women, while the assembly named five women to the Senate.

Widows in mourning (for periods that may vary from one to three years) were prevented from appearing in certain public places or being in close proximity to the king. As a result widows were excluded from voting or running for office during those periods.

There were almost no ethnic minority members in the government. Many officials were from the royal family or connected with royalty.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of corruption in the executive and legislative branches of government and a consensus that the government did little to combat it.

Corruption: School principals and teachers routinely demanded bribes to admit students, and immigration and customs officials did so to issue government documents.

Credible reports continued that government road construction and other contracts, appointments, military recruitment, and school admissions were determined based on a person's relationship with government officials. Authorities rarely took action on reported incidents of nepotism.

On June 13, police arrested a USDF official for colluding with other officers in accepting bribes for jobs in the army, and on June 28, the *Swazi Observer* reported police arrested several immigration officers suspected of accepting bribes for citizenship documents and work permits.

The Anticorruption Commission (ACC), funded by the Ministry of Justice, is charged with fighting corruption by carrying out education and prevention programs as well as by investigating cases. The ACC has the power to investigate cases, gather evidence, and arrest individuals for failure to respond to ACC requests. The ACC conceded it made little progress in curbing corruption. Citizens continued to refer to former minister of finance Majozi Sithole's 2011 statement that corruption resulted in a monthly loss of an estimated 80 million emalangeni (\$7.3 million) in potential government revenue.

In prevention and education efforts, the ACC conducted dozens of sensitization workshops and meetings around the country, provided educational materials for schools, and made presentations on numerous radio and television shows. ACC representatives acknowledged a widespread public perception that the ACC was ineffective and asserted that the commission--established in 2008--remained in "startup" mode largely because of a lack of financial and human resources and the general backlog of cases in the court system.

Financial Disclosure: The constitution prohibits government officials from assuming positions in which their personal interests are likely to conflict with their official duties. The constitution requires appointed and elected officials to declare their assets and liabilities to the Commission on Public Administration and Human Rights. The commission is mandated to monitor and verify disclosures. There are criminal and administrative sanctions for noncompliance. Sanctions for failure to disclose assets and conflicts of interests include removal from office, disqualification from holding a public office for a period determined by a court, and confiscation of any property illegitimately acquired during tenure in office.

According to the commission, the majority of those required to declare assets and liabilities did so, but the commission suspected underreporting in some cases. The commission did not make this information public.

Public Access to Information: No law provides for public access to government documents. The Ministry of Finance, however, provided limited access to budget documents on its website.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were rarely responsive to their views. Among the active groups were the Swaziland Action Group against Abuse (SWAGAA), Lawyers for Human Rights of Swaziland, the Center for Human Rights and Development, Human Rights Watch, the Council of Swaziland Churches, and the Roman Catholic Church. Human rights groups spoke out on a number of occasions, criticizing the lack of accountability and transparency in the government.

While the constitution provides for the independence of human rights NGOs, this provision falls within the “policy” section, which no court or tribunal enforces.

Government Human Rights Bodies: Since its establishment in 2009, the Commission on Human Rights and Public Administration received 85 complaints. It deemed most complaints misdirected--mainly consisting of labor problems and chieftaincy disputes--and referred them to the appropriate judicial or governmental body. By the end of 2013, 20 cases were disposed of through mediation or referral, and 65 remained pending before the commission. The commission was nearly powerless due to lack of funding and enabling legislation. The commission consisted of one acting commissioner (who has been acting since 2010) and four deputy commissioners. It had no full-time staff or secretariat. Therefore, management and administration fell to the deputy commissioners. The commission is precluded from investigating any matter “relating to the exercise of any royal prerogative by the Crown.” Local NGOs expressed concern regarding the location of the commission’s offices near royal residences, an area which custom and tradition prohibit women in mourning attire or wearing pants from entering.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, age, ethnicity, religion, political opinion, or social status, but the government did not consistently enforce the law.

Women

Rape and Domestic Violence: The law criminalizes rape, but no law specifically addresses spousal rape. Rape was common, and the government did not always enforce the law effectively. According to SWAGAA, one in three girls and women between the ages of 13 and 24 had been the victim of sexual violence. Although legally defined as a crime, many men regarded rape as a minor offense. According to the 2013 RSPS annual report, 495 rape cases were reported that year. There were no data available on the number of prosecutions, convictions, or punishments. The number of reported cases was likely far lower than the actual number of cases, as many cases were dealt with at the family level. A sense of shame and helplessness often inhibited women from reporting such crimes, particularly when incest was involved. The maximum sentence for aggravated rape is 15 years in prison, but the acquittal rate for rape was high, and sentences were generally lenient. Prosecutors reported difficulty obtaining the evidence required to bring rape and domestic violence cases to trial because witnesses feared testifying against accused rapists. There were few social workers or other intermediaries to work with victims and witnesses in order to obtain evidence.

Domestic violence, if charged as assault, is illegal. No legislation or law deals specifically with domestic violence and sexual abuse. Domestic violence against women, particularly wife beating, was common and sometimes resulted in death. Police efforts to combat the crime were inadequate. In 2012 a bill addressing domestic violence and sexual abuse passed in the House of Assembly, but the king did not assent to it and it did not become law.

Women have the right to charge their husbands with assault under both the Roman-Dutch and traditional legal systems, and urban women frequently did so, usually in extreme cases when intervention by extended family members failed to end such violence. Penalties for men found guilty of assault not involving rape against a woman depended on the court's discretion. Rural women often had no relief if family intervention did not succeed, because traditional courts were unsympathetic to "unruly" or "disobedient" women and were less likely than modern courts, which use Roman-Dutch-based law, to convict men of spousal abuse. The Roman-

Dutch legal system often gave light sentences in cases of conviction for abuse against women. SWAGAA operated hotlines and worked with private shelters to assist victims of abuse.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. FGM/C was not common, and there were no reports of its practice during the year.

Sexual Harassment: Legal provisions against sexual harassment were vague, and government enforcement was ineffective. No cases have ever been brought to trial. There were frequent reports of sexual harassment, most often of female students by teachers. During the year authorities either fired or suspended numerous teachers and some principals for inappropriate sexual conduct with students. Some teachers threatened students with poor grades if they did not provide sexual favors to them.

Reproductive Rights: The government upheld the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was wide access to contraception, including in public restrooms, clinics, and workplaces throughout the country.

Ninety-seven percent of women had access to prenatal care, 82 percent of births were attended by skilled personnel, and 69 percent of mothers received obstetric and postpartum care overall. Access to care was lower in rural than in urban areas. The 2014 UN *Trends in Maternal Mortality Report* estimated the maternal mortality rate at 310 deaths per 100,000 live births in 2013; 19 percent of these deaths were AIDS related. The UN Population Division estimated 60 percent of girls and women of reproductive age used a modern method of contraception in 2013. According to the Swaziland Multiple Indicator Cluster Survey of 2010 (MICS), three-quarters of all maternal deaths occurred during delivery and in the immediate postpartum period.

Discrimination: Women occupied a subordinate role in society. The dualistic nature of the legal system complicated the problem of women's rights. Since unwritten customary law and custom govern traditional marriage and matters of inheritance and family law, women's rights often were unclear and changed according to where and by whom they were interpreted. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules apply to the marriage and to subsequent questions of child custody, property, and inheritance in the event of divorce or death.

Girls and women faced discrimination in rural areas by community elders and authority figures who gave preference to boys in education. Women faced employment discrimination (see section 7.d.). While the constitution provides that women may open bank accounts, obtain passports, and take jobs without the permission of a male relative, these constitutional rights often conflict with customary law, which classifies women as minors. Although women routinely executed contracts and entered into a variety of transactions in their own names, banks refused personal loans to married women without a male guarantor. The constitution provides for equal access to land. Civil law provides for women to register and administer property, but most persons were unaware of this right, and customary law forbids women from registering property in their own names.

Legal experts acknowledged that some civil law is inconsistent with the constitutional stipulation that “women have the right to equal treatment with men and that right shall include equal opportunities in political, economic, and social activities.” For example, civil law defines married women as subordinate to their husbands.

Customary law allows a man to take more than one wife. A man who marries a woman under civil law may not legally have more than one wife, although this restriction was sometimes ignored. Traditional marriages consider children to belong to the father and his family if the couple divorce. Children born out of wedlock belong to the mother, unless the father claims paternity. Inheritances pass to and through male children only. Traditional authorities exercised the right to fine women for wearing pants.

Although the constitution states that “a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed,” adherents of traditional family practices might treat a woman as an outcast if she refused to undergo the mourning rite, and a widow who did not participate might lose her home and inheritance. When the husband dies, tradition dictates that the widow must stay at her husband’s family’s residence in observance of a strict mourning period for one month, during which time she may not leave the house, and the husband’s family may move into the homestead and take control of its operations. The media reported that widows heading households sometimes became homeless and were forced to seek public assistance when the husband’s family took control of the homestead. Women in mourning attire are generally not allowed to participate in public events and are barred from interacting with royalty or entering royal premises. In some cases the mourning period may last up to three years.

Children

The 2012 Children's Protection and Welfare Act sets the age of majority at 18. It defines child abuse and imposes penalties for abuse; details children's legal rights and the responsibility of the state, in particular with respect to orphans and other vulnerable children; establishes structures and guidelines for restorative justice; defines child labor and exploitative child labor; and sets minimum wages for various types of child labor. At year's end the government had not implemented most of the law's provisions.

Birth Registration: Under the constitution children derive citizenship from the father, unless the birth occurred outside marriage and the father does not claim paternity, in which case the child acquires the mother's citizenship. A foreign woman who marries a citizen may become a citizen by lodging a declaration with the proper authorities. If a Swazi woman marries a foreign man, however, even if he is a naturalized Swazi citizen, their children carry the father's birth citizenship (see section 6, Women).

The law mandates compulsory registration of births. According to the MICS, 50 percent of children less than five years of age were registered and 30 percent had birth certificates. Lack of birth registration may result in denial of public services. For example, a child needs a birth certificate to enter school or obtain a passport.

Education: The government had not complied fully with a constitutional mandate providing for tuition-free primary education. It claimed it could not afford to enact tuition-free primary education. After a lawsuit brought by the Ex-Miners' Association in 2009, the government began to implement the mandate gradually and offered tuition-free primary education through grade six. In addition students' families must pay for uniforms and other supplies. The Office of the Deputy Prime Minister received an annual budget allocation to pay school fees for orphans and other vulnerable children in primary and secondary school, but some schools complained of delayed payment and expelled such children if the office had not provided payment. Schools sometimes raised supplemental private funding for building maintenance, including teachers' housing. Rural families favored boys over girls if they could not send all their children to school. Principals and teachers routinely demanded bribes to admit students.

Child Abuse: Child abuse, including rape of children and incest, was a serious problem, but the crime was rarely reported. The government seldom punished

perpetrators of abuse, and penalties seldom matched the crime. According to the UN Children's Fund (UNICEF), approximately one in three young women experienced some form of sexual violence as a child, nearly one in four experienced physical violence, and approximately three in 10 experienced emotional abuse. According to the MICS, 12 percent of children were subjected to "severe physical punishment." Children with disabilities, children out of school, and orphans were at particular risk. According to a 2012 report released by the National Children's Coordination Unit in the Office of the Deputy Prime Minister, there were 4,556 reported cases of abuse between January and June 2011.

On March 6, the *Times of Swaziland* reported that Mbabane police detained and beat with clubs 100 Mbabane Central High School students for more than two hours for allegedly inciting their colleagues to boycott classes in protest of the school administration's suspension of sports activities.

Corporal punishment by teachers and principals is legal and routinely practiced. School rules and regulations allow a teacher to administer up to four strokes with a stick on the buttocks to a student younger than 16 years old, and up to six strokes to students older than 16. Teachers often exceeded these limits with impunity.

On July 21, the *Times of Swaziland* reported the left eye of a Grade IV pupil was permanently damaged after a teacher hit him with open hands.

Relatives or neighbors cared for a large and increasing number of HIV/AIDS orphans, or the children struggled to survive in child-headed households. Some lost their property to adult relatives. Various governmental, international, and religious organizations and NGOs assisted HIV/AIDS orphans, but the government's failure to pay school fees on time for orphans and vulnerable children resulted in expulsion of orphans from schools.

With more than 45 percent of children orphaned or vulnerable, international development organizations including UNICEF, the World Food Program, and the Global Fund supported school feeding programs, operated a number of neighborhood care points, and provided nutritional support to children weakened by AIDS.

Early and Forced Marriage: The legal age of marriage is 18 years for both boys and girls, but, with parental consent and approval from the minister of justice, girls may marry at 16. The government recognizes two types of marriage, civil marriage and marriage under traditional law and custom. Under traditional law

marriages are permitted for girls as young as 13. Although the deputy prime minister spoke out against this practice, civil law was generally not enforced to prevent it. According to the Children's Protection and Welfare Act, however, "A child has the right to refuse to be compelled to undergo or uphold any custom or practices that are likely to negatively affect the child's life, health, welfare, dignity or physical, emotional, psychological, mental, and intellectual development." According to the MICS, 10.9 percent of girls and 1.7 percent of boys married before the age of 18.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. FGM/C was not common, and there were no reports of its practice during the year.

Sexual Exploitation of Children: Girls were victims of sex trafficking. Orphans and other vulnerable children were victims of commercial sexual exploitation at truck stops and in bars and brothels. The Children's Protection and Welfare Act includes a specific provision criminalizing "mistreatment, neglect, abandonment, or exposure of children to abuse." Offenders convicted under these provisions are liable to imprisonment for a term of not less than five years, while persons convicted of violating the child labor provisions of the law are liable to a fine of not less than 15,000 emalangeni (\$1,360), a prison term of not less than two years, or both. Provisions of older law address child prostitution as "defilement of a ward" or "unlawful carnal connection with a girl," and pornography under "obscene publications." The law sets the age of sexual consent at 16. The penalties for statutory rape and prostituting a girl are from six to 25 years' imprisonment, up to 24 lashes with a whip, and a fine of 1,000 emalangeni (\$91). Penalties for child pornography are up to six months' imprisonment and a fine of 100 emalangeni (\$9.10). The People Trafficking and People Smuggling (Prohibition) Act prescribes up to 25 years' imprisonment for the trafficking--including prostitution--of children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community is very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution provides for the rights of persons with disabilities but does not differentiate between physical, sensory, intellectual, and mental disabilities and requires parliament to enact relevant implementing legislation, which parliament has not done. The Office of the Deputy Prime Minister is responsible for upholding the law and for protecting the rights of persons with disabilities. No laws prohibit discrimination against persons with disabilities in employment or provide access to health care or other state services. Persons with disabilities complained of government neglect. No laws mandate accessibility for persons with disabilities to buildings, transportation (including air travel), information, communications, or public services, although government buildings under construction included some improvements for persons with disabilities, including access ramps. Public transportation was not accessible for persons with disabilities, and the government did not provide any means of alternative accessible transport.

There were minimal services provided for persons with disabilities, and there were no programs in place to promote the rights of persons with disabilities. There was one school for deaf students and one special-education alternative school for children with physical or mental disabilities. The hospital for persons with mental disabilities, located in Manzini, was overcrowded and understaffed.

National/Racial/Ethnic Minorities

The constitution forbids discrimination on the grounds of race, color, ethnic origin, tribe, or birth, but governmental and societal discrimination was practiced against nonethnic Swazis, generally white persons and persons of mixed race. Although there were no official statistics, an estimated 2 percent of the population was nonethnic. Nonethnic Swazis experienced difficulty in obtaining official documents, including passports, and suffered from other forms of governmental and societal discrimination, such as needing special permits or stamps to buy a car or house, delays in receiving building permits for houses, and difficulties in applying for a bank loan.

Acts of Violence, Discrimination, and Other abuses Based on Sexual Orientation and Gender Identity

While colonial-era legislation against sodomy remains on the books, no penalties are specified and there were no arrests. On several occasions throughout the year, the government issued statements that same-sex relationships and acts were illegal but did not prosecute any cases. Societal discrimination against LGBT persons was prevalent, and LGBT persons generally concealed their sexual orientation and gender identity. There were no known acts of violence. Gay men and lesbians who were open about their sexual orientation and relationships faced censure and exclusion from the chieftdom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and government officials criticized same-sex sexual conduct as neither Swazi nor Christian. LGBT advocacy organizations had trouble registering with the government. One such organization, House of Pride, was under the umbrella of another organization dealing with HIV/AIDS. It was difficult to determine the extent of employment discrimination based on sexual orientation or gender identity because victims were not likely to come forward, and most LGBT persons were not open about their sexual orientation or gender identity.

HIV and AIDS Social Stigma

A People Living with HIV Stigma Index (2011) for Swaziland indicated that, of a study sample of 1,233 persons, 18 percent believed their HIV-positive status caused persons to gossip about them; 7 percent were insulted or harassed; and 3 percent were assaulted. Experience of internal stigma included: 25 percent had low self-esteem; 24 percent felt shame; 17 percent felt guilt; 14 percent felt isolation; and 7 percent had suicidal thoughts.

Social stigma associated with being HIV positive discouraged persons from being tested. Nevertheless, there were often long lines, especially of young persons, waiting to be tested during prevention campaigns. The armed forces encouraged testing and did not discriminate against those testing positive.

Other Societal Violence or Discrimination

There was social stigma attached to albinism. Several persons with albinism stated they were discriminated against, called names, and at risk of being killed for ritual purposes. The government condemned such acts but took no further action.

Belief in witchcraft was common, and those accused of witchcraft were at risk of being assaulted or killed. For example, on February 10, a man from Ebuhleni

stabbed his father to death due to allegations that his father was practicing witchcraft.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The laws provide that workers, except for those in essential services, have the right to form and join independent unions, conduct legal strikes, and bargain collectively. These rights were not uniformly applied, however, since provisions of other laws restricting freedom of assembly and association often abrogate them. The laws provide for the registration of unions and federations but grant far-reaching powers to the labor commissioner with respect to determining eligibility for registration. Unions must represent at least 50 percent of employees in a workplace to be automatically recognized. Otherwise, recognition was left to the discretion of employers.

The constitution and law provide for the right to organize and bargain collectively, subject to various legal restrictions. The law gives employers discretion as to whether or not to recognize a labor organization as a collective employee representative if less than 50 percent of the employees are members of the organization. In a case where an employer agrees to recognize the organization as the workers' representative, the law grants the employer the ability to set conditions for such recognition. The law provides for the registration of collective agreements by the Industrial Court, which is empowered to refuse registration if an agreement conflicts with the Industrial Relations Act (IRA) or any other law, provides terms and conditions of employment less favorable to employees than those provided by any law, discriminates against any person, or requires membership or nonmembership in an organization as a condition for employment. The law also provides for the establishment of a conciliation, mediation, and arbitration commission for dispute resolution but confers on the commissioner of labor the power to "intervene" in labor disputes before they are reported to the commission, if there is reason to believe that a dispute could have serious consequences for the employers, workers, or the economy if not resolved promptly.

According to the IRA, as amended, employees who are not engaged in "essential services" have the right to undertake peaceful protest actions to "promote or defend socioeconomic interests" of workers. The act, however, defines "socioeconomic interest" 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.” Extensive provisions allow workers to seek redress for alleged wrongful dismissal. Although the law permits strikes, the right to strike is strictly regulated. Strikes and lockouts are prohibited in essential services, while the minister’s power to modify the list of these essential services provides for broad prohibition of strikes in nonessential sectors, including postal services, telephone, telegraph, radio, and teaching. The procedure for announcing a protest action requires advance notice of at least 14 days. The law details the steps to be followed when disputes arise and provides penalties for employers who conduct unauthorized lockouts. When disputes arose with civil servant unions, the government often intervened to reduce the chances of a protest action, which may not be called legally until all avenues of negotiation have been exhausted and a secret ballot of union members has been conducted. The law imposes disproportionately harsh sanctions on workers for damages caused by strike actions. For example, the trade union and its leadership face civil liability and criminal liability for any damage caused and other “unlawful behavior” during strikes.

While the laws allow unions to conduct their activities without government interference and prohibit antiunion discrimination, certain laws allow broad government discretion to intervene in and interfere with unions’ activities.

The government did not effectively enforce these laws. Freedom of association and the right to collective bargaining were not consistently respected. The government perceived some unions as political opposition and therefore restricted their rights. In certain cases workers who attempted to exercise the rights to organize and bargain collectively faced difficulties or risks due to a harsh legal environment imposed by provisions in the labor and the security laws. HMCS staff continued to be denied the right to collective bargaining. While the government controlled no worker organizations, it may prohibit trade unions and other worker organizations from engaging in certain activities when those activities are deemed “political” in nature. In addition the logistical requirements involved in registering a legal strike made striking difficult.

Government interference in union affairs was consistently a problem under examination by the International Labor Organization (ILO), particularly concerning public service unions. At issue was continued government action to disrupt or repress trade unions’ lawful and peaceful activities. The government continued to use certain laws, including the 2008 Suppression of Terrorism Act

and the 1963 Public Order Act, to interfere in trade unions' affairs--in particular, gatherings or other activities that were viewed as "political."

The International Trade Union Confederation also reported trade union activities continued to be repressed and that arbitrary arrests and detentions, intimidation, and physical violence were used to silence activists.

On October 8, the labor minister announced the banning of all federations in the country and ordered existing federations to cease operations pending the passing of the IRA amendment that would allow the registration of federations. This amendment became law on November 12 after the king's assent. Federations must submit their constitutions to the government and apply for registration. Additionally, civil society organizations as well as international labor organizations viewed the banning of federations and the long delay in passage of the IRA amendment as a government attempt to annihilate TUCOSWA.

To prevent a public march on April 12, Mbabane police detained trade union leaders in their homes and then drove them around for several hours. Police left them on the side of the highway more than 11 miles from their homes. The POA was used as the legal basis for the detention and refusal to allow the march.

On August 6, the prime minister reportedly made threats against TUCOSWA Secretary General Vincent Ncongwane and human rights activist Sipho Gumede, who attended a foreign conference, but he subsequently withdrew his remarks on August 10, after receiving strong criticism from international and diplomatic communities. On August 27, police detained TUCOSWA members and questioned them for several hours about a prayer service held at a textile factory. On September 4, citing the POA, police stopped 12 members of TUCOSWA from delivering to the Ministry of Labor and Social Security a petition decrying the country's loss of certain foreign tariff-free benefits.

On October 1, approximately 500 security guards from various companies marched to the Ministry of Labor and Social Security to deliver a petition to the minister. Marchers wielded large sticks as they wound through city streets in Mbabane and chanted labor solidarity songs. Police officers moved around the protesting security guards, but they did not react violently nor attempt to halt the march. The security guards' primary demand included the closure of noncompliant security services companies who were underpaying their employees and prosecution of such companies for owing past-due wages. The petition stated that only six of 86 security companies were paying employees according to the stipulated minimum

wage. The guards threatened a mass nationwide strike if their demands were not met, but they did not give the ministry a deadline. The security guards' march was organized by the Amalgamated Trade Union of Swaziland.

In 2012 the government deregistered the newly formed TUCOSWA labor federation. Just weeks after the labor commissioner signed TUCOSWA's certificate of registration and the minister of labor and social security recognized it, the attorney general declared that TUCOSWA had been "erroneously registered" under the IRA, which governs all labor-related activity. Despite the fact that labor federations have operated in the country for decades, the attorney general argued that the law actually provided only for the registration of "organizations" and not "federations." Government officials removed TUCOSWA from the list of registered organizations in the country but promised to amend the IRA to provide for the registration of federations. The deregistration occurred just days after TUCOSWA announced it would support a boycott of legislative elections. The Ministry of Labor drafted an amendment to the IRA allowing for the registration of federations, ostensibly to mollify the ILO and other international observers. Early in the year, a law seeking to amend the IRA was presented in parliament but later withdrawn by the minister of labor and social security, and no reasons were given for its withdrawal. TUCOSWA continued to seek recognition, and the government and courts continued to state that the law does not allow for federations. In November the king assented to an amendment to the law, after its passage by parliament, which allows for the registration of federations. TUCOSWA must now apply for registration with the government.

There were allegations that employers used labor brokers to hire individuals on contracts to avoid hiring those who would normally be entitled to collective bargaining rights. No laws govern the operation of labor brokers. Reports suggested labor brokers fraudulently recruited and charged Swazi nationals excessive fees for work in South African mines--a means often used to facilitate forced labor.

Other concerns identified by unions were undefined hours of work and pay days; assaults on workers by supervisors; surveillance of trade union activity by hired security officers, both at the workplace and outside; and the use of workers' councils stacked with employer-picked representatives to prevent genuine worker representation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, but the law also requires residents to perform uncompensated tasks for chiefs, who could penalize those who did not participate. Although the High Court had declared that order null and void, the government did not officially repeal it as recommended by the ILO, stating the constitution automatically overrode the order. The government did not effectively enforce the applicable law.

Under the labor code, forced labor is punishable by a maximum of one year's imprisonment, a fine of 3,000 emalangeni (\$273), or both. These penalties were considered sufficient to deter violations in cases when the law was enforced. Customary law has no stipulated sentences but provides for fines that range from a few hundred to several thousand emalangeni.

Forced or compulsory labor practices reportedly occurred. Victims of forced labor included women and children in domestic servitude, agricultural labor, herding livestock, portering, and market vending. Swazi chiefs reportedly continued to coerce children and adults--through threats and intimidation--to work for the king.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The laws prohibit child labor. The minimum age for employment is 15 years and the minimum age for employment in night work is 16 years. The law also prohibits children from engaging in any form of hazardous employment and defines work as "hazardous when it poses a danger to the morals, health, safety, and development of a person." The law limits the number of night hours children may work on school days to six and the overall hours per week to 33.

Such laws were effectively enforced in the formal sector. The Ministry of Labor, the Office of the Deputy Prime Minister through the National Children's Coordination Unit and Department of Social Welfare, and the RSPS are responsible for enforcement of laws relating to child labor. The government's effectiveness in combating child labor was limited due to a lack of baseline information about the scope of the problem and a lack of dedicated resources for identifying and punishing violators.

Penalties for violations of the worst forms of child labor include a fine of 100,000 emalangeni (\$9,090) or five years' imprisonment for a first offense, and 10 years

of imprisonment with no option for a fine for repeated offenses. The law, however, was not enforced.

In the informal sector, children continued to be employed, particularly in agricultural pursuits. In agriculture children picked cotton, harvested sugarcane, and herded livestock. This work might involve activities that put at risk their health and safety, such as using dangerous machinery and tools, carrying heavy loads, applying harmful pesticides, and working alone in remote areas. Children also worked as porters, bus attendants, taxi conductors, and street vendors. Children working on the streets risked a variety of dangers, such as severe weather and automobile accidents. They also were vulnerable to exploitation by criminals.

Child domestic servitude was also believed to be prevalent. Such work could involve long hours of work and could expose children to physical and sexual exploitation by their employer. Children's exploitation in illicit activities was a problem. Children served alcohol in liquor outlets and grew, manufactured, and sold drugs.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The labor law prohibits discrimination in employment and occupation based on race, gender, language, HIV-positive status or other communicable diseases, or social status, but the law is silent on discrimination in employment and occupation based on disability and sexual orientation or gender identity, and the government, in general, did not effectively enforce the law.

Gender-based discrimination in employment and occupation occurred (see section 6). While women have constitutional rights to equal treatment and take jobs without the permission of a male relative, and the law requires equal pay for equal work, there were few measures in effect protecting women from discrimination in hiring, particularly in the private sector. Despite the law, the average wage rates for men by skill category usually exceeded those of women.

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

There is no national minimum wage. The Ministry of Labor and Social Security sets wage scales for each industry. There was a legally mandated sliding scale of minimum wages depending on the type of work performed. For example, the minimum monthly wage was 531 emalangi (\$48) for a domestic worker, 657 emalangi (\$60) for a semiskilled worker in the handcraft industry, 713 emalangi (\$65) for a skilled worker in the handcraft industry, 528 emalangi (\$48) for a semiskilled worker in the forestry industry, and 656 emalangi (\$60) for a skilled worker in the forestry industry. All workers in the formal sector, including migrant workers, are covered by the wage laws. Approximately 60 percent of the population lived below the poverty lines of 57 emalangi (\$5.18) and 104 emalangi (\$9.45) per month for rural and urban areas, respectively.

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. It was not clear whether there were specific exceptions for female workers. The law permits all workers at least one day of rest per week and provides for premium pay for overtime. Most workers received a minimum of 12 days of annual leave with full pay. Workers receive 14 days of sick leave with full pay and 14 days with half pay after three months of continuous service; these provisions apply only once per calendar year. No sick leave is granted if an injury results from an employee's own negligence or misconduct.

Expectant mothers in all professions are entitled by law to 12 weeks' maternity leave, of which two weeks are at full pay. For three months after resuming work, mothers are entitled to one paid additional hour per day for nursing.

The law provides for some protection of workers' health and safety. The government set safety standards for industrial operations and encouraged private companies to develop accident prevention programs.

On September 5, thousands of workers in the country's largest textile firm were exposed to butyl acetate. The hospital admitted several hundred workers with severe complications. The Ministry of Labor vowed to inspect factories in the future but did not take any action against the company.

The constitution calls on parliament to enact new laws to protect a worker's right to satisfactory, safe, and healthy employment conditions, but parliament did not enact any such laws by year's end. The Ministry of Labor and Social Security is responsible for enforcement of labor laws but faced significant resource

challenges, including a lack of motor vehicles and inability to hire additional staff. There were only an estimated 20 labor inspectors serving the entire country, and while the labor commissioner's office conducted inspections in the formal sector, it did not have the resources to conduct inspections in the informal sector. The government also undertook an initial review of the status of labor brokers, in response to growing complaints that the lack of regulation of labor brokers facilitated the exploitation of workers. The labor minister spoke out repeatedly on the subject, and the government reviewed existing portions of the labor law, which could be amended to regulate brokers. The government continued to enforce the Occupational Safety and Health Act, which lays out the rights and responsibilities of employers, employees, and the government with respect to occupational health and safety. In September the global union federation Building and Wood Workers' International, in conjunction with the government and unionists, launched a campaign to increase awareness of health and safety standards.

Wage arrears, particularly in the garment industry, were a problem. Working conditions in the industry generally were good, although workers complained that wages were low and that procedures for getting sick leave approved were cumbersome in some factories. The minimum monthly wage for a skilled employee in the industry--including sewing machinists and quality checkers--was emalangenani 1,128 (\$103). Minimum wage laws did not apply to the informal sector, where many workers were employed.

The garment sector has a standard 48-hour workweek, but workers alleged that working overtime was compulsory because they had to meet unattainable daily and monthly production quotas.

Public transportation workers complained that they were required to work 12 hours a day or more without any overtime compensation and that they were not entitled to pensions and other benefits. The country's nurses engaged in strikes and work slowdowns during the year to advocate for higher wages and to protest what they considered unsafe working conditions in local hospitals and clinics. Some facilities lacked proper ventilation systems, water, and sanitation supplies.

Although policies existed regarding maternity leave, women often believed they were compelled to keep working from economic need, which sometimes resulted in giving birth in unsafe environments; for example, on the way to work. In the garment sector, which primarily employed women, female workers and their unions alleged that workers were not allowed to use their maternity leave with the certainty that their right to return to work would be respected.

Workers in the informal sector, particularly foreign migrant workers, children, and women, risked facing hazardous and exploitative conditions. Credible data on workplace fatalities and accidents were not available. A significant number of workers were in the informal sector, but credible data were not available.

By law workers may not remove themselves from situations that endangered health or safety without jeopardy to their employment. Additionally, authorities did not effectively make efforts to protect employees in this situation.