

ESWATINI CONVENING

THE PROTECTION OF HUMAN RIGHTS IN AN ABSOLUTE MONARCHY

Reflections on land tenure, the protection of individual freedoms and the socio-economic and cultural context of Eswatini

Friday, 25 October 2018

6.00 PM - 7:00 pm

**Conference Room No. 7, The Kairaba Beach Hotel
Banjul, Republic of the Gambia**

The Kingdom of Swaziland, recently named Eswatini, is a country located in Southern Africa. Fifty years after gaining independence in 1968, Eswatini remains an absolute monarchy. The country is ruled by King Mswati III who holds executive powers. While the 2005 Constitution introduced significant reforms, the King maintains far more power than the electorate, making it difficult for the electorate to hold government accountable. The King personally appoints the Prime Minister, the cabinet and two-thirds of members of the Senate. With an estimated population of two million, 63% of Eswatini live below the poverty line.¹ The poverty rate is attributed to multiple factors. These factors include stalled economic growth, severe drought, unequal distribution of wealth, high unemployment and a high rate of HIV.

¹ <https://www.worldbank.org/en/country/eswatini/overview>



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Many communities in Eswatini rely on agriculture and farming for production of food and to sustain their needs. Land is also important for agriculture and shelter. However, adequate housing² remains challenging in a context of complex land governance system consisting of dual land tenure – (1) the Swazi Nation Land, owned by the King and (2) the Title Deed Land attributed to individual owners. The scenario is marred by the lack of security of tenure leaving hundreds of people vulnerable to forced evictions. As a result of the forced evictions, the Emaswati are also subject to other human rights violations including deprivation of the rights to education, water and the right to health care. The situation is exacerbated by barriers curtailing the enjoyment of human rights, individual freedoms and pressing social, economic and political concerns. Eswatini political parties are not allowed to contest elections, and individual candidates for elections are denied the right to align their campaign to a political party manifesto. Relatively recently, protesters taking their voices to streets feared being arrested and some faced abuse by police. This constitutes a flagrant violation of the civil and political rights enshrined in the African Charter on Human and Peoples’ Rights and other important human right documents signed and ratified by Eswatini. In the recent months and weeks building up to the national elections of the country, which took place on the 20th September 2018, Eswatini witnessed a number of protests driven by the worsening socio-economic situation *vis a vis* unnecessary huge expenditures from government.³ The labor movement took to the streets raising concerns about service delivery, medication and food running out for patients in hospitals, and below cost of living wages for civil servants. The closing down of the protests by the authorities, the intimidations and abuses of the police denounced by the protesters are a great concern for the exercise of the rights and freedoms highlighted.

² The Eswatini Constitution does not explicitly include a provision for the right to adequate housing, Section 19(2) of the Constitution prohibits arbitrary deprivation of property and eviction from land without fair and adequate compensation. Despite this provision, people’s experiences reveal that they are not being protected, indicating a disconnect between policy and practice.

³ Including the purchase of a second airplane (Airbus A340-300) for the King's 50th birthday.

The event is jointly co-hosted and presented by CSOs engaged in the RIGHTS4ALL Programme with support from the European Union and with Amnesty International that has recently launched a report titled, “They don’t see us a people” on security of tenure and forced evictions in Eswatini. Of particular significance, the deliberations will focus on the question of forced eviction, lack of security of tenure and the enjoyment of individual freedoms to assembly, association and political participation in Eswatini.

Objectives:

- (a) Increase awareness about the progress and challenges in human rights protection in Eswatini;
- (b) Share views and obtain information on possible solutions to the problems; and
- (c) Build solidarity over pressing human rights concerns in Eswatini and identify networks that can help improve the system.

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