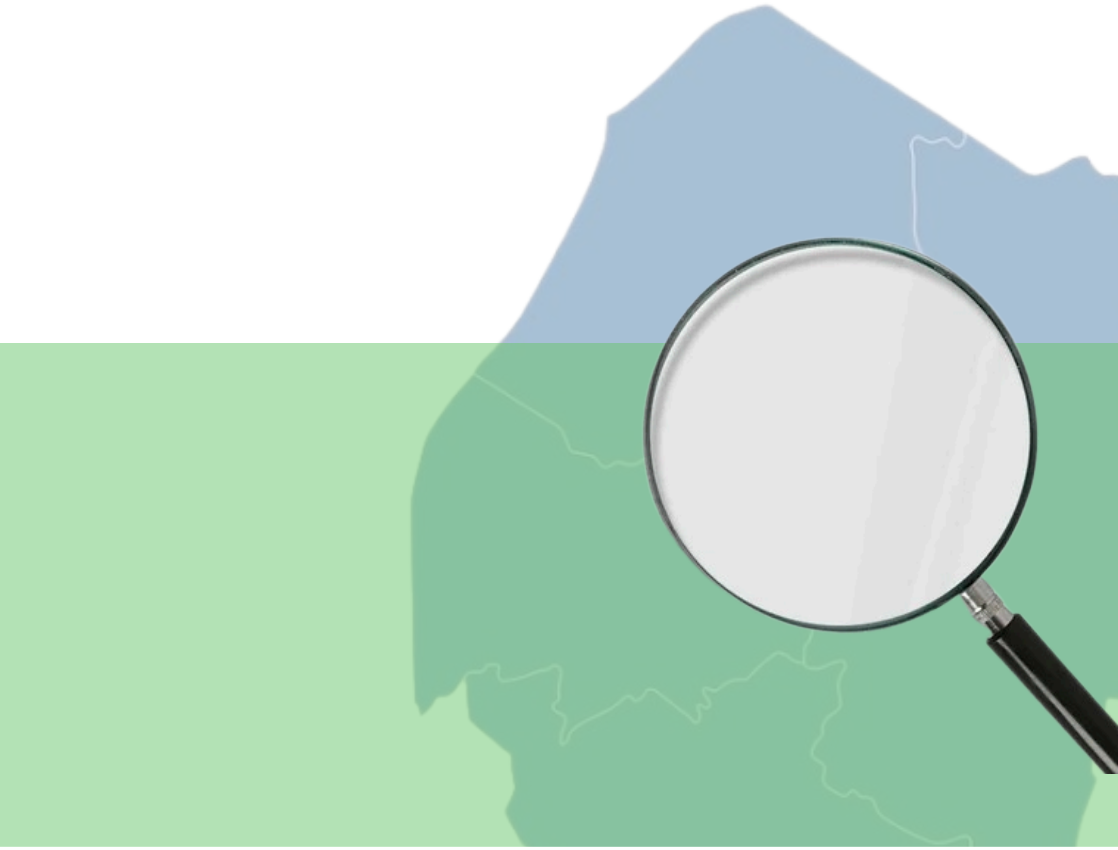
A SITUATIONAL ANALYSIS OF THE STATE OF HUMAN RIGHTS IN ESWATINI

COMMITMENT, PROGRESS AND CHALLENGES



Co-funded by the European Union

FSEJ RESEARCH REPORT

A Situational Analysis of the State of Human Rights in Eswatini

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About the Foundation for Socio-Economic Justice (FSEJ)

The Foundation for Socio Economic Justice (FSEJ) is a non-profit association established in 2004 in Eswatini. The organisation works to empower Swazis to improve their livelihoods by facilitating, building and organising community-based organisations for their own emancipation and development. FSEJ provides capacity strengthening and disseminates information to all partners and the public to enable them to effectively participate in the socio-economic justice agenda.

About the Southern Africa Litigation Centre (SALC)

The Southern Africa Litigation Centre (SALC), established in 2005, supports human rights and public interest litigation undertaken by domestic lawyers and civil society in Southern Africa. SALC works in Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa, Zambia and Zimbabwe.

About COSPE Onlus (Cooperazione per lo Sviluppo dei Paesi Emergenti)

COSPE Onlus is an international NGO established in 1983 with headquarters in Italy, and a field office in Eswatini. COSPE has played a major role in the process of coordination of civil society actors, capacity strengthening, definition and implementation of advocacy activities and widespread promotion of UN mechanisms for the protection of human rights.

About the Swaziland Editors Forum

The Swaziland Editors Forum (SEF) is a professional association representing editors and senior media practitioners in Eswatini. It promotes media freedom, ethical journalism, and editorial independence. The Forum advocates for an enabling legal and policy environment that protects freedom of expression and access to information. SEF strengthens the capacity of journalists through training, dialogue, and professional development initiatives.

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TABLE OF CONTENTS

List of Abbreviations i
1. Executive Summary 1
2. Methodology 3
3. Status of Ratification 4
4. Access to Justice 6
5. Civil and Political Rights 8
6. Socio-Economic and Cultural Rights 10
7. Women's Rights 12
8. Children's Rights 13
9. Persons with Disabilities 27
10. LGBTIQ+ Rights 28
11. Human Rights Defenders 29
12. Human Trafficking 30
13. Key Recommendations 31

9
Core Treaties Ratified

4
UPR Cycles Completed

56%
Youth Unemployment

LIST OF ABBREVIATIONS

Abbreviation	Full Name
ACHPR	African Commission on Human and Peoples' Rights
ART	Antiretroviral Therapy
ASRH	Adolescent Sexual and Reproductive Health
CAT	Convention against Torture
CDC	Centers for Disease Control and Prevention
CED	Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHRPA	Commission on Human Rights and Public Administration
CMW	Convention on the Protection of the Rights of All Migrant Workers
CPWA	Children's Protection and Welfare Act
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DPMO	Deputy Prime Minister's Office
ENPF	Eswatini National Provident Fund
ESGM	Eswatini Sexual and Gender Minorities
FPE	Free Primary Education
GBV	Gender-Based Violence
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
HRD	Human Rights Defender
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Commission of Jurists
ILO	International Labour Organization
IMF	International Monetary Fund
JMP	Joint Monitoring Programme
JSC	Judicial Service Commission
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
MICS	Multiple Indicator Cluster Survey
MISA	Media Institute of Southern Africa
MMR	Maternal Mortality Ratio
MOET	Ministry of Education and Training
NMRF	National Mechanism for Reporting and Follow-up
NPO	Non-Profit Organisation
OPAC	Optional Protocol to the CRC on Children in Armed Conflict

Abbreviation	Full Name
OPCAT	Optional Protocol to the Convention against Torture
OPSC	Optional Protocol to the CRC on Sale of Children
OVC	Orphans and Vulnerable Children
PEPFAR	U.S. President's Emergency Plan for AIDS Relief
POA	Public Order Act
PUDEMO	People's United Democratic Movement
SAFAIDS	Southern Africa HIV and AIDS Information Dissemination Service
SALC	Southern Africa Litigation Centre
SDG	Sustainable Development Goal
SLAPP	Strategic Lawsuit Against Public Participation
SNAT	Swaziland National Association of Teachers
SNL	Swazi Nation Land
SRH	Sexual and Reproductive Health
SRHR	Sexual and Reproductive Health and Rights
STA	Suppression of Terrorism Act
STI	Sexually Transmitted Infection
SZHC	High Court of Eswatini
SZSC	Supreme Court of Eswatini
TB	Tuberculosis
TDL	Title Deed Land
TUCOSWA	Trade Union Congress of Swaziland
TVET	Technical and Vocational Education and Training
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
US	United States
USD	United States Dollar
VAC	Violence Against Children
VAWG	Violence Against Women and Girls
WASH	Water, Sanitation and Hygiene
WFP	World Food Programme
WHO	World Health Organization
WLSA	Women and Law in Southern Africa

1. EXECUTIVE SUMMARY

Eswatini has expanded formal engagement with international human rights mechanisms through ratification of most core United Nations human rights treaties, participation in all cycles of the Universal Periodic Review, and improved treaty body reporting facilitated by the establishment of a National Mechanism for Reporting and Follow-Up under the Ministry of Justice. The Kingdom has ratified CERD, CRC, ICCPR, ICESCR, CAT, CEDAW, CRPD, OPAC, and OPSC, yet critical instruments remain unratified, including OPCAT, the Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Protection of the Rights of All Migrant Workers, and the Second Optional Protocol to the ICCPR on abolition of the death penalty. Despite these formal commitments, a persistent gap between ratification and domestic implementation defines the human rights landscape. Access to justice remains structurally weak within a dual legal system of Roman-Dutch common law and Swazi customary law, where traditional courts are characterised by discrimination against women, lack of legal representation, weak procedural safeguards, and patriarchal decision-making, while common law courts remain geographically inaccessible, prohibitively expensive, and burdened by case backlogs. Judicial independence is undermined by executive influence over appointments and removals, the Commission on Human Rights and Public Administration lacks enabling legislation and operational independence, and legal aid coverage remains critically inadequate; although the Legal Aid Act 2025 has recently been enacted, the effects of its implementation are yet to be seen. Civil and political rights face severe restrictions: allegations of torture and ill-treatment by security forces persist without accountability, arbitrary arrests target activists and political dissidents, prison conditions are marked by overcrowding and inadequate healthcare, the death penalty is retained despite a de facto moratorium, and the Suppression of Terrorism Act and Sedition and Subversive Activities Act are weaponised to criminalise dissent, suppress media freedom, and restrict peaceful assembly and association, as demonstrated by the violent response to the 2021 pro-democracy protests and the politically motivated prosecution of former Members of Parliament Mduduzi Bacede Mabuza and Mthandeni Dube.

Socio-economic rights suffer from uneven implementation: while Eswatini achieved the UNAIDS 95-95-95 HIV targets, the health system remains underfunded, donor-dependent, and plagued by stockouts, with maternal mortality high and abortion criminalised. Free Primary Education improved enrolment, but secondary education is neither free nor compulsory, and vulnerable children face exclusion. The dual land tenure system creates insecurity, with women excluded from customary land allocation. Social protection is fragmented, youth unemployment exceeds forty percent, food insecurity affects one-fifth of the population, and water access remains unequal. Women face compounding vulnerabilities: parliamentary representation falls below the thirty percent target, gender-based violence remains pervasive despite the SODV Act 2018, and discriminatory customary practices persist. Children experience violent discipline, sexual abuse, exploitation in child-headed households, and inadequate juvenile justice. Persons with disabilities face systemic exclusion, with the Persons with Disabilities Act 2018 largely inoperative. LGBTIQ+ persons live under criminalisation, lack constitutional protection, and face hostile government rhetoric. Human rights defenders operate in a hostile environment of judicial harassment, surveillance, and impunity, exemplified by the unresolved assassination of lawyer Thulani Maseko in 2023. Human trafficking remains inadequately addressed, with Eswatini on the US Tier 2 Watch List. Meaningful progress demands sustained political will, institutional reform, adequate resources, protection of civic space, independent oversight, and commitment to the rule of law.

2. METHODOLOGY

This report adopts a qualitative research approach based primarily on the analysis of secondary data to assess the human rights situation in Eswatini. Each thematic section assesses implementation progress against relevant recommendations accepted during the Fourth Cycle UPR. And identifies outstanding implementation gaps. These recommendations provide the analytical framework for examining the country's progress in implementing its international human rights obligations and commitments.

Secondary data were collected from a wide range of credible sources, including government reports and policy documents, legislation, reports submitted to United Nations human rights mechanisms, publications by national human rights institutions, reports from civil society organisations, academic literature, regional and international human rights bodies, and media reports where relevant. These sources were systematically reviewed to identify trends, progress, persistent challenges, and gaps in the implementation of human rights commitments.

To strengthen the reliability and contextual relevance of the findings, the secondary data analysis was complemented by regional and national stakeholder engagement. Consultations were conducted with civil society organisations, community representatives, human rights defenders, subject matter experts, and other relevant stakeholders. These engagements served to validate the findings from the desk review, provide updated contextual information, and document recent examples of human rights challenges and violations.

The incorporation of stakeholder perspectives enabled the report to capture lived experiences that may not be reflected in official documentation. These contemporary examples illustrate the extent to which legal and policy commitments have translated, or failed to translate, into the effective enjoyment of human rights in practice. Consequently, the report highlights the gaps between Eswatini's legal and international human rights obligations and the realities experienced by rights holders.

3.1 Ratification and Accession Status

Treaty	Year	Status
CERD	1969	Ratified
CRC	1995	Ratified
ICCPR	2004	Acceded
ICESCR	2004	Acceded
CAT	2004	Acceded
CEDAW	2004	Acceded
CRPD	2012	Ratified
CRC-OPAC	2012	Ratified
CRC-OPSC	2012	Ratified

ILO Fundamental Conventions

Convention	Year	Status
Forced Labour Convention (C29)	1981	Ratified
Freedom of Association (C87)	1978	Ratified
Right to Organise & Collective Bargaining (C98)	1978	Ratified
Equal Remuneration (C100)	1981	Ratified
Abolition of Forced Labour (C105)	1979	Ratified
Discrimination (Employment) (C111)	1981	Ratified
Minimum Age (C138)	2002	Ratified
Worst Forms of Child Labour (C182)	2002	Ratified

African Union Human Rights Instruments

Instrument	Year	Status
African Charter on Human and Peoples' Rights	1995	Ratified
African Charter on Rights and Welfare of the Child	2012	Ratified

Outstanding Instruments (Not Ratified)

Treaty	Year	Status
OPCAT	—	Not Ratified
2nd Optional Protocol to ICCPR (Death Penalty)	—	Not Ratified
CMW (Migrant Workers Convention)	—	Not Ratified
CED (Enforced Disappearances)	—	Not Ratified

Summary of Ratification Status

Category	Total	Ratified	Not Ratified
UN Core Treaties & Protocols	13	9	4
ILO Fundamental Conventions	8	8	0
AU Human Rights Instruments	2	2	0
TOTAL	**23**	**19**	**4**

Note: Eswatini has ratified 19 of 23 key international and regional human rights instruments. Four instruments remain outstanding: OPCAT, 2nd OP-ICCPR, CMW, and CED.

3.2 Cooperation with Human Rights Mechanisms

Eswatini has historically experienced significant delays in treaty body reporting, but recent years have seen improved engagement with international human rights mechanisms. The establishment of the National Mechanism for Reporting and Follow-Up (NMRF) under the Ministry of Justice and Constitutional Affairs represents a positive institutional development aimed at coordinating the preparation of state reports and tracking implementation of recommendations from treaty bodies and the Universal Periodic Review.

Recent reporting milestones include the submission of reports to the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of Persons with Disabilities (CRPD), the Committee against Torture (CAT), and the Committee on the Elimination of Discrimination against Women (CEDAW), as well as the submission of a Common Core Document. Eswatini has participated in all four cycles of the Universal Periodic Review, with the number of accepted recommendations increasing over successive cycles.

However, structural progress on key recommendations remains limited. Core recommendations that remain unimplemented include the repeal of sedition and terrorism laws that restrict civic space, the ratification of OPCAT, the enactment of the Marriage Bill to set and enforce a minimum marriage age, and the adoption of enabling legislation for the Commission on Human Rights and Public Administration. The gap between acceptance of recommendations and their domestic implementation continues to undermine the credibility of Eswatini's engagement with the international human rights system. Civil society participation in follow-up and monitoring processes remains constrained, limiting independent assessment of implementation progress.

1. National Mechanism for Reporting and Follow-Up (NMRF), established under the Ministry of Justice and Constitutional Affairs.
2. Reports submitted to CESCR, CRPD Committee, CAT, and CEDAW Committee.
3. See OHCHR UPR page: https://www.ohchr.org/en/hr-bodies/upr/sz-index
4. Suppression of Terrorism Act 2008; Sedition and Subversive Activities Act 1938.

4. ACCESS TO JUSTICE

4.1 Administration of Justice, Fair Trial, and Rule of Law

In assessing the justice system in safeguarding human rights in Eswatini, a SALC research report reveals the following shortcomings:

Traditional Courts	Civil/Common Law
• Discrimination against women through customary law that treats women as subordinate • Women cannot preside as judicial officers • Lack of legal representation as practitioners are prohibited from appearing • Weak procedural safeguards due to absence of codified procedures • Convictions may be obtained on tenuous or weak evidence • Inconsistent cross-examination and evidentiary practices • Failure to consistently consider the Constitution and international standards • Patriarchal decision-making structures • Potential prosecutorial forum shopping • Limited fair trial guarantees	• Limited accessibility, especially for rural populations • High costs of access, including transportation and legal fees • Less accessible than traditional courts for many citizens • Potential inequality in case allocation as prosecutors divert weaker cases • Dependence on legal representation which disadvantages those who cannot afford lawyers • Geographical barriers reduce equal access to justice

Judicial independence remains a serious concern. The appointment and removal of judges involves the Judicial Service Commission, which is subject to executive and monarchical influence. The case of Justice Thomas Masuku, who was removed from the bench in circumstances widely criticised as politically motivated, illustrates the vulnerability of the judiciary to external pressure.

The cases of former Members of Parliament Bacede Mabuza and Mthandeni Dube further illustrate concerns about the administration of justice. Both were arrested in connection with the 2021 pro-democracy protests and charged with terrorism and sedition offences under the Suppression of Terrorism Act and the Sedition and Subversive Activities Act. Their prolonged pre-trial detention, the conditions of their confinement, allegations of ill-treatment, and delays in the appeal process raised serious fair trial and due process concerns. The case attracted significant international attention and criticism from human rights bodies.

4.2 Commission on Human Rights and Public Administration

The Commission on Human Rights and Public Administration Integrity (CHRPA) was established under the Constitution of Eswatini in 2009. Its mandate encompasses the investigation of complaints relating to human rights violations, abuse of office, corruption, and unfair public administration. However, the Commission faces fundamental challenges that undermine its effectiveness and credibility as a national human rights institution.

5. Africanlii.org, 24 April 2022: African Commission finds judicial dismissal by Eswatini violated African Charter on Human and Peoples' Rights.
6. Suppression of Terrorism Act 2008; Sedition and Subversive Activities Act 1938.
7. Constitution of the Kingdom of Eswatini Act 2005, Part 2, Chapter XII.

Key concerns include the lack of functional independence, as Commissioners are appointed by the King on the advice of the Judicial Service Commission without transparent or participatory processes. The Commission has not been accredited under the Paris Principles relating to the status of national institutions, reflecting deficiencies in its independence, mandate, and operational capacity. Resource constraints severely limit its ability to investigate complaints, conduct public education, and monitor the human rights situation across the country. The absence of enabling legislation means the Commission operates without a clear statutory framework defining its powers, procedures, and enforcement mechanisms. The lack of regional offices limits accessibility for communities outside the capital. The Human Rights and Public Integrity Bill 2025 is reportedly under review but has not yet been enacted.

4.3 Legal Aid

The process of establishing a legal aid framework in Eswatini commenced in August 2023 under the Ministry of Justice and Constitutional Affairs, with the objective of ensuring that poor, vulnerable and marginalised persons are able to access justice. The Legal Aid Bill has since been enacted into law and is now known as the Legal Aid Act 2025. The enactment represents an important step towards institutionalising legal aid and strengthening access to justice. However, concerns previously raised regarding the proposed means and merits tests, particularly their potential implications for constitutional, public interest and other matters of significant public importance, remain relevant. The statutory reference to “available resources” may also affect the extent of assistance provided. It therefore remains to be seen whether the Legal Aid Act 2025 will, in practice, achieve its intended objective of ensuring effective and equitable access to justice.

Principles relating to the Status of National Institutions (The Paris Principles), adopted by GA Res. 48/134, 20 December 1993.
Human Rights and Public Integrity Bill 2025 (under review).
Eswatini Legal Aid opened August 2023 under the Ministry of Justice and Constitutional Affairs.
Legal Aid Act 2025.

4.4 Emerging Jurisprudence and Rights-Based Litigation

Despite the structural challenges facing the justice system, a number of significant court decisions have advanced human rights protections. In Sacolo v Sacolo, the High Court abolished the common law doctrine of marital power, recognising the constitutional right to equality within marriage. The Mpanza Estate case affirmed the recognition of customary marriages for purposes of inheritance. Litigation by Eswatini Sexual and Gender Minorities (ESGM) challenging the refusal to register the organisation has tested the boundaries of freedom of association. The prosecution of Bacede Mabuza and Mthandeni Dube under terrorism legislation has raised fundamental questions about the scope of security laws and their compatibility with constitutional rights. The case of Prime Minister of Eswatini v Thulani Maseko and Others addressed contempt of court in the context of criticism of the judiciary, with implications for freedom of expression.

11. Sacolo v Sacolo (High Court): abolition of common law doctrine of marital power
12. Mpanza Estate case: recognition of customary marriages for inheritance.
13. ESGM v Registrar of Companies: freedom of association litigation.
14. ICJ.org, 30 August 2024: Eswatini Supreme Court decision upholding repressive laws; and SALC (14 August 2024): Supreme Court Ignores Rights Violations.

5. CIVIL AND POLITICAL RIGHTS

5.1 Prohibition of Torture

The Constitution of Eswatini prohibits torture and cruel, inhuman or degrading treatment or punishment. Eswatini acceded to the Convention against Torture in 2004. However, reports of torture and ill-treatment by state agents persist. Police officers, correctional services officials, community police (bandlancane), and game rangers have been implicated in acts of torture and ill-treatment. Methods reported include beatings, suffocation, electric shocks, and prolonged stress positions. Victims include criminal suspects, political activists, and community members involved in disputes with traditional authorities.

The absence of independent oversight mechanisms for places of detention, combined with the non-ratification of OPCAT, means there is no systematic preventive framework. Investigations into allegations of torture are rare, prosecutions rarer still, and convictions virtually non-existent. The culture of impunity surrounding torture undermines both the constitutional prohibition and Eswatini's obligations under CAT.

5.2 Arbitrary Arrest, Detention, and Conditions of Detention

Arbitrary arrest and detention remain significant concerns, particularly in the context of political activism and criticism of the government. The 2021 pro-democracy protests resulted in widespread arrests of activists, trade unionists, and ordinary citizens. Many were detained without charge or held beyond the constitutionally permitted period before being brought before a court.

15. Sections 14 and 16, Constitution of the Kingdom of Eswatini Act 2005.
16. Convention against Torture, acceded 26 March 2004.
17. See https://www.policinglaw.info/country/swaziland

Conditions of detention in Eswatini's correctional facilities fall below international standards. Overcrowding is chronic, with facilities operating significantly above capacity. Hygiene conditions are poor, access to adequate medical care is limited, and nutrition is inadequate. Pretrial detainees are not always separated from convicted prisoners. The transfer of deportees from the United States to Eswatini correctional facilities under bilateral arrangements has raised additional concerns about the capacity of the system to accommodate additional inmates and the conditions to which transferees are subjected.

5.3 Death Penalty

Eswatini retains the death penalty in law for the offence of murder. However, a de facto moratorium on executions has been in place since 1983, with no executions carried out in over four decades. Despite this, courts continue to impose death sentences, which are routinely commuted to life imprisonment by the King. Eswatini has not ratified the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty, and has consistently rejected UPR recommendations to abolish the death penalty or formalise the moratorium in law. The retention of the death penalty, even where not carried out, raises concerns about the right to life and the prohibition of cruel, inhuman or degrading punishment.

18. Five (5) deportees arrived July 2025; ten (10) October 2025; four (4) March 2026.
19. Amnesty International, 13 March 2026: Eswatini: Arrival of Four More Men Under US Unlawful Removal Deal.
20. Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (not ratified).

5.4 Freedom of Opinion, Expression, and Access to Information

The right to freedom of expression is guaranteed under the Constitution but is significantly constrained in practice by a range of restrictive laws. Eswatini lacks access to information legislation, limiting transparency and accountability. Several colonial-era and post-independence laws restrict media freedom and public discourse, including the Official Secrets Act, the Proscribed Publications Act, the Cinematograph Act, the Swaziland Television Authority Act, and the Cape Libel Act. The Computer Crime and Cybercrime Act 2020 and the Electronic Communications and Transactions Act have been used to target online expression and social media commentary critical of the government or monarchy.

Journalists face harassment, intimidation, and legal action for critical reporting. Strategic Litigation Against Public Participation (SLAPP) lawsuits have been used to silence media outlets and individual journalists. Self-censorship is widespread, particularly on matters relating to the monarchy, national security, and political reform. The media environment is further constrained by state control over broadcasting and the limited financial viability of independent media.

21. Official Secrets Act 1968; Proscribed Publications Act 1968; Cinematograph Act 1920; Swaziland Television Authority Act 1983; Cape Libel Act 1882.
22. Computer Crime and Cybercrime Act 2020; Electronic Communications and Transactions Act 2013.
23. See MISA Eswatini reports on SLAPP lawsuits against journalists and media outlets.

5.5 Right to Peaceful Assembly and Association

The right to peaceful assembly is constitutionally guaranteed but heavily restricted in practice. The Public Order Act requires prior notification for public gatherings and grants police broad discretion to prohibit or disperse assemblies. The Suppression of Terrorism Act 2008 has been used to criminalise participation in protests and to designate political organisations as terrorist entities. During the 2021 protests, security forces used live ammunition, tear gas, and rubber bullets against demonstrators, resulting in deaths, injuries, and mass arrests.

Freedom of association is similarly constrained. The proposed Non-Profit Organisations Bill 2024 has raised concerns among civil society that it would impose onerous registration requirements, grant government excessive oversight powers, and restrict the ability of organisations to receive foreign funding. Trade unions face restrictions on their ability to organise and engage in collective action, with the Industrial Relations Act imposing complex procedural requirements for lawful strike action.

The banning of political parties under the 1973 King's Proclamation remains in force, effectively prohibiting the formation of political organisations. While the 2005 Constitution does not explicitly ban political parties, it does not repeal the 1973 decree, creating legal ambiguity that the government has exploited to maintain restrictions on political association. Civil society organisations operating in politically sensitive areas face surveillance, harassment, and threats of deregistration.

24. Public Order Act 1963 (as amended).
25. Suppression of Terrorism Act 2008, s.2 (designation of terrorist entities).
26. Non-Profit Organisations Bill 2024 (under review).
27. Industrial Relations Act 2000 (procedural requirements for lawful strike action).

5.6 Rights to Participate in Public Affairs and Vote

Eswatini is governed under the Tinkhundla system, a form of governance that centralises power in the monarchy and operates without political parties. The 1973 King's Proclamation, which repealed the independence constitution and banned political parties, remains in force. While the 2005 Constitution provides for elections, these are conducted on a non-partisan basis within the Tinkhundla framework, with candidates standing as individuals rather than representatives of political platforms.

The King retains extensive executive, legislative, and judicial powers, including the appointment of the Prime Minister, Cabinet ministers, senators, judges, and senior public officials. Parliament's legislative authority is constrained by the requirement of royal assent and the King's power to dissolve Parliament. The Senate includes appointed members who serve at the King's pleasure, undermining the independence of the legislature.

Elections under the Tinkhundla system are criticised for failing to meet international standards for free and fair elections. The absence of political parties limits meaningful political competition and restricts voters' ability to choose between alternative policy platforms. The electoral process is managed by the Elections and Boundaries Commission, whose independence has been questioned. Civic education is limited, voter registration processes face logistical challenges in rural areas, and the overall framework does not provide for genuine self-determination or democratic governance as understood under international human rights law.

Civil society participation in governance is constrained by the restrictive legal environment, the absence of access to information legislation, and the limited space for public debate on matters of national policy. Traditional governance structures at the community level, while providing a form of local participation, are hierarchical and often exclude women, youth, and marginalised groups from meaningful decision-making.

28. King's Proclamation to the Nation, 12 April 1973 (repealing the 1968 Independence Constitution and banning political parties).
29. Sections 86 and 95(3) of the Constitution of the Kingdom of Eswatini Act 2005.
30. Elections and Boundaries Commission Act 2013.

6. SOCIO-ECONOMIC AND CULTURAL RIGHTS

6.1 Right to Health

Eswatini has made significant progress in addressing HIV/AIDS, achieving the UNAIDS 95-95-95 targets for HIV testing, treatment, and viral suppression. The country has also made notable advances in tuberculosis control, with declining incidence and mortality rates. These achievements reflect sustained investment, strong partnerships with international donors, and effective community-based health programmes.

However, the health system faces fundamental structural challenges. Rural health facilities are under-resourced, understaffed, and often lack essential medicines and equipment. The country relies heavily on donor funding for HIV and TB programmes, creating sustainability concerns. Health worker shortages are acute, particularly in rural areas, with many qualified professionals migrating to South Africa for better remuneration and working conditions.

Non-communicable diseases including diabetes, hypertension, and cancer represent a growing burden that the health system is poorly equipped to address. Mental health services are severely underdeveloped, with limited facilities, few trained professionals, and significant stigma surrounding mental illness. Corruption in medical procurement has been documented, diverting resources from service delivery and undermining public confidence in the health system.

The right to health is further undermined by socio-economic determinants including poverty, food insecurity, inadequate water and sanitation, and limited health literacy. Geographic barriers to accessing health facilities remain significant for rural populations, with long distances, poor roads, and limited transport options preventing timely access to care.

31. UNAIDS, Country Factsheet: Eswatini (2024) - 95-95-95 targets achieved.
32. WHO, Global Tuberculosis Report (2024): Eswatini TB incidence and mortality trends.
33. Ministry of Health, National Health Sector Strategic Plan 2023-2028.

6.2 Sexual and Reproductive Health Rights

Maternal mortality remains unacceptably high in Eswatini, reflecting systemic failures in the provision of quality maternal healthcare. Contributing factors include limited access to skilled birth attendants in rural areas, inadequate emergency obstetric care, delays in referral systems, and the high prevalence of HIV among pregnant women. Adolescent pregnancy rates are significant, driven by limited access to comprehensive sexuality education, contraceptive services, and youth-friendly health facilities.

Contraceptive prevalence among unmarried adolescents remains low, reflecting both supply-side barriers and demand-side factors including stigma, misinformation, and cultural norms discouraging premarital sexual activity. The unmet need for family planning is particularly acute among young women and those in rural areas.

Abortion remains criminalised in Eswatini except where the life of the mother is at risk, resulting in high rates of unsafe abortion and associated morbidity and mortality. The restrictive legal framework drives women to seek clandestine procedures under unsafe conditions, disproportionately affecting poor and rural women who cannot access services in neighbouring countries.

Intergenerational and transactional sexual relationships expose young women and girls to HIV infection, unintended pregnancy, and gender-based violence. Power imbalances within these relationships limit the ability of young women to negotiate safe sex or access reproductive health services. The intersection of poverty, gender inequality, and limited economic opportunities for young women creates structural vulnerability to sexual exploitation.

34. Sections 63-65, Crimes Act 1889 (criminalisation of abortion except to save the life of the mother)
35. Ministry of Health, Annual Performance Report 2024-2025: maternal mortality and adolescent pregnancy data.
36. ICESCR, General Comment No. 22 on the right to sexual and reproductive health (2016).

6.3 Right to Education and Educational Inclusion

Eswatini has made significant progress in expanding access to primary education through the Free Primary Education programme introduced in 2010. Primary enrolment rates have increased substantially, and the programme has reduced financial barriers for many families. However, the transition from primary to secondary education remains a critical bottleneck, with significant dropout rates driven by school fees, distance to schools, teenage pregnancy, and household poverty.

Quality of education remains a serious concern across all levels. Teacher training is inadequate, learning materials are insufficient, and infrastructure is poor, particularly in rural schools. The curriculum has been criticised for failing to adequately prepare students for the labour market or promote critical thinking and human rights awareness. Rural-urban disparities in educational quality and outcomes are pronounced.

Children with disabilities face systematic exclusion from mainstream education. Most schools are physically inaccessible, lack trained special education teachers, and do not provide reasonable accommodations or assistive technologies. Teenage pregnancy results in girls being forced out of school, with limited pathways for re-entry despite policy provisions. Boys affected by poverty are also vulnerable to dropout, often entering informal labour.

Technical and vocational education and training (TVET) remains underdeveloped and underfunded, limiting alternative pathways for youth who do not progress through the academic stream. Higher education faces challenges of underfunding, limited research capacity, and weak linkages to national development priorities. Digital infrastructure for education is severely limited, particularly in rural areas, exacerbating inequalities in access to information and learning opportunities.

37. Free Primary Education Act 2010.
38. Ministry of Education and Training, Education Sector Analysis (2024).
39. CRPD Committee, Concluding Observations on Eswatini (2023): inclusive education recommendations.

6.4 Land and Property Rights

Land in Eswatini is divided into two main categories: Swazi Nation Land (SNL), which constitutes approximately 60% of the country's land area and is held in trust by the King for the Swazi Nation, and Title Deed Land (TDL), which is privately owned. Access to Swazi Nation Land is governed by the kukhonta system, under which individuals are allocated land by chiefs in exchange for allegiance and service. This system is inherently insecure, as allocations can be revoked and there is no formal documentation of rights.

Women face particular discrimination in access to land under customary law. Married women cannot hold land in their own names under the kukhonta system, and widows may lose access to land upon the death of their husbands. The intersection of customary law and statutory law creates legal uncertainty regarding women's property rights, particularly in relation to inheritance and marital property.

Forced evictions from both Swazi Nation Land and Title Deed Land have been documented, often without adequate notice, consultation, compensation, or access to legal remedies. Royal land allocations for private purposes have displaced communities without adequate resettlement or compensation. The absence of comprehensive land reform legislation, a national land policy, and secure tenure protections for vulnerable groups perpetuates inequality and insecurity.

Property rights more broadly are undermined by the lack of a comprehensive legal framework governing land administration, the absence of a functioning land registry for Swazi Nation Land, and the limited capacity of courts to adjudicate land disputes effectively. Urban land pressures are increasing as populations grow, creating new challenges for housing rights and informal settlement dwellers.

40. Section 211, Constitution of the Kingdom of Eswatini Act 2005 (Swazi Nation Land vested in the King in trust).
41. Kukhonta system: customary land allocation by chiefs in exchange for allegiance.
42. CESCR, General Comment No. 7 on forced evictions (1997).

6.5 Right to Social Security

Eswatini's social protection system comprises a mix of non-contributory social assistance programmes and contributory schemes. Key programmes include the Old Age Grant, the Disability Grant, the Public Assistance Grant, the School Feeding Scheme, the OVC Education Grant and Bursaries, and the Eswatini National Provident Fund (ENPF). These programmes provide a basic safety net for some of the most vulnerable populations.

However, the social protection system faces significant challenges. Government allocation to social protection as a percentage of GDP remains low by regional standards. The system is fragmented across multiple ministries and agencies, resulting in coordination failures, duplication, and gaps in coverage. The Old Age Grant, while providing a regular income to elderly persons, is set at a level insufficient to meet basic needs. The Disability Grant reaches only a fraction of persons with disabilities who require support.

The Eswatini National Provident Fund covers only formal sector workers, excluding the large informal economy workforce that constitutes the majority of working Eswatini. Women, who are disproportionately represented in informal and unpaid care work, are particularly disadvantaged by this exclusion. Female-headed households, which face higher poverty rates, often fall through gaps in the social protection system.

Coverage of social assistance programmes is limited by administrative barriers, including complex application processes, documentation requirements, and geographic inaccessibility of registration points. The absence of a comprehensive social protection policy framework and enabling legislation undermines the rights-based character of social protection, leaving programmes vulnerable to political discretion and budgetary fluctuations.

43. Eswatini National Provident Fund Order 1974 (as amended).
44. Deputy Prime Minister's Office, National Social Protection Policy (draft, 2023).
45. ILO, World Social Protection Report 2024-2026: Eswatini country data.

6.6 Right to an Adequate Standard of Living and Poverty Alleviation

Eswatini faces persistent poverty and inequality despite being classified as a lower-middle-income country. Approximately 58.9% of the population lives below the national poverty line, with poverty concentrated in rural areas where subsistence agriculture is the primary livelihood. Income inequality is among the highest in the world, with wealth concentrated in a small elite while the majority of the population lacks access to basic necessities.

Food insecurity affects a significant proportion of the population, particularly in drought-prone regions. Child stunting rates remain high, reflecting chronic malnutrition and inadequate dietary diversity. Climate change exacerbates food insecurity through increasingly erratic rainfall patterns, prolonged droughts, and extreme weather events that devastate subsistence agriculture and livestock.

The National Development Strategy and successive national development plans have articulated poverty reduction goals, but implementation has been hampered by limited fiscal space, weak institutional capacity, corruption, and the absence of comprehensive social protection systems. The gap between policy commitments and lived reality remains wide, with rural communities bearing the greatest burden of underdevelopment.

Economic opportunities are concentrated in urban areas, driving rural-urban migration and creating new forms of urban poverty. Youth unemployment is particularly acute, with limited formal sector job creation and inadequate skills development programmes. The informal economy, while providing livelihoods for many, offers no social protection, job security, or labour rights protections.

46. Eswatini Household Income and Expenditure Survey (EHIES) 2016/17: 58.9% below national poverty line.
47. World Bank, Gini Index: Eswatini among highest inequality globally.
48. Vulnerability Assessment Committee (VAC), Annual Vulnerability Assessment Report 2025.

6.7 Water and Sanitation

Access to safe water and adequate sanitation remains a significant challenge in Eswatini, particularly in rural areas. A substantial proportion of the rural population relies on unimproved water sources, including unprotected springs, rivers, and rainwater collection. Urban water supply, while more developed, faces challenges of ageing infrastructure, intermittent supply, and water quality concerns.

Sanitation coverage is similarly inadequate, with high rates of open defecation in rural areas and limited access to improved sanitation facilities. The absence of adequate handwashing facilities in homes, schools, and health facilities undermines hygiene practices and contributes to the burden of waterborne and diarrhoeal diseases, particularly among children under five.

The impact of inadequate water and sanitation on child health is severe, contributing to diarrhoeal disease, malnutrition, and stunting. Schools without adequate WASH facilities create barriers to attendance, particularly for girls during menstruation. Health facilities without reliable water supply cannot maintain infection prevention and control standards.

Climate change poses an existential threat to water security in Eswatini. Declining rainfall, increased evaporation, and more frequent droughts are reducing water availability while population growth increases demand. The National Water Policy provides a framework for water resource management, but implementation is constrained by limited investment in infrastructure, weak regulatory enforcement, and inadequate institutional capacity at local level.

49. WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply, Sanitation and Hygiene: Eswatini country data (2023).
50. National Water Policy 2018.
51. CESCR, General Comment No. 15 on the right to water (2002).

7. WOMEN'S RIGHTS

7.1 Women's Political Participation

The Constitution of Eswatini provides that at least 30% of members of Parliament should be female. However, this benchmark has never been achieved, and no effective mechanisms exist to ensure its realisation. The Tinkhundla electoral system, which requires candidates to stand as individuals without party support, creates particular barriers for women candidates who lack access to the financial resources, networks, and public platforms necessary for successful campaigns.

Patriarchal cultural norms discourage women from seeking political office and undermine their credibility as candidates. Women who enter politics face gender-based harassment, intimidation, and social sanctions. The absence of mentorship programmes, campaign financing support, and gender-sensitive electoral reforms perpetuates women's exclusion from political decision-making at all levels.

At the local governance level, women's participation in traditional structures is severely constrained. Chieftaincy and traditional councils are overwhelmingly male-dominated, with women excluded from key decision-making roles. This exclusion has direct consequences for women's access to land, justice, and community resources.

7.2 Economic Inequality and Gender Pay Gap

Women in Eswatini face systemic economic discrimination. The gender pay gap persists across sectors, with women earning significantly less than men for comparable work. Women are disproportionately concentrated in informal, low-paid, and precarious employment, including domestic work, subsistence agriculture, and the informal trading sector. Access to credit, business registration, and formal economic opportunities is constrained by discriminatory laws and practices, particularly those relating to marital property regimes under customary law.

52. Section 86, Constitution of the Kingdom of Eswatini Act 2005 (30% women's representation target).
53. Inter-Parliamentary Union, Women in National Parliaments: Eswatini (2025).
54. CEDAW Committee, Concluding Observations on Eswatini (2022).

7.3 Violence Against Women

Gender-based violence remains pervasive in Eswatini, with one of the highest rates of sexual violence in the world. Rape, domestic violence, sexual harassment, and harmful traditional practices affect women and girls across all socio-economic groups. The Sexual Offences and Domestic Violence (SODV) Act 2018 represented a significant legislative advance, criminalising marital rape, broadening the definition of sexual offences, and establishing protection orders for survivors of domestic violence.

However, implementation of the SODV Act remains inadequate. Police responses to gender-based violence are inconsistent, with survivors frequently encountering victim-blaming attitudes, pressure to reconcile with perpetrators, and failures to investigate or prosecute. Conviction rates for sexual offences remain low. Support services for survivors, including shelters, counselling, and legal assistance, are insufficient and concentrated in urban areas.

7.4 Nationality Discrimination

Eswatini's citizenship laws discriminate against women in the transmission of nationality to their children and spouses. While men can automatically confer citizenship on their children regardless of where they are born, women face restrictions in doing so. This discrimination has implications for children's access to education, healthcare, and social services, and violates Eswatini's obligations under CEDAW.

7.5 Customary Property and Inheritance Discrimination

Under customary law, women's property and inheritance rights remain severely restricted. The doctrine of marital power, while abolished by the High Court in Sacolo v Sacolo, continues to be applied in practice in many communities. Widows face dispossession by in-laws, and women married under customary law have limited rights to marital property upon divorce. The intersection of customary and statutory legal systems creates confusion and enables discrimination against women in property matters.

55. Sexual Offences and Domestic Violence (SODV) Act 2018.
56. SWAGAA Case Management Report, July-September 2025: https://www.swagaa.org.sz/storage/2025/11/Case-Management-from-July-to-Sept-2025-REPORT.pdf
57. Sacolo v Sacolo (High Court): abolition of common law doctrine of marital power.

8. CHILDREN'S RIGHTS

8.1 Child Protection and Violence Against Children

Eswatini has a comprehensive legal framework for child protection, including the Constitution, the Children's Protection and Welfare Act 2012, and the Sexual Offences and Domestic Violence Act 2018. However, implementation remains inadequate, and violence against children is pervasive. The Multiple Indicator Cluster Survey (MICS) data reveals that a significant majority of children experience violent discipline in the home, including physical punishment and psychological aggression.

Corporal punishment remains lawful in the home and is widely practised despite being prohibited in schools. Cultural attitudes normalising physical discipline of children undermine efforts to promote positive parenting and non-violent forms of discipline. The child protection system lacks adequate human and financial resources, with insufficient social workers, limited community-based child protection mechanisms, and weak coordination between government agencies.

The HIV/AIDS epidemic has created large numbers of orphans and vulnerable children, many of whom live in child-headed households or with elderly caregivers who lack the resources to provide adequate care. These children face heightened risks of exploitation, abuse, child labour, and school dropout.

The 2021 political unrest further exposed children to violence, with reports of children being injured, traumatised, and separated from caregivers during security force operations.

8.2 Juvenile Justice

The juvenile justice system falls short of international standards. Children in conflict with the law are not always diverted from the formal justice system, and alternatives to detention are underutilised. Children may be detained with adults in police holding cells, and juvenile detention facilities are inadequate. The age of criminal responsibility remains low, and specialised juvenile courts and trained personnel are insufficient to handle cases involving children appropriately.

58. Children's Protection and Welfare Act 2012.
59. Sexual Offences and Domestic Violence Act 2018.
60. UNICEF Eswatini, Multiple Indicator Cluster Survey (MICS) 2021: violent discipline data.
61. Section 29(2), Constitution of the Kingdom of Eswatini Act 2005.

8.3 Sexual Violence and Gender-Based Violence Against Children

Children, particularly girls, face high rates of sexual violence including rape, defilement, and sexual exploitation. While the SODV Act strengthened the legal framework for addressing sexual violence against children, reporting rates remain low due to stigma, fear of retaliation, and lack of confidence in the justice system. Child-friendly court procedures and support services for child survivors of sexual violence are inadequate.

8.4 Child Marriage

Child marriage rates in Eswatini have declined in recent years, but the practice persists, particularly in rural areas and among poorer communities. The legal framework is complicated by the coexistence of statutory and customary marriage systems, with different minimum age requirements. The Marriage Bill, which would harmonise the minimum age of marriage at 18 for both boys and girls across all marriage systems, has been pending before Parliament for several years without being enacted.

Cultural practices including ukumekeza (informal unions) and lobola negotiations involving young girls contribute to early and forced marriage. Girls who marry early face increased risks of teenage pregnancy, school dropout, domestic violence, and limited economic opportunities. The delay in enacting the Marriage Bill reflects broader challenges in reconciling customary practices with constitutional rights and international obligations.

8.5 Children Affected by HIV/AIDS

The HIV/AIDS epidemic continues to have profound impacts on children in Eswatini. Large numbers of children have been orphaned by AIDS, and many live in households affected by chronic illness. These children face psychosocial distress, economic hardship, stigma, and increased vulnerability to exploitation and abuse. While government and donor programmes provide some support through OVC grants, school feeding, and bursaries, coverage is incomplete and the quality of care in alternative care settings varies significantly.

62. Marriage Act 1964; customary marriage minimum age differs from statutory.
63. UNICEF Eswatini, Child Marriage Country Profile (2023).
64. UNAIDS, Country Factsheet: Eswatini (2024) - OVC programme coverage data.

9. PERSONS WITH DISABILITIES

Persons with disabilities in Eswatini face significant barriers to full participation in society. Disability is closely linked to poverty, with persons with disabilities disproportionately represented among the poorest and most marginalised. Rural areas, where the majority of persons with disabilities reside, have the least accessible services and infrastructure.

The Persons with Disabilities Act 2018 was a landmark legislative achievement, providing a comprehensive framework for the protection and promotion of the rights of persons with disabilities. However, the Act remains largely inoperative because the National Disability Council, which is central to its implementation, has not been formally constituted. The Disability Unit within the Deputy Prime Minister's Office coordinates disability-related programmes but lacks the authority, resources, and institutional independence to drive systemic change. The National Disability Policy and Plan of Action provide a policy framework but implementation has been slow and under-resourced.

Inclusive education remains aspirational rather than operational. Most schools lack physical accessibility features, trained teachers, assistive materials, and adapted curricula. Children with disabilities experience high dropout rates and are disproportionately excluded from secondary and tertiary education.

Healthcare facilities are largely inaccessible to persons with disabilities. Barriers include physical inaccessibility, communication barriers for persons with hearing or visual impairments, attitudinal discrimination by healthcare workers, and lack of assistive technologies and rehabilitation services. Sexual and reproductive health services are particularly inaccessible.

Unemployment among persons with disabilities is disproportionately high. Reasonable accommodation requirements are poorly understood and rarely enforced. Public infrastructure, transport, and information systems are largely inaccessible. Disability-disaggregated data collection remains weak across all sectors, hindering evidence-based policy development.

65. Persons with Disabilities Act 2018.
66. CRPD Committee, Concluding Observations on Eswatini (2023).
67. National Disability Policy and Plan of Action (2013, under review).

10. LGBTIQ+ RIGHTS

Same-sex intimacy remains criminalised in Eswatini under the common law offence of sodomy and potentially under provisions of the Sexual Offences and Domestic Violence Act. The Constitution does not explicitly protect against discrimination based on sexual orientation or gender identity, and the government has consistently rejected UPR recommendations to decriminalise consensual same-sex conduct or extend anti-discrimination protections to sexual and gender minorities.

Senior government officials, including the King, have made public statements hostile to LGBTIQ+ rights, reinforcing social stigma and legitimising discrimination. These statements contribute to an environment in which LGBTIQ+ persons face violence, harassment, and exclusion with impunity.

The refusal by the Registrar of Companies to register Eswatini Sexual and Gender Minorities (ESGM) as a legal entity has been challenged in court, with the case raising fundamental questions about the scope of the constitutional right to freedom of association. The inability to register limits the capacity of LGBTIQ+ organisations to operate formally, access funding, open bank accounts, and advocate publicly for the rights of their communities.

LGBTIQ+ persons in Eswatini face pervasive discrimination in access to healthcare, education, employment, and housing. Many are forced to conceal their sexual orientation or gender identity to avoid violence, family rejection, and social exclusion. Transgender persons have no access to gender-affirming healthcare or legal gender recognition. HIV services, while generally accessible, may not adequately address the specific needs of men who have sex with men or transgender women due to stigma within healthcare settings.

68. Common law offence of sodomy; Sexual Offences and Domestic Violence Act 2018.
69. ESGM v Registrar of Companies (High Court, pending): freedom of association challenge.
70. UPR recommendations on decriminalisation (3rd and 4th cycles) - noted but not accepted by Eswatini.

11. HUMAN RIGHTS DEFENDERS

Human rights defenders in Eswatini operate in a deeply hostile environment that has deteriorated significantly since the 2021 pro-democracy protests. The UN Declaration on Human Rights Defenders recognises the right of individuals and groups to promote and protect human rights, yet in Eswatini, those who exercise this right face systematic reprisals including arbitrary arrest, torture, judicial harassment, surveillance, and violence.

The assassination of prominent human rights lawyer Thulani Maseko in January 2023 represented the most extreme manifestation of the dangers facing defenders. Maseko was shot dead at his home in circumstances that remain uninvestigated and unresolved. His killing sent a chilling message to the broader human rights community and has not resulted in any arrests or credible investigation, reinforcing the climate of impunity that surrounds violence against defenders.

Arbitrary arrests of activists, trade unionists, opposition figures, and protest organisers are routine. Many are charged under the Suppression of Terrorism Act or the Sedition and Subversive Activities Act for activities that constitute legitimate exercise of fundamental freedoms. Bail conditions are used to restrict movement, association, and public expression. Torture and ill-treatment in detention have been documented in multiple cases involving political detainees.

Lawyers representing political detainees and human rights cases face intimidation, threats, and professional consequences. Journalists covering protests, police brutality, and political affairs face harassment, equipment confiscation, and criminal charges. Self-censorship is pervasive across the media sector. Civil society organisations face funding restrictions, surveillance, and threats of deregistration. Human rights defenders working on issues affecting marginalised groups, including LGBTIQ+ rights and women's rights, face compounded risks.The absence of any specific legislation protecting human rights defenders, combined with the lack of credible investigations into attacks and the systematic use of security legislation to criminalise legitimate advocacy, creates an environment in which impunity is the norm and accountability the exception.

71. UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998).
72. Thulani Maseko was shot and killed at his home on 21 January 2023. See Amnesty International, 'Eswatini: Killing of Human Rights Lawyer Must Be Investigated' (2023).
73. Suppression of Terrorism Act 2008; Sedition and Subversive Activities Act 1938.

12. HUMAN TRAFFICKING AND CONTEMPORARY SLAVERY

Human trafficking remains a significant concern in Eswatini, with the country serving as a source, transit, and destination country for trafficking in persons. The People Trafficking and People Smuggling (Prohibition) Act 2009 provides the primary legal framework, criminalising all forms of trafficking and establishing penalties. A Task Force for the Prevention of People Trafficking and People Smuggling coordinates the national response, bringing together government ministries, law enforcement, and civil society partners.

Despite this institutional framework, Eswatini has been placed on the US State Department Trafficking in Persons Report Tier 2 ranking, indicating that while the government does not fully meet the minimum standards for the elimination of trafficking, it is making significant efforts to do so. Key concerns include the low number of prosecutions and convictions, weak victim identification procedures, and limited shelter and rehabilitation services for trafficking survivors.

EmaSwati are trafficked both internally and across borders for purposes of sexual exploitation, domestic servitude, and forced labour. Women and girls are particularly vulnerable. Children, especially orphans and vulnerable children affected by HIV/AIDS, face heightened risks of exploitation in domestic work, street vending, agricultural labour, and commercial sexual exploitation.

Cross-border trafficking involves movement to and from South Africa and Mozambique, with victims exploited in agriculture, domestic work, and the sex industry. Concerns have also been raised regarding the conditions of Cuban medical professionals working in Eswatini under bilateral agreements, with questions about whether the terms of their engagement may constitute indicators of forced labour.

Prevention programmes have limited reach, particularly in rural communities where vulnerability factors are concentrated. Public awareness of trafficking indicators remains low, and community-based identification and referral mechanisms are underdeveloped.

74. People Trafficking and People Smuggling (Prohibition) Act 2009.
75. US Department of State, Trafficking in Persons Report (2024), Eswatini: Tier 2.
76. See concerns raised regarding Cuban Medical Professional Programme bilateral agreements and indicators of forced labour.

13. KEY RECOMMENDATIONS

For Government and State Bodies:

- Ratify outstanding international human rights treaties, including OPCAT, CED, CMW, and the Second Optional Protocol to the ICCPR
- Reform judicial appointment and removal processes to ensure independence
- Enact CHRPA enabling legislation to guarantee operational independence
- Make efforts to implement the Legal Aid Act 2025 to ensure wider access to legal assistance
- Reform the Suppression of Terrorism Act and Sedition Act
- Improve detention conditions and reduce pre-trial detention periods
- Constitute the National Disability Council under the 2018 Act
- Decriminalise same-sex conduct and enact anti-discrimination protections
- Investigate and ensure accountability for attacks on human rights defenders
- Strengthen anti-trafficking prosecution and victim support services

For Civil Society Organisations:

- Support treaty monitoring and shadow reporting processes
- Expand community legal education and paralegal services
- Advocate for legislative reform on outstanding human rights gaps
- Document and report human rights violations systematically
- Build coalitions across thematic areas for greater advocacy impact
- Engage with regional and international human rights mechanisms

For Communities:

- Promote customary law reform to align with constitutional rights
- Encourage grassroots accountability and civic participation
- Support community-based child protection mechanisms
- Challenge harmful cultural practices through dialogue and education
- Foster inclusive attitudes toward marginalised groups
- Participate actively in governance processes at local and national levels

Cross-Cutting:

- Strengthen data collection and disaggregation across all rights areas
- Ensure meaningful participation of affected communities in policy development
- Allocate adequate budgetary resources to human rights implementation