

Swaziland

The Kingdom of Swaziland, ruled by King Mswati III since 1986, is in the midst of a serious crisis of governance. Years of extravagant expenditure by the royal family, fiscal indiscipline, and government corruption have left the country on the brink of economic disaster.

Under Swazi law and custom, all powers are vested in the king. Although Swaziland has a prime minister who is supposed to exercise executive authority, in reality, King Mswati holds supreme executive powers and control over the judiciary and legislature. The king appoints 20 members of the 65-member house of assembly and approves all legislation that parliament passes. Political parties have been banned in the country since 1973.

Swaziland has one of the highest HIV prevalence rates in the world at 26 percent, but has failed to secure sufficient treatment for its population, including anti-retroviral drugs. With 80 percent of the population subsisting on less than US\$2 per day, a 40 percent unemployment rate, and thousands of civil servants facing wage cuts, Swazi authorities have faced increasing pressure from civil society activists and trade unionists to implement economic reforms and open up the space for civil and political activism. Dozens of students, trade unionists, and civil society activists have been arrested during protests against the government's poor governance and human rights record.

Freedom of Association and Assembly

The government has intensified restrictions on freedom of association and assembly in the past few years. The Swazi constitution guarantees these rights, but the provisions protecting these rights have been undermined by clauses that permit restrictions by the state. Authorities have also restricted political participation and banned political parties.

Permission to hold political gatherings is often denied, and police routinely disperse and arrest peaceful demonstrators. On September 7, police beat and injured several students in Mbabane as they attempted to deliver a petition to the minister of labour and social security. Police detained two students, later releasing them without charge.

On September 5, local civil society groups, trade unionists, workers, and students embarked on a week of action calling for, among other things, multi-party democracy, the release of political prisoners, and a freeze on wage cuts for civil servants. The week of action was supported by various trade union groups around the world, including the Congress of South African Trade Unions (COSATU), which sent representatives to Swaziland. The demonstrations turned violent. On September 7, police attempted to prevent the deputy president of COSATU, Zingiswa Losi, from addressing a rally and fired live ammunition, rubber bullets, and tear gas at crowds, resulting in several injuries in the town of Siteki. Losi and the deputy head of COSATU's international department, Zanele Matebula, were later deported.

On September 9, police attempted to prevent leaders from the political movement Peoples' United Democratic Movement (PUDEMO) from speaking at a rally in Manzini, beating PUDEMO and trade union leaders.

On April 12, authorities responded to civil society plans for a mass demonstration against poor economic and human rights conditions by arresting about 150 civil society and trade union leaders. Police and security forces detained and beat several activists and placed many others under house arrest.

Human Rights Defenders

Police harassment and surveillance of civil society organizations increased in 2011. Political activists were arrested, detained, and tried under security legislation. They have also faced common law charges such as treason.

Civil society activists and government critics have reported increased incidents of harassment, searches, and seizures of office materials, as well as monitoring of electronic communications, telephone calls, and meetings by the authorities. Police and other security officials routinely use excessive force against political activists. Local activists reported that police often use torture and other ill-treatment against activists with impunity. No independent complaints investigation body exists for victims of police abuses.

Freedom of Expression and Media

Journalists and the media face continued threats and attacks by the authorities. Self-censorship in media is widespread. Publishing criticism of the ruling party is banned. On

July 12, police stormed the offices of the *Times* newspapers and served the editor with a court order to stop publishing any articles related to the chief justice. A high court later rescinded the order after finding no basis for it.

The government has passed draconian security legislation such as the Sedition and Subversive Activities Act, which severely curtails the enjoyment of freedom of expression, among other rights, and allows for extensive imprisonment without the option of a fine if one is found guilty. The act has been used to harass activists and conduct searches of their homes and offices.

Rule of Law

Serious deficiencies in Swaziland's judicial system persist. In an ominous precedent for the independence of the judiciary, Chief Justice Michael Ramodibedi in August suspended Justice Thomas Masuku for insubordination and for insulting the king, among other charges, in reaction to a January judgment by Justice Masuku in which he said King Mswati was speaking with a "forked tongue." On August 11 Justice Masuku appeared before the Judicial Services Commission (JSC), whose six members are appointed by the king. On September 27 the king relieved Judge Masuku of his duties for "serious misbehavior." Justice Masuku had in the past made several rulings in favor of human rights.

Control over the daily allocation of cases for hearings, including urgent ones, has been placed solely in the hands of the chief justice, creating what is perceived by lawyers as an unacceptable bias in the administration of justice. In August the Law Society of Swaziland instituted a boycott of the courts to protest these developments and the failure of the authorities to hear its complaints regarding the running of the courts, including the chief justice's allocation of cases. On September 21, Law Society members delivered a petition to the minister of justice calling for action to address the decisions of the chief justice and the general administration of justice in the court system.

Victims of human rights abuses and those seeking to advance the protection of human rights through the courts have little or no access to effective legal remedies. In June the chief justice published a directive protecting the king from civil law suits in the high court or any other courts, a clear violation of a citizen's right to be protected by the law and to be heard before an independent judiciary.

Key International Actors

In August the International Monetary Fund expressed serious concerns about Swaziland's deepening fiscal crisis and called on the government to implement significant fiscal reforms.

On August 3 South Africa agreed to a \$355 million loan to help ease Swazi economic woes. However, in a move widely lauded by civil society groups in Swaziland and South Africa, the South African government insisted on political and economic reforms as conditions for the loan. The Swazi authorities declined the conditions, leading to delays in the loan's disbursement.