

SWAZILAND 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Swaziland is an absolute monarchy. King Mswati III and Queen Mother Ntombi, the king's mother, rule as co-monarchs and exercise ultimate authority over the cabinet, legislature, and judiciary. There is a bicameral parliament consisting of the Senate and House of Assembly, each composed of appointed and elected members. The prime minister is appointed by the king; political power remained largely vested with the king and his traditional advisors. International observers concluded the 2013 parliamentary elections did not meet international standards.

Civilian authorities failed at times to maintain effective control over the security forces.

The most significant human rights issues included: arbitrary interference with privacy and home; restrictions on freedoms of speech, assembly, and association; denial of citizens' ability to choose their government in free and fair elections; institutional lack of accountability in cases involving rape and violence against women; criminalization of same-sex sexual conduct, although rarely enforced; trafficking in persons; restrictions on worker rights; and child labor.

With few exceptions, the government did not prosecute or administratively punish officials who committed abuses. In general perpetrators acted with impunity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

During the year there were 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.

For example, on May 17, the *Times of Swaziland* reported that government game rangers shot and killed a suspected poacher. According to an eyewitness account, the suspect was unarmed, mentally challenged, and raising his hands in the air when rangers shot and killed him. Despite protests and demands from the public

that the rangers be held accountable, there was no indication that authorities took legal or disciplinary measures against them by year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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 administrative 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.

According to the Royal Swaziland Police Service (RSPS), police investigated complaints of police abuse and referred cases to the Directorate of Public Prosecutions as appropriate. At year's end the RSPS reported several cases of police abuse under investigation but provided no details on the nature of the investigations. There was one reported case of prosecution during the year. A police officer who shot and killed a jaywalker was convicted of murder, sentenced to nine years' imprisonment, and serving the sentence at year's end.

There were credible reports of use of excessive force by community police and security forces during the year. For example, on February 18, police shot and injured Pastor Njabulo Madonsela after he failed to heed police orders to stop. Madonsela was suspected of dealing in marijuana; however, none was found in his car. Police officers involved in the shooting were charged with using excessive force. Prosecution of the case was pending at year's end.

Prison and Detention Center Conditions

Prison conditions were harsh due to overcrowding, food shortages, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: Statistics released by His Majesty's Correctional Services (HMCS) in June indicated there were 3,380 sentenced inmates, which exceeded the prison system's holding capacity by 283 inmates. A majority of offenders were

young persons. Women and men were detained together at police stations after arrest due to space constraints.

Some prisoners died while incarcerated, both during police investigation and during pretrial detention.

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

The *Swazi Observer* newspaper and international nongovernmental organization (NGO) 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. For example, in July and August the *Swazi Observer* and *AllAfrica Global Media* website reported that during a search for contraband prison guards wearing surgical gloves ordered a dormitory of inmates to strip naked and face the wall. Wearing surgical gloves, they hit inmates on their buttocks with fists and, according to one inmate, "squeezed their (genitals) like one does when milking a cow."

Administration: There was a prisoner complaint system. Authorities claimed to have investigated allegations of inhuman conditions and documented results of such investigations, but results were not made public. Authorities allowed prisoner access to visitors but did not allow religious observance to prisoners of faiths other than Christianity.

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. Authorities permitted international officials and NGOs working on programs to fight HIV to enter prisons and detention centers, although sometimes with difficulty.

Authorities generally did not allow journalists or other independent monitors inside prisons without permission from the commissioner of correctional services. NGOs also were required to obtain permission from the commissioner to visit prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. Unlike in prior years, the government generally observed these requirements.

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.

Civilian authorities failed at times to maintain effective control over security forces. The RSPS is responsible for maintaining internal security as well as migration and border crossing enforcement. 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 oversight. 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.

Traditional chiefs supervised volunteer rural “community police,” who have the authority to arrest suspects concerning minor offenses for trial by an inner council within the chiefdom. For serious offenses suspects were handed over to the RSPS for further investigations.

Impunity was a problem. Although there were mechanisms to investigate and punish abuse and corruption, there were few prosecutions or disciplinary actions taken against security officers accused of abuses. The internal RSPS complaints and discipline unit investigated reports of police abuse and corruption but did not release its findings to the public. In most cases the RSPS transferred police officers found responsible for violations to other offices or departments within the police system. Police academy training for recruits included human rights components in line with regional standards. Some officers also attended additional training programs that included a human rights component.

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. There is a bail system, and suspects may request bail at their first appearance in court, except in serious cases such as those involving murder or rape. In politically motivated prosecutions, bail was often set at inordinately high levels. 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 conviction of a crime is punishable by life imprisonment. There were reports of detainees held incommunicado.

Arbitrary Arrest: Unlike in prior years, there were no reports of arbitrary arrest. Instances of the detention of protesting students were of short duration.

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

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Individuals who are arrested or detained are entitled to challenge in court the legal basis of their detention and obtain release and compensation if found to have been unlawfully detained.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the king's power to appoint all members of the judiciary negates judicial independence. The judiciary was generally impartial in nonpolitical criminal and civil cases not involving the royal family or government officials. In cases involving government policy, however, the High Court sometimes exercised independence. In September 2016 for example, High Court judges found several sections of Swaziland's

Suppression of Terrorism Act (STA) and the Sedition and Subversive Activities Act (SSAA) unconstitutional, a ruling contrary to the government's position. Although the government appealed this ruling, on August 25, large parts of the case were made moot by the government's acceptance of legislative amendments to the STA. The amendments brought the language in the act defining a terrorist incident into line with international standards.

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 Offices of the King or Queen Mother, the regency, chieftaincies, the Swazi National Council (the king's advisory body), or the traditional regiments system. Unwritten traditional law and custom govern all of these institutions. Courts were unwilling to recognize many of the fundamental rights provided for in the constitution and instead relied on antiquated civil laws, which often reduce or disregard these rights. The king appoints Supreme Court justices on the advice of the Judicial Service Commission, which is chaired by the chief justice. Supreme Court justices must be Swazi citizens, and are subject to mandatory retirement at age 75. The Supreme Court hears cases throughout the year.

Most citizens who encountered the legal system did so through the 13 traditional courts. Each court has a presiding judicial officer called a president appointed by the king. These courts adjudicate 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 traditional court rulings.

The director of public prosecutions has the legal authority to determine which court should hear a case. The director delegated this responsibility to public prosecutors. Rather than refer a case to the director, police often referred cases not properly investigated to one of the traditional courts because the standard of evidence required for conviction was not as high as in the civil judicial system. 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.

Trial Procedures

Defendants enjoy a presumption of innocence. A defendant enjoys the right to be informed of charges promptly, in detail, and with free interpretation if necessary. 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 age 18, or the protection of the private lives of the persons concerned in the proceedings.” Aside from these exceptions, the judiciary generally enforced this right. Court-appointed counsel is provided to indigent defendants at government expense with free assistance of an interpreter for any defendant who cannot understand or speak English or Siswati 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 by law the courts may not impose fines above 240 emalangeni (\$18) and prison sentences above 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, but the process is long and cumbersome. 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

There were no reports of political prisoners or detainees during the year. In prior years politically motivated cases often involved lengthy pretrial detention and excessively high bail with stringent conditions. It was common practice in these cases to release prisoners on bail without setting a trial date, which involved travel restrictions and a time-consuming and sometimes costly requirement to report frequently at police stations. In some cases the government did not file charges or waited many years to do so.

For example, in 2014 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 and sentenced to serve two years in prison. Maseko appealed the sentence and conviction. In 2015 the Supreme Court ruled that Makhubu and Maseko were wrongfully convicted, and both were acquitted and released. Maseko and Makhubu filed a suit against the government for wrongful arrest that remained pending at year's end.

Maseko was also charged with sedition stemming from statements criticizing the country's governance, and Makhubu was charged with "scandalizing the court" for an article he wrote. Maseko's sedition trial remained suspended at the request of the crown to await resolution of a challenge to the constitutionality of the STA and the SSAA upon which the charges were based. On August 25, the adoption of amendments bringing the STA into line with international standards made pursuit of this case unlikely (see section 1.e.).

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.

Property Restitution

In February 2016 the RSPS evicted 22 farmers and their families from their homes. The eviction fulfilled a 2014 court order for the farmers to vacate property

belonging to the Royal Swaziland Sugar Corporation. The farmers had cultivated sugarcane on the land for decades under a royal concession granted by former king Sobhuza II. This complex case culminated with the 2014 High Court order requiring the farmers to vacate the land. During the February eviction, the deputy sheriff, escorted by RSPS officers, ordered the farmers to return the keys to the staff compounds and forbade them from entering the premises. No restitution or compensation was provided to the farmers.

f. Arbitrary or Unlawful 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 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. Members of civil society and prodemocracy groups reported the government monitored email, Facebook, and internet chat rooms, and police monitored certain individuals’ telephones. 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. Both undercover and uniformed police appeared at labor union, civil society, arts, and business functions.

For example, on September 1, officers from Piggs Peak Police Station entered the home of another police officer suspected of having illicit drugs and cash without a search warrant. The officer whose house was searched stated he sustained minor injuries in a scuffle with the officers who illegally entered his house.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech and press, but the king may deny these rights at his discretion, and the government severely restricted these rights in prior years. Amendments to the STA and Public Order Act adopted by the government during the year reduced antiterrorism, sedition, and public order restrictions. Officials impeded press freedom. Although no law bans criticism of the monarchy, the prime minister and other officials cautioned journalists against publishing such criticism with veiled threats of newspaper closure or job loss.

Freedom of Expression: 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.

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 (see section 1.f.). This exclusion could also be applied to their family members.

For example, on August 1, the prime minister's office forced a member of parliament (MP) to withdraw a statement made in the House of Assembly expressing his displeasure that the public had no role in the method used in appointing the country's prime minister. The Prime Minister's Office stated that the MP's criticism constituted an attack on the constitution and the king. The MP was obliged to apologize and to donate cattle to the king as a token of contrition.

Press and Media Freedom: 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. Journalists expressed fear of judicial reprisals for their reporting on some High Court cases and matters involving the monarchy.

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

Broadcast media remained firmly under state control. Most persons obtained their news from radio broadcasts. A controversial ministerial decree prohibiting MPs from speaking on the radio was apparently lifted. The government noted the decree had never been enforced. There was no instance, however, in which an MP

had violated it. Despite invitations issued by the media regulatory authority for parties to apply for licenses, no licenses were awarded. Stations practiced self-censorship and refused to broadcast anything perceived as critical of the government or the monarchy.

Violence and Harassment: There were reports of threats against journalists. For example, on January 13, the *Times of Swaziland* newspaper reported both the editor and a reporter from its affiliate, the *Sunday Times* newspaper, had been threatened with serious bodily harm or even death by a “highly placed government official” if they did not abandon a story concerning misconduct by a member of the security forces.

Censorship or Content Restrictions: Media practiced self-censorship due to fear of reprisals, such as losing paid government advertising, if their reporting was perceived as critical of the government, particularly the monarchy. According to civil society activists, letters to the editor critical of government or the monarchy were sometimes altered or not published.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were credible reports that the government monitored private online communications without appropriate legal authority. In the *Private and Cabinet First Quarter Report of 2015*, the government press office stated that authorities monitored internet blogs, email, and social networks such as Facebook, Twitter, and internet chat rooms. An anonymous online site, *Swazileaks*, which criticized extravagant royal family spending, was inactive during the year, possibly due to government pressure.

According to the International Telecommunication Union, 28.6 percent of the population used the internet in 2016.

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. The government withdrew a history book from the school curriculum because it discussed the People’s United Democratic Movement, a proscribed political entity.

There were no government restrictions on cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the government sometimes restricted this right. In August parliament enacted and the government implemented a new public order act that substantially loosened restrictions on public gatherings, including eliminating the requirement for prior consent for gatherings of fewer than 50 persons. The act completely removes restrictions on private gatherings. Nevertheless, reports of chiefs prohibiting political rallies in rural areas continued.

The government continued to harass opposition members and conducted surveillance on members of labor unions, political groups, and groups considered potentially political. When demonstrations took place, security officials were deployed in force, on occasion outnumbering protesters. Political activists stated authorities monitored their telephone calls.

For example, On May 16, the press reported the RSPS fired tear gas canisters to disperse peaceful protesters marching in the Sihoye community.

In February 2016 during a student protest at the University of Swaziland, an officer of the Operational Support Services Unit, a paramilitary branch of the RSPS, drove an armored vehicle at high speed into a crowd of hundreds of unarmed protesters. A second-year student, Ayanda Mkhwanazi, was severely injured and disabled by the vehicle. Following an investigation into the incident, the officer was charged with attempted murder. He was released on bail and restored to duty. No trial date had been set by year's end.

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 constitution replaced and superseded the 1973 decree that banned political parties, there were no legal mechanisms for parties to register or contest elections. In previous years several prodemocracy

groups had been declared terrorist organizations due to statements calling for disbanding the government system and their alleged connections to a bombing campaign in the mid-2000s. In August the STA was amended largely to conform to UN antiterrorism conventions, therefore precluding its application to prodemocracy groups.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution provides for freedom of internal 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 refugees, asylum seekers, and other persons of concern. By traditional law and custom, chiefs have the 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 Swazi citizens sometimes experienced comparatively 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. Unlike in prior years, there were no reports of political activists and their families having difficulty obtaining passports.

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, including protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Durable Solutions: The government permanently resettled refugees in the country. 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 lived in the country more than five years were eligible for citizenship, but many waited longer to acquire citizenship, sometimes more than 10 years, due to bureaucratic inefficiency and onerous requirements. The government continued to implement a psychological support program that provided counseling to refugees. Refugees could visit the neighboring countries of Mozambique and South Africa with ease.

Section 3. Freedom to Participate in the Political Process

Civil and political rights were severely restricted. Citizens did not have the ability to choose their government in free and fair periodic elections held by secret ballot, and political parties remained unable to register, contest elections, or otherwise participate in formation of a government. The king is an absolute monarch with ultimate decision-making authority. Some prodemocracy organizations were banned. There is no legal mechanism by 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 of Assembly, 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 MPs.

Elections and Political Participation

Recent Elections: In 2013 peaceful and generally well-managed parliamentary elections took place, the second time since the constitution went into effect in 2006, and the king appointed a government. 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 secret, but they 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 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 and contest elections. While political parties existed, there was no legal mechanism for them to register or contest elections. The constitution also states candidates for public office must compete on their individual merit, thereby effectively blocking competition based on political party affiliation. For example, the EBC denied participation in the 2013 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.

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 the death and burial of chiefs.

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 appointed members to be women and for the other five to represent “interests, including marginalized groups not already adequately represented in the house.” Additionally, 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, in which only one woman was elected, and although less than 30 percent of its members were women, the assembly did not select four additional women. Civil society, MPs, and women’s advocacy organizations urged the assembly to fulfill this constitutional requirement, but the assembly had not considered the matter by year’s end.

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 House of 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 proximity to the king or a chief's official residence. As a result widows were excluded from voting or running for office or taking active public roles in their communities 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. They also committed fraud. For example, in February an immigration officer was arrested for receiving bribes from Swazi citizens working in South Africa who remained there but had their passports stamped as returning to Swaziland within the 30-day visit limit.

Credible reports continued that a person's relationship with government officials influenced the awarding of government road construction and other contracts; the appointment, employment, and promotion of officials; recruitment into the security services; and school admissions. Authorities rarely took action on reported incidents of nepotism.

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 interest 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.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. The government monitored groups considered potentially political (see section 2.b.).

While the constitution provides for the independence of human rights NGOs, it does not provide for judicial enforcement of NGO independence.

Government Human Rights Bodies: The Commission on Human Rights and Public Administration received complaints and referred them to the appropriate judicial or governmental body. The commission was nearly powerless, however, due to lack of funding and enabling legislation. The commission consisted of one acting commissioner (who had been acting since 2010) and four deputy commissioners. Management and administration were handled by its secretariat. 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 where custom and tradition prohibit access to women in mourning attire or wearing pants.

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

Women

Rape and Domestic Violence: The law criminalizes rape, but no law specifically addresses spousal rape. Rape was common, and the government rarely enforced

the law effectively. According to the Swaziland Action Group against Abuse, one in three girls and women between ages 13 and 24 had been a victim of sexual violence. Although rape is legally defined as a crime, many men regarded it as a minor offense. The maximum sentence for conviction of 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 try rape and domestic violence cases 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.

No legislation or law deals specifically with domestic violence and sexual abuse. If charged as assault, however, domestic violence is illegal. Domestic violence against women, particularly wife beating, was common and sometimes resulted in death. Police efforts to combat the crime were inadequate. 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 courts using 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.

Other Harmful Traditional Practices: Accusations of witchcraft were employed against women in family or community disputes that could lead to them being physically attacked, driven from their homes, or both. For example, on September 7, the *Times of Swaziland* reported a wife blamed by a traditional healer for misfortunes that had befallen her family was forced by her husband to leave her home and community.

Sexual Harassment: Legal provisions against sexual harassment were vague, and government enforcement was ineffective. No cases have ever been brought to trial. Nevertheless, there were frequent reports of sexual harassment, most often of female students by teachers. During the year the Teaching Service Commission suspended and fired several male teachers for sexual harassment of female students, but none was prosecuted.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates

on maternal mortality and contraceptive prevalence are available at:
www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women occupied a subordinate role in society. The dualistic nature of the legal system complicated the protection 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 applied to the marriage and to subsequent questions of child custody, property, and inheritance in the event of divorce or death.

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." Civil law defines married women as subordinate to their husbands.

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 conflicted with customary law, which classifies women as minors. Both traditional and Roman-Dutch civil law recognize women as dependents of their husbands or fathers. Although women routinely executed contracts and entered into a variety of transactions in their own names, banks often refused personal loans to married women without a male guarantor. The constitution provides for equal access to land and civil law provides for women to register and administer property. Most persons were unaware of this right, however, and customary law forbids women from registering property in their own names.

Customary law considers children to belong to the father and his family if the couple divorce. Children of unmarried parents remain with the mother, unless the father claims paternity. Inheritances pass to and through male children only. When the husband dies, tradition dictates the widow must stay at the residence of her husband's family in observance of a strict mourning period for one month. 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 who had jobs sometimes lost them due to absence from

work during the extended mourning period. Women in mourning attire were generally not allowed to participate in public events and were barred from interacting with royalty or entering royal premises. In some cases the mourning period lasted 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 occurs outside marriage and the father does not claim paternity, in which case the child acquires the mother's citizenship. 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.

The law mandates compulsory registration of births. According to the *Multiple Indicator Cluster Survey*, 50 percent of children under age five were registered and 30 percent had birth certificates. Lack of birth registration may result in denial of public services, including access to education. For additional information, see Appendix C.

Education: The constitution does not state that education is compulsory, but regulations provide for fining parents who do not have their children attend school. Primary education was tuition-free through grade seven. 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. Principals and teachers routinely demanded bribes to admit students.

Child Abuse: Child abuse, including rape of children and incest, was a serious problem. If reported, perpetrators were seldom prosecuted, and when prosecuted and convicted, sentences seldom matched the maximum penalties allowable. For additional information, see Appendix C.

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 under age 16, and up to six strokes to students age 16 and older. In 2015 the Ministry of Education and Training introduced positive disciplinary standards based on counseling--the minister warned that teachers who beat pupils would be held accountable for such abuses. Nevertheless, teachers often exceeded these limits with impunity. For example, on August 2, the *Times of Swaziland* reported a Salesian High School student was caned on his bare buttocks by a teacher.

Early and Forced Marriage: The legal age of marriage is 18 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. Under traditional law marriages are permitted for girls as young as age 13. Although the deputy prime minister criticized this practice, civil law was generally not enforced to prevent it. According to a 2015 UNICEF report on child marriage in the country, 1 percent of adolescent girls were married before age 15 and 7 percent were married before age 18. For additional information, see Appendix C.

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. Statutory law sets the age of sexual consent at 16, while criminal law states that a girl under age 14 may not consent to sexual intercourse. The penalties for conviction of 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 (\$76). Penalties for conviction of child pornography are up to six months' imprisonment and a fine of 100 emalangeni (\$6.58).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *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 among 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. Persons with disabilities complained of government neglect. No laws mandate access to health care for persons with disabilities or accessibility to buildings, transportation, information, communications, or public services. Government buildings under construction included some improvements for persons with disabilities, including access ramps. Public transportation was not easily accessible for persons with disabilities, and the government did not provide any alternative means of transport.

There were only 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 private school for students with hearing disabilities and one private special-education school for children with physical or mental disabilities. The hospital for persons with mental disabilities, located in Manzini, was overcrowded and understaffed.

By custom persons with disabilities may not be in the presence of the king, as they are believed to bring "bad spirits."

National/Racial/Ethnic Minorities

Governmental and societal discrimination was practiced against nonethnic Swazis, generally persons of Caucasian or Asian descent and persons of mixed race. Although there were no official statistics, an estimated 2 percent of the population was nonethnic Swazi. 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 bank loans.

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. The government asserted that same-sex relationships and acts were illegal but did not prosecute any cases during the year. Societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons was prevalent, and LGBTI persons generally concealed their sexual orientation and gender identity. LGBTI persons who were open regarding their sexual orientation and relationships faced censure and exclusion from the chieftom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and government officials criticized same-sex sexual conduct as neither morally Swazi nor Christian. LGBTI advocacy organizations had trouble registering with the government. One such organization, House of Pride, was under the umbrella of another organization that dealt 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 LGBTI persons were not open regarding their sexual orientation or gender identity.

On July 23, a third-year University of Swaziland student committed suicide, reportedly because he found himself isolated after his family rejected him due to his sexual orientation.

HIV and AIDS Social Stigma

According to the Joint United Nations Program on HIV/AIDS, Swaziland had among the highest HIV/AIDS prevalence rates in the world in 2011. The *People Living with HIV Stigma Index* reported 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. In a 2014 nationally representative sample of HIV-positive persons within the

Multiple Indicator Cluster Survey, 7.7 percent of women and 12 percent of men ages 15 to 59 years reported discriminatory attitudes.

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 active military members testing positive. Persons who test HIV positive, however, were not recruited by the armed forces because military authorities claimed that they would not be able to withstand strenuous training.

Other Societal Violence or Discrimination

There was social stigma attached to albinism. Several persons with albinism stated they were subject to discrimination, 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 23, Lomthantazo Eunice Tfwala of Lubhuku was strangled to death by her stepson and nephew for allegedly practicing witchcraft.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides 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 abrogated them. On August 25, however, the coming into effect of the Public Order Act lifted many restrictions on freedom of assembly and the right to organize (see section 2.b.). The Industrial Relations Act (IRA) provides for the registration of unions and federations but grants 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 and submit their constitutions to be automatically recognized.

The IRA was amended to allow for the registration of federations and became law in 2014, after the king's assent. Federations must submit their constitutions to the government and apply for registration.

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 to recognize a labor organization as a collective employee representative if less than 50 percent of the employees are members of the organization. If 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. The court is empowered to refuse registration if an agreement conflicts with the 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. It 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 a dispute could have serious consequences for the employers, workers, or the economy if not resolved promptly.

According to the IRA, as amended, employees 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, but the law does not require reinstatement for workers fired for union activity. Although the law permits strikes, the right to strike is strictly regulated, and the administrative requirements to register a legal strike made striking difficult. Strikes and lockouts are prohibited in essential services, and 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 seven 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 are exhausted and a secret ballot of union members conducted.

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

The government did not consistently respect freedom of association and the right to collective bargaining. The government did not effectively enforce laws pertaining to union organization. The government perceived some unions to be in the 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 security laws. HMCS staff continued to be denied the right to collective bargaining.

Government interference in union affairs has been a problem under examination by the International Labor Organization, particularly concerning public service unions. At issue was continued government action to disrupt or repress trade unions' lawful and peaceful activities. The government historically used certain laws, including the 2008 STA and the 1963 Public Order Act (POA), to interfere in trade unions' affairs--in particular gatherings or other activities that were viewed as "political in nature." On August 25, however, the STA was amended to conform to international standards on counterterrorism and the 1963 POA was replaced by one that eliminated the grounds for most interference in trade unions' affairs (see section 2.b.).

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.

There were allegations 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. 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 it also exempts “communal services” from the definition of forced labor, referencing services that benefit the community and are uncompensated. Although the law exempting “communal services” from the definition of forced labor was declared null and void by the High Court, no actions were taken to repeal it. Local chiefs continued to force community members, including children, to work, as a form of property tax. Types of work primarily included agricultural labor such as weeding a chief’s fields. Penalties for refusing to perform this work included evicting families from their village and confiscating their livestock. Urban dwellers granted land in traditional chiefdoms may make a financial contribution to the chiefdom rather than provide physical labor.

The labor code punishes those convicted of imposing forced labor with a maximum of one year’s imprisonment, a fine of 3,000 emalangeneni (\$227), 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 emalangeneni.

Also see the Department of State’s *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, for night work 16, and for hazardous employment 18. The law also prohibits children under age 18 from engaging in hazardous work in industrial undertakings, including mining, manufacturing, and electrical work, but these prohibitions do not address hazardous work in the agriculture sector. The law limits the number of night hours children may work on school days to six and the overall hours per week to 33.

The Ministry of Labor, the Office of the Deputy Prime Minister through the Department of Social Welfare, and the RSPS are responsible for enforcement of laws relating to child labor. The government did not effectively enforce laws combating child labor due to a lack of baseline information regarding the scope of the problem and a lack of dedicated resources for identifying and punishing violators.

Penalties for conviction of violations of the worst forms of child labor include a minimum fine of 100,000 emalangenzi (\$7,576), five years' imprisonment, or both for a first offense, and a minimum of 10 years' imprisonment with no option for a fine for subsequent offenses. Authorities, however, did not enforce the law.

In the informal sector, children continued to be employed, particularly in agricultural work. 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, disproportionately affecting girls. 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, particularly in rural areas, served alcohol in liquor outlets and grew, manufactured, and sold illegal 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 and Occupation

The labor law prohibits discrimination in employment and occupation based on race, gender, language, HIV-positive status or other communicable diseases, religion, political views, or social status, but the law is silent on discrimination in employment and occupation based on disability, age, 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 may 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.

Disabled persons faced discrimination in hiring and access to work areas. Openly LGBTI persons were subject to discrimination in employment and social censure.

One official stated that she was not promoted because she had albinism, and by year's end the complaint had yet to be considered.

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens but still faced discrimination in employment due to societal prejudice against foreigners.

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 (\$40) for a domestic worker, 1,137 emalangi (\$86) for a preschool teacher, 768 emalangi (\$58) for a semiskilled worker in the forestry industry, and 1,060 emalangi (\$80) for a skilled worker in the forestry industry. All workers in the formal sector, including migrant workers, are covered by the wage laws. The government estimated that approximately 63 percent of the population lived below the poverty line.

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 requires all workers have 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.

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. According to the 2001 Occupational Safety and Health Act, workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. Authorities did not effectively protect employees in this situation.

The government inconsistently enforced 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.

The constitution calls on parliament to enact laws to protect a worker's right to satisfactory, safe, and healthy employment conditions, but parliament did not enact any such laws during the year. 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.

Labor laws applied to the informal sector but were seldom enforced. Most workers were in the informal sector, but credible data were not available. Workers in the informal sector, particularly foreign migrant workers, children, and women, risked facing hazardous and exploitative conditions.

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 1,488 emalangeni (\$113). Minimum wage guidelines did not apply to the informal sector, where many workers were employed.

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

Public transportation workers complained they were required to work 12 hours a day or more without 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 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 stated that they were very hesitant to use their maternity leave due to uncertainty that their right to return to work would be respected.

Credible data on workplace fatalities and accidents were not available. On March 8, the *Times of Swaziland* reported a sugar-packing company employee died after he was pinned by a forklift truck against the factory roof. The employee was loading a sugar-packing machine when the accident occurred.