



Freedom in the World 2018

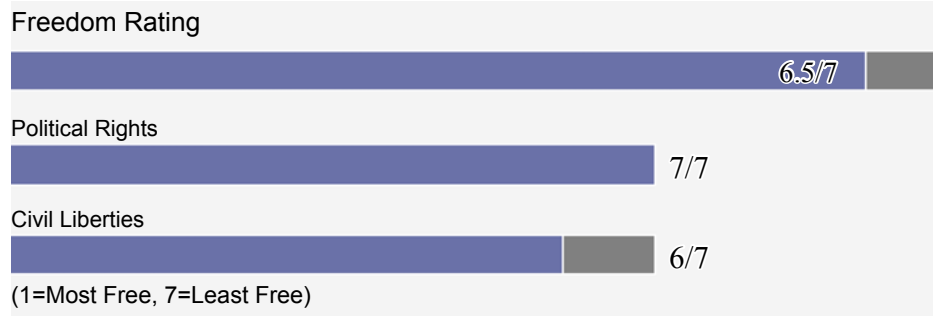
Swaziland *Profile*

FREEDOM STATUS:
NOT FREE



Freedom in the World
Scores

Quick Facts



Aggregate Score: 16/100 (0=Least Free, 100=Most Free)

Overview:



Swaziland is a monarchy currently ruled by King Mswati III. The king exercises ultimate authority over all branches of the national government and effectively controls local governance through traditional chiefs. Political dissent and civic or labor activism are subject to harsh punishment under laws on sedition and other offenses. Additional human rights problems include impunity for security forces and discrimination against women and LGBT (lesbian, gay, bisexual, and transgender) people.

Ratings Change:

Swaziland's civil liberties rating declined from 5 to 6 due to increased government infringements on religious freedom and freedom of private discussion.

Key Developments in 2017:

- In January, the government banned the teaching of religions other than Christianity in public schools.
- In August, the king approved amendments to the Public Order Act and the Suppression of Terrorism Act (STA) that nominally addressed some human rights concerns, but the laws continued to impose

serious constraints on peaceful dissent and activism and introduced some new restrictions.



Political Rights and Civil Liberties:

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections?
0 / 4

The king, who remains the chief executive authority, is empowered to appoint and dismiss the prime minister and members of the cabinet, though they must be members of Parliament. Barnabas Sibusiso Dlamini, the king's half-brother, has served as prime minister since 2008, having secured reappointment following the 2013 elections, which were neither free nor fair. Dlamini had previously held the post from 1996 to 2003.

Traditional chiefs govern their respective localities and typically report directly to the king. While some chiefs inherit their positions according to custom, others are appointed through royal interventions, as allowed by the constitution.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4



Of the House of Assembly's 65 members, 55 are elected by popular vote within the *tinkhundla* system, which allows local chiefs to vet candidates and influence outcomes in practice; the king appoints the other 10 members. The king also appoints 20 members of the 30-seat Senate, with the remainder selected by the House of Assembly. All members of Parliament serve five-year terms, and because political parties are unable to participate in elections, all candidates run as independents. After the 2013 elections, which reportedly featured vote buying and other irregularities, the king named several members of the royal family to the appointed seats in the House of Assembly.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The Elections and Boundaries Commission (EBC) is not considered impartial. It is financially and administratively dependent on the executive, and its members are appointed by the king on the advice of the Judicial Service Commission, whose members are also royal appointees. The EBC chairman, Gija Dlamini, is a half-brother of the king. Traditional chiefs also play an important role in elections, as candidates effectively need their approval to run for office.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16



B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

0 / 4

Election to public office is based on “individual merit,” according to the constitution, and there is no legal avenue for parties to register and participate in elections. Some political associations exist without legal recognition, but those that advocate for democracy, such as the People’s United Democratic Movement (PUDEMO), are banned and subject to prosecution.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The 2013 elections featured significant turnover in the House of Assembly, with most incumbents replaced by new members. However, the king’s tight control over the political system—in law and in practice—leaves no room for the emergence of an organized opposition with the potential to enter government.

B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Traditional chiefs, as the king's representatives, wield enormous influence over their subjects. In addition to vetting prospective candidates for office, they have been accused of ordering residents to vote or not vote for certain candidates.



B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

There are virtually no members of minority groups in the government, as most officials have some connection to the royal family or its broader clan. Women are also politically marginalized, and the authorities have not adhered to constitutional gender quotas for the House and Senate. Only one woman was elected to the House in 2013, and three were appointed, leaving the chamber well short of the 30 percent minimum. Ten women were named to the Senate, short of the required 13. Customary restrictions on widows in mourning—a period that can last from one to three years—effectively bar them from participating in public affairs.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The king and his government determine policy and legislation; members of Parliament cannot initiate legislation and have

little oversight or influence on budgetary matters. In March 2017, the House of Assembly rejected the national budget on the grounds that its spending priorities favored security forces over basic services for ordinary people, but members reportedly reversed themselves after the prime minister rebuffed the possibility of any changes.



C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is a major problem, and implicated officials generally enjoy impunity. The Anti-Corruption Commission is perceived to be ineffective, with civil society groups accusing it of pursuing politically motivated cases and serving the interests of the prime minister. The commission, which reports to the Justice Ministry, lacks adequate financial and human resources and must consult with the minister on hiring.

C3. Does the government operate with openness and transparency? 0 / 4

Swaziland has no laws guaranteeing public access to government information, and there is no culture of proactive disclosure of such information. Public requests for information are largely ignored in practice. The authorities tightly restrict access to data on spending by the royal family and the security forces.

CIVIL LIBERTIES: 15 /

60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16 (-2)

D1. Are there free and independent media? 1 / 4

A variety of laws, including the Sedition and Subversive Activities Act (SSAA), can be used to restrict media coverage. The state broadcaster is tightly controlled by the government, and the *Swazi Observer*, a major newspaper, is effectively owned by the king. Journalists often face harassment and intimidation, and self-censorship is reportedly common. In January 2017, an editor and senior reporter with the *Times Sunday*, sister paper to the *Times of Swaziland*, received death threats over a planned story on alleged misdeeds by security personnel. In September, two journalists with the state television outlet were disciplined for covering a protest march by public servants seeking a wage hike.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4 (-1)

The constitution guarantees religious freedom and bars discrimination based on religion. Rules requiring registration of religious organizations are not strictly enforced. However, members of the Muslim minority allege discrimination by officials and Christian citizens, and police reportedly monitor

mosques. Non-Christian groups are also denied airtime on state broadcasters. Construction of religious buildings must be approved by the government or local chiefs. Christian education is compulsory in public schools, and in January 2017, a government decision banned all teaching of other religions in the public school curriculum. In May, firefighters expressed concern about pressure from superiors to attend Christian fellowship services.



Score Change: The score declined from 3 to 2 due to a government directive that prohibited teaching on non-Christian religions in public schools, reinforcing a pattern of official support for Christian churches and discrimination against non-Christian groups.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is limited by restrictive laws such as the STA and SSAA. In 2017, officials at the University of Swaziland attempted to ban meetings of student groups, which at times clashed with police during protests over inadequate funding and living conditions. Ten students were arrested following protests in September.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

Constitutional rights to free expression are severely restricted in practice. Security agencies reportedly monitor personal communications, social media, and public gatherings, and

criticism of the king or other elements of the regime can be punished under laws such as the SSAA, the STA, and the Public Order Act. While the latter two were amended in August 2017, they remained highly restrictive, and in some cases the amendments added new constraints on expression. Under the revised Public Order Act, any criticism of Swazi culture and traditions or defacement of national symbols—including the king’s image—can draw fines and up to two years in prison.



Score Change: The score declined from 2 to 1 due to amendments to the Public Order Act that prescribe fines and imprisonment for criticism of Swazi culture and traditions or defacement of national symbols.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly remained heavily restricted in 2017 despite the August amendments to the Public Order Act and the STA. The amended Public Order Act defines a public gathering as any assembly or procession of 50 or more people, compared with 10 in the previous version, and removes controls on private gatherings. Nevertheless, authorities continued to monitor meetings and obstruct assemblies throughout the year, at times using batons and tear gas to disperse protesters.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4



The operation of nongovernmental organizations has been inhibited by the broadly written sedition and terrorism laws as well as police monitoring and interference. Organizations that advocate for democracy remain banned. In September 2017, police blocked a prodemocracy meeting in the capital on the grounds that permission had not been granted.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Swaziland has active labor unions, but workers' rights are not upheld in practice. Although workers in most sectors, with the exception of essential services defined by the labor minister, can join unions, strikes and other labor activism routinely trigger crackdowns and arrests by the police. In February 2017, the police prevented a march to the Ministry of Labour by members of the Trade Union Congress of Swaziland (TUCOSWA).

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Although the judiciary displays a degree of independence in some cases, the king holds ultimate authority over the appointment and removal of judges, acting on advice from a Judicial Service Commission made up of royal appointees.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Safeguards against arbitrary arrest and detention, such as time limits on detention without charge, are not always respected in practice. Detainees are generally granted access to lawyers, though only those facing life imprisonment or capital punishment can obtain counsel at public expense. Lengthy pretrial detention is common, and politically sensitive cases often feature high bail levels. Fair trial rights are not respected by traditional courts, often headed by chiefs, that adjudicate minor offenses and use customary law.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Physical abuse of suspects and inmates by law enforcement officials is an ongoing problem, and investigations into such abuse lack independence and transparency. Some prisons also suffer from overcrowding and other harsh conditions. Rangers tasked with combating game poachers have been accused of improper use of lethal force, and several deaths were reported during 2017, but the law grants rangers immunity from prosecution for such killings.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women's rights remain restricted in law and in practice. Both civil and customary law treat women as dependents of their fathers or husbands, and societal discrimination further impairs

their access to education and employment. Residents who are not ethnic Swazis also face de facto discrimination.



Discrimination against LGBT people is not prohibited by law and is widespread in practice. A criminal ban on same-sex sexual activity is not regularly enforced.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The constitution guarantees freedom of movement. However, minority ethnic groups and political activists have faced delays in obtaining passports and other citizenship documents. Traditional chiefs regulate movement and residence within their communities and generally deny access to groups advocating human rights or democracy. Individuals who violate customary rules can face eviction from their localities. Widows in mourning are barred from approaching chiefs or the king and excluded from certain public places and activities.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The constitution provides legal protections for property rights, but women generally face limitations under customary rules that subordinate them to male relatives. Widows in particular face expropriation by the deceased husband's family. Chiefs have broad authority to allocate and withdraw rights to

communal land. Individuals can also face expropriation during land claims by state-owned companies and powerful private interests, and constitutional guarantees of fair compensation are not upheld.



G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women's social freedoms are restricted by both civil and customary law, which puts them at a disadvantage regarding marriage, divorce, and child custody. Customary law allows girls as young as 13 to marry. Sexual and domestic violence remains extremely common, and any penalties for perpetrators are often lenient.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Residents have some access to formal employment and economic opportunity, but the majority of the population lives in poverty. Forced labor remains a problem, with some chiefs compelling Swazis, including children, to work in their communities or the king's fields. Among other forms of child labor, girls are particularly vulnerable to domestic servitude and commercial sexual exploitation. In May 2017, the *Observer* reported on an alleged practice in which soldiers give food parcels to girls from poor rural families in exchange for sex.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year



Full Methodology

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