



## 2008 Human Rights Report: Swaziland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Swaziland is an absolute monarchy, and King Mswati III has ultimate authority over the cabinet, legislature, and judiciary. The population was approximately 1.02 million, according to the 2007 census. There was a prime minister and a partially elected parliament, but political power remained largely with the king and his traditional advisors, the most influential of whom remained the queen mother. International observers concluded that parliamentary elections held on September 19 did not meet international standards. A bombing the same day at a bridge close to the king's palace resulted in rapid implementation of a June law to silence dissent and ban certain political organizations. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces committed abuses.

Government agents continued to commit or condone serious abuses, and the human rights situation in the country deteriorated. Human rights problems included inability of citizens to change their government; extrajudicial killings by security forces; mob killings; police use of torture, beatings, and excessive force on detainees; police impunity; arbitrary arrests and lengthy pretrial detention; arbitrary interference with privacy and home; restrictions on freedoms of speech and press and harassment of journalists; restrictions on freedoms of assembly, association, and movement; prohibitions on political activity and harassment of political activists; discrimination and violence against women; child abuse; trafficking in persons; societal discrimination against mixed race and white citizens; and harassment of labor leaders, restrictions on worker rights, and child labor.

### **RESPECT FOR HUMAN RIGHTS**

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

a. Arbitrary or Unlawful Deprivation of Life

The government and its agents did not commit any politically motivated killings; however, security forces committed extrajudicial killings and were responsible for a number of deaths during apprehension. No action was taken against security force members responsible for such deaths.

On January 12, in Mbabane, a Royal Swaziland Police Service (RSPS) officer shot and killed a man who allegedly broke into a store and resisted arrest.

On March 1, in Nhlango, an Umbutfo Swaziland Defense Force (USDF) soldier patrolling the border shot and killed an alleged car smuggler. In a separate incident on April 16, a soldier in Nhlanganano shot and killed another suspected car smuggler.

On August 8, Nick Reilly, the general manager of Mkhaya Private Game Reserve, went to the home of Musa Gamedze, who he then shot and killed; Reilly was accompanied by three plainclothes RSPS officers. Although

Gamedze was unarmed and there was no evidence of poaching on his person or at his home, police claimed that Gamedze was wanted in connection with several cases of stock theft and violations of the Game Act; the law permits rangers to shoot and kill poachers if caught in the act. No investigation into the incident had been conducted by year's end.

No known investigation was conducted nor was action taken in the following 2007 security force killings: the April RSPS killing of four suspected thieves; the August RSPS killing of a man suspected of killing a police officer; and the August USDF killing of an alleged car smuggler.

No known action was taken against security forces responsible for arbitrary killings in 2006.

During the year there were reports of killings by community police, volunteers with arrest authority under the supervision of a chief. For example, on July 14, Mbuleni community police beat to death University of Swaziland student Jabulani Motsa for allegedly stealing oranges, apples, and cell phones. An investigation was ongoing at year's end.

There were numerous reports of mob killings during the year. On February 12, the Times of Swaziland newspaper reported that a mob forced Tikhuba resident Gideon Gamedze to drink poison, then beat and strangled him to death for suspected involvement in cattle theft. On November 13, a mob beat to death suspected rapist Mkhululeki Ndlela, who was later exonerated by the alleged rape victim. No persons were arrested in either case.

On August 10, the RSPS arrested Themba Dlamini and Ncamiso Simelane for participating in a mob that beat to death suspected burglar Mpostoli Nkambule.

No action was taken against persons who participated in 2007 or 2006 mob killings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices; however, the provision prohibiting law enforcement officials from engaging in torture is located in the "policy" section of the constitution and is not enforceable in any court or tribunal. The law does not specifically prohibit such practices. Security officials who engage in such practices may be punished, but no punishments were reported during the year. There were reports that government officials sometimes used torture during interrogation, assaulted citizens, and used excessive force in carrying out their duties. Reports surfaced during the year that police continued to use the "tube" style of interrogation, in which police temporarily suffocated suspects by putting a rubber tube around the suspect's face and mouth.

Police forcibly dispersed demonstrators and strikers, resulting in numerous injuries (see sections 2.b. and 6.a.).

In a May 15 court appearance in Mbabane, four young men arrested for theft in December 2007 alleged that the police "tubed" them, beat them with a hammer and other objects, and threatened to kill them in the bush. All four men were subsequently convicted. Authorities had not responded to inquiries regarding alleged police abuse, and no known investigation had been conducted by year's end.

In a May 26 court appearance, Sibusiso Sitsebe alleged that police beat and tried to suffocate him to force a confession after his November 2007 arrest for theft. Authorities had not responded to inquiries regarding alleged

police abuse, and no known investigation had been conducted by year's end.

Despite numerous requests from civic organizations, the investigative report on the alleged 2005 torture of 17 political organization members had not been released by year's end; the report was submitted to the Prime Minister's Office in September 2007.

No actions were taken, nor were any expected, against security force members responsible for abuse in 2007 or 2006.

There were credible reports of excessive force by community police during the year. On January 3, the Swazi Times newspaper reported that Mbhuleni community police officers severely whipped a young woman suspected of assisting in abortions.

On April 22, Mbhuleni community police chained, beat, and detained Mangaliso Mazibuko and a 16-year-old girl for more than five hours before handing them over to the RSPS. Mazibuko had allegedly resisted arrest and stabbed a community police officer who tried to intervene; the 16-year-old girl had been reported missing by her family.

On August 11, a Mahwalala community police officer beat five homeless children after he discovered they had slept in his car during the night.

On September 5, in Mbhuleni, a mob that included community police officers forcibly entered a house and beat unconscious Sifiso Vilakati, whose legs were both fractured.

No action was taken against community police who abused persons in 2007 and 2006.

Mob violence resulted in injuries. For example, on January 30, a mob in Manzini severely beat Nhlanhla Motsa, who was seen loitering in the neighborhood, for suspected burglary. On February 19, a mob in Manzini assaulted a man for the suspected rape of a female student at Ngwane Park High School.

No action was taken against persons who participated in 2007 or 2006 mob violence.

#### Prison and Detention Center Conditions

Government prisons and detention centers remained overcrowded, and conditions generally were poor. According to the 2006-07 annual report, there were 2,829 prisoners in 12 correctional centers. Prison guards tortured and abused prisoners. The Swaziland Coalition of Concerned Civic Organizations reported that physical punishment of prisoners and detainees was an accepted part of the culture and not viewed as a human rights problem.

Rape and consensual sex between prisoners contributed to the spread of HIV/AIDS, although prevention programs have been introduced in correctional facilities. There are medical clinics in correctional facilities, and prisoners are offered free HIV/AIDS testing, counseling, and antiretroviral treatment.

In Mawelawela, the country's only female detention facility, detainees were not held separately from convicts, and several children lived with their mothers in the facility. Female juveniles were also held in the women's correctional facility, although they slept in different quarters within the facility.

During the year the government refused requests by religious leaders, labor union leaders, and a foreign embassy to visit political prisoner Mario Masuku (see section 1.e.).

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, police arbitrarily arrested and detained numerous persons, primarily under the Suppression of Terrorism Act passed during the year.

#### Role of the Police and Security Apparatus

The king is the commander in chief and also holds the position of minister of defense. He presides over a civilian principal secretary of defense and a commanding general.

The RSPS is responsible for maintaining internal security. The USDF is responsible for external security but also has limited domestic security responsibilities. The RSPS is under the authority of the prime minister, while the USDF reports to the defense minister. The principal secretary of defense and the army commander are responsible for day-to-day USDF operations. The RSPS and the USDF were generally professional, despite inadequate resources and bureaucratic inefficiency; however, both forces were susceptible to political pressure and corruption. The government generally failed to prosecute or otherwise discipline security officers accused of abuses. No independent body had the authority to investigate police abuses. An internal RSPS complaints and discipline unit investigated reports of police abuse but did not release results to the public. There were no reports of government action to reform the RSPS, although a number of officers attended training programs outside the country.

Traditional chiefs supervise volunteer rural "community police," who have the authority to arrest suspects and bring them before an inner council within the chiefdom for trial. Cases of serious crimes were handed over to the RSPS for further investigation.

#### Arrest and Detention

The law requires warrants for arrests, except when police observe a crime being committed or believe that a person is about to commit a crime. Detainees may consult with a lawyer of their choice, but the government pays for defense counsel only in cases in which the potential penalty is death or life imprisonment. Detainees must be charged with the violation of a statute within a reasonable time, usually 48 hours or, in remote areas, as soon as the judicial officer appears; however, arresting authorities did not always present detainees within that period. In general, detainees were promptly informed of the charges against them, and their families had access to them. There is a functioning bail system, and suspects can request bail at their first appearance in court except in cases of murder and rape.

Police arbitrarily detained journalists, opposition members, trade union leaders, strikers, and demonstrators, one of whom was charged under the Suppression of Terrorism Act passed during the year (see sections 1.e., 2.a., 2.b., 3, and 6.a.).

Lengthy pretrial detention was common. In 2007 the International Centre for Prison Studies found that 31 percent of the prison population were pretrial detainees. Judicial inefficiency and staff shortages contributed to the problem, as did the police practice of prolonging detention to collect evidence and to prevent detainees from influencing witnesses. In some cases persons were exonerated after years of repeated remands requested by police.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the king, on recommendation of the Judicial Services Commission, appoints the judiciary, limiting judicial independence. Judicial powers are vested in two systems: one based on Roman-Dutch law, and the other based on a system of traditional courts that follows

traditional law and custom. The Roman-Dutch judiciary consists of the Supreme Court, the High Court, and magistrate courts.

The Supreme Court, which is composed entirely of foreign-born judges, primarily South African, has appellate and supervisory jurisdiction over the High Court and magistrate courts. Some observers believed foreign justices increased the judiciary's credibility and independence, while others believed that reliance on foreign professionals undermined the development of a strong national base of professional justices. Neither the Supreme Court nor the High Court, which interprets the constitution, has jurisdiction in matters concerning the office of the king or queen mother, the regency, chieftancies, the Swazi National Council, or the traditional "regiments" system, as these are governed by national law and custom.

Most citizens who encountered the legal system did so through the 13 traditional courts. Each has a president appointed by the king. Authorities may bring citizens to these courts for minor offenses and violations of traditional law and custom.

The public prosecutor has the legal authority to determine which court should hear a case, but in practice police usually made the determination. 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.

#### Trial Procedures

The constitution provides for the right to a fair public trial except when exclusion of the public is necessary in the "interests of defense, public safety, public order, justice, public morality, the welfare of persons under the age of 18 years, or the protection of the private lives of the persons concerned in the proceedings," and the judiciary generally enforced this right in practice. Defendants enjoy a presumption of innocence, but juries are not used. Court-appointed counsel is provided at government expense in capital cases or if the crime is punishable by life imprisonment. Otherwise, defendants in superior and magistrate courts are entitled to hire counsel at their own expense. Defendants can question witnesses against them and present witnesses on their own behalf. Defendants and their attorneys have access to relevant government-held evidence, generally obtained during pretrial consultations with the public prosecutor's office. Defendants and prosecutors have the right of appeal, up to the Supreme Court.

The traditional courts serve the chiefs, who are appointed by the king, and have limited civil and criminal jurisdiction. They are authorized to impose fines of up to 100 emalangeni (\$11) and prison sentences of up to 12 months. 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; however, some traditional laws and practices violated civil laws and international treaties signed by the country, 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. Sentences are subject to review by traditional authorities and can be appealed to the High Court.

#### Political Prisoners and Detainees

Mario Musuku, the leader of the People's United Democratic Movement of Swaziland (PUDEMO), became the country's sole political prisoner when he was arrested on November 15 under the Suppression of Terrorism Act (see section 2.b.); the attorney general claimed it had evidence that Masuku met its legal definition of a terrorist. When police were unable to find weapons-making literature in Masuku's possession, the government on November 17

charged Masuku with unlawfully and knowingly supporting a terrorist act, citing "utterings" Masuku allegedly made at the funeral of one of the alleged September bombers, who was killed when the explosive planted near the king's palace detonated prematurely. In December Masuku was also charged with sedition. Masuku, who refused bail, remained in detention awaiting trial at year's end. As a result of international attention to the case, the government allowed Masuku to receive medical visits. However, the government denied visits requested by members of PUDEMO, friends of Masuku, foreign diplomats, and religious leaders, claiming that the denials were for Masuku's protection.

#### Civil Judicial Procedures and Remedies

The judiciary, which has limited independence, tries civil as well as criminal cases, including suits for damages against government agents.

#### f. Arbitrary 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"; however, 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; however, police officers with the rank of subinspector or higher have the authority to conduct a search without a warrant if they believe that evidence might be lost.

Following the January 17 forcible dispersion of University of Swaziland demonstrators, police forcefully entered nearby homes and assaulted the occupants in an attempt to locate fleeing students, according to media reports and Thembeke Simelane, who filed a lawsuit claiming damages (see section 2.b.).

During the year the army conducted random checks in homes and set up roadblocks.

Police conducted physical surveillance of members of labor unions, political groups, religious groups, and others.

In August, for example, police instructed a youth group conducting civic education classes in the Big Bend area that the classes would be discontinued unless the group allowed police to conduct surveillance of its activities.

On November 28, police told representatives of the Council of Swaziland Churches that they could not meet with foreign diplomats unless police were allowed to attend, allegedly for the protection of the diplomats; the council had invited the local diplomatic community to a forum to discuss human rights in the country.

On December 3, plainclothes officers threatened to disrupt a Media Institute for Southern Africa training workshop if they were not allowed to monitor it.

While the constitution recognizes that chieftancies were usually hereditary positions, it also states that the king "can appoint any person to be chief over any area." As a result, many chieftaincies were nonhereditary appointments, which provoked land disputes, especially at the time of burials. A High Court ruling in one case upheld the right of a family to bury a former chief on traditional land, which had been opposed by the chief appointed by the king for five years while the body lay in the morgue.

On November 14, the government issued an official declaration designating PUDEMO, the Swaziland Solidarity Network (SSN), Swaziland Youth Congress (SWAYOCO), and the Swaziland People's Liberation Army (UMBANE) as "specified entities" under the Suppression of Terrorism Act passed on June 19. Persons who abetted, aided,

sympathized with, sheltered, or provided logistical support to these organizations were subject to arrest and prison terms of 25 years to life.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, but the king may waive these rights at his discretion, and the government restricted these rights during the year. Publishing criticism of the monarchy is banned, and the law empowers the government to ban publications if they are deemed "prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health." Most journalists practiced self-censorship.

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. During the year the attorney general and the prime minister warned journalists and diplomats against making statements that could be interpreted as seditious. After the November 15 arrest of PUDEMO leader Masuku, several civic organizations, including the Council of Swaziland Churches and the Law Society, published notices in daily papers alerting the king to their concern about the "selective implementation of the country's constitution."

There were two daily newspapers, the independent Times of Swaziland and the Swazi Observer, which was owned by the king's investment company, Tibiyo Taka Ngwane. Both newspapers continued to criticize government corruption and inefficiency but generally steered clear of the royal family. The Ministry of Public Service and Information periodically published Swaziland Today newspaper. Private companies and church groups owned several newsletters and magazines.

Journalists were threatened, harassed, assaulted, and detained during the year, particularly after Attorney General Majahenkhaba Dlamini warned on November 17 that journalists who criticized the government could be viewed as supporting terrorists and arrested under the Suppression of Terrorism Act (see section 2.b.).

Journalists received anonymous telephone calls advising them not to pursue particular stories, and many of them complied, according to a July 4 Media Institute of Southern Africa report.

On June 14, traditional governor Jim Gama harshly criticized the print media for negative reporting on a national gathering called by the king.

In August USDF soldiers assaulted a Times newspaper team and seized their cameras; the journalists were at the airport to cover the return of nine of the king's wives and their entourage from a lavish shopping spree abroad. No action was taken against the soldiers.

On September 18, police searched and harassed freelance journalist Lunga Masuku and Times newspaper reporter Peter Mavuso, who were covering a labor demonstration aimed at blocking the movement of goods between Swaziland and South Africa (see section 2.b.). Police also threatened to delete photos from the camera of the Times journalist. After a verbal confrontation, the officers allowed the journalists to carry on with their duties.

On December 16, police officers detained two freelance journalists for six hours after raiding the location where they were meeting an informant. The police repeatedly slapped the journalists and broke their equipment. No investigation of the incident had been conducted by year's end.

In July 2007 parliament investigated charges of contempt against Times newspaper editor Mbongeni Mbino, who criticized Speaker of the House Prince Guduza in a July 2007 editorial; Mbino was cleared of the charges in October 2007.

Former prime minister Absalom Themba Dlamini hosted monthly media breakfasts for journalists of both Times and Observer newspapers and broadcast media; however, the government generally restricted media content, especially on government television and radio, and limited access to information.

At an August 27 press conference, a government official instructed journalists in the questions they were permitted to ask the king.

In June 2007 the minister of health and social welfare barred journalists from government hospitals and banned government hospital staff from talking to the media following an article in the Times newspaper that attributed the death of a four-year-old girl with rabies to the hospital's inadequate supply of drugs.

Harsh defamation laws were used to stifle the press. On March 18, Speaker of the House Guduza, brother to the king, sued the Times newspaper for two million emalangeni (\$212,800) for articles it published about his involvement with a company that allegedly illegally imported cigarettes worth 17 million emalangeni (approximately \$1.8 million) into the country. The case had not gone to trial by year's end.

On February 7, the High Court awarded Member of Parliament (MP) Marwick Khumalo a default judgment of 120,000 emalangeni (\$12,766); in July 2007 Khumalo had sued Bheki Makhubu, the editor of the private Nation magazine, for defamation after Makhubu wrote an article accusing Khumalo of corruption. However, on February 22, the High Court granted the Nation magazine an order for stay of execution, and the case remained pending at year's end.

The March 2007 defamation suit filed by MP Maqhawe Mavuso against the Swazi Observer newspaper remained pending at year's end; the Observer had included Mavuso's name in an article about an alleged assault.

There was one government-owned radio station and one independent radio station that broadcast religious programs. There was a privately owned television station; however, the owner's mother was a daughter of the previous king, Sobhuza II, and the station's reporting favored the monarchy. The government-owned Swaziland Television Authority and radio stations were the most influential media in reaching the public, although neither generally broadcast coverage of antigovernment demonstrations, such as the women's march against a foreign shopping spree by most of the king's wives and children. Government broadcast facilities retransmitted some Voice of America and BBC news programs in their entirety.

Consumers freely purchased and used satellite dishes to receive signals and programming from independent South African and other international service providers.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet cafes existed in larger urban areas, but most citizens lived in rural areas, and only 3.5 percent of residents had daily access to the Internet. A single Internet provider held a government-approved monopoly.

#### Academic Freedom and Cultural Events

Restrictions on political gatherings and the practice of self-censorship restricted academic freedom by limiting academic meetings, writings, and discussion on political topics. There were no government restrictions on cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly; however, the government severely restricted this right during the year. The law requires police consent to hold political meetings, marches, or demonstrations in a public place. Authorities withheld permission to hold some meetings sponsored by groups such as the Congress of South Africa Trade Unions on grounds that they were not in the national interest or would "compromise peace, security and stability of the country."

In early September the government attempted to ban demonstrations in Mbabane and Manzini; however, more than 10,000 demonstrators marched to demand political reform.

On October 13, the government banned the Southern African Social Forum (SASF) from holding its annual meeting in Manzini, citing public safety; the government charged that participating labor groups had approved of the September bombings. On October 15, the High Court ruled that the ban was unconstitutional, and the SASF held the conference, although attendance was low due to confusion by foreign delegates over the government's original restriction and the reluctance of local groups to attend a function officially disallowed by their political leaders.

Police arrested union members and forcibly dispersed thousands of workers conducting legal strikes during the year (see section 6.a.).

Police attacked and forcibly dispersed demonstrators, many of whom were injured. No action was taken against police who used excessive force on demonstrators.

For example, on January 17, police dispersed University of Swaziland demonstrators with batons, rubber bullets, and tear gas, according to media reports; numerous students were injured, including one person who was shot. Police also forcefully entered nearby homes and assaulted occupants (see section 1.f.).

On September 18, in Shiselweni, police beat and used tear gas on textile workers who were attempting to blockade the border with South Africa to demonstrate for political reform. Since most imports come from South Africa, demonstrators hoped that an effective boycott on the day before national elections would highlight their grievances with the government. Police prevented protestors from nearing the four key border posts with South Africa and detained labor leaders (see section 6.a.). Prime Minister Dlamini called "unacceptable" the exercise of the right to protest by disrupting the free flow of goods and services.

No action was taken against security forces that forcibly dispersed demonstrations in 2007 and 2006.

##### Freedom of Association

The constitution provides for freedom of association, but the government severely restricted this right during the year. The constitution does not address the formation or role of political parties, and a 2006 High Court appeal to the 1973 ban on political parties had not been heard by year's end. However, in a September affidavit, the former prime minister reiterated that political parties were banned, and on November 14, Prime Minister Dlamini issued an

official declaration designating PUDEMO, SSN, SWAYOCO, and UMBANE as "specified entities" under the Suppression of Terrorism Act. The act, which was implemented following the September 19 detonation of a bomb near King Mswati's palace, provides that persons or groups found associating with any of the four illegal groups can be sentenced to prison terms of 25 years to life. According to the attorney general, persons or groups that abet, aid, sympathize with, shelter, or provide logistical support to these organizations invite the "wrath of the law."

The government harassed and detained opposition members and conducted surveillance on members of labor unions, political groups, and groups considered potentially political (see sections 1.f. and 3).

Prior to the ban on political parties and organizations, several political organizations in June filed suit to nullify the Elections and Boundary Commission because it did not include representation from political parties (see section 3).

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

New religious groups or churches are expected to register with the government, and there were no reports that any groups were denied registration during the year.

Government permission was required for the construction of new religious buildings. Non-Christian groups sometimes experienced minor delays in obtaining permits from the government. The government-owned television and radio stations did not permit non-Christian religious groups to broadcast.

#### Societal Abuses and Discrimination

Relations between religious groups were generally amicable, although church-related land disputes and rivalry between branches of some sects resulted in violence, arson, and two deaths that were under investigation at year's end. The Jewish community comprised less than 1 percent of the population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. It also states that provisions of law and custom, which impose restrictions on the freedom of any person to reside in the country, shall not contravene the freedom granted by the constitution.

Non-ethnic Swazis sometimes experienced lengthy processing delays when seeking passports and citizenship documents, in part due to the country's history when mixed-race and white persons were not considered legitimate citizens.

The government routinely granted Swazi travel and citizenship documents to several thousand ethnic Swazis living in, and legal citizens of, South Africa.

The law prohibits forced exile, and the government did not use it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and minimal assistance to refugees and asylum seekers. In July the government provided temporary protection to Somali refugees fleeing xenophobic attacks in South Africa.

The government accepted refugees for permanent resettlement, allowed them to compete for jobs, and granted them work permits and temporary residence permits without discrimination. The government also provided refugees with free transportation twice a week to buy food in local markets and to earn a living. Refugees who lived in the country more than five years qualified for citizenship; however, most refugees applied after extended periods of time living in the country, due to lack of information regarding their immigration status.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens could not change their government peacefully, and political parties were banned. The king retains ultimate executive and legislative authority; parliament has limited authority. 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, 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 members of parliament. The constitution states that the king is required to consult with others (usually a traditional council) before exercising a major decision; however, he is not required to accept their advice.

The September 19 explosion of a bomb, which detonated early and killed two of the suspected instigators, was the catalyst for King Mswati's decision to make fighting terrorism his number one concern. On October 16, the king announced Barnabas Dlamini as the new prime minister, denounced terrorism, and said any necessary means should be used to stop it. He warned progressive organizations that they would be dealt with accordingly. On November 14, Prime Minister Dlamini issued a declaration designating PUDEMO, SSN, SYC, and the SPLA as "specified entities" under the Suppression of Terrorism Act (see section 2.b.). Persons found associating with any of the organizations faced prison terms of 25 years to life.

### Elections and Political Participation

On September 19, parliamentary elections were held, the first since the constitution went into effect in 2006; the king appointed a new government in October. International observers concluded that the elections did not meet international standards. Political parties were not allowed to register or sponsor candidates; ballots were cast in secrecy but could be traced by registration number back to voters; some ballot boxes were not properly protected; and accusations of bribery occurred. There were widespread reports that citizens were advised that if they did not register to vote, they would no longer receive government services.

The constitution provides that the five members of the Electoral and Boundaries Commission (EBC) be chosen by the king on the recommendation of the Judicial Services Commission; EBC commissioners serve for 12 years and draw district boundaries, commission civic education and voter registration programs, and publish postelection reports. After the five members were selected in March, the National Constitution Assembly, Swaziland National Association of Teachers, Swaziland Federation of Labor, Swaziland Federation of Trade Unions (SFTU), Ngwane National Liberation Congress, and PUDEMO collectively sued the EBC on the grounds that its composition did not reflect diverse societal groupings in the country, including political organizations. One judge on the High Court, and

the person named to replace her, recused themselves without explanation. On September 17, the High Court ruled that there was no legal requirement for the EBC to include all types of groups.

In July the Swaziland Coalition of Concerned Civic Organizations also filed suit against the EBC, claiming the commission did not meet the constitutional requirements for independence and relevant qualifications. The High Court heard the case on November 12 but had not issued a verdict by year's end.

In 2007 the High Court rejected a petition by the National Constituency Assembly (NCA), a group of civic associations, to declare the constitution null and void since the drafting process did not include extensive consultation with citizens, as required by the 1973 Emergency Decree. Despite plans to do so, the NCA had not appealed the 2007 court decision by year's end.

When the new constitution took effect, the 1973 decree that banned political parties lapsed; the constitution provides for freedom of association but does not address political parties. In 2006 the minister of justice and constitutional affairs stated that political organizations could hold meetings at "tinkhundla" (local government) centers if they obtained permission from the regional administrator and allowed a police officer to attend the meeting. However, political and civic organizations reported problems with traditional authorities when they requested permission to meet.

During the year the government harassed and arrested opposition members. On July 5, police arrested four PUDEMO members during a rally organized to commemorate PUDEMO's 25th anniversary; the members were charged with malicious damage to property. A police officer pointed a gun at PUDEMO secretary Sphasha Dlamini and demanded that she hand over her camera, after which police deleted all photos of the day's event, including those documenting police harassment.

Chiefs are custodians of traditional law and custom and are responsible for the day-to-day running of their chiefdoms and for maintaining law and order. Chiefs act as overseers or guardians of families within the communities. They are an integral part of society and traditionally report directly to the king. Local custom mandates that chieftaincy is hereditary. However, the constitution, while recognizing that chieftaincy is "usually hereditary and is regulated by Swazi law and custom," also states that the king "can appoint any person to be chief over any area." As a result, many chieftaincies were nonhereditary appointments, which provoked land disputes, especially at the time of burials.

The constitution provides that 55 of the 65 members of the House of Assembly be popularly contested and that the king appoint the remaining 10 members; five of the 10 must be women, and the other five must represent "interests, including marginalized groups not already adequately represented in the House." If women do not constitute one-third of the 65 members of the House, the constitution provides for the inclusion of one woman from each of the four regions, nominated by the elected house members from that region. Despite these constitutional requirements, by year's end the king had appointed two women, rather than five, and the House had not appointed any of the four female regional representatives by year's end.

The king appoints 20 members of the 30-seat Senate, and the House of Assembly elects the other 10. The new constitution provides that eight of the king's nominees and five of the House of Assembly's nominees be women. The constitution also states that candidates for public office must compete on their individual merit, thereby blocking competition based on political party affiliation. Despite these constitutional requirements, by year's end the king had appointed seven women as senators, rather than eight, and another five female senators were elected by House members. By year's end, women constituted 20 percent, rather than the mandatory 30 percent, of parliamentary seats. The king also appointed five women as ministers.

Widows in mourning (for periods that can vary from one to three years) were prevented from appearing in certain public places and in close proximity to the king. As a result, widows were effectively excluded from voting or running for office.

There were no ethnic minorities in the government. The constitution provides that other appointees should represent "interests, including marginalized groups not already adequately represented in the House." However, most officials were from the royal Dlamini family.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. There was a widespread public perception of corruption in the executive and legislative branches of government and a general consensus that the government was doing little to combat it. In September the Anticorruption Commission, with a commissioner and two deputies, was officially launched; however, no corruption cases had been filed by year's end. The World Bank's Worldwide Governance Indicators reflect that corruption was a serious problem.

Credible reports continued that business contracts were awarded on the basis of the owners' relationship with government officials.

In February government official Maswazi Shongwe and Senator Thandi Maziya were arrested and charged with fraud; the two were accused of presenting false receipts to the accountant general for the purchase of five cattle for official celebrations, defrauding the government of 100,000 emalangeni (\$10,640). Both officials were released on bail and awaiting trial at year's end.

According to April media reports, the Ministry of Foreign Affairs and Trade principal secretary, Clifford Mamba, testified before parliament's public accounts committee that Prince David, the former minister of justice and constitutional affairs, simultaneously received a salary as cabinet minister and the country's ambassador to Denmark. The Ministry of Foreign Affairs asked the attorney general's office to intervene after Prince David refused to reimburse the government more than 430,000 emalangeni (\$45,700); however, no action had been taken by year's end.

The nine suspects released on bail in January 2007, including the former principal secretary of the minister of finance and other individuals closely associated with the king, were still awaiting trial at year's end for spending 50 million emalangeni (\$5.3 million) on a business training exercise for which the government had allocated only 10 million emalangeni (\$1.6 million).

No further action was taken on the March 2007 parliamentary report alleging government corruption in the procurement of medicine; in June 2007 the House of Assembly rejected the report for containing unsubstantiated claims of corruption.

No action was taken on the 2006 report recommending disciplinary hearings for seven customs officials implicated in undercharging importers by approximately 28.5 million emalangeni (\$3 million) or the recommendation in the report to ban several companies from eligibility for government tenders.

The constitution prohibits government officials from assuming positions in which their personal interest is likely to conflict with their official duties. These officials are required to declare their assets and liabilities to the Integrity Commission within six months of its establishment; however, the Integrity Commission is subsumed under the Commission on Human Rights and Public Administration, which still had not been established by year's end.

There is no law permitting public access to government documents, and public documents were difficult to access.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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; however, government officials were rarely responsive to their views. Among the active groups were the Swaziland Action Group Against Abuse, Lawyers for Human Rights of Swaziland, and Women and Law in Southern Africa. Human rights groups spoke out on a number of occasions, criticizing the lack of accountability and transparency in the government.

The constitution provides for the independence of human rights nongovernmental organizations; however, this provision falls within the "policy" section, which cannot be enforced in any court or tribunal.

The government still had not established the Commission on Human Rights and Public Administration by year's end; the constitution provides that the commission be established no later than 2007. The commission, once established, may not investigate "a matter relating to the exercise of any royal prerogative by the Crown."

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, disability, age, ethnicity, religion, political opinion, or social status; however, the government did not consistently enforce the law.

##### Women

The law criminalizes rape, including spousal rape; however, rape was common, and the government did not always enforce the law effectively. According to the 2007 RSPS Annual Report, 663 rape cases were reported in 2007. Rape was regarded by many men as a minor offense, despite being against the law; a sense of shame and helplessness often inhibited women from reporting such crimes, particularly when incest was involved. The maximum sentence for aggravated rape is 15 years; however, the acquittal rate for rape was high, and sentences were generally lenient.

Domestic violence against women, particularly wife beating, was common, despite traditional restrictions against it. According to a survey conducted during the year by the government's Central Statistics Office, 60 percent of men believed it was acceptable to beat their wives, and 18 percent of females between 13 and 14 years old had contemplated suicide, primarily as a result of domestic violence. Women have the right to charge their husbands with assault under both the Roman-Dutch and the 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 against a woman, not involving rape, 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 modern courts to convict men for spousal abuse. The Roman-Dutch legal system often gave light sentences in cases of abuse against women. During the year units for domestic violence, child abuse, and sexual abuse were established in two regions of the country.

Prostitution is illegal, but enforcement was inconsistent, particularly near industries and military bases.

The law provides some protection from sexual harassment, but its provisions were vague and largely ineffective; no cases have been brought to court. There were occasional reports of sexual harassment, most often of female students by teachers.

Women occupied a subordinate role in society. The dualistic nature of the legal system complicated the issue of women's rights. Since unwritten 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 and inheritance in the event of divorce or death. Under the constitution children derive citizenship from the father and not from the mother, unless the birth occurred outside marriage and the father does not claim the child. A foreign woman who marries a citizen can become a citizen by lodging a declaration with the proper authorities.

The constitution provides that women can open bank accounts, obtain passports, and take jobs without the permission of a male relative; however, these rights were not always protected. Women routinely executed contracts and entered into a variety of transactions in their own names; however, banks still refused personal loans to women without a male guarantor. The constitution provides for equal access to land; however, in practice this right was not enforced. The law requires equal pay for equal work; however, the average wage rates for men by skill category usually exceeded those of women. Several existing acts reportedly require amendments to bring them into line with the constitution, including the Marriage Act, the Administration of Estates Act, the Deeds Registry Act, and others.

In traditional marriages a man may take more than one wife. A man who marries a woman under civil law may not legally have more than one wife, although in practice this restriction sometimes was ignored. Traditional marriages consider children to belong to the father and his family if the couple divorce. Children born out of wedlock are viewed as belonging to the mother. Inheritances are passed through male children only. Traditional authorities still exercise the right to fine women for wearing pants. For example, in May a Manzini-based vendors' association banned young females from wearing pants.

The constitution states that "a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed"; however, traditional family practices may treat a woman as an outcast if she refuses to undergo the mourning rite. When the husband dies, his widow must remain in strict mourning for one month, during which time she cannot leave the house, and the husband's family can move into the homestead and take control of its operations. In some cases the mourning period can last for years. During the year the media reported that widows and children heading households sometimes became homeless as a result of the custom and were forced to seek public assistance, a development exacerbated by the country's high rate of HIV/AIDS. The 2006-07 Demographic and Health Survey found that 6 percent of women between 15 and 49 years of age were widows, half of whom had been dispossessed of property.

During the year Nhlngano election officials refused to allow widows in mourning to register to vote.

The Ministry of Home Affairs Gender Unit is responsible for coordinating women's issues. During the year the unit visited a number of communities as part of a national campaign against gender violence and launched the "Vote for Women" campaign with assistance from the UN Development Program and in collaboration with the Women and Law in Southern Africa.

#### Children

Government efforts to protect children's rights and welfare were inadequate, due in part to the growing number of orphans and vulnerable children (OVC), which made up an estimated 10 percent of the population.

The government did not provide free, compulsory education for children. The government paid textbook costs for first through seventh grade students, while the student paid varying school fees and contributed to the building

fund. The government set per-child and per-school limits on the amounts it paid for OVC tuition and school fees, but some schools complained of delayed payment and expelled OVCs for nonpayment of fees. Supplemental money sometimes had to be raised for building maintenance, including teachers' housing. Rural families favored boys over girls if they could not send all their children to school.

Child abuse, including rape of children and incest, was a serious problem, but the crime was rarely reported, perpetrators of abuse were seldom punished, and penalties seldom matched the crime. Many children became HIV positive as a result of rape. A study released by the UN Children's Fund (UNICEF) in April found that one in three women in the country has suffered some form of sexual abuse as a child and that one in four experienced physical violence. Most sexual assaults of girls occurred at home, and less than half of sexual assaults were reported. Disabled children, children out of school, and orphans were at particular risk. Punishment for child abuse was minimal, and even the perpetrators of abuse that resulted in death were generally fined no more than 200 emalangi (\$21).

Corporal punishment by teachers and principals is legal and routinely practiced. School regulations state that a teacher can administer a maximum of four strokes on the buttocks to a student younger than 16. On May 29, the media reported that the chairman of a school whipped 18 primary school children for eating their lunch from buckets. Some parents protested the whippings of their children.

On September 15, the Times of Swaziland newspaper reported that traditional leaders in KaGwegwe whipped four girls on the buttocks for not dancing during their Reed Dance, an annual celebration.

The media frequently reported on the abandonment of newborn babies by unwed mothers, but no official statistics were available.

The legal age of marriage is 18 for both men and women. However, with parental consent and approval from the minister of justice, girls can marry at age 16. The government recognized two types of marriage: civil marriage and marriage under law and custom. Traditional marriages under law and custom can be with girls as young as 14. Critics of the royal family said the king's many wives and young fiancées, some of whom were 16 years old, set a poor example in a country with an HIV/AIDS prevalence at 33.4 percent among persons between 15 and 49 years of age.

The law prohibits prostitution and child pornography, provides protection to children less than 16 years of age from sexual exploitation, and sets the age of sexual consent at 16 years. There were reports that girls worked as prostitutes, including vulnerable children orphaned by HIV/AIDS and street children.

There were growing numbers of street children in Mbabane and Manzini. A large and increasing number of HIV/AIDS orphans were cared for by aging relatives or neighbors, or they struggled to survive in child-headed households. Some lost their property to adult relatives. NGOs, such as the National Emergency Response Committee on HIV and AIDS, a private group partly funded by the government and by international donors, assisted some AIDS orphans.

With more than 10 percent of households headed by children, UNICEF supported school feeding programs, established a number of neighborhood care points, and provided nutritional support to children weakened by AIDS.

#### Trafficking in Persons

The law does not prohibit trafficking in persons; however, existing statutes against crimes such as kidnapping, forced and compulsory labor, aiding and abetting "prohibited immigrants" to enter the country, brothel keeping,

and procurement for prostitution could be used to prosecute traffickers. A human trafficking problem was suspected but neither substantiated nor ruled out by specific reporting or official investigation. Anecdotal evidence indicated children were trafficked internally or from Mozambique for domestic servitude in the homes of wealthy families, as well as through the country to South Africa for domestic servitude and possibly also for commercial sexual exploitation. According to the International Organization for Migration, Chinese women were trafficked through the country and sold in neighboring countries.

There were no known investigations or prosecutions of trafficking cases during the year. No government agency is specifically responsible for combating trafficking in persons or maintaining records distinguishing trafficked persons from other illegal immigrants or refugees.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution provides protection for persons with disabilities and requires parliament to enact relevant implementing legislation. However, parliament had not passed laws to prohibit discrimination against persons with disabilities in employment or to provide access to health care or other state services by year's end. Persons with disabilities have complained of government neglect. There are no laws that mandate accessibility for persons with disabilities to buildings, transportation, or government services, although government buildings under construction included some improvements for those with disabilities, including accessibility ramps.

There is one school for the deaf and one special educational alternative school for children with physical or mental disabilities. Only 25 percent of adults with disabilities were employed, mostly in the private sector, according to a 2006 study conducted by the Ministry of Health and Social Welfare. In 2006 the minister for enterprise and employment found that of 10,600 visually impaired persons in the country, only three were employed. Despite the minister's 2006 pledge to introduce a bill compelling employers to create specific jobs for the visually impaired, no bill had been introduced by year's end. The hospital for persons with mental disabilities in Manzini was overcrowded and understaffed.

In October a blind man was appointed as a senator, marking the first time a person with disabilities served in parliament.

#### National/Racial/Ethnic Minorities

The constitution forbids discrimination on the grounds of race, color, ethnic origin, tribe, or birth; however, governmental and societal discrimination was practiced against non-ethnic Swazis, generally white persons and persons of mixed race. Although there were no official statistics, an estimated 2 percent of the population was non-ethnic Swazi. Non-ethnic 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 a bank loan.

#### Other Societal Abuses and Discrimination

Societal discrimination against homosexuals was prevalent, and homosexuals generally concealed their sexual preferences.

There was a social stigma associated with being HIV positive, which discouraged persons from being tested, despite public relations campaigns to promote testing. Nevertheless, there were often long lines of persons waiting to be

tested during prevention campaigns, especially among the young. The military encouraged testing and did not discriminate against those testing positive.

## Section 6 Worker Rights

### a. The Right of Association

The constitution and law provide that workers have the right to form and join associations of their choice, including trade unions, without previous authorization or excessive requirements, and workers exercised this right in practice, with some exceptions. Employees in essential services, which included police and security forces, correctional services, firefighting, health, and many civil service positions, may not form unions. Unions must represent at least 50 percent of employees in a work place to be automatically recognized; otherwise, recognition is left to the discretion of employers. Approximately 80 percent of the formal private sector was unionized. The law allows unions to conduct their activities without government interference. The law does not specifically permit strikes, but it allows employees who are not engaged in essential services to participate in peaceful protest action to promote their socioeconomic interests.

On May 23, the Supreme Court upheld a High Court ruling that banned registration of unions within the disciplined forces; in 2007 the unregistered Swaziland Police Union (SWAPU) and the Swaziland Correctional Officers Union filed suit to register as unions. SWAPU claimed that the 2000 Industrial Act, which excludes the disciplined forces from the right to form a union, conflicted with constitutional provisions on freedom of expression and association. The Supreme Court urged parliament in its decision to reconsider the conflicting articles of legislation.

The procedure for announcing a protest requires an advance notice of at least 14 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 have been exhausted and a secret ballot of union members has been conducted.

From March 3-10, in Manzini and Nhlengano, police shot, beat, and used tear gas to disperse thousands of textile and public transport workers engaged in a legal strike; an estimated 40 persons--mostly women--were injured, according to the Swaziland Manufacturing and Allied Workers Union. Police also briefly detained eight workers, one of whom was charged with intent to organize and illegal demonstration; police reportedly took another detainee to a dam, where he was submerged multiple times in an effort to obtain information. Union members subsequently suspended the textile workers' strike due to the intensity of police attacks. Police spokesperson Vusi Masuku said police had used minimal force.

Police also detained union leaders. For example, on August 21, 10 police officers briefly detained and interrogated SFTU secretary general Jan Sithole about his participation in an August 16 protest march at the Heads of State Summit in South Africa.

On September 18, police briefly detained SFTU secretary general Sithole, Swaziland National Association of Teachers (SNAT) secretary general Dominic Nxumalo, SNAT member Sibongile Mabuza, SWAYOCO member Jerome Shongwe, and several others who were en route to a border blockade. During a six-hour ride in the back of a police van, police interrogated and threatened them with physical abuse, eventually dumping the men at police headquarters in Manzini. Other political party members detained by police were dumped in a forest in Nkhabba.

Unlike in the previous year, there were no reports that union leaders were ordered to surrender their travel documents after attending meetings abroad.

b. The Right to Organize and Bargain Collectively

The constitution and law provide for the right to organize and bargain collectively, and the government generally respected this right in practice. However, employer interference with representatives of workers' councils to negotiate rules and terms of conditions of work contributed to the failure of some trade unions to negotiate or promote collective bargaining agreements.

The law prohibits antiunion discrimination; however, such discrimination continued to occur. In the case of unfair dismissal, the court can order reinstatement and compensation for the employee, as well as fine the employer. Union leaders made credible charges that private sector management in various industries dismissed workers for union activity, but no cases were pursued through the courts. Other concerns identified by unions were undefined hours of work and pay days, assaults on workers by supervisors, surveillance by hired security officers of trade union activity, both at the workplace and outside, and the use of workers' councils stacked with employer-picked representatives to prevent genuine worker representation. The allegations of antiunion discrimination were most common in the mostly foreign-owned garment sector.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. The SFTU characterized the 1998 Administrative Order as a form of forced labor, noting that it reinforced the tradition of residents performing uncompensated tasks for chiefs, who could penalize those who did not participate.

d. Prohibition of Child Labor and Minimum Age for Employment

The constitution and law prohibit child labor, but child labor was a problem. The law prohibits hiring a child younger than 15 in an industrial undertaking, except in cases where only family members were employed in the firm, or in technical schools where children worked under supervision. However, children were vulnerable to joining the workforce early to survive or support their families, and the law does not provide for compulsory primary school education. The law limits the number of night hours that children may work on school days to six and the overall hours per week to 33.

Employment of children in the formal sector was not common, but children were found doing unpaid labor and often exposed to harsh conditions of work. In rural areas, children below the minimum age frequently were employed in the agricultural sector, particularly in the eastern cotton-growing region, and were employed as domestic workers and as herder boys. Children reportedly worked in towns as traders, hawkers, porters, car wash attendants, and bus attendants. Minors were reportedly victims of prostitution and trafficking.

The Ministry of Enterprise and Employment's Department of Labor was responsible for enforcement, but its effectiveness was limited by personnel shortages and other resource constraints.

e. Acceptable Conditions of Work

The Ministry of Enterprise and Employment sets wage scales for each industry. There was a legally mandated sliding scale of minimum wages depending on the type of work performed. The minimum monthly wage for a domestic worker was approximately 300 emalangeni (\$32), for an unskilled worker 420 emalangeni (\$45), and for a skilled worker 600 emalangeni (\$64). In May correctional and police officers received a 15 percent pay increase,

backdated to April 1. In October 2007 the government agreed to a 140-million-emalangeni (\$15 million) pay increase backdated to April for civil servants, to include a 4.5 percent increase in living allowances and a 225 percent increase in housing allowances, the latter representing an increase of 100 emalangeni (\$11) to 650 emalangeni (\$70). These minimum wages still did not provide a decent standard of living for a worker and family. Migrant workers were not covered under minimum wage laws. Wage arrears, particularly in the garment industry, were a problem.

There was a standard 48-hour workweek for most workers and a 72-hour workweek for security guards. The law permits all workers 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. Workers receive 14 days of sick leave with full pay, and 14 days with half pay after three months of continuous service; however, 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. These standards do not apply to foreign and migrant workers. The labor commissioner conducted inspections in the formal sector; however, these inspections generally did not result in enforcement of the law.

The constitution calls on parliament to enact new laws to protect a worker's right to satisfactory, safe, and healthy employment conditions; however, parliament had not enacted any such laws by year's end. 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; however, the Labor Commissioner's Office conducted few safety inspections because of staffing deficiencies and an alleged desire not to "scare off foreign investors." Workers have no legal right to remove themselves from dangerous workplaces without jeopardizing their continued employment, and collective bargaining agreements do not address the matter.

There were extensive provisions allowing workers to seek redress for alleged wrongful dismissal, and these provisions frequently were invoked during the year.