

# SWAZILAND 2017/2018

Forced evictions continued to be carried out. The Public Order Act and the Suppression of Terrorism Act (STA) severely limited the rights to freedom of expression, association and peaceful assembly. A ban on opposition parties continued. Gender-related violence remained prevalent and Parliament failed to enact the Sexual Offences and Domestic Violence Bill.

## *Background*

Student protests continued throughout the year following government cuts to state-funded tertiary scholarships in 2016. Ten students were arrested in September in connection with the protests.

## ***Right to housing and forced evictions***

Communities continued to be at risk of forced evictions. Around 85 families in at least two communities faced imminent evictions without being provided with alternative housing or adequate compensation. Although the Constitution prohibited arbitrary deprivation of property without compensation, in practice the lack of legal security of tenure left people vulnerable to forced evictions. In a judgment in April, a High Court ruled that the constitutional provision of compensation to evicted residents was limited to evictions carried out by the state; residents affected by forced evictions carried out by private actors were excluded from access to certain remedies.

In Madonsa in the Manzini region, at least 58 families were at risk of imminent eviction after the Swazi National Provident Fund (SNPF), a government parastatal, claimed ownership of the land on which they resided. After a protracted seven-year legal process, the High Court ordered in 2011 that the families be evicted without compensation or alternative accommodation. They remained on the land at the end of the year.

In Mbondzela, in the Shiselweni region, 27 families threatened with eviction began proceedings against a private company which sought to appropriate their land for the development of a game park. On 19 October, the Central Farm Dwellers Tribunal dismissed their case and allowed the eviction, ruling that the private company should provide the residents with building material to construct homes elsewhere.

## ***Freedoms of assembly and association***

King Mswati approved the Public Order Act on 8 August, which curtailed the rights to freedom of assembly and association, imposing far-reaching restrictions on organizers of public gatherings. The Act also failed to provide mechanisms to hold law enforcement officials accountable for using excessive force against protesters or public gatherings.

The government continued to ban opposition parties.

## ***Legal, constitutional or institutional developments***

In August, the King approved the STA, which amended the 2008 Act. The amendments limited the definitions of what constitutes a terrorist act although the wording was overly broad and vague in relation to terrorism-related acts. The law also contained provisions that undermined the rights to freedom of expression, association and assembly.

An appeal by the government against a 2016 High Court ruling that found that the original STA, as well as the Sedition and Subversive Activities Act, were invalid on the grounds that

they infringed the constitutionally guaranteed rights to freedom of expression, association and assembly, was due to be heard in October 2017. However, the government failed to submit its arguments on time and the Court withdrew their appeal.

### ***Violence against women and girls***

The Sexual Offences and Domestic Violence Bill, first introduced in Parliament in 2009, was not passed, despite ongoing reports of gender-related violence. In October, the Deputy Prime Minister's office introduced proposed amendments, which included the removal of clauses which criminalized incest, unlawful stalking, abduction and indecent exposure, on the grounds that these provisions compromised Swazi cultural practices.

### ***Impunity***

Under the Game Amendment Act of 1991, game rangers continued to enjoy immunity from prosecution related to carrying out their duties, including in cases where they killed alleged poachers. During the year police investigated at least six such killings by rangers; no one was known to have been brought to justice.

More than two years after the death in police custody of Luciano Reginaldo Zavale, a Mozambican national, the authorities had still not made public findings from an inquest into his death.