



Commonwealth Human Rights Initiative



Time for the Commonwealth to act on Swaziland 16 August 2012

The Commonwealth Human Rights Initiative and global civil society network CIVICUS: World Alliance for Citizen Participation call for the Commonwealth to bring Swaziland under the scrutiny of the Commonwealth Ministerial Action Group for persistent and serious violations of Commonwealth values.

While Swaziland's national constitution (2005) guarantees the rights of freedom of expression, association and assembly, these fundamental freedoms are weakened by contrary claw-back provisions that limit their exercise.

The King's Proclamation of 1973, which prohibits political organising, remains in force. Political parties are banned. Political activity and expression that does not align itself with the regime is not tolerated. Political gatherings are regularly dispersed and publications critical of the regime are censored.

The lack of tolerance of dissent is evidenced by the de-registration of the Trade Union Congress of Swaziland in April 2012, soon after it stated its intention to boycott the 2013 elections. That same month, peaceful pro-democracy protests were repressed, with journalists detained and human rights defenders harassed.

Pro-democracy activists and human rights defenders are targeted using imprecise counter-terror legislation, including the Suppression of Terrorism Act (2008) and the draconian provisions of the Sedition and Subversive Activities Act (1938), which are regularly employed to inhibit the exercise of democratic and civic freedoms.

There is a strong perception of police impunity, as credible allegations of extra-judicial killings, torture and ill-treatment have not been adequately addressed.

In addition, the Swaziland media remains highly controlled by the state. The government is reported to have initiated plans to introduce new laws to censor radio programmes and reports that contradict the agenda of the government. Earlier this year the government highlighted plans to extend the criminalisation of dissent to social networking sites, as the Minister of Justice informed Swaziland's senate of plans to "get tough" on those who criticise the King on Twitter and Facebook.

The next elections are due to be held in 2013. We are anxious that the stifling of basic freedoms, including the freedom of expression, is only likely to increase as the country gears up for elections.

It is apt to recall the last election observer report by the Commonwealth Expert Team in 2008. It noted that the suppression of political rights undermined the credibility of the electoral process. There has been little change since then, and we call upon the

Commonwealth to push for conditions on the ground that support an electoral process with genuine space for multi-party participation.

As a member of the Southern African Development Community (SADC), Swaziland is required to abide by the Community's principles of human rights, democracy and the rule of law. We draw attention to the SADC Principles and Guidelines Governing Democratic Elections, which state that SADC members should ensure political tolerance, civic participation in the political process and freedom of association.

Our organisations also support the resolution passed by the African Commission on Human and Peoples' Rights in May 2012, which called on Swaziland's government to respect its human rights obligations, particularly the rights of freedom of expression, association and assembly. The African Commission further called on the Swaziland government to take steps to guarantee credible elections in 2013.

We note that the Commonwealth Secretary-General, after visiting the Kingdom of Swaziland in August 2012, pledged to work "in support of the Commonwealth's values and Swaziland's national priorities with vigour, and in particular to support Swaziland's efforts to build consensus and to become a more resilient, democratic and prosperous society." While this is in keeping with the Commonwealth's practice of constructive engagement, it does not recognise adequately the difficulties faced by the public and civil society groups, particularly when they campaign for democratic checks on the monarch's sweeping powers.

The situation on the ground, and the government of Swaziland's habitual response to dissent, do not indicate its willingness to abide by these principles. We therefore urge action by the Commonwealth Ministerial Action Group, a high level group that deals with serious or persistent breaches of the Commonwealth's democratic and political values. Anything less indicates tacit approval for a regime that is increasingly moving further away from complying with the fundamental political principles of the Commonwealth.

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