

**STATEMENT OF LAWYERS FOR HUMAN RIGHTS (SWAZILAND) MADE AT THE  
56<sup>TH</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND  
PEOPLE'S RIGHTS**

Madam Chairperson and Honourable Commissioners, State delegates, Fellow Human Rights Defenders,

**Madam Chairperson;** Lawyers for Human Rights (Swaziland) would like to express its gratitude for the opportunity to make a statement on the human rights situation in the Kingdom of Swaziland.

Lawyers for Human Rights Swaziland would like to applaud the Commission on its work. We note that this Commission is not one of the favourable organs of the African Union. This is evidence by the fact that; member states are reluctant to host sessions of the Commission, yet human rights violations in the continent continue to escalate.

Human rights defenders in Swaziland continue to be under attack. We have a journalist Bheki Makhubu serving a two year sentence for publishing in the Nation Magazine a critic of the judiciary. We have human rights lawyer; Thulani Maseko serving a 2 year sentence for criticizing the judiciary in the manner it violates basic principles of justice when handling cases. To lend credence to Thulani and Bheki's criticism of the judiciary, the state has now arrested the very same judges (one of which is the Chief Justice) the two human rights defenders were critical of their judicial disposition. We have other human rights defenders Maxwell Dlamini and Mario Masuku currently languishing in jail; their charges based on draconian and colonial legislations such the Sedition Act.

The state further uses the Suppression of Terrorism Act, 2008 to suppress dissenting views than to fight terrorism. We do welcome the measures now taken by the state to try to clean the judiciary by arresting those that were eroding the Rule of Law, which includes the arrest on the Minister of Justice, the Chief Justice, two judges and Registrar of the High Court.

Despite the amendment to the Industrial Relations to operationalize the registration of federations; there seems still to be reluctance on the part of the state to register same; couple with unsavory statements from the Minister of Labour that trade unions which seek to promote democracy will not be registered. Such that; currently there is no worker federation as previously reported in this Commission during the 52<sup>nd</sup> Ordinary Session.

The biggest challenge for Swaziland is the reluctance on the part of the state to comply with the Constitution of the Kingdom of Swaziland; rendering the Constitution as a document for window dressing.

The National Human Rights Commission stills exist in paper without an enabling legislation that conforms to the Paris Principles being enacted to operationalize the Commission.

LHR(S) therefore, implores the Commission to consider the following:

- Undertake another promotional mission to the Kingdom.
- Call upon the government of Swaziland to respect and uphold the Constitution;
- Encourage the government to submit its periodic report with the Commission;
- Encourage the kingdom of Swaziland to pass legislation that will operationalize the National Human Rights Commission in line with Paris Principles;
- Encourage the kingdom of Swaziland to respect and uphold all AU Charters and Protocols and all UN Charters and Protocols to which the kingdom is its signatory;
- To call upon the Government of the Kingdom of Swaziland to repeal the Sedition and Subversive Activities Act of 1938;
- Further, call upon the Government of the Kingdom of Swaziland to amend the Suppression of Terrorism Act, 2008 to be in conformity with the African Charter on Human and Peoples' Rights.

Madam Chairperson; we thank you!