



**Kingdom of Eswatini
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty**

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996

**Prisoners' Future Foundation
and
The World Coalition Against the Death Penalty**

**for the 53rd Session of the Working Group on the Universal Periodic Review
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

Prisoners' Future Foundation (PFF) is a Zambian organisation that works on criminal justice issues across six provinces. PFF helps people in prison, including those on death row, by providing legal help, paralegal support, and working toward fairer laws. PFF is a member of the World Coalition Against the Death Penalty (WCADP), the global network working to end the death penalty everywhere. PFF has deep knowledge of Southern Africa and believes strongly that what happens in one country affects the whole region.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report addresses the Kingdom of Eswatini's compliance with human rights obligations related to the death penalty. Eswatini has had a *de facto* moratorium on executions since 1983.¹ Since then, courts have sentenced 45 people to death, and the King has commuted 44 of those death sentences to life imprisonment.² Courts have not handed down new death sentences since 2016, but one person remained on death row as of the end of 2024.³ The death penalty remains on the books as a possible punishment for both murder and treason. In its 2021 Universal Periodic Review, Eswatini supported a recommendation to strengthen awareness-raising campaigns and public debates on the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, but it has taken no steps to implement the recommendation.
2. In March 2026, Prisoners' Future Foundation (PFF) traveled to the Kingdom of Eswatini for four days on behalf of both PFF and the World Coalition Against the Death Penalty. The purpose of the visit was to find and connect with organizations in Eswatini that are willing to work toward ending the death penalty, to link these organizations to the global movement against capital punishment, and to document the human rights situation on the ground. This report incorporates PFF's findings.
3. This report also addresses human rights concerns related to detention conditions and the arbitrary detention of people deported from the United States.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

4. The Kingdom of Eswatini is Africa's last absolute monarchy. King Mswati III has ruled since 1986 and in practice, he controls the government, parliament, and courts. Eswatini bans political parties and authorities allow little space for civil society to operate. PFF has documented, however, that there are now organized groups inside Eswatini that are connected to the international human rights and are committed to pushing for change from within the country. These developments are a meaningful step forward.

Acceptance of international norms

Status of Implementation: Partially Accepted, Not Implemented

5. In its third-cycle Universal Periodic Review in 2021, Eswatini noted 15 recommendations to take steps toward ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,⁴ but supported Uruguay's recommendation to "[s]trengthen awareness-raising campaigns and public debates on the death penalty from a human rights perspective, including in its Parliament, with a view to realizing its definitive abolition, and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights as soon as possible."⁵ Despite this commitment, Eswatini has not taken any steps toward ratification of the Second Optional Protocol.

Cooperation with civil society; Human rights defenders

Status of Implementation: Partially Accepted, Not Implemented

6. In its third-cycle UPR, Eswatini supported 10 recommendations and noted 11 recommendations to improve civil society space, including by respecting the rights to freedom of expression and association and lifting restrictions against the exercise of the right to freedom of peaceful assembly and the right to freedom of association.⁶ For example, Eswatini supported recommendations to “[e]nsure the freedom of assembly, association and expression,” and to “[t]ake concrete measures to guarantee civil and political rights, including civil society space and press freedom,” but noted recommendations to “[d]evelop legislation to protect the rights to freedom of expression, association and peaceful assembly, including by allowing political parties to register and contest elections” and to “[m]odify or repeal the laws which unduly restrict civil and political rights.”⁷
7. PFF reports that King Mswati III “holds all real power in the country” and controls the three branches of government: “He appoints the majority of senators and members of parliament, and he has the final say over who becomes a judge.” PFF’s March 2026 visit uncovered a key concern: “the lack of adequate cooperation and collaboration between the Government and Civil Society Organizations (CSOs) in enhancing the promotion and protection of human rights in the country.” The gap between civil society and government authorities “undermines the effectiveness of human rights efforts and limits the potential for a coordinated and inclusive approach to addressing human rights challenges.” Moreover, PFF notes that Eswatini does not have a comprehensive legal framework for the protection of human rights defenders, leaving them vulnerable and unable to carry out their important work freely and safely. Without special legal protection, human rights defenders, including lawyers, activists, journalists, and community workers who speak up for the rights of others can face harassment, threats, and other harms.
8. According to PFF, CSOs “work in a very hostile environment,” and PFF “is seriously concerned about this shrinking [civil society] space.” PFF identifies several laws that authorities may use to silence people for exercising their rights to freedom of expression, freedom of association, and peaceful assembly: the Sedition and Subversive Activities Act, the Suppression of Terrorism Act, and the Public Order Act. These laws discourage people from speaking out and exercising their basic freedoms.
9. PFF also reports that authorities in Eswatini do not sufficiently engage with CSOs in the process of drafting state periodic reports to regional and international human rights mechanisms. As a result, those reports may not accurately reflect the human rights situation on the ground or duly represent the voices of ordinary people and members of marginalized groups.

Death penalty

Status of Implementation: Partially Accepted, Not Implemented

10. As discussed in paragraph 5 above, in 2021 Eswatini supported Uruguay's recommendation on the death penalty. Eswatini noted the remaining 19 recommendations it received concerning the death penalty.⁸
11. During the review, Eswatini's delegation stated that the country "continued to take the recommendation to abolish the death penalty under advisement."⁹ It provided no further explanation in its written responses.¹⁰
12. As mentioned in paragraph 4 and 7 above, in Eswatini, executive authority is vested in the monarchy—King Mswati III and Queen Ntombi Tfwala—and is exercised through a dual system of government.¹¹ Although the Constitution provides for three separate branches of government—the executive, legislature, and judiciary—under Eswatini's law and custom, all powers are vested in the monarchy. Eswatini's prime minister is supposed to exercise executive authority, but in reality, King Mswati holds supreme executive power and controls the judiciary,¹² as the King holds ultimate authority over the appointment and removal of judges, acting on advice from the Judicial Service Commission, which is made up of royal appointees.¹³ The King also appoints 20 members of the 30-member senate, 10 members of the 66-member house of assembly, and approves (or vetoes) all legislation passed by parliament.
13. Article 14(1) of the Constitution enshrines "respect for life" as a fundamental right. Under Article 15, titled "Protection of right to life," no one may be "deprived of life intentionally save in the execution of the sentence of a court in respect of a criminal offence under the law of Swaziland."
14. Article 15(2) of the Constitution states that the death penalty shall not be mandatory.¹⁴ The Criminal Procedure and Evidence Act specifically provides that individuals convicted of murder may receive a sentence other than the death penalty if there are extenuating circumstances, but the Act does not require the court to consider such circumstances.¹⁵
15. The Criminal Procedure and Evidence Act of 1938 permitting the use of the death penalty for individuals convicted of murder or treason.¹⁶ The Constitution broadly defines treason as "acting by violent or unlawful means against the Constitution or aiding or abetting one who does."¹⁷
16. Eswatini's laws exclude certain categories of offenders from the death penalty or from execution. For example, the Criminal Procedure and Evidence Act prohibits the execution of pregnant women.¹⁸ Furthermore, a defense of "insanity" at the time of the offense can preclude or limit criminal liability, and authorities may order a mental evaluation during the investigation to evaluate whether the person suspected of the crime is eligible for this exemption.¹⁹
17. Under Article 78 of the Constitution, the King may grant a pardon, commutation, respite, or remittal. The Constitution provides that the King "shall act on the advice of a Committee on the Prerogative of Mercy," which includes two members of the King's Advisory Council, the Attorney-General, the Minister of Justice, and a health expert. After a civilian court convicts a person of a capital offense, the Committee must obtain a report regarding

the case or case record from the judiciary and may consider other information in determining whether to advise the King to exercise the prerogative of mercy.²⁰

18. The Constitution guarantees all people charged with capital crimes not only a right to legal representation at the expense of the government but also the right to be informed of the nature of the charge, the right to be given sufficient time and facilities to prepare a defense, the right to call defense witnesses and cross-examine the prosecution's witness, and the right to the free assistance of an interpreter if necessary.²¹ These rights do not extend to post-conviction representation. In practice, access to legal representation in capital cases remains a challenge. Authorities may provide indigent defendants with a lawyer at public expense in capital cases, but lengthy pretrial detention is common, with 437 defendants reported in pretrial detention as of February 2024 due to shortages of judges, prosecutors, and courtrooms, a weak case management system, and a lack of access to *pro bono* legal representation.²²
19. PFF reports that Eswatini carried out its last execution in 1983, and since then, courts have sentenced 45 people to death. Courts have not handed down new death sentences since 2016.²³ When a court sentences a person to death, a special committee advises the King on whether to grant a pardon or reduce the sentence. The King, however, retains the final say. The King reduced 44 of the 45 death sentences to life in prison. One person remained on death row as of the end of 2024.²⁴
20. The death penalty is not mandatory, and judges can exercise discretion and take mitigating circumstances into account before deciding on an appropriate sentence. In July 2025, for example, the High Court declined prosecutors' request to impose the death penalty on a man convicted of a 2018 murder-for-hire and instead sentenced him to 50 years' imprisonment.²⁵ Authorities may seek the death penalty in a case against a deputy sheriff accused of murdering four women in 2023.²⁶
21. In July 2024, a judge sentenced two pro-democracy Members of Parliament to life imprisonment but in so doing stated that they deserved to be sentenced to death.²⁷ Reports suggest that the King had targeted the MPs for challenging his authority.²⁸ Amnesty International says that the prosecutions were politically motivated and that legal proceedings were "marred by serious due process violations."²⁹ According to Amnesty International, one MP received a pardon on 5 November 2025, subject to "severe restrictions on his speech, movement, and political activity."³⁰ As of March 2026, the other MP remains in detention, where authorities have subjected him to beatings, denied him timely access to his attorney, and denied him medical care.³¹
22. Eswatini abstained from voting on the UN General Assembly's Resolution calling for a global moratorium on the use of the death penalty in 2020,³² 2022, and 2024.³³
23. The coauthors have not identified any reports of efforts by authorities to strengthen awareness-raising campaigns and public debates on the death penalty from a human rights perspective, despite Eswatini's decision to support Uruguay's third-cycle recommendation to that effect.

Administration of justice and fair trial

Status of Implementation: Accepted, Not Implemented

24. In its third-cycle UPR, Eswatini supported four recommendations to improve the administration of justice, including to “[t]ake all measures . . . to guarantee fair trials,” to “[i]ntensify the reform of the judicial system,” to “[i]mplement constitutional protections to ensure the independence of the judiciary,” and to “[f]ully implement Constitutional provisions in order to ensure . . . the independence of the judiciary.”³⁴
25. As discussed in paragraph 12 above, Eswatini’s judiciary is not independent. Moreover, PFF reports that even though people charged with serious crimes have the right to a government-paid lawyer and the right to prepare a proper defense, “in practice, getting proper legal help remains very difficult for many people.” And the right to counsel does not apply to post-conviction proceedings. PFF adds that there is no law to guarantee legal aid to people who cannot afford a lawyer. PFF learned that authorities detain a large number of people “before their cases are even heard in court” due to insufficient numbers of judges, prosecutors, and courtrooms, as well as a weak case-management system and the absence of legal aid.

Conditions of detention

Status of Implementation: Accepted, Partially Implemented

26. In its third-cycle UPR, Eswatini supported three recommendations to improve prison conditions and treatment of people in detention.³⁵ Reports suggest that authorities have taken some modest steps to implement these recommendations.
27. His Majesty’s Correctional Services is responsible for the “protection, incarceration, and rehabilitation” of convicted persons and keeping order within the HMCS institutions.³⁶ Overcrowding is common in Eswatini’s detention facilities, with one source reporting between 20 and 45 people in a single cell.³⁷ Nine of Eswatini’s 11 correctional facilities have detained people for more than 12 months without trial and are nearly 50% over capacity.³⁸
28. The Commission on Human Rights and Public Accountability (CHRP) reports that lengthy pretrial detention is common, with a national newspaper reporting that as of February 2024, 437 people were in pretrial detention while awaiting trial because of a backlog of cases.³⁹ The CHRP noted that most pretrial detainees remained incarcerated due to shortages of judges, prosecutors, and court rooms; a weak case management and coordination system; and lack of access to legal representation.⁴⁰ In 2025, the CHRP issued a report outlining key recommendations to reduce prison overcrowding.⁴¹
29. In addition to overcrowding, prisons have poor ventilation, insufficient food, and inadequate medical services, and prison authorities fail to address violence committed by detained persons.⁴²
30. At the conclusion of a July 2025 country visit, the African Commission on Human and Peoples’ Rights commended Eswatini for its progress in improving detention conditions and reducing overcrowding, particularly at the Matsapa Correctional Centre.⁴³ The

Commission noted with concern, however, “[t]he high number of people in pre-trial detention, and the slow delivery of justice in the country, including delays in the finalization of civil and criminal cases.”⁴⁴

31. Amnesty International reports that people in detention, particularly people who are imprisoned on the basis of their political opinion, “were subjected to torture and other ill-treatment in custody.”⁴⁵ Amnesty International reported that prison authorities denied one of the MPs described in paragraph 21 access to food.⁴⁶
32. During its March 2026 visit, PFF heard “[s]erious concerns” about poor detention conditions, reportedly caused primarily due to “a lack of funding and appropriate legislation.” Prisons are overcrowded, conditions do not comply with international human rights standards, particularly regarding sanitation, access to healthcare, and programs to promote reintegration after release.

Right to peaceful assembly; Extrajudicial, summary or arbitrary executions

Status of Implementation: Accepted, Not Implemented

33. In its third-cycle UPR, Eswatini supported Luxembourg’s recommendation to “[i]mmediately end law enforcement violence and other restrictions against people exercising their rights to freedom of peaceful assembly and to freedom of association,” the United States’ recommendation to “[i]nvestigate allegations of human rights violations by security forces against protesters between May and July 2021 and ensure accountability,” and Belgium’s recommendation to “[t]ake steps to prevent excessive use of force by law enforcement against peaceful protesters and ensure that allegations of excessive use of force are promptly, independently and transparently investigated.”⁴⁷
34. As of 2024, impunity was entrenched within the Royal Eswatini Police Service, with no investigations conducted through year-end into police violence.⁴⁸
35. During its fact-finding visit to Eswatini in March 2026, PFF learned “that during pro-democracy protests in 2021, the police and army fired live bullets at protesters. Many people were killed and hundreds more were injured, including children. Traditional leaders and police officers also lost their lives during the unrest.” Despite Eswatini’s assurances later that year during the UPR, PFF reports that to date, “not a single security officer has been held responsible for these deaths and injuries.” PFF cautions that this impunity “sends a very clear message to the people of Eswatini that speaking out is dangerous, and the law is not applied to provide protection” for exercising the right to peaceful assembly.

Arbitrary arrest and detention

Status of Implementation: Accepted, Not Implemented

36. In its third-cycle UPR, Eswatini supported France’s recommendation to “[t]ake all measures to combat arbitrary arrests and detentions and to guarantee fair trials.”⁴⁹
37. On 16 July 2025, the United States deported five men to Eswatini, where authorities held them in arbitrary detention in a maximum security prison.⁵⁰ Officials suggested that Eswatini would repatriate the five men to their countries of nationality. Eswatini authorities

held Orville Etoria, a Jamaican national, in detention without charge for more than two months before returning him to Jamaica, according to Amnesty International.⁵¹ Amnesty reports that during the two-month period, authorities denied him full and confidential access to counsel.⁵²

38. The status of the other four men (nationals of Cuba, Laos, Viet Nam, and Yemen) was unknown as of September 2025, with their lawyers reporting delayed court proceedings and obstacles to gaining confidential access to their clients.⁵³ An Eswatini lawyer who was retained by the deportees' U.S.-based lawyers and families in July 2025 reported that, "[f]or the first time in his career, . . . prison officials have repeatedly denied him the chance to meet with his clients."⁵⁴ On one occasion prison authorities told him he could meet his clients, then made him wait for several hours, and eventually told him that his clients refused to see him—a claim that a friend of one of the detainees says was a "blatant[] lie."⁵⁵ The lawyer sued the government to demand access to the deportees.⁵⁶ After a protracted court battle, the High Court of Eswatini sided with the lawyer, holding that he should be granted a visit with the men at the prison so that they could decide if they wished for him to represent him.⁵⁷ The government immediately appealed the decision, however, resulting in a stay. On 19 March 2026, the Supreme Court heard arguments in the matter, and on 9 April the Supreme Court affirmed the lower court's decision, finally granting the attorney access to the people in detention.⁵⁸
39. In the Fall of 2025, one of the U.S.-based attorneys representing two of the men described the situation as a "legal black hole," explaining that he was unable to communicate directly with his clients and he also could not communicate vial local counsel "because the Eswatini government blocks all attorney access."⁵⁹ Since early 2026, authorities have removed the restrictions on the men's telephonic access to their U.S.-based attorneys. Even though the U.S.-based attorneys have submitted power-of-attorney forms executed by their clients, the government of Eswatini has not provided the attorneys with any information regarding the men's rights, the reason for their imprisonment, any immigration status that authorities have granted to them, or similar relevant information. Moreover, since February 2026, the U.S.-based attorneys have been unable to obtain cooperation from the Correctional Services for basic acts such as obtaining one man's signature on a release of information form so that he can obtain necessary medical records from his doctor in the United States.
40. One of the Cuban nationals went on a 30-day hunger strike to protest "the human cost of secret transfer arrangements and unlawful detention without due process."⁶⁰ One of his attorneys reports that he has been diagnosed in detention in Eswatini with glaucoma but prison authorities tell him that he must pay for his own medicine. He has also developed several nodules on his abdomen but has not yet received a diagnosis.⁶¹
41. The man from Yemen is in his 70s, and therefore if authorities release him into the community he will likely face many barriers to integration into a country that is entirely unfamiliar.⁶²
42. Amnesty cautioned that Eswatini must not use "Assisted Voluntary Return" to legitimize arbitrary detention and must ensure that any agreement to participate in AVR is free from coercion or inducement, in strict compliance with International Organization for Migration procedures.⁶³ Despite assertions by U.S. officials that the people's home countries refused to receive them, Eswatini has stated that it will ultimately return them to their countries of

origin. Yet U.S. Immigration Judges had granted at least three of the men protection from deportation to their countries of origin through a “Deferral of Removal” under Article 3 of the Torture Convention, recognizing that the men face a risk greater than 50% of being tortured in their home countries, either by or with the acquiescence of their governments.

43. On 6 October 2025, 10 additional deportees from the United States arrived in Eswatini.⁶⁴ One is from Haiti and has advanced kidney disease.⁶⁵ On 12 March 2026, Eswatini announced it had received four more deportees from the United States.⁶⁶ A total of 19 deportees from the United States have been sent to Eswatini. They are citizens of Cambodia, Chad, Cuba, Ethiopia, Haiti, Jamaica, Laos, Somalia, Sudan, Tanzania, Yemen, and Viet Nam, and one person is stateless. As of 12 March 2026, Eswatini has repatriated only two—the man from Jamaica described above and a man from Cambodia.⁶⁷ Sources report that the United States paid Eswatini \$5.1 million USD to receive up to 160 deportees.⁶⁸ Several civil society organizations based in Eswatini have criticized authorities’ decision to receive people deported from the United States.⁶⁹
44. A court in February 2026 rejected a legal challenge that contends that the agreement violates Eswatini’s Constitution, ruling that the civil society organizations that initiated the suit did not have standing to bring the case.⁷⁰ Under the laws and Constitution of Eswatini, Parliament must affirm all bilateral conventions and treaties, but the King has not sought parliamentary approval of Eswatini’s agreement to receive deportees from the United States.⁷¹
45. Authorities from the United States and Eswatini may also be engaging in human trafficking.⁷² Three of the men in the first wave have initiated a case against Eswatini with the African Commission on Human and Peoples’ Rights, arguing that Eswatini is subjecting them to prolonged and indefinite detention.⁷³
46. In response to criticisms, a spokesperson for the Government of Eswatini asserted that the people deported from the United States “are not detained or imprisoned. They are being accommodated in a secure environment while the necessary administrative and diplomatic processes relating to their repatriation are under way.”⁷⁴

II. RECOMMENDATIONS

47. This stakeholder report suggests the following recommendations for the Kingdom of Eswatini:
 - Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
 - In the interim:
 - In collaboration with civil society, initiate an awareness-raising campaign on the death penalty, including public and parliamentary debates highlighting relevant human rights concerns and misconceptions about deterrence;
 - Institute a *de jure* moratorium on executions;

- Amend the Criminal Procedure and Evidence Act and any other relevant legislation to ensure that the death penalty is an available penalty only for crimes in which the defendant committed an intentional killing;
- Commute all remaining death sentences to a term of imprisonment;
- Ensure that every person charged with murder or any other potentially capital crime receives prompt and timely access to qualified legal counsel, including throughout the investigation, during trial, and throughout any appellate proceedings and requests for commutation or clemency.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Support the UN General Assembly resolution calling for a global moratorium on the death penalty.
- Adopt a law to codify protections for human rights defenders and take further steps to create a safe and enabling environment for human rights defenders.
- Adopt legislation to create a safe and supportive environment for civil society organizations to work freely and without fear.
- Revise the Sedition and Subversive Activities Act, the Suppression of Terrorism Act, and the Public Order Act to align them with international human rights standards regarding freedom of expression, freedom of association, and the right to peacefully assemble.
- Create a clear and transparent process to consult with civil society organizations when preparing reports to UN and regional human rights mechanisms.
- In collaboration with civil society, establish an independent and open process to investigate the 2021 protest killings, to hold the people responsible for those killings and injuries accountable, to provide support and compensation to survivors and family members of victims, and to adopt measures to ensure non-repetition.
- Step up financial investments in the justice sector, including for the appointment of additional judges and prosecutors and to implement an efficient case-management system to reduce the backlog of cases, prioritizing criminal cases in the first instance and eliminating or minimizing the use of pretrial detention.
- Adopt a comprehensive legal aid bill, with dedicated funding for the provision of free legal aid for all persons accused of crimes, prioritizing in the first instance people charged with capital crimes.
- Ensure that the Commission on Human Rights and Public Administration has unfettered access to all places of detention at all times.
- Commit to implementing the 2025 recommendations of the Commission on Human Rights and Public Administration for reducing prison overcrowding and improving detention conditions.
- Increase financial resources for detention facilities to ensure that detention conditions comply with international human rights standards.

- On at least an annual basis, publish comprehensive data about all persons charged with capital offenses or under sentence of death, including the date of arrest, offenses charged, date of trial, outcome of proceedings (if any), sentence, status of any appeals or requests for pardon or commutation, and location of detention, disaggregated by sex/gender, nationality, an relationship to any codefendants or victims.
- Take concrete measures to strengthen the independence of the judiciary and to prohibit the monarchy from influencing judicial proceedings.
- Step up efforts to align detention conditions with the Nelson Mandela Rules and the Bangkok Rules.
- Ensure that any bilateral agreements relating to the transfer of individuals who are not nationals of Eswatini are subject to parliamentary review and approval.
- Commission an independent assessment of any agreements to receive foreign nationals to ensure such agreements do not facilitate human trafficking.
- Cease detaining without charge any foreign national who has not been charged with a crime under the laws of Eswatini.
- Ensure that all foreign nationals in detention have regular, timely, and confidential access to counsel of their choosing, including in-person visits.
- Ensure that medical professionals screen all foreign nationals in detention for medical conditions and provide them with health care as required under Rules 24-25 and 30-31 of the Nelson Mandela Rules.
- In collaboration with civil society organizations, sensitize all officials responsible for the care and transfer of foreign nationals regarding standards for Assisted Voluntary Return and ensure that officials facilitate AVRs by the International Organization for Migration.

¹ Amnesty Intl., Eswatini: Broken Promises: Amnesty International Submission for the UN Universal Periodic Review, 39th Session of the UPR Working Group, 1–12 November 2021, p. 9, Apr. 2021, available at <https://www.justice.gov/eoir/page/file/1389036/dl?inline=>.

² Amnesty Intl., Eswatini: Broken Promises: Amnesty International Submission for the UN Universal Periodic Review, 39th Session of the UPR Working Group, 1–12 November 2021, p. 9, Apr. 2021, available at <https://www.justice.gov/eoir/page/file/1389036/dl?inline=>.

³ Amnesty Intl., Death Sentences and Executions in 2024, p. 47, Apr. 8, 2025, available at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini*, (Jan. 7, 2022), U.N. Doc. A/HRC/49/14, ¶ 118.2 (Luxembourg), .4 (Chile, Nepal), .5 (Spain), .6 (Zambia), .7 (Argentina, Cote d’Ivoire, Namibia, Togo), .8 (Mexico), .9 (Iceland), .10 (Portugal), .80 (Italy), .81 (Latvia), .87 (Australia); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini - Addendum*, (Mar. 3, 2022), U.N. Doc. A/HRC/49/14/Add.1, at 2, 4.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini*, (Jan. 7, 2022), U.N. Doc. A/HRC/49/14, ¶ 118.84 (Uruguay); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini - Addendum*, (Mar. 3, 2022), U.N. Doc. A/HRC/49/14/Add.1, at 4.

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini*, (Jan. 7, 2022), U.N. Doc. A/HRC/49/14, ¶ 118.97 (Estonia), .98 (Finland), .99 (Ireland), .100 (Italy), .101 (Latvia), .102 (Luxembourg), .103 (Canada), .104 (Netherlands), .105 (Sierra Leone), .106 (Spain), .107 (United Kingdom), .111 (Ghana), .112 (Ghana), .113 (Czechia), .118 (Portugal), .119 (France), .120 (Italy), .122 (Sierra Leone), .123 (Slovenia), .124 (United States of America), .126 (Czechia).

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini*, (Jan. 7, 2022), U.N. Doc. A/HRC/49/14, ¶ 118.97 (Estonia), .99 (Ireland), .103 (Canada), .105 (Sierra Leone).

⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini*, (Jan. 7, 2022), U.N. Doc. A/HRC/49/14, ¶ 118.2 (Luxembourg), .4 (Chile, Nepal), .5 (Spain), .6 (Zambia), .7 (Argentina, Cote d'Ivoire, Namibia, Togo), .8 (Mexico), .9 (Iceland), .10 (Portugal), .80 (Italy), .81 (Latvia), .82 (Luxembourg), .83 (Rwanda), .85 (Costa Rica), .86 (Angola), .87 (Australia); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini - Addendum*, (Mar. 3, 2022), U.N. Doc. A/HRC/49/14/Add.1, at 2, 4.

⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini*, (Jan. 7, 2022), U.N. Doc. A/HRC/49/14, ¶ 12.

¹⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eswatini - Addendum*, (Mar. 3, 2022), U.N. Doc. A/HRC/49/14/Add.1.

¹¹ Confidential Source, 2024, on file with The Advocates for Human Rights.

¹² Human Rights Watch, *World Report 2025: Eswatini*, available at: <https://www.hrw.org/world-report/2025/country-chapters/eswatini>.

¹³ Freedom House, *Freedom in the World 2025: Eswatini*, available at <https://freedomhouse.org/country/eswatini/freedom-world/2025>. In August 2024, the Supreme Court upheld the Suppression of Terrorism Act and restrictive sections of the Sedition and Subversive Activities Act, which international rights groups and the International Commission of Jurists condemned as enabling the government to continue misusing the law to restrict free expression, assembly, and association. *See* Human Rights Watch, *World Report 2026: Eswatini* (2026), available at <https://www.hrw.org/world-report/2026/country-chapters/eswatini>; Confidential Source, 2024, on file with The Advocates for Human Rights.

¹⁴ The Constitution of the Kingdom of Swaziland, arts. 14(1)(a), 15(1), 15(2), Act No. 1 of 2005, Jul. 26, 2005.

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