

3 March 2026

To:

The Secretary-General of the Commonwealth Hon. Shirley Botchwey

The foreign ministers of the Commonwealth Ministerial Action Group (CMAG)

By email: sg@commonwealth.int

Dear Hon. Shirley Botchwey and Foreign Ministers,

We write to you as civil society organisations ahead of the 26th Commonwealth Foreign Affairs Ministers Meeting (CFAMM), taking place on 8 March in London, to draw your attention to the serious situation in Eswatini or Swaziland.

We would like to start by congratulating Hon. Shirley Botchwey on her appointment as secretary-general, particularly as the first African woman to hold the role, and on her plans to advance prosperity and opportunity for all.

The Commonwealth places a high priority on the political values of democracy, the separation of powers, rule of law and human rights, with CMAG mandated to 'engage proactively and constructively' with countries where these values are at risk. These political values are also cherished by the people and civil society of Eswatini. Yet it is clear that these principles are not only at risk but have been almost fully eroded in the country, leading to a genuine crisis for ordinary people's political rights and economic welfare.

2026 is a crucial year for the country. It marks 5 years since the 2021 demonstrations and state violence and 40 years since King Mswati III took over from his father as head of an absolute monarchy, with unrestricted political authority and veto power over all branches of government. Last year also marked 20 years of the country's 2005 constitution, which has failed to protect political rights, curtail the power of the King or improve people's lives, and in many instances stands in direct contravention of the political freedoms enshrined in the Commonwealth Charter.

By now it is also evident that the multiple attempts by civil society within the country and by international institutions such as the International Labour Organization to find a way forward following the clash in 2021 have not been successful and that the King's promises to allow greater freedom to civil society (which faces one of the world's most restrictive political systems) have not been realised. In fact the country has gone in the opposite direction.

We urge the Secretary-General and CMAG to exercise its 2011 expanded mandate to assess violations of Commonwealth values by the Kingdom of Eswatini and recommend measures to restore democracy and constitutional rule.

The worsening situation in the country we believe meets every one of the eight criteria on the list of 'situations of grave concerns':

1. Serious threats or overturning the democratic constitution
2. Blocking parliament or key democratic institution
3. Delaying elections without valid reason
4. Systemic restriction of political freedoms or detaining leaders
5. Seriously flawed electoral processes
6. Undermining the rule of law or judicial independence

7. Committing widespread human rights violations
8. Limiting media or civil society from doing their work

Please see the addendum for a brief explanation on each point. We would be happy to provide more information on each point and a full briefing to any minister who might find this useful.

Many calls have been issued to CMAG in recent years, with some raising the concern that since its inception in 1995 it has not paid due consideration to issues relating to the conduct of Eswatini. Unlike countries such as Fiji and Zimbabwe, Eswatini has never been listed amongst the offending countries on CMAG's agenda. Most of these countries have been reprimanded for infringements of what are now collectively referred to as the Commonwealth Charter's values, such as the deliberate erosion of the institutions of democracy. There have been some attempts by the Commonwealth to support political values and the rule of law in Eswatini and we applaud it for projects such as supporting the 2005 constitution and appointing a Secretary-General's Special Envoy to Swaziland in 2014. However the lack of improvement and indeed the worsening of the situation in the country have made it clear that decisive action is needed.

In Eswatini, the total control of the King severely limits decision-making and has allowed him to amass a personal fortune estimated to be as much as US\$300 million. This, along with the enormous annual royal budget, enables members of the royal family to spend extravagant sums on luxuries while Swazis, particularly women, suffer some of the worst conditions of life in the world. Almost two thirds (63%) of Swazis live below the poverty line and it is one of the most unequal countries in the world, according to the UN. It has the world's highest rate of HIV, the third highest rate of suicide and endures frequent food crises. Eswatini has been ranked as the least free country in Southern Africa by the Ibrahim Index of African Governance, is consistently ranked one of the worst places in the world to be a worker, has public services in disarray or non-existent due to funding shortfalls and does not provide women with the same legal rights as men. None of this can be remedied while power is so concentrated in the hands of one man.

Hon. Shirley Botchwey, in your powerful inaugural speech, you said "we will build a future in which opportunity, dignity and prosperity are within reach for all." Opportunity, dignity and prosperity for all is a dream that grows increasingly remote for the people of Eswatini while the King's power goes unchallenged by international institutions such as the Commonwealth.

When you gather on 8th March, we sincerely urge you as individuals and as CMAG to put this crisis situation on the agenda and to launch a review into how the country is violating key tenets of the Commonwealth Charter, as well as consider meaningful action.

With significant anniversaries coming up in 2026, we urge you to make it the year the Commonwealth supports the respect of its political values and civil society in Eswatini.

We would be very happy to provide an in-depth briefing for anyone who would like to know more. Thank you for your time and we look forward to hearing from you.

Yours,

Action for Southern Africa (ACTSA)

Swaziland Transport Communication and Allied Workers' Union (SWATCAWU)

Swaziland Human Rights Network UK (SHRNUK)

ADDENDUM: How Eswatini meets each of CMAG's eight situations of 'grave concern'

Situation 1: Serious threats or overturning the democratic constitution

The late King Sobhuza II abrogated the Swazi constitution in The Proclamation to the Nation of 12 April 1973, which banned political parties and criminalised all forms of political activity. This proclamation was never repealed. The country was ruled by the decree until 2005 when the Kingdom adopted a new constitution. In it, King Mswati III chose to enshrine controversial provisions such as the ban on political parties and consolidated executive, judicial and legislative powers in the hands of the monarch. Since the country's constitution was overturned in 1973 and the constitution in 2005 enshrined anti-democratic Monarchical decrees and cannot be said to have been passed in a democratic process, this condition is clearly met.

Situation 2: Blocking parliament or key democratic institution

Political parties in Eswatini are effectively banned, making organising politically within parliament near-impossible and forcing individuals seeking elected positions to run as independent candidates in parliamentary elections, which happen every five years. A majority of senators are appointed by the King who also appoints a minority of legislators to the House of Assembly. The SADC Observer Mission report on the 2023 elections states that this 'Tinkhundla' political system was at the centre of the 2021 tensions¹. Parliament's role is effectively only advisory². If parliamentarians do take action, the King can overturn their decision or target MPs with impunity:

- Two MPs were arrested on trumped up charges in 2021 for calling for legal reforms and constitutional change – they remain in prison to this day.
- The 2012 vote of no confidence against then-Prime Minister Sibusiso was overruled by the King.

Situation 3: Delaying elections without valid reason

When political parties are banned and the King has absolute executive control and can veto/overturn parliamentary decisions, delaying an election is wholly unnecessary. With the parliament's role being in effect only advisory, this *criteria can be seen as met by being rendered irrelevant by the King's absolute power*.

Situation 4: Systemic restriction of political freedoms or detaining leaders

There is a systematic and long-standing repression of political freedoms in Eswatini with none of the political values prioritised by the Commonwealth respected. The King has repeatedly failed to show tolerance and respect for the freedom of assembly and association. Political activity and expression that does not align itself with the government is not tolerated. Political gatherings are regularly dispersed and publications critical of the regime are censored. The government routinely threatens trade unions and democracy activists with torture or arrest if they criticise the government, engage in lawful protest, or wear political party regalia.

¹ <https://www.sadc.int/sites/default/files/2023-10/Eswatini%20SEOM%202023%20PRELIMINARY%20STATEMENT%20-%201st%20October%202023.pdf>

² <https://www.bbc.co.uk/news/world-africa-66958507>

- National Police Commissioner William Dlamini warned in 2020 that anyone using social media to criticise the King or the authorities would now face the full might of the law.³
- Civil society leader and human rights lawyer Thulani Maseko was brutally killed on 21 January 2023 in front of his family. His wife has since faced ongoing intimidation for her calls for an investigation.
- In the Afrobarometer 2025 survey, 34.7% of Swazis ranked their country as ‘not at all free’.⁴

Situation 5: Seriously flawed electoral processes

As with situation 3, the role and power of Parliament has been so curtailed that electoral manipulation would not be necessary to maintain the total executive power of the King. We would argue again that *criteria can be seen as met by being therefore rendered irrelevant*. The lack of participation by political parties in the electoral process can also be seen as a flaw in the electoral process as raised by multiple election observer missions by the Commonwealth, SADC and African Union over the years - alongside other problems such as constitutional provisions to elect more women not being implemented:

- The African Union 2023 election report points to the worrying low rate of women elected and recommends yet again ‘the active participation of political parties in electoral processes’⁵
- The preliminary statement by the Head of the SADC Electoral Observation Mission (SEOM) for the 2023 elections reiterates what the Organ Technical Fact-Finding Mission that was deployed in July 2021 found: ‘that the issues behind the [2021] disturbances were political, structural or systemic in nature, with the Tinkhundla system at the centre.’⁶
- It also notes that ‘The positioning of the ballot booths...did not strictly guarantee the secrecy of the vote’.
- It also notes that the constitutional provision that if ‘female candidates will not meet the required 30% representation in Parliament, the house shall elect not more than four additional women by region... not yet been implemented in practice.’
- The 2018 national elections were reported as marred by violence and accusations of bribery and vote-rigging, with the results still not published one month later.⁷ A campaign of boycotting was organised around the country.⁸
- The African Union Election Observation Mission of 2018 concludes that the Government should reconsider its ban on political parties ‘in accordance with the provisions of the 2005 Constitution, and in compliance with the country’s international commitment.’⁹

³ Times of eSwatini (30 January 2020)

⁴ <https://www.afrobarometer.org/wp-content/uploads/2025/11/R10-Summary-of-Results-Eswatini-Afrobarometer-28nov25.pdf>

⁵ <https://papsrepositary.africanunion.org/bitstreams/e97800a7-087d-417e-9317-9626664498e0/download>

⁶ <https://www.sadc.int/sites/default/files/2023-10/Eswatini%20SEOM%202023%20PRELIMINARY%20STATEMENT%20-%201st%20October%202023.pdf>

⁷ <https://allafrica.com/stories/201810220621.html>

⁸ <https://allafrica.com/stories/201805230507.html>

⁹ African Union Election Observation Mission to the 21 September 2018 Parliamentary Elections in the Kingdom of eSwatin. Available at: <https://au.int/en/documents/20190514/report-african-union-election-observation-mission-25-august-and-21-september-2018>

- The Commonwealth Observer Mission report in regard to the 2013 national elections criticised the ban on political parties and the lack of adherence to the principle of separation of powers.
- In the Afrobarometer 2025 survey, 48.7% of Swazis said their country was ‘not a democracy’¹⁰

Situation 6: Undermining the rule of law or judicial independence

There is a systematic undermining of the rule of law and judicial independence by the Eswatini government, and a failure to root out corruption. Pre-trial detention is common and lengthy, constituting about 18.1% of the prison population, and undermining the presumption of innocent until proven guilty.¹¹ The country’s dual justice system, with western style courts alongside traditional courts, allows Mswati III to circumvent the regular judiciary. There are countless examples of the King’s undue influence over the judiciary, such as:

- In 2002, 18-year-old Zena Mahlangu was abducted to be the next royal bride, though as a twin she was technically disqualified. The Attorney General intervened at the High Court to allow marriage,¹² despite her family being against it.

Situation 7: Committing widespread human rights violations

The systemic violation and denial of human rights in Eswatini, especially to women, are well documented. The Ibrahim Index of African Governance has ranked it as the least free country in Southern Africa and its 2024 report puts Eswatini in the ‘increasing deterioration’ on overall governance trends, particularly on rights.¹³ The ITUC ranks Eswatini as one of the 10 worst places in the world to be a worker.¹⁴

- Thulani Maseko’s 2023 assassination occurred on the same day the King of Eswatini made a veiled threat against members of the country’s pro-democracy movement.
- In 2021, student-led protests that began over alleged police brutality morphed into calls for political change. At least 46 people died in a series of clashes between security forces and demonstrators.¹⁵

Situation 8: Limiting media or civil society from doing their work

The media in Eswatini remains highly controlled by the state, effectively operating as a propaganda machine for the King and his government. Media workers face threats and violence¹⁶. Self-censorship is widespread, and expression that criticises the monarchy is banned using laws such as the Sedition and Subversive Activities Act (1938) and the Suppression of Terrorism Act 2008 – both widely criticised for their vague definitions and chilling effects on human rights. Trade unions and civil society are routinely denied the right to recognition and the space to operate in the country, in contravention of the Commonwealth Charter.¹⁷

¹⁰ <https://www.afrobarometer.org/wp-content/uploads/2025/11/R10-Summary-of-Results-Eswatini-Afrobarometer-28nov25.pdf>

¹¹ https://www.ituc-csi.org/IMG/pdf/swaziland_report_en.pdf

¹² https://en.wikipedia.org/wiki/Zena_Mahlangu

¹³ <https://mo.ibrahim.foundation/sites/default/files/2024-10/2024-index-report.pdf>

¹⁴ <https://www.ituc-csi.org/global-rights-index>

¹⁵ <https://www.hrw.org/report/2025/10/30/youll-die-waiting-for-justice/impunity-for-security-forces-abuses-in-june-2021>

¹⁶ https://www.civicus.org/images/Joint_Submission_to_CMAG_on_Swaziland_18_April_2013.pdf

¹⁷ https://www.ituc-csi.org/IMG/pdf/swaziland_report_en.pdf

- In October 2021 public sector workers were brutalised by the security forces on their way to hand over a petition demanding a living wage. Scores of others were injured after the security forces fired tear gas canisters onto the bus they boarded while others were attacked with rubber bullets.

More information:

Human Rights Watch Eswatini report 2025. Available at: <https://www.hrw.org/world-report/2025/country-chapters/eswatini>

2024 Ibrahim Index of African Governance. Available at: <https://mo.ibrahim.foundation/sites/default/files/2024-10/2024-index-report.pdf>

Holding eSwatini to Account Assessing the Country's Compliance with the Commonwealth. 2022. International Trade Union Congress. Available at: https://www.ituc-csi.org/IMG/pdf/swaziland_report_en.pdf