KINGDOM OF ESWATINI

UPR Pre-session 53 | August 2026

Suppression of Terrorism Act, 2008

Key human rights concerns and priority recommendations

AMNESTY INTERNATIONAL

Previous UPR recommendations on the STA remain outstanding

Spain — 118.106 | Supported — Reform legislation restricting freedom of expression and association, including the STA.

Canada — 118.103 | Noted — Amend or repeal restrictive laws, including elements of the STA.

Belgium — 118.109 | Noted — Repeal the STA.

Czechia — 118.113 | Noted — Amend or repeal elements of the STA.

Related civic-space recommendations: the Kingdom of Eswatini also supported recommendations from Finland, Portugal, the United Kingdom, Sierra Leone and Ghana.

Broader civic-space commitments were accepted; specific STA reforms were largely not supported.

Why the STA remains a concern

- Section 2 defines a “terrorist act” in impermissibly broad terms.
- Sections 19–21 criminalise membership, association and attendance at meetings without a sufficient link to violent activity.
- Section 23 permits detention without charge on imprecise grounds and without sufficient safeguards.

IN PRACTICE

The Act continues to be used in politically sensitive situations involving peaceful dissent.

The concern is both structural and practical.

Section 2: an overbroad definition of terrorism

SECTION 2

The definition extends beyond conduct involving serious violence against persons.

CONSEQUENCE

- Creates scope for peaceful political activity, protest or dissent to fall within counter-terrorism law.
- Undermines legal certainty and produces a chilling effect on protected freedoms.

Terrorism offences must be precise, foreseeable and narrowly confined.

Sections 19–21: criminalising association

19

MEMBERSHIP

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ASSOCIATION

21

MEETINGS

- Offences do not require a sufficient link to violent activity.
- Section 19(2) reverses the burden of proof.
- Peaceful political organising can be exposed to terrorism-related liability.

Criminal responsibility must be individual and linked to knowledge, intent and conduct.

CHALLENGE 3

Section 23: detention without adequate safeguards

01 **IMPRECISE GROUNDS** Permits detention without charge on broadly framed grounds. grounds.

02 **ACCESS TO COUNSEL** Insufficient guarantees of access to legal counsel from the outset.

03 **JUDICIAL OVERSIGHT** Insufficient safeguards for prompt and effective judicial review. review.

These weaknesses increase the risk of arbitrary detention.

The impact during the review period has been concrete

Amnesty International has documented arbitrary arrests and detention of government critics, alongside concerns about torture and other ill-treatment in STA-linked cases.

The STA has been used against activists, journalists, pro-democracy advocates, raising serious concerns for civic space.

In January 2024, student activist Menzi Bongeka Bhembe was charged under sections 11(1) and 20 in connection with alleged support for PUDEMO and distribution of political pamphlets; Amnesty found no evidence presented that he committed, planned or incited violence.

In July 2024, former MPs Mduduzi Bacede Mabuza and Mthandeni Dube were sentenced under the STA and Sedition Act; Amnesty has characterised their cases as emblematic of the use of these laws to suppress peaceful dissent.

The risks are not hypothetical: protected political and civic activity has been affected in practice.

International law sets clear limits

ICCPR

Articles 9, 14, 19, 21 and 22 protect liberty, fair trial, trial, expression, peaceful assembly and association. Restrictions must satisfy legality, necessity and proportionality.

UNSC 1566

Frames terrorism around serious criminal violence, such as death, serious bodily injury or hostage-taking, committed for an intimidating or coercive purpose.

HRC

Counter-terrorism and national-security laws must be clear and foreseeable and must not permit arbitrary detention or suppress protected expression.

SR 2026

Reaffirms a narrow definition based on serious harm, intent and terrorist purpose, purpose, excluding protected peaceful activity.

Sources: ICCPR; UNSC Res. 1566 (2004); Human Rights Committee General Comments Nos. 34 & 35; UN Special Rapporteur on counter-terrorism, A/HRC/61/52 (2026).

Counter-terrorism law cannot criminalise peaceful dissent or displace due-process safeguards.

What recommending States should call for

IMMEDIATELY REPEAL THE SUPPRESSION OF TERRORISM ACT, 2008.

Pending repeal:

- Amend section 2 so the definition is precise and narrowly tailored to genuinely terrorist conduct.
- Repeal section 19(2), and amend sections 19–21 so peaceful political organising cannot be criminalised and liability requires a direct and intentional link to a genuinely violent offence.
- Amend section 23 to ensure strict limits, prompt judicial oversight, access to counsel from the outset and an effective right to challenge detention.
- Cease using the STA and other security laws to criminalise peaceful dissent, including peaceful protest, student activism, journalism, human rights work and political organising.

Amnesty International, AFR 55/0814/2026