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A PRESS UNDER SIEGE

Mapping the mutually reinforcing threats to the media in Eswatini

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EXECUTIVE SUMMARY

The media in Eswatini exists and operates in a profound paradox in that it is constitutionally guaranteed yet systemically besieged.

On paper, the Constitution protects freedom of expression and media freedom¹, but the reality on the ground is a mazy and asphyxiating web of legacy laws, politicised oversight, judicial weaponisation, economic capture and various other forms of extra-legal intimidation which has birthed a *de facto* regime of information control. This environment is not merely restrictive—it is calculated to be hostile to the media and predatory. It is deliberately engineered to ensure that any departure from the state-sanctioned narrative carries a heavy price for both the individual journalist and the media institution they serve.

This report shows that rather than isolated challenges, the Eswatini media is besieged by a web of multidimensional threats—each reinforcing the other to effectively stifle independent journalism. Legal and regulatory instruments such as the **Sedition and Subversive Activities Act**, the **Suppression of Terrorism Act**, the **Proscribed Publications Act** and the **Official Secrets Act** grant wide powers and discretion to criminalise journalism that is critical of the monarchy, cabinet ministers, security forces or senior public officials. These instruments are routinely deployed to override constitutional guarantees for media freedom and are interpreted and applied in ways that incentivise self-censorship among media practitioners and deter investigative reporting.

Politically, the monarchical system and the **tinkhundla** electoral model concentrate power in the hands of the King and his appointees, who routinely deploy both formal authority and informal pressure to shape media narratives. The courts are also used

as theatres of strategic litigation against public participation (SLAPP suits) wherein powerful individuals and corporations sue for humongous defamation damages that far exceed the capacity of most newsrooms. This has turned litigation into a pre-emptive tool, signalling to journalists that robust scrutiny of elites can only be done at the huge cost of ruinous financial consequences.

Economically, media ownership is increasingly concentrated in entities and individuals closely aligned to the monarchy and its corporate networks. The 2025 acquisition of the **Times of Eswatini Group** by businessman Michelo Shakantu – whose interests are deeply intertwined with state power – represents an inflection point, potentially shrinking the space for genuinely independent daily journalism and giving the regime influence over almost all leading media platforms. State and parastatal advertising is another weapon that is routinely used to reward compliant media outlets and punish critical ones, further entrenching dependence and undermining independent journalism.

Digitally, Eswatini's media face a two-fold crisis. On one hand there is a vulnerability to cyberattacks and account takeovers, and on the other, an increasingly polluted online information space in which unregulated blogs and social media pages mix legitimate dissent with disinformation and smear campaigns to drown out and devalue genuine critique. Incidents such as the month-long hacking of the Eswatini Observer's Facebook page in 2024 underscore the fragility of newsroom cyber-security, while the mushrooming of unaccountable online platforms has

¹ <https://www.aceproject.org/ero-en/regions/africa/SZ/CONSTITUTION%20OF%20THE%20KINGDOM%20OF%20SWAZILAND%202005.pdf> accessed on 8 January 2025

complicated public perceptions of journalism and provided the regime with a pretext to conflate professional reporting with irresponsible content.

Extra-legal threats from non-state actors, including anonymous death threats and suspected attacks by underground groups, have added a new layer of insecurity, particularly for journalists perceived to be close to either the regime or its opponents. This has birthed a situation in which journalists are vulnerable both to state repression and to retributive violence by actors claiming to speak in the name of democracy.

Institutionally, the media's own protective architecture is weak. The **Media Complaints Commission** – intended as a self-regulatory mechanism to resolve disputes and pre-empt litigation – is effectively moribund, without a functioning office, secretariat or case management system. Relations between the **Eswatini Editors Forum** and the **Eswatini National Association of Journalists** are

characterised by mistrust and role ambiguity, undermining collective advocacy and delaying decisive action on self-regulation. This failure is now being exploited by the government to justify the revival of the **Media Commission Bill**, a move that threatens to formalise censorship in an environment already skewed against the press.

The cumulative impact is profoundly disturbing. Journalists routinely self-censor, avoiding stories involving the monarchy and security forces, and limit coverage of corruption, land deals and corporate abuses linked to royal or politically connected interests. Public access to plural, critical and independent information is narrowing, and the media's ability to serve as a Fourth Estate is steadily eroded. The report concludes that unless there is sustained legal reform, the revival of credible self-regulation, diversification of ownership and robust solidarity from civil society and international partners, the media sector will continue to slide towards managed information and propaganda.

KEY FINDINGS

Constitutional guarantees for media freedom and free expression are undermined by incompatible laws.

Although the Constitution protects freedom of expression and media freedom, several statutes – many of them inherited from the colonial era – significantly restrict these rights in practice and are deployed selectively against critical journalists and outlets. Laws such as the Sedition and Subversive Activities Act, the Suppression of Terrorism Act and the Proscribed Publications Act contain vaguely defined offences, concentrate power in the executive and allow for special tribunals or proscription orders with limited or no judicial oversight.

Courts are weaponised against the media.

Defamation and privacy suits brought by government officials and state affiliated business figures against media houses have produced high-value damages awards, creating a pattern of punitive jurisprudence that effectively turns civil law into a mechanism of censorship by other means. Even where apologies or corrections are issued, courts have tended to focus on sanction rather than proportionality, reinforcing a chilling effect across newsrooms.

Ownership concentration deepens editorial capture.

The state and business interests closely allied to the monarchy dominate broadcasting and major print outlets. The 2025 acquisition of the Times of Eswatini Group by Michelo Shakantu has narrowed the remaining independent space. Evidence from recent coverage in the Times of Eswatini and its sister publications points to more favourable reporting on the monarchy, royal events, government initiatives and businesses linked to politically connected actors, at the expense of investigative scrutiny.

Advertising has become an instrument of control.

Government ministries and parastatals allocate advertising in ways that reward compliant outlets and punish critical voices, with some publications said to be losing key contracts after critical reporting on the royal family or senior officials. In the absence of transparent advertising policies or disclosure obligations, this practice remains largely unaccountable yet has a decisive influence on editorial risk-taking.

Self-regulation has stalled, inviting statutory regulation.

The **Media Complaints Commission** exists in name only, without staff, budget, physical office or a track record of handling complaints. Mistrust and the resultant fragmentation between the Editors Forum, ESNAJ and newly formed bodies such as the Press Club has prevented a coherent self-regulatory framework from emerging, a failure now being invoked by the Prime Minister as grounds to revive a state-sponsored Media Commission Bill.

Journalists face harassment, surveillance and physical danger.

Reporters covering protests, corruption and royal affairs have been arrested, interrogated, assaulted and subjected to intrusive digital and physical surveillance. Several media practitioners have been forced into exile after sedition-related investigations and the seizure of their equipment. The security forces' intolerance of critical coverage, especially during and after the 2021 pro-democracy protests, has entrenched a climate of fear and normalised impunity for abuses against media practitioners.

Digital vulnerabilities and disinformation complicate the media terrain.

Weak cyber-security has exposed newsrooms to hacking and account hijacking, as illustrated by the 2024 hijack of the Eswatini Observer's Facebook page. On the other hand, the proliferation of unregulated online outlets has enabled the spread of disinformation and personalised smear campaigns. This has eroded public trust of the media, blurred the distinction between professional journalism and partisan activism, and allowed authorities to conflate legitimate criticism with irresponsible content.

Non-state actors have emerged as additional sources of threat to the media.

Journalists have received death threats and experienced suspected arson attacks from actors claiming affiliation with pro-democracy movements. This reflects a worrying trend

wherein intolerance of divergent views is no longer confined to the state. The result is a double jeopardy for journalists who now have to contend with reprisals from the regime if they criticise it and attacks from militant elements if they are perceived as sympathetic to the monarchy or sceptical of opposition tactics.

International and domestic responses are fragmented and low-impact.

While UNESCO, the EU, MISA and other actors have issued statements, convened dialogues and supported some initiatives, these efforts have not produced meaningful legal reform or durable protective mechanisms for journalists. Domestic professional bodies remain organisationally weak, under-resourced and often cautious in confronting state power, limiting their ability to leverage external solidarity into concrete change.

INTRODUCTION

Media freedom in the Kingdom of Eswatini is formally protected through constitutional provisions yet substantively hollowed out.

Section 24 of the Constitution is titled **Protection of freedom of expression and in subsection 1, it explicitly provides that**, “A person has a right of freedom of expression and opinion.” Subsection 2 further states that, “A person shall not except with the free consent of that person be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media, that is to say -

- a. freedom to hold opinions without interference;
- b. freedom to receive ideas and information without interference;
- c. freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons); and
- d. freedom from interference with the correspondence of that person.”²

Despite these constitutional guarantees, the disturbing reality is that a dense web of colonial-era and contemporary laws, political interference and economic control has produced an environment in which genuinely independent journalism is precarious, criminalised and often punished.

In over a century, from the establishment of the **Times of Swaziland** (now known as the **Times of Eswatini**) in 1897 to the acquisition of that title and its sister publications by politically connected business interests in 2025, successive governments have treated the media less as a public watchdog and more as an instrument to be captured, neutralised or silenced. A small number of independent outlets continue to operate, but they do so

under constant legal, financial and physical pressure. Consequently, citizens’ access to diverse, critical information is restricted.

Despite this hostile environment, a few existing independent media outlets continue to shine like a flickering star in the abyss. These courageous outlets continue exposing corruption and holding power to account, even as the state and its allies deploy law, ownership, advertising and digital tools to constrain critical reporting.

PURPOSE AND SCOPE OF THE REPORT

This report analyses how historical, political, legal and economic dynamics have shaped – and continue to threaten – the media landscape in Eswatini. It traces the evolution of state and elite attempts to control the narrative from the colonial period to the present and examines how these efforts continue to undermine the media’s capacity to act as a watchdog and platform for plural debate.

The report focuses on and examines five interlocking categories of threat: legal and regulatory restrictions; political and institutional interference; economic and ownership-related pressures; digital and technological risks; and societal and extra-legal intimidation by non-state actors. It analyses both legacy and digital media, with particular attention to the implications of recent developments such as the Eswatini Broadcasting Act 2023 and the capture of key private media outlets. In addition, the report considers the impact of these threats on the media and evaluates how different stakeholders have responded to these threats.

2 <https://www.aceproject.org/ero-en/regions/africa/SZ/CONSTITUTION%20OF%20THE%20KINGDOM%20OF%20SWAZILAND%202005.pdf> accessed on 12 January 2026

GEOGRAPHIC AND TEMPORAL SCOPE

The primary geographic focus of this report is the Kingdom of Eswatini, with occasional reference to regional and international standards where these illuminate or have a bearing on trends in Eswatini. Historically, the analysis spans from the establishment of the first newspaper, the Times of Eswatini in 1897 through to developments in late 2025, capturing both long-standing structural constraints and more recent flashpoints, including the 2021 pro-democracy protests and their aftermath.

METHODOLOGY AND SOURCES

The report utilises a mixed-methods approach combining documentary research and key informant interviews. Primary and secondary sources include academic publications, court judgments, legislation, monitoring reports by local and international civil society groups, and news coverage documenting specific incidents of censorship, harassment, litigation and ownership change. To deepen the analysis, the authors conducted interviews with journalists, editors, media owners, a human rights lawyer and journalism scholars in Eswatini, whose testimonies provide insight into the day-to-day realities behind formal laws and policies. Given the climate of fear, some incidents are likely to be under-reported, and the examples cited should therefore be read as illustrative rather than exhaustive.

DEFINITIONS OF KEY TERMS

Media freedom: This refers to the total enjoyment of freedom of expression by ordinary citizens and media workers. This extends to the protection of journalists when doing stories that are in the public interest or critical of the government.

Independent media: This refers to media houses whose owners have no affiliation to senior government officials and those politically connected to the royal family.

Fourth Estate: This is the role of the media to hold those who hold public office and big corporations accountable and keep them under scrutiny, especially when there is abuse of power.

SLAPP suits: The egregious abuse of courts processes to prevent journalists and activists from writing critical stories and to exhaust media institutions' financial resources.

State censorship: This refers to the deployment of a variety of tactics to muzzle criticisms and dissenting views. This censorship is commissioned by those politically connected and senior government officials.

Self-censorship: This type of censorship takes place from within the media sector, where journalists opt not to publish certain information due to potential threats that come with the story or conflict of interests.

Cyberattack: This refers to attacks targeted to media institutions and deployed through the use of digital infrastructures.

ESCCOM: This refers to Eswatini Communications Commission, a body established to regulate all communication services in the country.

MCC: This is a dormant media self-regulatory structure charged with the role to ensure the implementation of the Eswatini Journalists Code of Ethics and to provide aggrieved persons with an opportunity for redress outside the courts in respect of print media.

ESNAJ: This refers to the Eswatini National Association of Journalists, a voluntary body that seeks to advocate for the wellness, development and safety of journalists.

State surveillance: This refers to the unconstitutional use of monitoring calls, private messages of journalists and their sources and targeting those who disseminate dissenting views on public platforms.

Harassment of journalists: This refers to the cumulative efforts launched by bad actors against the media to stop or threaten them from publishing critical stories.

HISTORICAL CONTEXT: FROM COLONIAL CONTROL TO ROYAL CAPTURE

From the outset, print media in Eswatini developed under conditions of racialised control and state sponsorship. The oldest recorded media outlet is the Times of Eswatini, founded in 1897 by a British settler, Allister Miller. Miller was closely linked to the monarchy, taking on the role of advisor to King Mbandzeni. His publication was financed by the colonial administration and largely ignored the experiences and grievances of the indigenous population while amplifying white settler interests.

Writing in his dissertation on media freedom in Eswatini, Vuyisile Hlatshwayo, notes that, “all reports in the Times of Swaziland were biased towards white interests targeting only the small resident population of 500 white settlers... Following a discriminatory editorial policy, his paper covered little or nothing of the events occurring in the circles of the indigenous Swazi people.”³

Indigenous Swazi did not sit idly by and in 1934, Izwi Lama Swazi (loosely translated to The Voice of the Swazi People) was established as the first indigenous publication by the Swazi Press Company Ltd under the directorship of John June Nquku, Johannes J. Mnyandu and Fynn F. Sepamla of Mbabane.

Eswatini academic Maxwell Mthembu argues that Izwi played a significant role in the media landscape of Eswatini, providing an alternative narrative which reflected the lived realities of indigenous people who were often neglected and underrepresented by the Times of Eswatini.

Unsurprisingly, these moves by African journalists to create alternative media platforms were met with censorship,

economic strangulation and direct intervention by the British colonial authorities, who restructured ownership to neutralise critical editorial lines. These early episodes established a pattern in which the state used licensing, ownership, advertising and security laws to police who could speak and on what terms, a pattern that persisted after independence.

In July 1934, which was barely five months after it was established, Izwi Lama Swazi was closed down and only resurfaced in March 1947. Upon its return, the publication stated in its editorial:

“...The lack of an African Press in this country has been a great drawback and our views in matters affecting us have been stifled too long. We mean to blow out the steam that had no outlet and was almost bursting our Engine... Africans, regardless of the standard of education, thirst for a paper of their own which will express the African point of view undiluted.”

The paper continued to be viewed with hostility by the colonial administration which considered its stories to be too critical by the British government. In a letter to Sir Evelyn Baring, the British High Commissioner for Southern Africa (1944–1951), Resident Commissioner Edward Betham Beetham lamented:

“...There is an undoubted need for an unofficial and reasonably critical newspaper in Swaziland, but I do not favour encouraging the *Izwi Lama Swazi* unless it adopts a radically different tone. The paper is owned solely by J.J. Nquku and his background is well-known here.”⁴

Nquku was eventually elbowed by the colonial administration which took charge of Izwi in 1950 before handing it over to the

3 Hlatshwayo, V. (2011). The reality of media freedom in Swaziland under the new constitutional dispensation. University of Cape Town.

4 Mthembu, M. V. (2020). The Political and Economic History of Swaziland's First Indigenous-language Newspaper, *Izwi Lama Swazi (The Voice of the Swazi)*. *African Journalism Studies*, 41(1), 17–34. <https://doi.org/10.1080/23743670.2020.1727545>

pliant Bantu Press to run it. Subsequently, the paper's editorial stance changed. Commenting on these developments, media scholar Mthembu (2020) states that "it could be argued that this was an endeavour by the British to ensure that there was no publication that could be used to 'open the eyes' of the African to the expropriation of their land and to pursue their independence."⁵

The capture of both the Times of Eswatini (then under the ownership of South African publishing concern, Argus Group), and later Izwi was indicative of and a culmination of the colonial administration's desire to control the narrative and muzzle dissent from the beginning.

POST-INDEPENDENCE CONSOLIDATION OF STATE MEDIA

Following independence in September 1968, the monarchy declined an opportunity to purchase the Times of Eswatini and opted to create its own papers, including Umbiki, Swaziland Today and News from Swaziland, which functioned essentially as state bulletins with no meaningful editorial independence or investigative output. Reporting on royal affairs and government was tightly choreographed, with critical content routinely spiked, altered or relegated under pressure from senior officials.

The monarchical regime also established the Eswatini Observer, with its weekend edition, Weekend Observer. These are commercial publications which have been tightly monitored and censored ever since. Simelane (1995) observed:

"Any report dealing with issues pertaining to the monarchy has to be printed in the first page and constitute

the main headline... Criticisms levelled against the state, including any issues deemed politically hostile to the monarchy are either never published or published with a highly biased and subjective tone... In some cases, some reports which were to be included in the newspapers have to be cancelled as a result of orders from above."⁶

The first post-independence elections in Eswatini were held in 1972, and these were won by the Imbokodvo National Movement (INM), a party which had been formed by King Sobhuza II in. The INM garnered 21 seats and the remaining three were won by the opposition Ngwane National Liberatory Congress (NNLC).⁷

Rather than bask in the success of his Imbokodvo party, the king was incensed and threatened by the marginal gains of the NNLC. King Sobhuza responded by repealing the 1968 constitution on 12 April 1973 and dissolving parliament. He assumed all powers of government and banned all political activities and trade unions. He justified his actions as having removed alien and divisive political practices incompatible with the Swazi way of life. In January 1979, a new parliament was convened, chosen partly through indirect elections and partly through direct appointment by the King.⁸

SUPPRESSING INVESTIGATIVE JOURNALISM AND ALTERNATIVE VOICES

The entrenchment of the *tinkhundla* system and the banning of political parties in 1973 deepened what was already a high degree of monarchical intolerance of dissent. New security instruments, notably the Sixty Days Detention Order and related decrees, criminalised criticism of the monarchy and

5 Ibid

6 Simelane, S. S. (1995). *Politics and the Press: A Case Study of the Times of Swaziland and the Swazi Observer; 1992-1994*. University of KwaZulu-Natal, South Africa. Available at https://ccms.ukzn.ac.za/Files/articles/MA_theses/sandile%20-%20ma%20thesis.pdf

7 <https://2009-2017.state.gov/outofdate/bgn/swaziland/105199.htm> accessed on 12 January 2026

8 Ibid

curtailed investigative reporting, reinforcing a culture of self-censorship around royal and security matters that endures today.

According to Simelane (1995), between 1973 and the late 1980s, “the Swazi press was dominated by news which was not at all critical of the government... Dissenting views in Swaziland were suppressed through the enactment of the Sixty Days Detention Order, which came as a result of the 1973 King’s Order in Council. The Act forbid the publication of any material which was perceived as critical to the state.”⁹

Even in the face of such adversity, some independent publications were established, and they even conducted investigative journalism- albeit at a huge cost to themselves.

In 1984, two Times of Eswatini journalists were detained for reporting that the rebel militant Mozambican RENAMO group had set up bases in Eswatini.¹⁰ The report led to the Mozambican authorities lodging complaints to the *Eswatini* government.

Another publication that emerged that period was *The Weekend Sun*, a weekly that was established by Dr Allen Nxumalo, a private businessman and retired politician. According to Simelane (1995), *The Weekend Sun*’s major advantage over both the Times of Eswatini and the Swazi Observer was its willingness to dabble in investigative journalism. One famous scandal that *The Weekend Sun* revealed was that of a government cheque amounting to E5 million (R5 million) which had been deposited in the personal account of Ndumiso Mamba (former Justice and Constitutional Affairs minister and the incumbent King Mswati III’s ex financial advisor). The story led to an uproar and the cheque was subsequently returned to the Central Bank of Eswatini. The paper paid the ultimate price for its dedication to fearless journalism. Beginning with coordinated suppression, it was boycotted by advertisers,

printing companies refused to print editions and distributors avoided it for fear of state retribution. In mid-1992, the newspaper was forced to close down.

Historically, the Eswatini regime has wielded the Ministry of Broadcasting and Information Services not merely as a regulator, but as a *de facto* editorial board. Through frequent directives, the Ministry has both suppressed critical coverage and dictated the framing of state narratives. A major escalation occurred in 1991, when the government mandated that all state-related reporting be filtered through a single spokesperson—the government spokesperson who also doubled as the Director of Information. This administrative gatekeeping was ostensibly designed to curb “misrepresentation of issues,” but in practice, it served to control the media and monopolise the narrative.

THE MASITSELA COMMISSION AND THE FEAR OF DIALOGUE

The state’s appetite for gatekeeping was further exposed during the 1991 Masitsela Commission. The commission was tasked by King Mswati III to review the *tinkhundla* system—a political system that bans partisan campaigning and subjects candidate eligibility to the approval of traditional leaders. Fearing that public contributions would embolden dissent, the government summarily banned media coverage of the sittings. While a rare public rebuke from *The Times Eswatini* resulted in then Prime Minister Obed Dlamini lifting the ban which he described as a “careless mistake,” the underlying hostility remained. This was epitomised by one government official’s chilling indictment of the press:

“The Times has perpetually polluted the minds of Swazi citizens... under the guise of democracy and freedom of speech. This is ‘un-Swazi’ and shall not be tolerated by any patriotic citizens.”¹¹

9 Ibid

10 Ibid

11 Simelane, S. S. (1995). Op cit.

This rhetoric marked the weaponisation of national identity, framing media freedom, free expression and other fundamental rights as alien threats to the social fabric.

PHYSICAL INTIMIDATION AND LAWFARE

Beyond administrative hurdles, journalists have faced a gauntlet of physical and professional peril, ranging from death threats to arbitrary detention. In 1991, the editor of The Times of Eswatini was detained for “slander,” while the paper’s publisher, Douglas Loffler, faced the constant threat of deportation—a tactic used to leverage residency against editorial independence.¹²

When intimidation failed, the regime turned to colonial-era legal statutes. The 1997 founding of The Nation magazine was greeted with immediate state resistance. Utilising the Books and Newspapers Act of 1963 and the more draconian Proscribed Publications Act of 1968, the Minister of Information effectively banned the publication and deployed police to seize copies nationwide. Although the magazine eventually survived a protracted legal battle to remain in print today, the intent

was clear: to use the law as a blunt instrument of asphyxiation.

THE PYRRHIC VICTORY OF THE GUARDIAN

The 2001 crackdown on The Guardian of Swaziland illustrates the state’s most effective tactic: economic strangulation through litigation. Following a report on King Mswati III’s ill-health, the government invoked the Proscribed Publications Act under the pretext of protecting royal privacy. Although the paper’s owners successfully challenged the ban in the High Court, the victory was hollow. The legal costs incurred during the struggle were so prohibitive that the publication was forced to close—proving that even when the media wins in court, the state can still achieve its goal of silencing dissent through financial ruin.¹³

This history demonstrates that contemporary threats to media freedom are not aberrations but the latest iteration of a long-term project of media capture, in which both colonial and post-colonial authorities have treated independent journalism as a political risk to be neutralised rather than a democratic asset.

12 Hlatshwayo Op.cit.

13 <https://ifex.org/court-ruling-allows-the-guardian-of-swaziland-newspaper-to-resume-publishing/> accessed on 12 January 2026

CURRENT LANDSCAPE

This section comprehensively analyses the multi-pronged assault on Eswatini's fourth estate, categorising the threats into five critical pillars: legal and regulatory restrictions; political and institutional interference; economic and ownership-related pressures; digital and technological risks; and societal and extra-legal intimidation by non-state actors.

LAWFARE: REGULATORY CAPTURE AND COLONIAL VESTIGES

While the regime projects a facade of democratic process through the *tinkhundla* voting system, the legal reality is one of entrenched authoritarianism. Eswatini is ruled by an absolute monarchy, the last in Africa and one of a few globally. This system is fundamentally tokenistic as neither the judiciary nor Parliament possesses the requisite authority to hold King Mswati III or his inner circle accountable. The media is thus left to navigate a minefield of draconian statutes and decrees, some of them colonial-era statutes laws that have been strategically preserved to bypass constitutional safeguards and vest absolute, unchecked power in the monarchy. These laws are also designed to stifle the operations of the media.

THE ILLUSION OF REFORM: THE ESWATINI BROADCASTING ACT (2023)

The passage of the Eswatini Broadcasting Act 7 of 2023 represents a calculated effort to reorganise the media landscape. While the Act ostensibly seeks to create a modern, three-tier broadcasting system (public, commercial and community) and transform state media into independent entities and regulate the broadcasting sector in ways that will improve accountability

and professionalism, the structural reality suggests centralisation disguised as liberalisation.

The legal framework establishes the Eswatini Communications Commission (ESCCOM) as the central regulator. ESCCOM is portrayed as an independent authority acting in “an objective, transparent, proportionate and non-discriminatory manner”¹⁴ and “safeguarding the right of citizens to be informed freely, truthfully and objectively on all matters of public interest, national or international.”¹⁵

However, the Commission's independence is compromised by its design:

- **Ministerial Capture:** The Board is appointed by the Minister of Information, Communication, and Technology (ICT) in consultation with Cabinet committees.
- **Executive Veto:** Most of the Commission's substantive functions remain subject to direct ministerial approval.

While ESCCOM positions itself as a guardian of “objective, transparent and non-discriminatory” information, its true autonomy remains untested. In a regime devoid of independent commercial stations that engage in critical current affairs, the prospect of a truly free broadcaster surviving without its licence being revoked remains theoretically possible but practically improbable.

14 See section 2(5) of the Swaziland Communication Commission Bill, 2020

15 See section 3(2) of ESCCOM's Broadcasting Guidelines of 2017. Available at https://www.esccom.org.sz/mandate/broadcasting/Broadcasting_Guidelines.pdf

STATE POLICING OF INFORMATION

There are no independent commercial broadcasting stations that engage in current affairs in the regime. The state's grip on information is most visible through the Eswatini Television Authority (ESTVA). Established under the 1983 Swaziland Television Authority Act, the ESTVA operates under a Board of Control appointed directly by the Minister. In terms of Section 10 of the Swaziland Television Authority Act 1 of 1983, this board is tasked with a deliberately vague mandate of ensuring content conforms to "acceptable moral standards"¹⁶— a euphemism for political censorship.

By weaponising these ill-defined standards, the state effectively paralyses the ESTVA's ability to fulfil its public interest mandate. Consequently, the broadcaster is barred from critical discourse, particularly regarding corruption-related scandals or investigative reportage involving senior government officials.

LAWS THREATENING MEDIA FREEDOM IN ESWATINI

The gap between democratic rhetoric and authoritarian practice is widening in Eswatini. While the Eswatini Constitution explicitly enshrines the right to freedom of expression, protecting the media's right to hold opinions and communicate ideas without interference, these are rights that are severely undermined by a regime that is hyper-sensitive to any critique of King Mswati III and his appointees.

Journalists operate in a legal environment that is opaque and hostile. UNESCO identifies at least 32 laws that actively restrict media freedom in the country. As Dr. Mthembu noted to Intelwatch:

"Unfortunately, despite those (constitutional) clauses that allow press freedom in the country, there are

pieces of legislation that are being used against the media. We have to deal with the pieces of legislation that impact on media freedom in the country. The media is at the centre and there are so many attacks from all angles."

The following analysis examines the most draconian of these statutes.

THE SEDITION AND SUBVERSIVE ACTIVITIES ACT 46 OF 1938

A relic of the colonial era, the Sedition and Subversive Activities Act is used to insulate the monarchy from accountability. It prohibits journalists from writing critical stories about the King and the royal family. This Act has a broad definition of a "seditious intention". Section 3(1) of the Act defines seditious intention as "bring(ing) into hatred or contempt or to excite disaffection against the person of His Majesty the King, His Heirs or successors" or to bring the same to the justice system.

Section 7 of the Act states that where the Prime Minister is of the view that such an offence was committed, he or she may issue a certificate to that effect and the King may, with advice from the Prime Minister, appoint a Special Tribunal "to hear and determine any charges against any person under this Act and... [the] Tribunal shall have exclusive jurisdiction in the conduct and determination of all the proceedings in the matter and no appeal shall lie from the decision of the Tribunal to any Court."

This 'Kangaroo Court' provision under Section 7, grants the Prime Minister the power to bypass traditional courts. By issuing a certificate of offence, the Prime Minister can prompt the King to appoint a Special Tribunal.

Zero Accountability: These tribunals have exclusive jurisdiction; their decisions are final and cannot be appealed to any court in the

16 <file:///Users/watcher/Downloads/Swaziland%20Television%20Authority%20Act%201983.pdf> accessed on 14 January 2026

land. This creates a circular system of ‘justice’ where the alleged victims (the King and his administration) act as the ultimate arbiters, effectively silencing investigative journalism regarding the royal family.

THE COMPUTER CRIME AND CYBERCRIME ACT, 2022

1. The Criminalisation of Journalism as “Cyberterrorism” (Section 13)

The definition of cyberterrorism is dangerously broad. It includes causing “fear or terror in a community” or harming the economy. In Eswatini’s political context, investigative reporting on government corruption or human rights abuses is often framed by authorities as “inciting instability.” This clause allows the state to classify critical reporting as a terrorist act, carrying severe prison sentences.

2. Re-introducing Criminal Defamation (Section 17)

By including “defamation, slander, and libel” under the umbrella of cyberstalking, the Act effectively criminalises speech that should be handled through civil litigation. This is a major setback for media freedom, as journalists can now face criminal charges and jail time for published content that officials deem «defamatory,» leading to a «chilling effect» and increased self-censorship.

3. Muzzling Investigative Reporting (Section 26)

This clause acts as a gag order. If a journalist discovers that a high-profile official is under investigation for a cybercrime (such as fraud or data theft), Section 26 prevents them from reporting on it. Disclosure of such details is a criminal offense, effectively shielding public officials from media scrutiny and transparency.

4. Targeting Journalists in Exile (Section 31)

Due to the restrictive environment within Eswatini, many independent news outlets (like Swaziland News) operate from across the border (notably South Africa). Section 31 gives the Eswatini state the legal reach to prosecute journalists for content published online, despite them being outside the country’s physical borders.

5. Compromising Source Protection (Part IV: Procedural Powers)

The Act grants law enforcement the power to intercept communications and seize computer systems with relatively low thresholds for court authorisation. For a journalist, this is a direct threat to the confidentiality of sources. If the police can legally seize a journalist’s phone or laptop ‘to collect evidence of a crime’, whistleblowers will be too afraid to share information, drying up the flow of public-interest news.

6. Vague “Data Interference” Clause (Section 6)

The term “interference” is not sufficiently defined to protect legitimate journalistic activities. For example, if a journalist receives leaked data to expose a crime, they could be accused of «unauthorised access» or «interference» with that data. The high fines (up to 500,000 Emalangeni) serve as a financial deterrent against investigative data-driven journalism.

The cumulative effect of these clauses is the creation of a legal minefield for media practitioners. By blending legitimate cybersecurity needs (like stopping hackers) with restrictive speech controls (like criminalising defamation), the Act provides the state with a digital toolkit to suppress the independent media and control the national narrative.

SUPPRESSION OF TERRORISM ACT OF 2008, AS AMENDED IN 2017

This Act has become a primary tool for state overreach with its troubling clauses, including section 5(3)(e) which makes it a crime to deliberately publish or communicate inaccurate information about the existence of any danger, dangerous thing, explosive or harmful or hazardous substance. This clause is so broad that it could be used to punish journalists who report about public interest threats that the government simply wishes to downplay.

Section 11(1)(a)-(b) makes it an offence to knowingly and in any manner solicit support for groups branded as terrorists. In the Eswatini context, this creates a chilling effect, as journalists risk arrest simply for interviewing members of proscribed political groups.

In an interview with Intelwatch, Sibusiso Nhlabatsi, a prominent Eswatini human rights lawyer said the wording of the Act was so broad and vague and needed to be reformed to align with constitutional provisions for the enjoyment of media freedom and other rights.

Protests are generally accepted as an expression of freedom of association and expression. However, this did not prevent the regime from invoking the Act in 2014 to charge Mario Masuku and Maxwell Dlamini of the Peoples United Democratic Movement (PUDEMO). The duo had worn t-shirts to a May Day rally and chanted 'Viva PUDEMO'. PUDEMO is a proscribed pro-democracy party and anyone who associates with it effectively becomes a terrorist in the government's eyes, including journalists who may be seen as sympathetic to demands for democratic reforms in the country. On 29 June 2021, mass protests erupted throughout the country calling for democratic reforms and justice against police impunity. The regime responded by unleashing violence, leaving many maimed, wounded and dead.

The Case of the Pro-Democracy MPs: The 2021 arrests of MPs Mduzuzi Bacede Mabuza and Mthandeni Dube illustrate the Act's weaponisation. Despite merely calling for democratic reforms—a right protected under the Constitution—they were charged under terrorism laws. While Dube was pardoned in late 2025, their lengthy sentences (25 and 18 years, respectively) serve as a grim warning: the regime equates advocating for lawful change with terrorism.

THE WAR ON SOURCES: OFFICIAL SECRETS AND SEARCH POWERS

Two specific laws target the lifeblood of journalism: the confidentiality of sources.

The Official Secrets Act (1968)

Section 10 of the Official Secrets Act grants the Police Commissioner wide powers to demand information from any individual. If a journalist refuses to name a source—even if doing so puts that source's life at risk—they face fines or imprisonment. This is not consistent with the laws and values in democratic countries, where special mechanisms exist for the protection of journalists' sources, including whistleblowers.

Author and researcher Justine Limpitlaw notes the implications of this Act on journalists as follows:

"A journalist's sources are the lifeblood of his or her profession. Without trusted sources, a journalist cannot obtain information that is not already in the public domain. However, sources will often be prepared to provide critical information only if they are confident that their identities will remain confidential and will be respected and protected by a journalist."¹⁷

17 Justine Limpitlaw. (2021). *Media Law Handbook for Southern Africa*, vi. Konrad-Adenauer-Stiftung: South Africa

The Control of Supplies Order (1973)

Section 5 of the Control of Supplies Order of 1973 empowers the Principal Secretary of the Ministry of Commerce, or anyone authorised by him or her to enter premises and seize goods without prior notice. This provision could be used to seize journalists' laptops and notebooks, compromising their sources—the very foundation of investigative work.¹⁸

The Magistrates Courts Act (1939)

Section 34 of the Magistrates Courts Act of 1939 empowers the courts to subpoena any person to give evidence and produce documents. This Act could be used to subpoena journalists and if a journalist fails to comply, they may be imprisoned or fined.

The Proscribed Publications Act (1968)

Section 3 of the Proscribed Publications Act empowers the Minister of ICT to ban any publication deemed potentially prejudicial in the interests of defence, public safety, public order, public morality or public health. The ban does not require a court order or prior warning. It is done via a simple notice in the Government Gazette. Anyone found in possession of a proscribed publication without the authority of the minister is also deemed to have committed an offence.¹⁹

This Section is interchangeably used with the Section 28 (2) of the Suppression of Terrorism Act 2008.

In 2001, the regime banned the Guardian of Swaziland newspaper and The Nation magazine.²⁰ However, this decision was revoked by the High Court on the grounds that the minister did not give any reasons for declaring the publications to be proscribed in the notice. Most recently, the regime's tactical

use of this law was on 30 June 2022, when it was used to proscribe the Swaziland News, a critical online website run by the exiled Zweli Martin Dlamini. In his notice proscribing the publication, Prime Minister Cleopas Siphos Dlamini stated:

“In exercise of the powers conferred on me by Section 28 (2) of the Suppression of Terrorism Act 2008, I, Prime Minister of the Kingdom of Eswatini, declare Zweli Martin Dlamini and Swaziland News (Pty Ltd) to be specified entities with immediate effect in that these entities knowingly facilitate the commission of terrorist acts.”

By the stroke of the pen, the regime declared Zweli Dlamini a terrorist. Commenting on the absurdity of the current legal climate, Human rights lawyer, Sibusiso Nhlabatsi told Intelwatch:

“I usually tell journalists that they are aspiring terrorists because if you look at the Suppression of Terrorism Act, anyone, including journalists can be a terrorist. By simply publishing a story, by merely reporting, by merely stating an opinion, a journalist or anyone else could suddenly find themselves in trouble for contravening the wide and broad definition of a terrorist activity.”

Political and Institutional Threats

While legal frameworks provide the scaffolding for media suppression, the true threat lies in the strategic weaponisation of these laws by political actors. This section explores how Eswatini's courts have been transformed into instruments of intimidation. By exploiting court processes, powerful figures have initiated a wave of lawfare with the aim of financially crippling newsrooms and dismantling the Fourth Estate through exorbitant litigation.

18 Swazi Legal Information Initiative (SWAZILI). *Kings Order in Council 46 of 1973*. Available at <https://eswatiniilii.org/akn/sz/act/order-in-council/1973/46/eng@1998-12-01>

19 Swazi Legal Information Initiative (SWAZILI). *Proscribed Publications Act No. 17 of 1968*. Available at <https://eswatiniilii.org/akn/sz/act/1968/17/eng@1998-12-01>

20 Swazi Legal Information Initiative (SWAZILI). *Swaziland Government Gazette dated 2001-05-04 number 689*. Available at <https://eswatiniilii.org/akn/sz/officialGazette/government-gazette/2001-05-04/689/eng@2001-05-04>.

The financial toll of these judgments is staggering. In 2020, the High Court ordered the Times of Eswatini to pay a combined E525,000 (US\$28,700) to Phila Buthelezi, now Minister of Labour, and Assistant **Master of the Court**, Ceb'sile Ngwenya for privacy intrusion and defamation related to published articles. This trend of punitive sentencing escalated in 2022 when the Supreme Court increased a defamation award for government spokesperson Alpheous Nxumalo from a mere E2,000 to E180,000 (\$10,000 USD). The increase was awarded after Nxumalo appealed the initial amount which he had been granted in his defamation suit over an Eswatini Observer report relating to his HIV status.²¹ By 2025, the courts reached a new threshold of severity, awarding lawyer Simangaliso Patrick Mamba E400,000 (US\$22,000) over a report in the Eswatini Observer which portrayed him “as a dishonest person” in relation to how he billed his clients.²²

Digital and independent outlets face even harsher existential threats. In 2024, the online publication Swazi Bridge was ordered to pay E350,000 (US\$19,000) to former FNB CEO Dennis Mbingo for articles alleging he was involved in acts of sexual misconduct with some of the bank's female staffers. The publication is still challenging the ruling.²³ The same outlet is facing another catastrophic E50 million (US\$2,7 million) lawsuit from Farmers Bank following a series of articles exposing the controversial manner in which the bank obtained its licence.²⁴

The cumulative effect of these rulings is the institutionalisation of self-censorship. Bheki Makhubu, editor of The Nation, captures this shift:

“The judiciary of Eswatini has moved beyond being an arbiter of justice and taken on a seeming censor's role. Fearful journalists then self-censor, shying away from reporting any story that might get them into trouble. The media is now expected to do the bidding of the powerful people and government.”²⁵

This sentiment is supported by empirical data. A 2017 UNESCO survey of media professionals revealed that over 81% of participants believe defamation laws are applied specifically to stifle public debate regarding official conduct.²⁶ As Human rights lawyer Nhlabatsi noted to Intelwatch, the courts often ignore media apologies, focusing solely on punitive damages to ensure maximum financial damage. The result is a shrinking democratic space where newsrooms may soon be reduced to merely running press releases for the elite.

STATE REPRESSION AND THE EROSION OF EDITORIAL INDEPENDENCE

Beyond the financial threat of defamation suits, the Eswatini media landscape is stifled by direct state intervention and official censorship, particularly on stories relating to political and royal issues. This censorship is

21 Nxumalo Vs Swazi Observer And Others (7 of 2018) [2022] SZSC 250 (17 February 2022). Available at <https://eswatinilii.org/akn/sz/judgment/szsc/2022/250/eng@2022-02-17>

22 Mamba v Zwane and Others (599/2015) [2024] SZHC 41 (20 March 2024). Available at <https://eswatinilii.org/akn/sz/judgment/szsc/2024/41/eng@2024-03-20>

23 Swazi Bridge. (2025). The Bridge fights back against former FNB CEO Dennis Mbingo. Available at <https://www.swazibridge.com/article/index.php?iywtrre=eIWu>

24 MISA. (2025). SLAPPS: A threat to freedom of expression and press freedom in Eswatini. available at <https://misa.org/blog/slapps-a-threat-to-freedom-of-expression-and-press-freedom-in-eswatini/>

25 Eswatini chapter 7 by Links, F., & Hubbard, D. Impact of Cybercrime and Cyber Security Laws on Media Freedom and Digital Rights. Advancing Rights in Southern Africa (ARISA).

26 United Nations Educational, Scientific and Cultural Organization (UNESCO). 2017. Assessment of Media Development in Swaziland based on UNESCO's Media Development Indicators.

sustained by a culture of hostile rhetoric and overt threats from senior officials, creating a climate where editorial independence is routinely sacrificed to political interests. Empirical evidence from the 2017 UNESCO survey highlights the scale of this crisis: approximately 70% of media practitioners reported direct interference from external political or commercial actors in their work.

The state's willingness to bypass legal norms to silence dissent is best illustrated by the 2010 suppression of Mario Masuku, then president of the banned political party PUDEMO. Despite Masuku's legal challenges to remain a columnist for the Times of Eswatini Sunday, the Attorney General, Majahenkhamba Dlamini, coerced the paper's management into terminating the column. Dlamini's rhetoric—dismissing the law in favour of state—set a chilling precedent: “I cannot understand why terrorists should anything to do with your newspaper. Whether you believe them to be terrorists or not is not the issue. Your belief... is irrelevant as far as the law is concerned,” Dlamini told the paper at the time.²⁷ Cowered into submission, the newspaper's management obliged and dropped Masuku.

In March 2011, a senator proposed an investigation to identify and prosecute the author of an anonymous Times of Eswatini editorial that was critical of Parliament. In January 2012, Musa Ndlangamandla, the editor-in-chief of the Eswatini Observer, was fired after publishing interviews with opposition leaders and writing about corruption among prominent politicians. In July 2012, two Eswatini Observer editors, Alec Lushaba and Thulani Thwala, were suspended for reporting negatively on the king.²⁸

In 2014, the government ordered The Times of Eswatini to retract a story regarding

the expenditure of E208 million in public funds. The regime also suspended the state broadcaster's information officer Thandiswa Ginindza after she broadcast a live interview with the Chairman of the Ministry of Labour and Social Security and Member of Parliament, Jan Sithole. The interview focused on the country's disqualification from the USA's African Growth Opportunity Act (AGOA).²⁹ AGOA is the acronym for the United States' trade preference programme, which grants duty-free and quota-free access to the US market to eligible sub-Saharan African countries that would have met the qualifying criteria of good governance and respect for human rights. Eswatini was suspended in 2015 due to its failure to meet benchmarks for democratisation and human rights. Instead of addressing the underlying issues of democratisation, the regime chose to break the mirror reflecting its flaws. By penalising the coverage of human rights and democratisation—the very benchmarks required for AGOA eligibility—the state demonstrates that its priority is the preservation of its image over the economic welfare of its citizens.

These cases are not isolated incidents. They are part of a deliberate, ongoing campaign to transform the Fourth Estate into a government mouthpiece. While these examples are illustrative, they represent only the visible surface of a much deeper, more pervasive culture of fear and forced silence.

HARASSMENT OF JOURNALISTS

Journalists in Eswatini are not only subjected to editorial interference by officials when publishing critical stories, they are also subjected to physical and other forms of harassment by law enforcement agencies for

27 The Zimbabwean. (2010). Swaziland: Newspaper banned from publishing opinions of political activist. Available at <https://www.thezimbabwean.co/2010/01/swaziland-newspaper-banned-from-publishing-opinions-of-political-activist/>

28 United Nations Educational, Scientific and Cultural Organization (UNESCO). 2017. Assessment of Media Development in Swaziland based on UNESCO's Media Development Indicators.

29 Media Institute of Southern Africa (MISA). 2015. *So This Is Democracy?: State of Media Freedom in Southern Africa*. Windhoek, Namibia: MISA.

covering events and stories that the regime deems negative. This environment of hostility is designed to stifle any reporting that cast a critical light on the regime. As Reporters Without Borders has noted, any critique of the monarchy is treated as a criminal offence, inevitably leading to sham trials and heavy penalties. The rationale behind this crackdown is articulated in the report titled *Impact of Cybercrime and Cyber Security Laws on Media Freedom and Digital Rights*. Authors Dianne Hubbard and Frederico Links observe a fundamental state hostility toward the free flow of information: “The government is uneasy with the free flow of information. Every time a journalist reports something critical about the government, they and their families are hunted. The government and the King do not want press freedom in the country because this would expose the underlying corruption and problems in the country”.

The 2020 crackdown on Zweli Martin Dlamini, editor of Swaziland News, serves as a chilling case study. Following the publication of articles critical of the King, Dlamini was arrested on charges of sedition. Police not only seized his professional tools—laptops, phones, and hard drives—but held him for six hours in a state of legal limbo, releasing him without charge while refusing to return his property. This targeted harassment forced Dlamini into exile in South Africa where he currently resides. The regime’s reach, however, extended to his family. When Dlamini later penned another story which questioned the King’s health during the COVID-19 pandemic, his wife was arbitrarily detained and interrogated for three hours—a clear attempt at intimidation by proxy.

Similarly, in 2020, authorities targeted Eugene Dube, editor and publisher of the privately owned news website, Swati Newsweek. A police raid on Dube’s home resulted in the seizure of his devices—three mobile phones, a laptop as well as work documents. Dube was arrested and taken into custody and interrogated for about seven hours concerning two articles critical of the King. He was then brought before a magistrate to

record a statement before being released without charge. The police kept his devices and documents on the grounds that they were required for further investigation. The retention of his equipment effectively paralysed his ability to work. This campaign of intimidation extended to journalist Mfomfo Nkhambule, who was taken into police custody, interrogated and threatened with high treason for his contributions to the same outlet. The police also interrogated Nkhambule regarding articles he had written in 2019 for the Swaziland News.

The civil unrest of June 2021 marked a dark turning point, as the regime consolidated its efforts to monitor and track down all those who are critical of it. Since then, citizens have become timid and fearful of expressing their political views or demanding service delivery. The right to protest is under attack while journalists’ work is compromised through a series of threats and intimidations.

In 2021, South African reporters from the now defunct South African news website New Frame, Magnificent Mndebele and Cebelihle Mbuyisa were arrested and tortured by state agents simply for attending the funeral of a police shooting victim. The duo was later released without any charges. The brutality became even more brazen in 2022. Nomthandazo Maseko of Swati Newsweek was assaulted by correctional officers while livestreaming a protest outside a prison where two pro-democracy members of Parliament, Mduduzi Bacede Mabuza and Mthandeni Dube, were detained. Maseko was hauled from a vehicle, slapped, kicked, beaten with sticks, and one of the officers pointed a gun at her and threatened to shoot her. This was a visceral manifestation of the state’s contempt for the act of witnessing. At the time, the now deceased Police Commissioner William Tsintsibala Dlamini vowed that the police would come down hard on journalists who dared to report negatively on King Mswati III. This systematic pattern of arrests, torture, and equipment seizures paints a disturbing portrait of a regime that views independent journalism not as a pillar of democracy, but as a threat to be extinguished.

BENDING THE NARRATIVE: STATE PROPAGANDA AND REPRESSION IN ESWATINI

The machinery of state propaganda in Eswatini reached a fever pitch during the July 2021 protests—an uprising triggered by the news of a missing 25-year-old law student, Thabani Nkomonye. When Nkomonye's body was discovered at Nhlambeni with three bullet wounds, a leaked report revealed a damning detail: his vehicle had been concealed at the Matsapha Police Station all along. While the specific motive for his killing remains unclear, the murder acted as a catalyst. It transformed grief into a challenge against the monarchy, with citizens demanding the abolition of the tinkhundla system—the political framework that bars opposition parties from contesting power.

To stifle this democratic surge, then-Prime Minister Cleopas Sipho Dlamini issued a blanket ban on protests and physical submissions of petitions on 25 June 2021. By the time the unrest subsided in October, the human cost was staggering: the security forces had killed at least 90 individuals and left dozens more maimed or disabled.

Amidst this violence, the government sought to sanitise its image. Through the Private and Cabinet Office, the regime leveraged the services of Vuma Reputation Management, a South African public relations firm. Originally contracted in 2019 to position Eswatini as an attractive destination for foreign investment, Vuma's mandate shifted in 2021 toward downplaying the massacre. Vuma's association with an administration that disregarded the rights of its citizens drew fierce condemnation from the public and civil society organisations. Following the

public backlash and a probe by the Public Accounts Committee (PAC) and Auditor General Timothy Matsebula, Vuma eventually withdrew its services to the Eswatini regime.

MANUFACTURING DOUBT: THE NEW FRAME CONFLICT

The most egregious example of Vuma's 'narrative bending' in favour of the regime involved its attempts to downplay the torture of South African journalists Cebelihle Mbuyisa and Magnificent Mndebele from the now defunct New Frame publication. On 4 July 2021, the pair were abducted at gunpoint by soldiers, taken to the Sigodvweni Police Station, and interrogated. They were subsequently forced to delete evidence of state brutality they had documented.³⁰

New Frame issued a press release condemning the torture and exposing Vuma's attempts to shop "alternative versions" of the event to various media houses and "bend the narrative towards the interests of a highly repressive police state". Vuma responded with a defamation complaint to the Press Council of South Africa. They took issue with New Frame's characterisation of them as "managing the reputation of a murderous and systemically dishonest dictatorship."

However, South African Deputy Press Ombudsman Herman Scholtz dismissed Vuma's case on the basis that *New Frame* was not wrong in concluding that Vuma was trying 'to bend the narrative' and to dismiss the torture of its journalists. Scholtz argued that New Frame's conclusions were reasonable, citing an email where Vuma referred to the "alleged" torture of the journalists. Scholtz noted:

30 Committee to Protect Journalists. 2021. *Eswatini police detain, abuse 2 reporters from South African outlet New Frame*. Available at <https://cpj.org/2021/07/eswatini-police-detain-abuse-2-reporters-from-south-african-outlet-new-frame/>

“A seasoned public relations firm knows, or ought to have known, that a reference to the ‘alleged torture’ of New Frame journalists would convey a denial of the torture of the journalists in question on behalf of their client. Given the denial (of the torture by Vuma), it was not unreasonable for New Frame to infer that the aim of the ‘engagement’ with eSwatini officials would be from that angle.”³¹

ECONOMIC AND OWNERSHIP-RELATED THREATS TO PRESS FREEDOM

Media ownership in Eswatini is defined by a stifling concentration of power in the hands of politically connected individuals and entities, a reality that has gutted media diversity and surrendered public discourse to corporate and state interests. The landscape is dominated by entities with deep ties to the monarchy. For instance, the Eswatini Observer, a primarily print outlet, is owned by Tibiyo TakaNgwane—a sovereign wealth fund established by Royal Charter that leverages public resources allegedly to consolidate wealth for the royal family.³² Similarly, the state maintains a vice-grip on broadcast media through Eswatini TV and Eswatini Broadcasting and Information Services (EBIS). While private entities like Channel Yemaswati and Voice of the Church exist, they are shackled by restrictive regulations and a prohibition on broadcasting current affairs, rendering them silent on matters of governance.

THE CAPTURE OF THE FOURTH ESTATE: THE SHAKANTU ACQUISITION OF THE TIMES OF ESWATINI

In what is potentially a devastating blow to media diversity and independence, the

Times of Eswatini, was acquired by politically connected businessman Michelo Shakantu on 1 April 2025.³³ For more than half a century, the Times of Eswatini—under the Loffler family—stood as the nation’s sole independent daily. Among others, Shakantu owns Eswatini Mobile and Rubicon Media Group, which publishes the Financial Times of Eswatini, Eswatini Daily News and Eswatini Sunday.

Shakantu also owns Maloma Colliery Mine, where Ingwenyama Trust represented by Tibiyo TakaNgwane owns 25% of the shareholding and the Government of Eswatini also another 25%.³⁴ Not only does Shakantu have close ties with the monarchy through his businesses, his wife, Pholile Dlamini-Shakantu, is a cabinet minister, further solidifying his connection with the regime. His takeover of the Times of Eswatini is more than just a change of ownership; it represents a strategic alignment of media power with the regime. With the new owners’ proximity to the monarchy, it will likely be difficult for the Times of Eswatini to continue with the same relatively independent editorial position it had under its previous owners. As Dr. Mthembu observed in an interview with Intelwatch:

“The national broadcasters belong to the state and, on the other hand, the Times of Eswatini, which was critical of the state, is now under the ownership of Shakantu. So now you begin to ask yourself, what will happen to the content of the Times of Eswatini? Will it remain a critical newspaper as it used to be?”

There appears to be an editorial shift following the takeover, shift towards a stance that is less critical of government. Prior to the acquisition, the *Times of Eswatini* served as a critical and vital check on power and business. For example, in its editorial on 4 February 2025,

31 Press Council ruling: Vuma Reputation Management vs New Frame. Available at <https://presscouncil.org.za/2021/09/09/vuma-reputation-management-vs-new-frame/>

32 <https://www.tibiyo.com/aboutus/> accessed on 24 January 2026

33 <http://www.swazilandnews.co.za/fundza.php?nguyiphi=8728> accessed on 24 January 2026

34 <https://www.facebook.com/sdnapp/posts/king-mswati-sells-multi-billion-maloma-mine-to-inyatsi-boss-no-terminal-benefits/1183787868742871/> accessed on 24 January 2026

the publication aggressively scrutinised the Eswatini Regulatory Authority's 14.67% electricity hike. The front-page story went as far as scrutinising if government had done enough to protect citizens from the punitive electricity hike.

On 26 February 2025, the publication also led with a bold story titled “*Anti-Corruption Commission under fire over its failure to arrest corrupt officials*”. The 4 March 2025 edition also led with a story that exposed multi-million-lilangeni (Eswatini currency) theft at Montigny—a company founded by Finance Minister Neal Rijkenberg.

Post-acquisition, the Times of Eswatini appears to have lost this critical edge, and it seems to be publishing stories more favourable to Shakantu's business interests. Headlines that once demanded government accountability have been supplanted by mundane reports on the King receiving letters of credence, or fluff pieces regarding traditional attire as school uniforms as seen in its 7 November and 10 November 2025 editions respectively.

THE WEAPONISATION OF ADVERTISING

Beyond direct ownership, the regime employs economic censorship to stifle the few remaining independent outlets. Advertising revenue—the lifeblood of the industry—is used as a political cudgel. As Bheki Makhubu, editor of *The Nation*, explains, the government appears to be channelling more funds toward the Times of Eswatini as a reward for its protection of monarchical interests.

“What we are seeing is government now channelling funds in every way possible to the Times of Eswatini. This is because the Times

now protects the monarchy's interests from media scrutiny.”³⁵

Conversely, critical outlets are systematically starved of state advertising. *The Nation* reportedly suffered a loss of advertising from a major parastatal following its criticism of the royal family.³⁶ Vuyisile Hlatshwayo, journalist and director of Eswatini's Inhalse Centre for Investigative Journalism, articulated this existential threat to Intelwatch:

“When we look at the economic threats, advertising tops our agenda... Advertising is the lifeblood of the media. The government understands that to kill a critical voice, they don't need a law—they just need a telephone. So, if the government feels that *The Nation* or any other publication is critical of it, all they need to do is just pick up the phone and tell the CEO of a parastatal to stop advertising in your publication.”

In this environment, the survival of independent journalism in Eswatini is no longer just a matter of editorial courage, but of economic endurance against a state determined to buy, or bury, the truth.

DIGITAL AND TECHNOLOGICAL THREATS

As is the case in other countries, the media in Eswatini is currently navigating a turbulent digital and technological transition. While digital platforms have become indispensable for news dissemination and audience engagement, this deep integration has exposed media houses to evolving and increasingly sophisticated threats. These vulnerabilities are not merely technical; they are existential, threatening the very credibility of established institutions.

35 Hlatshwayo, V. 2025. *Times takeover rings death knell for independent media*. Available at <https://inhalse.com/times-takeover-rings-death-knell-for-independent-media/>.

36 See section on “*Freedom of Expression, Including for Members of the Press and Other Media*” by the US Department of State's 2022 Country Reports on Human Rights Practices: Eswatini.

A CAUTIONARY TALE: THE ESWATINI OBSERVER BREACH

In May 2024, the Eswatini Observer became a primary example of digital vulnerability when its Facebook page was hacked. For a full month, the publication's platform, built for news, was transformed into a pornography page.

Following the restoration of the page, the outlet released a statement on May 23, 2024, reflecting the severity of the ordeal:

"We have had the toughest of weeks since our page was rudely taken from us. Having tried all there is and remaining patient with the process, we are happy to finally have control of this page. Regaining our page took longer than we anticipated. Thank you for your support; from those who called to enquire, others who were offering to help us regain the page - and those who actually made attempts. We assure all our readers that we have taken some lessons from this experience."³⁷

THE CYBERSECURITY DEFICIT

The hacking of the Eswatini Observer's Facebook page highlighted a critical gap between digital reliance and vulnerability to digital sabotage with potential devastating reputational consequences. Public reaction underscored a growing demand for professionalisation in media information technology (IT) infrastructure. While many of the outlet's Facebook followers were puzzled that the outlet suffered this ordeal, a few of them implored the publication to implement robust cybersecurity protocols. One follower, Bandile Shabangu, noted that the incident should serve as a "wake-up call" to hire more competent IT staff, while another, Sivile S. Mnisi, offered a technical post-mortem:

"Eswatini Observer should consider enabling 2FA (Two-Factor Authentication)... A hacker can have your username and password, but

with 2FA, they won't be able to log in and lock you out because there's a unique code... and the only person who will have the code will be the person who enabled the feature."³⁸

THE RISE OF UNREGULATED ONLINE MEDIA

Beyond the threat of cyberattacks the media sector is grappling with the proliferation of informal online media platforms—ranging from high-following Facebook groups to independent blogs and websites. While these platforms democratise the information space by amplifying marginalised voices, they often operate in a professional vacuum, devoid of editorial oversight or accountability.

This 'Wild West, free-for-all' of digital content creates a fertile ground for misinformation, making it difficult to distinguish the professional from the unprofessional media platforms. Hlatshwayo, speaking to Intelwatch, highlighted the difficulty of professionalising these new actors:

"They (online media platforms) are not professional enough. They lack standards. How do you train them? How do you help them to improve the standard of journalism? It is not easy to invite them to some media training workshops."

SOCIETAL AND EXTRA-LEGAL THREATS

The threats to the journalism profession in Eswatini are not confined to the corridors of state power and powerful business interests; they increasingly emanate from non-state actors. While extra-legal threats have historically been infrequent in the Eswatini context, recent incidents suggest a shift toward more violent forms of intimidation. For instance, on June 14, 2020, Welcome Dlamini—then Assistant Weekend Editor of the Times of Eswatini and current Member of

³⁷ See Eswatini Observer's statement available at <https://www.facebook.com/photo/?fbid=866936188786905&set=a.352582646888931>

³⁸ See Eswatini Observer's statement available at <https://www.facebook.com/photo/?fbid=866936188786905&set=a.352582646888931>

Parliament—received death threats via text message following a pro-government column. The sender, who claimed to be a member of the proscribed party PUDEMO, warned: “Stop lambasting progressives... or else u will die.”³⁹ Although PUDEMO officially distanced itself from the incident, the threat underscored the rising volatility of the political climate.

This trend escalated in 2022 when the home of Alec Lushaba, a former Financial Times editor and current legislator, was torched allegedly by members of the Swaziland International Solidarity Forces (SISF).⁴⁰ This is an underground group that emerged after the 2021 prodemocracy unrest in response to police brutality that claimed the lives of over 90 people. The group targeted Lushaba for his perceived role as a state propagandist who advocated for the harsh sentencing of activists. These cases illustrate a dangerous ‘pincer movement’ where journalists are targeted not only by the state they might criticise but also by radicalised non-state elements for views deemed sympathetic to the regime.

A HOUSE DIVIDED: HOW PROFESSIONAL FRAGMENTATION INVITES STATE OVERREACH IN ESWATINI

The Eswatini media landscape is characterised by a self-defeating bifurcation. Professional representation for media practitioners is split between two primary bodies: the Eswatini Editors’ Forum and the Eswatini National Association of Journalists (ESNAJ). However, rather than operating in tandem, stakeholders say these organisations pull in opposite directions, leaving their respective roles ambiguous and their collective influence diminished.

In a recent interview with Intelwatch, Mbongeni Mbingo, Chairperson of the Editors’

Forum, describes a hierarchical divide, noting that while the Forum focuses on high-level “bread and butter” issues, ESNAJ represents the rank-and-file reporters. However, Vuyisile Hlatshwayo of the Inhlase Centre for Investigative Journalism argues this divide is more than just functional. Hlatshwayo contends that the Editors’ Forum has failed to champion media freedom, often prioritising narrow self-interest over the broader advocacy traditionally led by ESNAJ.

“ESNAJ is a body that looks after the interests of journalists, it advocates for media freedom. It is supposed to champion the issue of self-regulation. However, the Editors Forum is failing to accommodate ESNAJ or to push the agenda of media freedom. Most of the time, I find that they are just to pushing their self-interests,” Hlatshwayo told Intelwatch.

Efforts by ESNAJ and the Forum to set up the Media Complaints Commission (MCC) as a self-regulating body for media practitioners appear to be still born, partly due to the friction between the two bodies as well as other factors, including apathy among media practitioners and issues relating to media ownership in the kingdom. Conceived as a self-regulatory body to uphold the Journalists’ Code of Ethics and provide an alternative to costly litigation, the MCC is currently a ghost institution. It lacks physical offices, annual reports, no known structure and any functional knowledge management system.

According to Mbingo and other stakeholders, the failure to operationalise the MCC is attributable to the market size and apathy. Mbingo points to Eswatini’s small media market, noting that with only four mainstream outlets—many already governed by the Broadcasting Act—stakeholder interest in a voluntary commission evaporated.

“One reason why it (MCC) has not been operationalised is that ours is a small country

39 Committee to Protect Journalists. 2020. *Eswatini editor receives death threats over pro-government article*. Available at <https://cpj.org/2020/07/eswatini-editor-receives-death-threats-over-pro-government-article/>

40 Times of Eswatini’s Facebook video posts of Alec Lushaba’s arson. Available at https://www.facebook.com/story.php?story_fbid=2163919053790823&id=100063506862656&_rdr

with only four mainstream media outlets including the Times of Eswatini. Radio and television already have their own regulatory structure through the Broadcasting Act. There was no public interest in the MCC. There were no cases being brought to it so it died quietly. Equally, there was no interest from us as media players to keep this thing alive,” Mbingo told Intelwatch.

Over and above the Editors Forum-ESNAJ friction, academic Dr Maxwell Mthembu argues that the media ownership structure, which is heavily tilted in favour of the state and politically connected individuals and entities, is to blame for the failure to get the MCC off the ground. Dr Mthembu argues that self-regulation requires self-funding, but in Eswatini, the state’s footprint is everywhere. With the Eswatini Observer, radio, and television all government-owned, and private outlets like Channel S linked to the monarchy, the financial burden falls on a dwindling number of independent players, making virtually impossible to operationalise the MCC.

“The media organisations should be self-funding their own regulatory body, but this is fundamentally undermined by Eswatini’s ownership landscape. With the government controlling the national television and radio stations, as well as the Eswatini Observer

via Tibiyo TakaNgwane, that leaves only the Times of Eswatini and Channel S (to carry the burden of funding self-regulation). But then again, even Channel S was founded by the King’s cousin and that is a challenge,” Dr Mthembu told Intelwatch.

The media’s failure to operationalise the MCC and self-regulate inadvertently invited the very government intervention journalists sought to avoid. In February 2024, Prime Minister Russell Dlamini signalled his intention to revive the Media Commission Bill—a move that would lead to the establishment of a government-controlled media regulation body.⁴¹ Speaking on Dlamini’s pronouncement, Dr Mthembu told Intelwatch:

“Because of our failure to regulate ourselves, the government saw a void and sought to establish (a state-controlled) Media Complaints Commission.”

Although Information, Communication and Technology Minister, Savannah Maziya, later told Parliament that it is uncharacteristic of a government to regulate the media⁴², the threat of state regulation remains as long as media practitioners persist in the failure to operationalise their own self-regulatory body.

41 Campaign for Free Expression. (2024). *New Eswatini PM threatens media clampdown*. Available at <https://freeexpression.org.za/media-releases/new-eswatini-pm-threatens-media-clampdown/>

42 Bheki Makhubu. (2024). *TRADITION versus CONSTITUTION; The State of Free Expression in eSwatini 2019-2024*. Campaign for Free Expression, South Africa.

IMPACT ANALYSIS

The cumulative effects of the threats unpacked in this report have precipitated an institutional crisis in Eswatini's media sector. The journalism profession is unable to perform its watchdog role due to the colonial-era statutes and contemporary legal warfare that continue to stifle media freedom.

1. Legal and Institutional Asymmetric Warfare

The legal landscape in Eswatini serves as a primary tool of repression. Journalists operate in a 'grey zone' where opaque statutes allow the regime to equate critical reporting on the monarchy and public officials or dissent with terrorism. This institutional hostility to the media is enacted through:

- Direct Intimidation: Senior government officials and members of the security agencies routinely exert extra-legal pressure on editors to kill stories.
- Judicial Weaponisation: The courts have become an arena for SLAPP suits (Strategic Lawsuits Against Public Participation), allowing the elite to use their financial superiority to bankrupt media houses or prevent journalists from publishing critical stories.

The laws are so opaque that critical reporting on the monarchy and public officials could attract a terrorism charge. The political and institutional threats have forced journalists to self-censor.

2. Economic Co-optation, Ownership and the 'Shakantu' Effect

Media ownership and the economic landscape are being systematically in favour of direct state ownership and patronage. While the state already maintains a monopoly over high-reach broadcasting, the recent acquisition of the last remaining commercial media house by an associate of the monarchy—Shakantu—marks a turning point.

Shakantu's tentacles stretch across the kingdom's major sectors, and his acquisition of the Times of Eswatini could ensure that the

biggest private media organisation will no longer scrutinise corporations that encroach on community rights, particularly those entities that operate in partnership with royal business interests. This is exacerbated by the weaponisation of advertising: the government uses its marketing budget as both an instrument to punish no-conforming media outlets and a carrot to incentivise sycophancy. Under such circumstances, the media is rendered incapable of performing its watchdog role.

3. The Multi-pronged Digital Threat

Technological shifts have introduced a new, multi-pronged threat. On one level, a rise in unregulated online outlets has flooded the discourse with disinformation, further fracturing the media's reputation. On another level, the media's digital presence has also rendered them vulnerable to cyberattacks as shown by the case of the 2024 hacking of the Eswatini Observer's Facebook page.

In addition, journalists are increasingly getting caught up in a pincer movement between state and non-state actors. In their push for democracy, non-state actors are seemingly becoming increasingly intolerant of any reporting that does not strictly align with their ideologies. Ironically, these groups then mimic the viciousness the regime employs towards critical media. This is clearly a no-win situation for the media who face intolerance from both the state and pro-democracy activists

4. The Terminal Consequence: The Death of Robust Discourse

When a media sector fails to scrutinise power and hold those in power to account, it loses credibility, ceases to be a public service and effectively becomes a mouthpiece for the state.

The repression of the media in the hostile Eswatini environment has effectively muzzled the populace, starving them of information and the consequent ability to contribute to democratic discourse. Democratic

participation dies in an environment where dissenting voices and honest, critical conversations are curtailed, and dissenters are punished for asking difficult questions and demanding accountability.

RESPONSES

The media and other stakeholders have not been silent or passive as they have come up with various interventions and responses to ensure the survival of the Fourth Estate.

1. The Power of Symbolic Protest and Professional Unity

One such response was the historic 2013 march, where journalists were joined by sympathetic members of civil society organisations in protesting state censorship and other restrictions on media freedom. In an unprecedented move, the protestors evocatively wore sticky tape over their mouths to represent the suffocating effects of state censorship. Carrying placards with messages like “Suffocate debate and we all lose” and “Speaking is not criminal,” they delivered a petition to the Minister of Information, Communication and Technology, Winie Magagula, and Justice and Constitutional Affairs Minister, Mgwagwa Gamedze.⁴³ Although this did not result in greater media freedom, the protest march remains a benchmark for collective action in the kingdom.

Building on this legacy of unity, more recent efforts have focused on institutionalising professional support. These have included efforts by media organisations such as the

Editors Forum and ESNAJ to establish a self-regulatory framework. These efforts have so far failed to yield the desired result— a failure that has been seized upon by the government to revive a state-sponsored Media Commission Bill.

Efforts to unite the media have also resulted in the formation of the May 2024 Press Club of Eswatini to foster press freedom and professional development of journalists. An interim committee has since been elected and tasked with formally registering the club and lobbying more journalists to join it.⁴⁴

February 2025 also saw the rejuvenation of the ESNAJ with the election of a new leadership as part of efforts to chart a new path towards addressing unique pressures affecting media practitioners. At the ESNAJ meetings, participants discussed mental health support for journalists.⁴⁵ Since then, the ESNAJ has issued several statements condemning the harassment of several journalists by powerful people. These include Eswatini Observer journalist, Bongwiwe Dlamini, who was harassed over a story

43 MISA Swaziland. 2013. *Journalists march for media freedom*. Available at <https://misaswaziland.wordpress.com/2013/05/06/journalists-march-for-media-freedom/>

44 Temalangenzi Dlamini. 2024. *Local journos form press club*. Available at <https://www.pressreader.com/eswatini/times-of-eswatini/20240524/285078464127865?srsId=AfmBOopY5IO9YVbD4bzOCL9woqNvFSyLqVuEIXQHlve3IwGr6l4SbMD>

45 Siphosethu Dlamini. 2025. *New chapter as SNAJ elects new leadership*. Available at <https://www.pressreader.com/eswatini/sunday-observer-eswatini-9ZB5/20250202/281612426092450?srsId=AfmBOoqrPjQFwCLSnhFHHVFGijgmQ2afH6klxCWDyvWv5WrglvX884qV>

regarding the tragic drowning of a three-year-old child at the Cuddle Puddle, a popular hot springs destination in Ezulwini.⁴⁶

2. Challenging Judicial Weaponisation

Media houses are increasingly moving the fight into the public eye to combat the rise of SLAPP suits (Strategic Lawsuits Against Public Participation).

One such institution is Inhlase Centre for Investigative Journalism which has been instrumental in exposing how harsh defamation judgments are used to drain media resources. One of Inhlase's strategies was to interview editors and media scholars who decried the increase in defamation suits and decried the continuation of harsh judgments against the media.⁴⁷

Inhlase has also fiercely criticised the government's unprecedented move of taking Swaziland News to court in South Africa to stop it from publishing articles criticising the monarch and effectively branding it a terrorist entity. The case against the publication has turned it into a symbol of the repressive regime's willingness to pursue its critics and punish the media across borders.⁴⁸

3. International Solidarity

Various international organisations have taken up the cause of the Eswatini media, consistently flagging the repressive environment in the regime and contributing to capacity building initiatives for local journalists and their representative bodies.

Yet these efforts and recommendations have so far fallen on deaf ears with the regime sticking to its guns.

UNESCO (2017–2024): Despite UNESCO's repeated appeals to the Eswatini regime to align national laws with international covenants (such as Article 19 of the **International Covenant on Civil and Political Rights- ICCPR**) and prioritise journalist safety under the UN Sustainable Development Goals, little has changed. A 2024 roundtable on self-regulation, hosted by the Eswatini Editors Forum and supported by UNESCO, highlighted the continued absence of a functional self-regulatory body.

The European Union and US Embassy: The European Union (EU) has been vocal condemning threats and violence against journalists. In May 2025 during the commemoration of World Press Freedom Day, EU Ambassador to Eswatini, Karsten Mecklenburg, stressed the crucial role of a free press in a democratic society. He said the EU was committed to strengthening the safety of journalists and other media professionals, through legal advice and providing psychological support and shelters for journalists who are facing threats in the line of work.⁴⁹ The US Embassy in Eswatini also called on the government and other stakeholders to uphold media freedom and protect journalists.⁵⁰ However, these diplomatic interventions appear to have made no difference and there have not been any necessary follow-ups on these issues to catalyse domestic reform.

46 <https://independentnews.co.sz/30961/news/esnaj-condemns-journalists-cyberbullying/> accessed on 19 January 2026

47 Vuyisile Hlatshwayo. 2024. *Using law to bankrupt media outlets and curb media freedom*. Available at <https://inhlase.com/using-law-to-bankrupt-media-outlets-and-curb-media-freedom/>

48 Vuyisile Hlatshwayo. 2023. *Gov't of concealed information*. Available at <https://inhlase.com/govt-of-concealed-information/>

49 Saturday Observer (Eswatini). 2025. *EU condemns threats, champions press freedom in Eswatini*. Available at <https://www.pressreader.com/eswatini/saturday-observer-eswatini-9ZB4/20250503/281616721242863?srsItd=AfmBOorLcUUjXnjNdmHF2CuFHNL2PPZw1fba-pOtUrV4awGxU-iYR6RO>

50 U.S. Embassy in Eswatini. 2024. *World Press Freedom Day Commemoration Remarks by Chargé d'Affaires Caitlin Piper*. Available at <https://sz.usembassy.gov/remarks-by-charge-daffaires-caitlin-piper-world-press-freedom-day-commemoration/>

The Media Institute of *Southern Africa (MISA Regional)*: During the 2021 mass protests, MISA Regional wrote to King Mswati III urging him to guarantee the safety of journalists and ensure that the internet was not shut down.⁵¹ The King did not respond to the latter nor did he heed to these calls.

4. The Regulatory Tug-of-War and a Rare High-level defence of Press Freedom

In 2025, a significant internal government rift emerged over the Media Commission Bill. While Prime Minister Russell Dlamini signalled an intention to implement a statutory regulatory body—a move seen as an attempt at state capture of media oversight—ICT Minister Savannah Maziya notably broke ranks. By refusing to sign the Bill, she argued that state regulation is fundamentally incompatible with democracy, providing a rare, high-level defence of press freedom.⁵²

5. Legislative Stalemate: The Battle for the Airwaves

Despite repeated calls, the government has steadfastly refused to free the airwaves. On one hand, the regime has purposely crafted legislation with clauses that not only stifle but

potentially criminalise journalism and on the other, it has deliberately failed to enact laws to open the airwaves and ensure media diversity and independence. Repressive laws that have been passed by the government in recent times include the Suppression of Terrorism (Amendment) Act, 2017 and the Computer Crime and Cybercrime Act, 2022. (See earlier section titled: Laws Threatening Media Freedom in Eswatini for details on how these and other repressive laws affect journalists and media freedom).

The state has also adopted a ‘death by delay’ strategy to prevent the establishment of independent outlets and media diversity. This strategy has been evident in the King’s failure to pass the much-anticipated and long-delayed Broadcasting Bill. Aimed at opening the airwaves to independent community radio, the Bill has been in limbo since 2007. Despite being passed by Parliament in 2020, it remains unsigned by King Mswati III, effectively granting the Eswatini Communications Commission a pretext to maintain a state-aligned monopoly of the broadcasting sector. The Commission maintains that it will not open up the airwaves until the Broadcasting Bill is signed into law.⁵³

51 Namibia Media Trust. 2021. *Concerns on freedom of expression violations in Eswatini- Letter to King Mswati III*. Available at <https://www.nmt.africa/News/65/Concerns-on-freedom-of-expression-violations-in-Eswatini--Letter-to-King-Mswati-III>

52 Zweli Martin Dlamini. 2024. *We won't be rushed by the Prime Minister Russell Dlamini to self-regulate*. Available at <https://www.africa-press.net/eswatini/all-news/we-wont-be-rushed-by-the-prime-minister-russell-dlamini-to-self-regulate>

53 Ackel Zwane. 2024. *ESCCOM: an enabler or gatekeeper in the broadcasting sector?* Available at <https://inhase.com/esccom-an-enabler-or-gatekeeper-in-the-broadcasting-sector/>

RECOMMENDATIONS

The Eswatini media landscape remains precarious. Without decisive structural intervention and the implementation of robust safeguarding mechanisms, the environment for free expression will continue to deteriorate.

To rebalance this volatile ecosystem, the authors propose the following strategic recommendations:

1. For Policymakers and the Government of Eswatini

Legislative Reform and Constitutional

Alignment: Parliament and the Judiciary must immediately initiate a comprehensive review of the legal framework to repeal or amend repressive colonial-era and contemporary statutes that continue to stifle media freedom. These laws must be brought into full alignment with the Constitution of Eswatini and international standards for media freedom.

Strategic Advocacy and International

Pressure: Acknowledging the apparent lack of political will, civil society must launch coordinated advocacy campaigns. By building solidarity with international human rights organisations, stakeholders should apply sustained pressure on the government to dismantle laws that stifle the press and facilitate human rights abuses.

Judicial Capacity Building: The Judiciary must be capacitated to protect the ebbing freedom of the press through specialised training to ensure complete understanding of the nuances of technical issues in Cybercrime, counterterrorism and SLAPP suits among others. Should the state fail to provide this, stakeholders such as human rights attorneys and media advocates should independently develop judicial reference guidelines to assist the bench in identifying and dismissing meritless, intimidatory litigation.

Equitable State Advertising: The Eswatini Communications Commission should formulate and formalise a transparent advertising policy to ensure the equitable

distribution of government contracts across all media houses. In the absence of such a policy, state organs must be mandated to publish a comprehensive annual breakdown of their advertising expenditures to ensure accountability.

2. For Civil Society and the Media

Institutionalising Accountability: The Eswatini Editors Forum, the Eswatini National Association of Journalists, and the Press Club must prioritise the immediate operationalisation of the self-regulatory Media Complaints Commission (or an equivalent self-regulatory body) to uphold industry standards.

Professionalisation and Ethical Integrity:

Continuous professional development workshops are essential to fortify the sector's integrity. These programmes should aim to decouple journalism from political ambition, ensuring the media serves as a public watchdog rather than a springboard for government communications or political careers.

Digital Integration: Efforts must be doubled to mobilise, organise and capacitate emerging online media platforms. These outlets should be integrated into ethical frameworks and encouraged to affiliate with the Media Complaints Commission to ensure digital-first journalism adheres to professional standards.

A Mutual Defence Fund: Media organisations should establish a collective legal defence fund to mitigate the impact of the current wave of SLAPP suits. This requires unprecedented unity among editors and journalists across all platforms and regional and international support to counter attempts to isolate and silence individual outlets.

Public Literacy and Advocacy: In collaboration with civil society, the media must proactively educate the public on the fundamental link between a free press, democratic accountability, and the protection of citizen rights.

Coalition Building: To overcome the current fragmentation, media lobby groups and civil society organisations must move beyond isolated interventions toward a unified front. Collaborative action is essential to advance common interests in freedom of expression and human rights.

Pro Bono Legal Partnerships: The media sector should forge formal partnerships with human rights lawyers to provide *pro bono* defence for journalists facing harassment or litigious intimidation.

3. For Donors and International Bodies

Strategic Funding for Independence: There is an urgent need for targeted financial support for independent media houses and institutions dedicated to the promotion of media freedom within Eswatini.

Principled Diplomacy: International bodies must leverage their diplomatic influence to advocate for press freedom, moving from passive engagement to active pressure on the state to uphold democratic principles.

Capacity and Advocacy Grants: Donors should prioritise funding for media lobby groups and self-regulatory bodies to bolster advocacy efforts for freedom of expression.

Incentivising Investigative Journalism: Funding should be directed toward grant-based calls for investigative reporting and media research that serve the public interest and stimulate democratic participation.

Emergency Safeguards: Establish dedicated emergency legal defence funds for journalists threatened by SLAPP suits and assist in the development of safety protocols within media institutions to protect workers from physical and digital threats.

Support for Information Resilience: To ensure critical voices are not extinguished, international stakeholders should support the establishment and sustainability of diaspora media operating outside Eswatini's jurisdiction, providing a vital alternative for uncensored information.

CONCLUSION

The findings of this report are clear: Eswatini's media landscape is facing an existential crisis. The courts have become a battlefield where the law is used to bankrupt media outlets and journalists deemed dissidents by the state, corporate entities and politically connected elites.

Senior government officials, state-owned and aligned corporate entities have turned advertising into a weapon for rewarding loyalty and punishing truth. By clinging to repressive colonial-era laws and enacting equally draconian post-independence statutes, the government has created an atmosphere of fear, leaving journalists to choose between silence and the very real threat of jail.

While the regime struggles to censor the internet, it has moved to crush online dissent while propping up state-sponsored propaganda. The external assault is aggravated by a divided media sector that is failing to protect itself. Riven by divisions among representative bodies and weakened by the acquisition of hitherto independent media houses by politically connected elites, journalists are unable to self-regulate,

and advocacy efforts aimed at achieving media freedom are weakened. This has left journalists in limbo, rendering them sitting ducks more susceptible to harassment, litigation and cyberattacks.

However bleak it appears, the media sector is not beyond redemption. It can still be saved provided tough decisions are made and backed up by action. Representative media associations must put aside their egos and unite to give media freedom advocacy efforts a chance to succeed. The sector must also unite now to form a functional self-regulatory body, or risk being swallowed by state control. The judiciary, civil society, and international human rights bodies need to exert maximum pressure on the government to ensure legal reforms to enable an independent and pluralistic media.



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