

24 February 2021

The Kingdom of Eswatini (formerly known as Swaziland), one of the smallest countries in Africa, is a landlocked country in southern Africa with a population of 1.1 million people. Similar to other countries, Eswatini restricted the movement of refugees after the onset of the pandemic as a purported measure to stop the spread of COVID-19.

In its 17 March 2020 declaration of national emergency, the government announced a series of measures at its main refugee site, the Malindza Refugee Centre in the Lubombo region, which accommodates several hundred refugees. A government announcement said:

"MALINDZA REFUGEE RECEPTION CENTRE

"The Ministry will create a control management system for Refugees and Asylum seekers to restrict movement in and out of the Reception Centre.

"The Ministry will create sensitization/education programs for refugees and asylum seekers at the Malindza Centre.

"The Ministry will provide sanitization buckets in strategic points, residential blocks and toilets at the Centre.

"An isolation room will be reserved for those Refugees and Asylum seekers that present symptoms of COVID-19 at the Centre before they are referred for medical attention.

"All planned events at the center are hereby cancelled with immediate effect."

In 2005, nearly 30 years after the UN High Commissioner for Refugees (UNHCR) opened an office in Eswatini to help with an influx of refugees fleeing apartheid in South Africa, the refugee agency transferred all refugee services to the government. According to UNHCR, as of 31 January 2021, there were 1,765 refugees and asylum seekers in the country. UNHCR reported that as part of its COVID response in Eswatini, "public health information campaigns on COVID-19 have reached 425 individuals at Malindza refugee camp, while the clinic at the reception centre has received 1,500 gloves to help prevent the spread of COVID- 19."

Also as part of its emergency measures, the government temporarily closed six land border posts with South Africa (Lundzi, Bulembu, Sandlane, Nsalitje, Sicunusa and Gege); prohibited non-essential travel, and revoked visas issued to citizens of countries identified as COVID-19 high risk.

The GDP has been unable to establish the extent to which detention facilities are used in Eswatini as part of immigration enforcement procedures or to obtain details on COVID-19 related measures taken to safeguard people in immigration custody. Nonetheless, the Immigration Act of 1982, which entered into force in 1987, provides fines and imprisonment for immigration offences. Under section 14(1)(h) of the Act, any person who is a "prohibited immigrant" who enters or remains in the country or fails to comply with an order of an immigration officer to leave Swaziland can be prosecuted and liable to a fine and/or up to a year's imprisonment. Section 3(1)(e) of the act stipulates that a "prohibited immigrant" is "a person who, upon entering or seeking to enter Swaziland, fails to produce a valid passport to an immigration officer on demand or within such time as that officer may allow." In addition, under 14(2)(c), any person who unlawfully enters or is unlawfully present in Swaziland may be fined up to five hundred Emalangeni or imprisoned for six months, or be both fined and imprisoned.

Eswatini's Refugee Law of 2017 specifically precludes the detention of refugees and decriminalises illegal entry or presence for refugees in the country. According to section 8 of the law, "a person claiming to be a refugee, who has illegally entered or is illegally present in Swaziland, shall not be declared a prohibited immigrant, detained, imprisoned or penalised in any other way merely by reason of that illegal entry or presence of that person."

Regarding COVID-related measures in the country's prison system, in March 2020 officials suspended prison visits and restricted prisoner hospital visits to halt the spread of COVID-19 (IOL News). The UN Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) reports providing hygiene and sanitary supplies to the Correctional Services Department in order to reduce the risk of spread of COVID-19 among the prisoner population.

While many countries around the world have begun vaccinating their populations, Eswatini had yet to receive a single dose as of late February 2021



IOL News. "Eswatini Suspends Prison Visits, Restricts Hospital Visits Covid-19 Fears Mount," 18 March 2020, <https://www.iol.co.za/news/africa/eswatini-suspends-prison-visits-restricts-hospital-visits-as-covid-19-fears-mount-45117235>

The country recently experienced a spike in the number of COVID-19 cases. On 3 February 2021, Médecins Sans Frontières reported that there were 200 daily cases and that deaths were around four times higher than in the first wave. As the country's health facilities became overwhelmed, MSF teams set up temporary wards at the Nhlanguano health centre.

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