



---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-ninth session**  
1–12 November 2021

## **Compilation on Eswatini**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The United Nations country team noted that Eswatini had not ratified a number of international human rights instruments,<sup>3</sup> and that several reports to treaty bodies were overdue.<sup>4</sup> The country team recommended that Eswatini ratify the international human rights treaties to which it was not yet a party, and submit its overdue reports to treaty bodies. The country team also recommended that the State take concrete measures to implement recommendations from human rights mechanisms linked to the Sustainable Development Goals.<sup>5</sup>

3. In 2017, the Human Rights Committee considered the situation of civil and political rights under the International Covenant on Civil and Political Rights in Eswatini, in the absence of the initial report.<sup>6</sup>

4. The United Nations country team indicated that in 2020, Eswatini had established an interministerial committee to serve as a national mechanism for reporting and follow-up, and recommended that Eswatini continue to strengthen the mechanism and allocate adequate funding for its effective functioning.<sup>7</sup>

5. The United Nations country team noted that Eswatini had yet to engage with the special procedure mandate holders, and recommended that the State consider extending a standing invitation to them.<sup>8</sup>



### **III. National human rights framework<sup>9</sup>**

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that the King had absolute power to interfere and to suspend constitutional rights at his discretion.<sup>10</sup> The Human Rights Committee was concerned that the concentration of power in the King was incompatible with the International Covenant on Civil and Political Rights.<sup>11</sup>

7. The Human Rights Committee was also concerned that some of the grounds for which a state of emergency could be declared under article 36 of the Constitution were not consistent with article 4 of the Covenant. The Committee was further concerned that the constitutional rights indicated as non-derogable did not cover all the rights listed in the Covenant.<sup>12</sup> The Committee recommended that Eswatini ensure in law and in practice that no derogation from Covenant rights could lawfully be declared except in the strict circumstances provided for in article 4 of the Covenant, and that the Constitution recognized all the rights from which no derogation could be made.<sup>13</sup>

8. The United Nations country team noted that the Commission on Human Rights and Public Administration Integrity lacked adequate human and financial resources and that it was important that the independence of the Commission be fully ensured.<sup>14</sup> The Human Rights Committee recommended that the State adopt legislation allowing the Commission to legally undertake activities as a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee also recommended that Eswatini provide the Commission with sufficient independence and human and financial resources to fulfil its mandate, and establish an effective complaints mechanism with full reparation to victims.<sup>15</sup> The United Nations country team made similar recommendations.<sup>16</sup>

9. The United Nations country team recommended that Eswatini undertake comprehensive reforms with a view to bringing its domestic legislation into line with ratified international human rights instruments.<sup>17</sup>

### **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>18</sup>**

10. While acknowledging the State's efforts to promote and protect the life and health of persons living with HIV/AIDS, the Human Rights Committee remained concerned at the continued high number of infections in Eswatini and the persistence of stigma and discrimination against such persons. The Committee recommended that Eswatini: step up intervention to address the needs of key populations, in particular women, young people, sex workers, and lesbian, gay, bisexual, transgender and intersex persons, including in rural areas; redouble its efforts to combat the high level of HIV/AIDS-related stigma and discrimination among the general population; and ensure that discrimination against persons with HIV/AIDS was legally prohibited in all contexts and that such laws were enforced effectively in practice.<sup>19</sup>

11. The United Nations country team indicated that, although Eswatini had supported six recommendations regarding the protection of persons with albinism during its second universal periodic review, those persons continued to face discrimination and violence, including killings and murders for ritual purposes. The country team regretted that Eswatini had not yet accepted the request of the Independent Expert on the enjoyment of human rights by persons with albinism to visit the country. The country team recommended that Eswatini assess the human rights situation of persons with albinism to inform national policies and strategies aimed at protecting persons with albinism and their rights.<sup>20</sup> The Human Rights

Committee recommended taking steps to ensure that persons with albinism were protected, in law and in practice, against all forms of violence and discrimination.<sup>21</sup>

12. The Human Rights Committee was concerned about reports that lesbian, gay, bisexual, transgender and intersex persons frequently faced discrimination, in particular in accessing adequate housing and employment, and was also concerned about reports of violence against those persons.<sup>22</sup> The United Nations country team regretted that Eswatini intended to maintain the law criminalizing same-sex relations.<sup>23</sup> The Human Rights Committee recommended that Eswatini clearly prohibit discrimination on the basis of sexual orientation and gender identity; combat stereotypes and negative attitudes towards persons on the basis of their sexual orientation or gender identity; adopt legislation explicitly prohibiting hate crimes against lesbian, gay, bisexual, transgender and intersex persons; and ensure that all acts of violence against them were effectively investigated.<sup>24</sup> The country team made similar recommendations.<sup>25</sup>

## **2. Human rights and counter-terrorism<sup>26</sup>**

13. The Human Rights Committee was concerned at reports that counter-terrorism laws had been used to counter political opposition and social protests instead of addressing legitimate terrorism threats. The Committee also noted with concern that the definition of a terrorist act in the Suppression of Terrorism Act was overbroad and that neither that law nor the Sedition and Subversive Activities Act provided access to effective legal remedies and procedural safeguards.<sup>27</sup> The Committee recommended that Eswatini ensure that its counter-terrorism legislation and practices were in full conformity with the International Covenant on Civil and Political Rights, including the principles of freedom of expression and non-discrimination. The Committee also recommended that Eswatini ensure that effective remedies and procedural safeguards were in place against improper application of counter-terrorism laws.<sup>28</sup> The country team made similar recommendations.<sup>29</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>30</sup>**

14. On 6 July 2021, the United Nations High Commissioner for Human Rights expressed concern at the eruption of violence in Eswatini, amid reports that dozens of people had been killed or injured during protests calling for democratic reforms. She noted that the unrest had first begun in May when students took to the streets to call for accountability for the death of a 25-year-old law student, allegedly at the hands of the police. In late June, those protests had grown into daily pro-democracy marches in several locations in Eswatini, with protesters voicing deep-seated political and economic grievances.<sup>31</sup>

15. The High Commissioner had received allegations of disproportionate and unnecessary use of force, harassment and intimidation by security forces in suppressing protests, including the use of live ammunition by police. Some protesters had reportedly looted premises, and set buildings and vehicles on fire, and in some areas they had barricaded roads. The High Commissioner remained concerned about the potential for further unrest. She urged the authorities to fully adhere to human rights principles in restoring calm and the rule of law, in particular the obligation to minimize any use of force in the policing of protests only to that absolutely necessary as a measure of last resort. The High Commissioner also called upon the Government to ensure that there were prompt, transparent, effective, independent and impartial investigations into all allegations of human rights violations, including those by law enforcement personnel in the context of the demonstrations, and that those responsible were held to account.<sup>32</sup>

16. The High Commissioner was also concerned about reports that Internet services had been disrupted the previous week and urged the authorities to take all steps to ensure that Internet access was not blocked. She urged the Government to open up a long-term dialogue to air and address the underlying public concerns that had given rise to the protests.<sup>33</sup>

17. While welcoming the moratorium on the death penalty and the intention of Eswatini to ratify the Second Optional Protocol to the International Covenant on Civil and Political

Rights, the Human Rights Committee was concerned that Eswatini had not set a timeline for doing so. The Committee recommended that Eswatini consider ratifying it.<sup>34</sup>

18. The same Committee was concerned about reports of excessive use of lethal force and arbitrary killings by law enforcement officers and game wardens. It was also concerned about the permissive conditions in article 41 of the Criminal Procedure and Evidence Act and about provisions in the Public Order Act, which left it to the discretion of the individual police officer to decide whether it was expedient to use force. The Committee was further concerned that proposed amendments to the Game Act might give game rangers immunity from prosecution.<sup>35</sup> The Committee recommended that Eswatini amend its national legislation governing the use of force by police officers and game rangers to ensure effective protection of the right to life in line with the Covenant. It also recommended that Eswatini ensure that the law and practice were in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>36</sup>

19. The same Committee was also concerned about reports of numerous deaths in custody, and by delays in related investigations.<sup>37</sup> It recommended that Eswatini amend its legislation to include a definition of torture that was fully in line with article 7 of the Covenant and internationally established norms. The Committee also recommended that Eswatini establish a system for monitoring of all places of detention, and a confidential mechanism for receiving and processing complaints lodged by persons deprived of their liberty, and that it speed up the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee further recommended that Eswatini ensure that law enforcement personnel received training on torture and ill-treatment by incorporating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) into all training programmes for law enforcement officials, and that it ensure that all deaths in custody were promptly investigated, that perpetrators were prosecuted and punished with appropriate sanctions and that full reparation was provided to victims.<sup>38</sup>

20. The Committee was further concerned about reports of poor prison conditions and that prisoners did not always receive adequate medical care. It recommended that the State improve detention conditions in all premises and bring the regulations governing prison conditions into line with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>39</sup>

21. The Committee remained concerned that corporal punishment was still lawful in the home, alternative care, day care, schools and penal institutions. It recommended that Eswatini take practical steps, including through legislative measures, to put an end to corporal punishment in all settings. It also recommended that Eswatini encourage non-violent forms of discipline as alternatives to corporal punishment, and that it conduct public information campaigns to raise awareness about its harmful effects.<sup>40</sup> UNESCO made similar recommendations.<sup>41</sup> Replying to a question posed by the Committee on the Rights of the Child, Eswatini stated that, in an effort to remove the use of corporal punishment in all settings, it had developed a national strategy to end violence for the period 2017–2022.<sup>42</sup>

## **2. Administration of justice, including impunity, and the rule of law<sup>43</sup>**

22. The Human Rights Committee was concerned about reports of political interference in the judiciary by the executive, and was also concerned that the traditional justice system did not meet the fair trial standards provided under the Covenant. The Committee recommended that Eswatini put in place specific constitutional guarantees to protect judges and prosecutors from any form of political influence in their decision-making and effectively ensure that they were free of pressure and interference in the performance of their work. The Committee also recommended that the State align the traditional justice system with fair trial standards, and ensure that the jurisdiction of traditional courts was limited to minor civil and criminal matters and that their judgments could be validated by State courts.<sup>44</sup>

23. The same Committee noted with concern reports that detainees did not always have access to lawyers and that their families were not properly informed of their detention. It recommended that Eswatini ensure that persons deprived of liberty had access to counsel.<sup>45</sup>

24. While welcoming the measures taken to reduce long pretrial detention periods, the Committee remained concerned that the legal aid policy had not yet been implemented and that the bill on legal aid had not been passed into law. It recommended that Eswatini continue its efforts to reduce lengthy periods of pretrial detention, including by adopting provisions to ensure that the trial detention process was not abused, and by avoiding unnecessary arrests and delays between the police and the prosecutor's office. It also recommended that the State ensure that free legal aid assistance was available in any case where the interests of justice so required.<sup>46</sup>

25. The Committee was also concerned about the lack of a specific judicial framework for minors, the low age of criminal responsibility for children and the detention of adults and children together on the same premises. It recommended that Eswatini establish juvenile chambers with trained judges to ensure that juveniles were treated in a manner commensurate with their age, specific needs and vulnerability. The Committee also recommended that Eswatini raise the minimum age of criminal responsibility in accordance with international standards, ensure the full implementation of international standards for juvenile justice and ensure that children were kept separate from adults in detention.<sup>47</sup>

### **3. Fundamental freedoms and the right to participate in public and political life<sup>48</sup>**

26. The Human Rights Committee was concerned about reports of attacks on journalists, political opponents, human rights defenders and trade unionists, and about reports that proposed amendments to the Public Order Act would severely restrict freedom of expression, assembly and association. It recommended that Eswatini prevent and redress attacks on human rights defenders and other social activists and promptly adopt legislation to ensure that any restriction on the exercise of freedom of expression, assembly and association complied with the strict requirements in the Covenant. It also recommended that Eswatini ensure that police officials, judges and prosecutors received adequate training regarding such protection.<sup>49</sup>

27. The same Committee was concerned about reports that the 1973 King's Proclamation had been used by law enforcement officers to suppress political opponents.<sup>50</sup> The Committee recommended that Eswatini formally repeal the 1973 King's Proclamation and ensure that it was not used as a basis for suppressing political opponents.<sup>51</sup> The United Nations country team made similar recommendations.<sup>52</sup>

28. The United Nations country team recommended that Eswatini repeal the laws that restricted civil rights, and adopt all necessary measures to remove the restrictions, which prevent the full enjoyment of the right to freedom of expression and association.<sup>53</sup>

29. UNESCO noted with concern that defamation was a criminal offence in Eswatini. It noted that the Public Order Act criminalized public criticism of the King or the Government, and that the offence was punishable by a fine or up to two years' imprisonment.<sup>54</sup> UNESCO recommended that Eswatini fully implement the constitutional provision on freedom of expression; introduce a freedom of information law that was in accordance with international standards; and decriminalize defamation and place it within a civil code that was in accordance with international standards. UNESCO further recommended that Eswatini enable a media ecosystem that fostered self-regulatory approaches and media independence, including through an independent media regulator, in line with international standards.<sup>55</sup>

30. The Human Rights Committee was concerned that the elections held in Eswatini in 2013 did not comply with international standards, and that neither the Elections and Boundaries Commission nor the Anti-Corruption Commission were adequately independent, impartial or effective. The Committee recommended that Eswatini bring its constitutional framework into compliance with the Covenant, including by fostering a culture of political pluralism, ensuring freedom of genuine and pluralistic political debate, and allowing the registration of opposition political parties, including to contest elections, field candidates and participate in the formation of government.<sup>56</sup>

31. The same Committee also recommended that Eswatini undertake a constitutional reform process with the objective of devolving power to democratically elected branches of government, and guaranteeing the right of every citizen to take part in the conduct of public affairs and have access to public service on general terms of equality. The Committee further

recommended that the State guarantee free and fair elections, and ensure the independence and effectiveness of the bodies in charge of elections and anti-corruption.<sup>57</sup>

#### **4. Prohibition of all forms of slavery<sup>58</sup>**

32. The Human Rights Committee was concerned about reports that adults and children had been recruited by chiefs into forced labour and that children, orphans in particular, had been forced into sex work and domestic servitude.<sup>59</sup> It recommended that Eswatini strengthen the task force against trafficking in persons by providing it with adequate resources and ensure that cases of trafficking in persons were effectively identified, investigated, prosecuted and punished, and that victims received appropriate protection and reparation. It also recommended that Eswatini expedite the implementation of the victim identification guidelines; broaden the implementation of measures to assist the social integration of victims and to provide access to quality health-care and counselling services throughout Eswatini; and take the additional steps necessary to fully eliminate forced labour and child labour.<sup>60</sup>

### **C. Economic, social and cultural rights**

#### **1. Right to work and to just and favourable conditions of work**

33. UNESCO noted that the United Nations Children's Fund (UNICEF) had highlighted that the technical vocational education and training programme was characterized by fragmentation and lack of coordination, and that the programme faced challenges, including a low level of efficiency and insufficient public investment. UNESCO recommended that Eswatini invest in the quality of the training and ensure that it responded to the needs of the labour market.<sup>61</sup>

34. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) asked Eswatini to address the gender pay gap by identifying and addressing the underlying causes of pay differentials, such as vertical and horizontal job segregation and gender stereotypes, covering both the formal and informal economy.<sup>62</sup>

35. The ILO Committee of Experts urged Eswatini to take the necessary steps to adapt and strengthen the labour inspectorate in order to improve the capacity of labour inspectors and allow them to identify cases of child labour in the informal economy, so as to ensure that the protection afforded by the Convention was effectively applied to all child workers.<sup>63</sup>

#### **2. Right to social security**

36. The United Nations country office in Eswatini noted with concern that there was no comprehensive social protection and insurance policy framework in place that addressed the needs of vulnerable groups, and that welfare schemes were underdeveloped and wanting in terms of harmonization between programmes and administrative systems.<sup>64</sup>

#### **3. Right to an adequate standard of living<sup>65</sup>**

37. The United Nations country office in Eswatini noted that about 58.9 per cent of Eswatini persons lived below the national poverty line, and about 20.1 per cent below the extreme poverty line.<sup>66</sup>

38. The United Nations country office in Eswatini noted that poverty remained high in Eswatini affecting more people in the rural areas, particularly in Lubombo and the Shiselweni regions. It was also concerned that almost 6 in every 10 children (56.5 per cent) were multidimensionally poor.<sup>67</sup> The United Nations country team noted 38.9 per cent of the working population lived below the national poverty line.<sup>68</sup> It also noted that rural poverty in Eswatini was characterized by a dependence on subsistence agriculture and poor agricultural productivity: while the agricultural sector employed over 70 per cent of the population, the country remained a net food importer.<sup>69</sup> The United Nations country office in Eswatini noted with concern that in recent years, the country had experienced prolonged droughts, which had affected food security.<sup>70</sup> The United Nations country team recommended that Eswatini take concrete steps to address poverty with particular focus on people living in rural areas.<sup>71</sup>

39. Despite improved figures with regard to the population having access to water, the United Nations country team regretted that access was not consistent and that noteworthy disparities remained. It was noted, for example, that urban areas had far greater access to improved sources of drinking water (92.5 per cent) than rural areas (67.4 per cent). The country team noted with concern that only 16.8 per cent of household members used unimproved drinking water and employed appropriate water treatment methods. The country team recommended that Eswatini significantly increase investments in the rural areas to address inequalities; develop a related needs- and performance-based budgeting system in order to target resources more effectively; and improve access to potable drinking water and address shortcomings in relation to sanitation in the country.<sup>72</sup>

#### 4. Right to health<sup>73</sup>

40. The United Nations country office in Eswatini was concerned that Eswatini had one of the highest HIV prevalence rates in the world, and that the country had a high incidence and prevalence of, and mortality from, tuberculosis.<sup>74</sup> The United Nations country team noted that, further to the State's commitment to end AIDS as a public health threat by the year 2022, Eswatini had made significant strides in dealing with HIV-related stigma and discrimination through plans and strategies, as revealed by the Stigma Index Survey conducted in 2019. The country team recommended that Eswatini continue to address concerns in relation to HIV/AIDS in the country.<sup>75</sup>

41. The United Nations country team noted that despite efforts made by Eswatini, the rates of maternal mortality remained high, at 452 per 100,000, as did teenage pregnancies, at 87 per 1,000 adolescents.<sup>76</sup> In order to improve the health status of women and newborns, the country team recommended that Eswatini accelerate efforts to improve the quality of maternal and newborn care in health facilities in accordance with the 2016 World Health Organization standards. The country team also recommended that Eswatini continue to integrate services especially for women and girls, and targeted interventions for adolescent girls to address the high levels of HIV infection, teenage pregnancy and violence.<sup>77</sup>

42. The Human Rights Committee was concerned at the significant increase in the maternal mortality rate and the high rate of maternal mortality resulting from unsafe abortions. It is also concerned by the high teenage pregnancy rate.<sup>78</sup> The Committee recommended that Eswatini eliminate legal and procedural obstacles impeding access to voluntary termination of pregnancy to ensure that women were not prompted to resort to clandestine abortions that put their lives and health at risk; adopt clear protocols for service providers to ensure meaningful access to legal abortion; ensure access for men, women, boys and girls to comprehensive reproductive health education and services throughout the country, particularly in rural areas, including access to affordable contraceptives, and increase awareness-raising programmes on the importance of using contraceptives and on sexual and reproductive rights and choices; and collect disaggregated data on maternal mortality, including risks to women resulting from unsafe abortions.<sup>79</sup> The United Nations country team recommended that Eswatini implement practical measures aimed at preventing and reducing teenage pregnancies.<sup>80</sup>

43. The United Nations country team also recommended that Eswatini: conduct an assessment to understand the impact of the coronavirus disease (COVID-19) on the population; strengthen the provision of quality services through enhancing capacity for the implementation of infection prevention and control measures; allocate resources towards the reduction of maternal, neonatal and infant mortality, ending preventable maternal deaths as per the country's commitments related to the Nairobi Summit on the International Conference on Population and Development; and improve coordination in the provision of services.<sup>81</sup>

44. UNESCO noted that it had been recommended that Eswatini ensure access to comprehensive reproductive health education and services for all throughout the country, in particular in rural areas, including access to affordable contraceptives, and that the country increase awareness-raising programmes on the importance of using contraceptives and on sexual and reproductive rights and choices.<sup>82</sup>

## 5. Right to education<sup>83</sup>

45. The United Nations country office in Eswatini indicated that the State had achieved near-universal net enrolment in primary education (94 per cent in 2017, with rates of 93.5 per cent for females and 94.5 per cent for males). However, a very high proportion of adolescents were excluded from the secondary education system. The country office also noted that grade repetition was common, highlighting inefficiencies within the country's education system. The fact that only 5 per cent of students in Eswatini reached tertiary education level was a matter of concern.<sup>84</sup>

46. UNESCO regretted that only public primary education was free for seven years and that, according to UNICEF, school dropouts were also caused by poverty and the inability to pay top-up fees at primary levels and the high cost of secondary education.<sup>85</sup> According to UNESCO, UNICEF had noted that high repetition rates within the schooling system, particularly at the primary school level, were likely to further perpetuate socioeconomic issues, such as high unemployment.<sup>86</sup> Moreover, the United Nations country office in Eswatini noted that high repetition rates were key contributors to high dropout rates and low enrolment in secondary and tertiary education.<sup>87</sup> UNESCO and the United Nations country team were concerned that the high dropout rates were also caused by pregnancy and high levels of sexual violence.<sup>88</sup>

47. UNICEF recommended that school principals, teachers and communities be informed that the policy of allowing pregnant girls to return to school was government policy and would be strictly enforced. It also recommended that the sexual information and education campaigns that formed part of the life skills curriculum should be strengthened to assist in further reducing teenage pregnancies.<sup>89</sup>

48. The United Nations country team noted that the impact of the COVID-19 crisis had had negative effects on the education sector, resulting in the closure of over 900 schools across the country, affecting 350,000 learners.<sup>90</sup> UNESCO was concerned that alternative ways of learning in the context of the COVID-19 pandemic were not available to all children. It noted that those from the poorest households who did not have access to technology were excluded from the programme, which also only targeted students completing classes.<sup>91</sup>

49. UNESCO recommended that Eswatini extend free and compulsory education to at least nine years of compulsory education and 12 years of free education; consider introducing at least one year of free and compulsory pre-primary education; and strengthen measures to combat school dropout, including measures to ensure a safe and inclusive environment.<sup>92</sup>

50. The ILO Committee of Experts on the Application of Conventions and Recommendations recommended that Eswatini continue taking measures to improve the functioning of the education system and make education free and compulsory.<sup>93</sup>

51. The United Nations country team recommended that Eswatini ensure reintegration of learners into the school system following pregnancies, and that it develop a long-term financing strategy for pre-primary education and substantially improve the education budget allocated to it. It also recommended fast-tracking the implementation of all education sector policies, including policies on positive discipline, and reduction of violence against learners; integrating skills education into the curriculum throughout the education system, including in lower grades; collecting and interpreting reliable and up-to-date educational data to inform policymakers; and identifying school enrolment and completion. The country team also recommended that Eswatini assess the impact of the COVID-19 pandemic on the education sector in order to inform targeted and evidence-based programming and financing to priority sector areas.<sup>94</sup>

## D. Rights of specific persons or groups

### 1. Women<sup>95</sup>

52. The Human Rights Committee was concerned about reports of widespread violence against women and children, in particular pervasive sexual violence, including rape and marital rape, and that relevant officials lacked specific training on gender-based violence. It

was also concerned that the national strategy and action plan to end violence for the period 2013–2018 had not yet been implemented.<sup>96</sup> The United Nations country team recommended that Eswatini increase budget allocations towards the prevention of and response to gender-based violence and violence against children, including rolling out one-stop centre services and special courts for addressing cases involving violence in an effective and speedy manner.<sup>97</sup>

53. In its replies to the Committee on the Rights of the Child, Eswatini stated that, according to the 2016 study on violence against children, nearly three quarters of children experienced routine violence in the form of violent discipline. Over a third of all girls reported experiencing some form of sexual violence during childhood. Nearly 3 in 10 girls reported experiencing emotional violence during childhood, mostly from family members.<sup>98</sup>

54. The Human Rights Committee recommended that Eswatini adopt legislation to effectively criminalize and combat sexual offences and domestic violence; provide relevant actors in the police, public prosecution and judiciary with training on sexual and gender-based violence and on evidence-gathering for such cases; and strengthen its efforts to raise the awareness of the wider public to the adverse impact of sexual and gender-based violence and encourage reporting. It also recommended that Eswatini ensure that all cases of sexual and gender-based violence were thoroughly investigated, that perpetrators were prosecuted and, if convicted, were punished with appropriate sanctions, and that victims received full reparation; and ensure that victims had access to effective remedies and means of protection, including to an adequate number of psychological and educational centres, and accommodation or shelters, available in all parts of the country.<sup>99</sup>

55. The United Nations country office in Eswatini indicated that the State had made significant strides in addressing gender inequalities. However, pervasive structural disparities, deep-rooted harmful gender stereotypes and patriarchal attitudes had led to gender inequalities that disadvantaged women, while the country's dual legal system – which was based on a constitutional legal framework and traditional and customary laws – provided women and girls with limited protection.<sup>100</sup>

56. The Human Rights Committee noted with concern that several domestic laws contained discriminatory provisions towards women, such as the Marriage Act, and chapter 4 of the Constitution, which differentiated between men and women in the acquisition and transfer of citizenship. The Committee was also concerned that customary law and practices perpetuated inequality between men and women, in particular with regard to inheritance and property rights, and that cultural practices such as polygamy, forced marriage and bride inheritance continued to exist. The lack of equal representation of women in the public and private sectors, in particular in decision-making positions, was also a matter of concern.<sup>101</sup>

57. The same Committee recommended that Eswatini review its Constitution and domestic laws, including customary laws, on the status of women, and repeal or amend all provisions that were inconsistent with the Covenant, including those relating to marriage, inheritance, property rights and transfer of citizenship. It also recommended that Eswatini: step up its efforts to combat discriminatory customary practices, including by ensuring the proper administration of estates, and increasing awareness-raising measures in rural areas, including among men and traditional leaders; combat the practices of polygamy, forced marriage and bride inheritance, with a view to securing their abolition; and take all measures necessary to promote the equal participation of women in both the public and private sectors, in decision-making positions, including by adopting, if necessary, temporary special measures and collecting comprehensive data on women's representation in both the public and private sectors.<sup>102</sup>

58. While the United Nations country team welcomed the Employment Act, which provided equal pay for equal work, it regretted that women's participation and representation in politics and positions of influence remained a major challenge. In particular, the country team indicated that women's representation in parliament still failed to meet the target of 30 per cent as provided for in the Constitution.<sup>103</sup>

59. The United Nations country team noted with satisfaction that, in 2018, Eswatini had passed the Sexual Offences and Domestic Violence Act into law, and welcomed the strategy, plan of action and guidelines to address gender-based violence. However, the country team

regretted the lack of resources for their full implementation. In particular, the country team noted that the Department of Gender and Family Issues remained challenged in terms of human resources and financial resources, and weak coordination of gender issues in the country.<sup>104</sup>

60. The United Nations country team recommended that Eswatini set up support services such as shelters or temporary housing for women in need, education centres, decentralized and adequate mechanisms at community level, and that it also set up economic empowerment initiatives to support victims. The country team also recommended that Eswatini establish specialized courts to speedily address cases of gender-based violence, violence against children and family law matters, and that it establish systems to monitor cases in the country's justice system.<sup>105</sup>

## **2. Children<sup>106</sup>**

61. The United Nations country team was concerned about high levels of sexual violence during childhood, with an estimated one in three girls experiencing some form of sexual violence before the age of 18. The country team regretted that, despite the legislative measures taken, the weak government coordination in the area of child protection impeded effective and scaled response.<sup>107</sup> The country team regretted the overall weak identification of and targeted programmes for children in particularly vulnerable situations, including children from extremely poor households, children with disabilities, refugee children, children in alternative care facilities and children in incarceration.<sup>108</sup> The country team was also concerned that adolescent girls continued to be disproportionately affected by HIV.<sup>109</sup>

62. The United Nations country team recommended that Eswatini take practical measures to strengthen and adequately fund a child-focused social protection system, and improve the periodic collection and analysis of data on groups of particularly vulnerable children. It also recommended that Eswatini finalize the national plan of action for children, gazette the Children's Protection and Welfare Act Regulations and fast-track the operationalization on the country's toll-free helpline for children.<sup>110</sup>

## **3. Persons with disabilities**

63. The United Nations country team indicated that in 2018, Eswatini had enacted the Persons with Disability Act and was in the process of developing regulations and guidelines for the Act. However, despite the government's efforts, persons with disabilities experienced worse socioeconomic outcomes than persons without disabilities. As a result, about 83.7 per cent of persons with disabilities in Eswatini were economically inactive.<sup>111</sup> The country team recommended that Eswatini accelerate the operationalization of a national directorate for persons with disabilities, including the provision of a budget and personnel; develop a national database of persons with disabilities and ensure they benefited from the social protection system; provide resources for implementation and monitoring of related programmes; further strengthen related vocational education; and adopt programmes for gender-based violence prevention and response for persons with disabilities.<sup>112</sup>

## **4. Stateless persons**

64. While welcoming measures taken by the State to ensure that all births were registered, the United Nations country team and the Human Rights Committee remained concerned by the large number of births that remained unregistered.<sup>113</sup> The Human Rights Committee recommended that Eswatini expedite its efforts to register all births on its territory and continue to mount public and family awareness-raising campaigns concerning birth registration, particularly in rural areas.<sup>114</sup>

*Notes*

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Eswatini will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/SZindex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/SZindex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.15–107.19, 108.2, 109.1–109.10, 109.12–109.19, 109.21–109.27 and 110.1–110.12.
- <sup>3</sup> United Nations country team submission for the universal periodic review of Eswatini, p. 2.
- <sup>4</sup> *Ibid.*, p. 2.
- <sup>5</sup> *Ibid.*, para. 9.
- <sup>6</sup> CCPR/C/SWZ/CO/1, para. 1.
- <sup>7</sup> United Nations country team submission, para. 8.
- <sup>8</sup> *Ibid.*, para. 4.
- <sup>9</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.1–107.14, 107.32, 109.28, 109.30, 109.32–109.36, 109.45–109.46, 109.49, 109.51, 109.64–109.68, 109.72 and 110.13–110.14.
- <sup>10</sup> UNESCO submission for the universal periodic review of Eswatini, para. 3.
- <sup>11</sup> CCPR/C/SWZ/CO/1, para. 52.
- <sup>12</sup> *Ibid.*, para. 16.
- <sup>13</sup> *Ibid.*, para. 17.
- <sup>14</sup> United Nations country team submission, para. 10.
- <sup>15</sup> CCPR/C/SWZ/CO/1, para. 15.
- <sup>16</sup> United Nations country team submission, para. 11.
- <sup>17</sup> *Ibid.*
- <sup>18</sup> For relevant recommendations, see A/HRC/33/14, paras. 108.4–108.5 and 109.29.
- <sup>19</sup> CCPR/C/SWZ/CO/1, para. 21.
- <sup>20</sup> United Nations country team submission, para. 21.
- <sup>21</sup> CCPR/C/SWZ/CO/1, para. 23.
- <sup>22</sup> *Ibid.*, para. 18.
- <sup>23</sup> United Nations country team submission, para. 27.
- <sup>24</sup> CCPR/C/SWZ/CO/1, para. 19.
- <sup>25</sup> United Nations country team submission, para. 28.
- <sup>26</sup> For relevant recommendations, see A/HRC/33/14, paras. 108.6–108.7.
- <sup>27</sup> CCPR/C/SWZ/CO/1, para. 36.
- <sup>28</sup> *Ibid.*, para. 37.
- <sup>29</sup> United Nations country team submission, paras. 10–11.
- <sup>30</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.34, 107.61, 109.34, 109.37–109.39, 109.42, 109.44 and 109.47–109.48.
- <sup>31</sup> OHCHR, press briefing notes, 6 July 2021. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27269&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27269&LangID=E).
- <sup>32</sup> *Ibid.*
- <sup>33</sup> *Ibid.*
- <sup>34</sup> CCPR/C/SWZ/CO/1, paras. 30–31.
- <sup>35</sup> *Ibid.*, para. 30.
- <sup>36</sup> *Ibid.*, para. 31.
- <sup>37</sup> *Ibid.*, para. 32.
- <sup>38</sup> *Ibid.*, para. 33 (b)–(e).
- <sup>39</sup> *Ibid.*, paras. 34–35.
- <sup>40</sup> *Ibid.*, paras. 50–51.
- <sup>41</sup> UNESCO submission, p. 5.
- <sup>42</sup> CRC/C/SWZ/RQ/2-4, para. 13.
- <sup>43</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.49–107.53 and 109.60.
- <sup>44</sup> CCPR/C/SWZ/CO/1, paras. 38–39.
- <sup>45</sup> *Ibid.*, para. 33.
- <sup>46</sup> *Ibid.*, paras. 40–41.
- <sup>47</sup> *Ibid.*, para. 47.
- <sup>48</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.55–107.58, 107.60, 109.59, 109.61–109.63 and 109.69–109.71.
- <sup>49</sup> CCPR/C/SWZ/CO/1, paras. 44–45.
- <sup>50</sup> *Ibid.*, para. 16.
- <sup>51</sup> *Ibid.*, para. 17.
- <sup>52</sup> United Nations country team submission, paras. 10–11.
- <sup>53</sup> *Ibid.*
- <sup>54</sup> UNESCO submission, para. 4.
- <sup>55</sup> *Ibid.*, paras. 11–14.
- <sup>56</sup> CCPR/C/SWZ/CO/1, paras. 52–53.

- <sup>57</sup> Ibid., para. 53.
- <sup>58</sup> For the relevant recommendation, see A/HRC/33/14, para. 109.59.
- <sup>59</sup> CCPR/C/SWZ/CO/1, para. 42.
- <sup>60</sup> Ibid., para. 43.
- <sup>61</sup> UNESCO submission, pp. 4–5.
- <sup>62</sup> See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:4002123](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4002123).
- <sup>63</sup> See [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3341738](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3341738).
- <sup>64</sup> United Nations country office in Eswatini, *United Nations Common Country Analysis of the Kingdom of Eswatini* (April 2020), p. 17.
- <sup>65</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.62–107.65.
- <sup>66</sup> *United Nations Common Country Analysis*, p. 17.
- <sup>67</sup> Ibid.
- <sup>68</sup> United Nations country team submission, para. 33.
- <sup>69</sup> Ibid., para. 34.
- <sup>70</sup> *United Nations Common Country Analysis*, p. 17.
- <sup>71</sup> United Nations country team submission, para. 36.
- <sup>72</sup> Ibid., paras. 37 and 40.
- <sup>73</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.61, 107.64–107.70 and 107.72–107.73.
- <sup>74</sup> *United Nations Common Country Analysis*, p. 18.
- <sup>75</sup> United Nations country team submission, paras. 42 and 47.
- <sup>76</sup> Ibid., para. 41.
- <sup>77</sup> Ibid., paras. 48 and 52.
- <sup>78</sup> CCPR/C/SWZ/CO/1, para. 28.
- <sup>79</sup> Ibid., para. 29 (c).
- <sup>80</sup> United Nations country team submission, para. 58.
- <sup>81</sup> Ibid., para. 52.
- <sup>82</sup> UNESCO submission, p. 4.
- <sup>83</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.75–107.85.
- <sup>84</sup> *United Nations Common Country Analysis*, p. 20.
- <sup>85</sup> UNESCO submission, p. 4. See also *United Nations Common Country Analysis*, p. 20.
- <sup>86</sup> UNESCO submission, p. 4.
- <sup>87</sup> *United Nations Common Country Analysis*, p. 20.
- <sup>88</sup> UNESCO, p. 4; and United Nations country team submission, para. 56.
- <sup>89</sup> UNICEF, *A Report on Out-of-School Children in Eswatini* (Eswatini Ministry of Education and Training, July 2018), p. 6.
- <sup>90</sup> United Nations country team submission, para. 56.
- <sup>91</sup> UNESCO submission, p. 5.
- <sup>92</sup> Ibid., p. 5.
- <sup>93</sup> See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3341738:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3341738:NO) and [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3297410:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297410:NO).
- <sup>94</sup> United Nations country team submission, para. 58.
- <sup>95</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.20–107.31, 107.33, 107.35–107.48, 108.3, 109.31, 109.40–109.41, 109.50 and 109.52–109.57.
- <sup>96</sup> CCPR/C/SWZ/CO/1, para. 26.
- <sup>97</sup> United Nations country team submission, para. 64.
- <sup>98</sup> CRC/C/SWZ/RQ/2-4, para. 43.
- <sup>99</sup> CCPR/C/SWZ/CO/1, para. 27.
- <sup>100</sup> *United Nations Common Country Analysis*, p. 44.
- <sup>101</sup> CCPR/C/SWZ/CO/1, para. 24.
- <sup>102</sup> Ibid., para. 25.
- <sup>103</sup> United Nations country team submission, paras. 12–13.
- <sup>104</sup> Ibid., paras. 15–17.
- <sup>105</sup> Ibid., para. 35.
- <sup>106</sup> For relevant recommendations, see A/HRC/33/14, paras. 107.54 and 107.87–107.88.
- <sup>107</sup> United Nations country team submission, para. 61.
- <sup>108</sup> Ibid., para. 62.
- <sup>109</sup> Ibid., para. 60.
- <sup>110</sup> Ibid., para. 64.
- <sup>111</sup> Ibid., paras. 22 and 24.

<sup>112</sup> Ibid., para. 26.

<sup>113</sup> CCPR/C/SWZ/CO/1, para. 48. See also United Nations country team submission, para. 61.

<sup>114</sup> CCPR/C/SWZ/CO/1, para. 49.

---