



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

SWAZILAND

First Review Session 12

Review in the Working Group: 4 October 2011
Adoption in the Plenary: 15 March 2012

Swaziland's responses to recommendations (as of 07.06.2012):

| In the Report of the Working Group: | In the Addendum: | During the plenary: | Summary: |
|--|--|---|---|
| 75 recs. accepted; 7 rejected; 57 pending | Out of the 57 recs. pending, the delegation considered 31 as "acceptable", 26 as "not acceptable" / "not yet ready to accept" and did not respond to 3. The delegation also accepted a part of a rec. which was rejected at the Working Group stage ¹ | The delegation declared that about 90% of the recommendations received a favourable response. However, according to the addendum, the figure is 74.8% | Accepted: 107 Rejected: 33 No clear position: 0 Pending: 3 |

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/19/6:

76. The recommendations formulated during the interactive dialogue listed below have been examined by Swaziland and enjoy the support of Swaziland:

¹ The total number of recommendations is now 143 as four were split.

- A - 76.1. Ratify, in the context of its continued effort to improve the situation of children, the Optional Protocols to the relevant Convention and 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Turkey);
- A - 76.2. Expedite the national ratification process of key international conventions which will improve Swazi Government's cooperation with the relevant international bodies (Turkey);
- A - 76.3. Conclude the process of ratification of the Convention on the Rights of Persons with Disabilities (Spain);
- A - 76.4. Ratify the Convention on the Rights of Persons with Disabilities (Argentina);
- A - 76.5. Sign and ratify the Optional Protocols to the CRC on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts, and ratify the United Nations Convention on the Rights of Persons with Disabilities (Portugal);
- A - 76.6. Adopt legislation that protects children in accordance with the concluding observations and recommendation by the United Nations Committee on the Rights of the Child in 2006 (Hungary);
- A - 76.7. Consider aligning national laws, including customary laws with the protections outlines in the Constitution of the Kingdom of Swaziland, as well as with the provisions of International Human Rights Instruments to which Swaziland is a party (South Africa);
- A - 76.8. Speed up the adoption of the Child Welfare and Protection Bill, in order to achieve compatibility of domestic legislation, policy and practice with international standards, for the benefit of children (Romania);
- A - 76.9. Develop a National Human Rights Strategy and Action Plan, while also intensifying its public awareness campaign to the general public and other interested stakeholders (South Africa);
- A - 76.10. Enact the legal act of the Human Rights and Public Administration Commission to ensure its independence and its formal access by the population (Switzerland);
- A - 76.11. Enact legislation to fully operationalize the Human Rights and Public Administration Commission, to provide it adequate funding, and to clarify its mandate to civil society and the international community (United States of America);
- A - 76.12. Develop a national institution for human rights to bring it in full compliance with the Paris Principles, by adopting the necessary legislation (Spain);
- A - 76.13. Ensure the speedy enactment of the legislation to equip the Human Rights and Public Administration Commission with clear powers and adequate resources to ensure that it is able to work in an accessible, effective, independent and impartial manner (Sweden);
- A - 76.14. Enact the Bill on the Human Rights Commission in order that a proper NHRI, in conformity with the Paris Principles, can be established (Indonesia);
- A - 76.15. Strengthen the investigation capacity, independence and legal framework of the Human Rights and Public Administration Commission in accordance with the Paris Principles, with a view to obtain its accreditation by the ICC (Mexico);
- A - 76.16. Provide support to the Human Rights and Public Administration Commission to ensure its functioning (Qatar);
- A - 76.17. Develop and implement a national strategy to eliminate stigma and discrimination against people living with HIV/AIDS, and ensure orphaned and vulnerable children have access to health and education services and are protected from violence and abuse (Canada);
- A - 76.18. Adopt a comprehensive national human rights plan of action (Indonesia);
- A - 76.19. Adopt plans and programmes for awareness education in the field of promotion of human

rights and fundamental freedoms, and ensure the follow-up and implementation of recommendations and proposals made concerning human rights (Qatar);

A - 76.20. Takes steps to strengthen the cooperation with United Nations treaty bodies, including presenting reports as requested by such bodies (Norway);

A - 76.21. Collaborate regularly with the treaty bodies by submitting reports which will allow them to monitor the implementation of treaties (Chad);

A - 76.22. Further action to remove societal discrimination against children with disabilities, street children and children living in rural areas (Ghana);

A - 76.23. Combat gender inequality and discriminatory practices and consider legislative reforms to ensure equality between men and women before the law (Brazil);

A - 76.24. Adopt with the support of the international community, strategies aimed at eradicating any practice which violates the rights of women with particular emphasis on prevention, punishment and elimination of any forms of gender-based violence and increase the steps taken to ensure equality before the law of civil, political, economic and social rights for men and women (Argentina);

A - 76.25. Modify the Law on marriage and its provisions on conjugal authority, that infringe the principle of equality, by restricting rights such as to apply for bank credits or to acquire properties, for which the husband's written consent is required (Uruguay);

A - 76.26. Implement all necessary measures aimed to abolish discrimination against children belonging to most vulnerable groups, through a greater and more focused provision of social services, carrying out awareness-raising programmes on their particular needs and a greater access to education (Uruguay);

A - 76.27. Enact the necessary policies and actions to support in practice the implementation of the legislation on non-discrimination and legal equality of women (Mexico);

A - 76.28. Redouble efforts to achieve gender equality by adopting a more systematic approach to public education in this area, with particular emphasis on the ills and consequences of domestic violence and sexual exploitation of women (Trinidad and Tobago);

A - 76.29. Improve conditions in Swaziland's prisons and detentions centres (Australia);

A - 76.30. Consider expediting the adoption of draft law on domestic violence (Brazil);

A - 76.31. Consider adopting a comprehensive policy for prevention and combat of child abuse and neglect in the family (Brazil);

A - 76.32. Carry out educational and awareness raising campaigns to ensure the use of alternative disciplinary measures to corporal punishments in accordance with the human dignity of the child (Uruguay);

A - 76.33. Take steps to ensure that the Domestic Violence and Sexual Offences Bill, and other Bills to protect the rights of women that are currently before Parliament, are enacted without further delay (United Kingdom);

A - 76.34. Intensify the training programmes for the personnel responsible for law enforcement (Algeria);

A - 76.35. Put in place human rights training programmes for members of the judiciary and law enforcement officials, including the police, security forces and correctional officers (Canada);

A - 76.36. Take concrete and immediate measures to guarantee the independence and the impartiality of the judiciary (Canada);

A - 76.37. Take necessary steps to ensure that law enforcement and security officials are subject to

legal oversight and operate in compliance with international human rights standards (Norway);

A - 76.38. Ensure the functioning juvenile justice system throughout the country and raise the age of criminal responsibility that comply with the acceptable international standards (Slovenia);

A - 76.39. Increase emphasis on the protection and promotion of human rights, especially in the areas of apprehension and interrogation of suspects and investigating reports of trafficking in persons, as part of the training programs of the Umbutfo Swaziland Defense Force, the Royal Swaziland Police Service and His Majesty's Correctional Services (United States of America);

A - 76.40. Accelerate the improvement of the judicial, policial and prison systems and training to the police force in line with international human rights standards (Holy See);

A - 76.41. Ensure the freedom of expression and the right to freedom of assembly and association, limited of course, by the interest of defence, public safety and public order (Ghana);

A - 76.42. Ease legislative and administration restrictions on the registration and operation of independent media with a view to provide for plurality of information (Slovakia);

A - 76.43. Facilitate the establishment of private media organisations by eliminating legislative and administrative obstacles (Switzerland);

A - 76.44. Develop a comprehensive legal framework that guarantees freedom of expression and a free media (Germany);

A - 76.45. Respect the rights of all its citizens to freedom of assembly, freedom of association and freedom of expression, which are guaranteed by the Swazi Constitution and by international human rights instruments particularly by allowing labour, political and civil society groups to assemble peacefully, free from Government interference (United States of America);

A - 76.46. Develop a legislative framework which guarantees freedom of expression and freedom of the press (Trinidad and Tobago);

A - 76.47. Continue implementing strategies and socio-economic development plans to advance in the realization of the Millennium goals by 2015 (Cuba);

A - 76.48. Continue and reinforce current efforts aimed to increase the access to and quality of services to health and education for all its citizens (Cuba);

A - 76.49. Consider investing more in health so as to reduce the high mortality rate of children, high maternal mortality, tuberculosis and other communicable and non-communicable diseases (Zimbabwe);

A - 76.50. Continue to invest more in rural development projects through best practices such as micro credit financing (Zimbabwe);

A - 76.51. Continue to improve the supply of portable water, especially in the rural areas, with the support of the international community (Singapore);

A - 76.52. Maintain and further build upon the HIV/AIDS prevention, care and treatment programmes (Singapore);

A - 76.53. Improve healthcare for infants and children and for people living with HIV/AIDS (Australia);

A - 76.54. Continue to strengthen its poverty reduction strategy with the aim of ensuring among others, food security (South Africa);

A - 76.55. Provide, in the fight against AIDS, support and access to medicines to all people in need (Holy See);

A - 76.56. Continue with free pre-natal care services to reduce maternal mortality (Holy See);

- A - 76.57. Ensure the supply of drinkable water for all the people of the Kingdom (Holy See);
- A - 76.58. Assess in terms of the fight against HIV/AIDS and Malaria its assistance needs and request such assistance particularly from the World Health Organisation (Morocco);
- A - 76.59. Consider the establishment of an integrated human development programme (Morocco);
- A - 76.60. Intensify implementation of special targeted programmes to stimulate economic growth and development in generating employment especially for the most vulnerable sections of society (Malaysia);
- A - 76.61. Strengthen policy coordination in the area of food and nutrition security and access to adequate, clean and safe drinking water especially for the population living below poverty line (Malaysia);
- A - 76.62. Launch information campaigns about HIV/AIDS, through the media and through door to door action on how to prevent the transmission of the virus, namely by the use of condoms (Portugal);
- A - 76.63. Intensify efforts to combat poverty and improve the standard of living (Qatar);
- A - 76.64. Consider enacting a legislation that among other would help to contain or restrain certain behaviours that enhance the spread of the HIV/AIDS killer disease (United Republic of Tanzania);
- A - 76.65. Pursue the implementation of the right to education for all with a particular attention given to the realization of this right for girls (Algeria);
- A - 76.66. Intensify effort to raise the level of attendance of girls in school through the modification of traditional customs and beliefs that hinder girls from attending school (Indonesia);
- A - 76.67. Continue seeking solutions to enable children whose prison sentence is coming to an end in the middle of the school year, to continue school (Burkina Faso);
- A - 76.68. Pursue the efforts to establish and carry-out national programmes in relation to the right to education and the quality of education at every level through-out the country (Qatar);
- A - 76.69. Continue its engagement with the UPR process and work in close cooperation with civil society to implement recommendations arising out of it (Norway);
- A - 76.70. Further encourage the involvement of civil society as partner of the Government in promoting and protecting of human rights (Indonesia);
- A - 76.71. Continue its efforts to provide fundamental and basic human rights to its citizens (Uganda);
- A - 76.72. Identify its needs for technical and financial assistance to catch up on the backlog accumulated in the presentation of reports to the treaty bodies (Algeria);
- A - 76.73. Seek technical assistance from the international community in developing a National Human Rights Strategy and Action Plan (Mozambique);
- A - 76.74. Seek technical assistance and support from OHCHR and other relevant United Nations bodies, agencies and funds including for the preparation of overdue reports to the treaty bodies (Malaysia);
- A - 76.75. Make use of the technical support from OHCHR to finalizing the overdue reports (Burkina Faso).

77. The following recommendations will be examined by Swaziland which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012. The response of Swaziland to these recommendations will be included in the outcome report adopted by the Human Rights Council at its nineteenth session:

A - 77.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of International Criminal Court (France);

A - 77.2. Ratify the Optional Protocol to the Convention Against Torture (OP- CAT); put in place the national mechanism of prevention of torture as set out in that instrument; abrogate the provisions of 2008 law on the repression of terrorism, which could allow the use of torture by the police (France);

R - 77.3. Consider the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Hungary);

R - 77.4. Ratify the Second Optional Protocol to the ICCPR (Switzerland);

R - 77.5. Become a party to all outstanding international human rights treaties, particularly the OP- CAT, the First Optional Protocol to the ICCPR and the Optional Protocol to CEDAW (Turkey);

R - 77.6. Ratify the Second Optional Protocol to the ICCPR (Germany);

77.7. Sign and ratify

P - remaining core international human rights instruments and

A - the Rome Statute of the International Criminal Court (Slovenia);

R - 77.8. Accede to the Second Optional Protocol to the ICCPR and abolish the death penalty (Slovenia);

77.9. Consider acceding to

P - OP-CEDAW, OP-CAT and

A - the Rome Statute (Brazil);

A - 77.10. Conclude the process of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. (Spain);

77.11. Ratify

A - the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

P - the Optional Protocol to CEDAW (Argentina);

A - 77.12. Ratify the OP-CAT (United Kingdom);

A - 77.13. Ratify the OP-CAT (Holy See);

R - 77.14. Consider ratifying the Second Optional Protocol to the ICCPR (Romania);

A - 77.15. Ratify the ICRMW (Burkina Faso);

R - 77.16. Sign and ratify both Optional Protocols to the ICCPR (Portugal);

R - 77.17. Issue a standing invitation to the Special Rapporteurs and Working Groups of the United Nations human rights system (Norway);

R - 77.18. Issue a standing invitation to the special procedures of the United Nations Human Rights Council and enhance its cooperation with all human rights bodies (Romania);

R - 77.19. Consider positively the request for a visit by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and eventually extend a standing invitation to all special procedures of the Human rights Council (Latvia);

A - 77.20. Abrogate without delay the legislative and regulatory provisions that discriminate women, and adopt new laws in accordance with the principle of gender equality, as set out by CEDAW, ratified by Swaziland (France);

A - 77.21. Take concrete measures to repeal laws and practices that are discriminatory toward women, including in respect of property, land ownership and marriage (Canada);

A - 77.22. Take further measures to eliminate discriminatory cultural practices (Ghana);

A - 77.23. Amend the legislation in force to allow women to open bank accounts and register property titles in their names (Switzerland);

R - 77.24. Continue commuting death sentences into prison sentences and institute a de facto moratorium on executions, with a view to definitely abolish the death penalty (France);

A - 77.25. Specifically criminalize torture and put in place effective measures to prevent and sanction the use of torture (France);

R - 77.26. Formalize the moratorium on the death penalty as a step towards its full abolition (Hungary);

A - 77.27. Reinforce measures designed to prevent all forms of torture and inhuman or degrading treatment, including appropriate human rights training of the law enforcement personnel, while ensuring full accountability of perpetrators as well as redress and rehabilitation to victims (Slovakia);

A - 77.28. Set-up commissions of inquiry for all cases of deaths in custody which take place in the national police, the army, the penitentiary services, etc. (Switzerland);

R - 77.29. Set up a moratorium on all executions with a view to the final abolition of the death penalty (Switzerland);

R - 77.30. Take all steps to abolish the death penalty (Australia);

A - 77.31. Prohibit corporal punishment in all settings (Slovenia);

R - 77.32. Consider abolishing the death penalty (Brazil);

R - 77.33. Impose a moratorium on the death penalty with a view to its later abolition and sign and ratify the Second Optional Protocol to the ICCPR (Spain);

A - 77.34. Enact legislation, as a matter of priority, that criminalizes the use of torture and ensure impartial and effective investigation in line with its obligations under the Convention against Torture (Spain);

A - 77.35. Enact legislation which specifically defines and criminalizes torture and stipulates effective measures to prevent and punish any violations (Sweden);

A - 77.36. Institute an urgent review of laws, regulations and procedures relating to the use of force and firearms by law enforcement officials (Sweden);

R - 77.37. Make every effort to repeal the application of the death penalty (Argentina);

A - 77.38. Expressly prohibit by law corporal punishments in all areas (Uruguay);

R - 77.39. Abolish the death penalty (Holy See);

R - 77.40. Abolish the death penalty (Romania);

R - 77.41. Establish a formal moratorium on executions with a view to abolishing the death penalty (Portugal);

R - 77.42. Consider positively the establishment of a moratorium to the death penalty with a view to the abolishment of the death penalty (Mexico);

R - 77.43. Not to maintain the death penalty in its legislation since the last execution dates from 1983

(Burundi);

A - 77.44. Establish an independent unit to examine allegations of torture in order to provide reparation to victims of torture and to fight against impunity (Switzerland);

A - 77.45. Take steps to end impunity for extensive use of pre-trial detention, ill-treatment and alleged torture of individuals in police custody, by investigating and prosecuting all perpetrators (Norway);

A - 77.46. Establish commissions of inquiry, and investigate and prosecute those who commit torture and violate human rights (United Kingdom);

A - 77.47. Implement measures to prevent violence against the LGBT community, through training and advocacy campaigns (United States of America);

R - 77.48. Remove all legislative and practical restrictions impeding to freely exercise civil and political rights, in particular those related to freedom of association and expression, with a view to allow the creation of political parties and respect of trade freedoms (France);

A - 77.49. Align the national legislation with international standards to guarantee freedom of assembly and association, in particular as regards the notification of the organisation of peaceful assemblies (Hungary);

A - 77.50. Provide for an unhindered enjoyment of the right to the freedom of expression in accordance with country's international obligations (Slovakia);

R - 77.51. Consider allowing the registration and operation of political parties, introducing greater political freedoms through free, fair, transparent democratic elections (Slovakia);

R - 77.52. Enact legislative measures to facilitate the existence of political parties (Switzerland);

A - 77.53. Create an enabling environment for civil society where citizens are free to exercise their full rights to freedom of peaceful assembly and association in accordance with the principles of democracy and in line with international obligations under the ICCPR, including revoking the royal decree of 1973 (Norway);

A - 77.54. Take immediate steps to repeal laws which criminalize and/or restrict freedom of expression and of the media, in particular the Sedition and Subversive Activities Act (1938), the Proscribed Publications Act (1968) and provisions of the Suppression of Terrorism Act (2008) (Norway);

R - 77.55. Take steps to further democratisation efforts, including by enacting laws that facilitate the registration of political parties (Australia);

A - 77.56. Strengthen the institutions established to protect democracy (South Africa);

A - 77.57. Repeal or urgently amend the Suppression of Terrorism Act of 2008 and other pieces of security legislation to bring them in line with international human rights standards (Sweden).

78. The recommendations below did not enjoy the support of Swaziland:

R - 78.1. Continue towards the implementation of the OP-CAT, the First Optional Protocol to the ICCPR and the Optional Protocol to CEDAW (Australia),

R - 78.2. Consider taking measures to eliminate forms of discrimination against workers from ethnic minorities (Brazil);

R - 78.3. Enhance the Independent Commission's Investigation, processing and reporting of human rights abuses by State and non-State actors, including investigations of the allegations of arbitrary arrest and detentions associated with the spring protests (United States of America);

R - 78.4. Take concrete measures to decriminalize same-sex relations and prevent discrimination

based on marital status and sexual orientation (United States of America);

R - 78.5. Adopt the necessary political and legislative measures to establish a specific framework to protect against discrimination on the grounds of sexual orientation and repeal all laws which criminalize homosexual practice, and implement public awareness-raising campaign on this matter (Spain);

R - 78.6. Bring its legislation into conformity with its international human rights obligations by repealing provisions which may be used to criminalise same-sex activity between consenting adults , and

A - take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity (Portugal);

R - 78.7. Clarify the status of all political parties and introduce multi-party democratic elections (United Kingdom)

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