



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

Summary of Stakeholders' submissions 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 summary of 25 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. AI, HRW and JS1 recommended that Eswatini ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to Convention Against Torture, as recommended to and accepted by Eswatini at its second universal periodic review.⁴

3. The ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Maputo Protocol was recommended to Eswatini by several stakeholders.⁵

4. JS3 recommended that Eswatini ratify the treaties enabling the human rights bodies to deal with individual complaints.⁶

5. ICAN recommended that Eswatini ratify the UN Treaty on the Prohibition of Nuclear Weapons Treaty.⁷ AI and Non-killing recommended the ratification of the Convention on the Prevention and Punishment of the crime of Genocide.⁸

6. HRW recommended that Eswatini ratify the Rome Statute and incorporate the statute in its national legislation, including provisions to cooperate with the International Criminal Court

* The present document is being issued without formal editing.



and to investigate and prosecute genocide, crimes against humanity and war crimes before its national courts in accordance with international law.⁹

7. JS2 regretted that Eswatini had not submitted its initial report to the Committee on Economic, Social and Cultural Rights yet. JS2 recommended that Eswatini submit all pending reports to treaty bodies.¹⁰ JS3 recommended ensuring meaningful and inclusive participation with civil society in doing so.¹¹ JS2 and JS3 recommended establishing a national mechanism for reporting and follow-up, and allocating adequate funding for its effective operation.¹²

8. HRW and JS3 recommended that Eswatini extend a standing invitation to the Special Procedures mandate holders to visit the country.¹³ HRW recommended that Eswatini consider positively the request for a visit by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.¹⁴

B. National human rights framework¹⁵

9. JS2 noted that Eswatini operated a dual legal system with a component on not codified patriarchal systems of traditional norms, which was often in conflict with common law, the constitution and human rights standards, and had resulted in conflicts leading to numerous violations of rights, in particular, women's rights.¹⁶

10. HRW regretted that the government had not taken steps to ensure that the Human Rights and Public Administration Commission (established in 2009) complied with the international standards regarding the independence of national human rights institutions.¹⁷ JS3 recommended to enact legislation for establishing an independent and impartial national human rights institution, in accordance with the Paris Principles.¹⁸ HRW recommended ensuring that the Commission on Human Rights and Public Administration meets international standards and functions in line with those principles.¹⁹

11. JS2 regretted that the Constitution did not enough incorporate economic rights.²⁰

12. JS8 recommended that Eswatini expedite the adoption of the Children's Protection, Welfare Act.²¹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination²²

13. UPRP-BCU and JS7 indicated that the stigma faced by people with HIV in Eswatini was widespread,²³ particularly affecting women and girls,²⁴ and that not enough awareness-raising on HIV and AIDS had been carried out.²⁵ JS7 noted that the stigma attached to the HIV pandemic served as a barrier to HIV treatment and testing.²⁶

14. JS7 recommended amending legislation related to the health and employment sectors to prohibit any discrimination, including on the basis of health status, disability, gender identity or sexual orientation; and improving the existing training manual for clinicians that is used by the ministry of health.²⁷ UPRP-BCU recommended that Eswatini extend coverage of its current Health Promotion Programme, using different types of accessible media and scientific studies, to sensitize people on HIV issues, as a way of reducing stigma.²⁸

15. ECLJ was concerned that, due to false beliefs, people with albinism were discriminated against and even killed because of their condition.²⁹ ECLJ recommended that Eswatini continue combating the negative stereotypes and beliefs associated with albinism.³⁰

16. AI, JS3 and JS7 stated that LGBTI persons faced stigma and discrimination in Eswatini, and that same-sex relations were criminalized. They were concerned at barriers that hindered access to HIV services for LGBTI persons.³¹ RoH noted that, despite the Employment Act 1980, people had seen their employment contracts terminated over their sexual orientation.³² AI, JS9 and HRW recommended repealing all laws that criminalize consensual same-sex sexual conduct;

eliminate all forms of discrimination based on sexual orientation and gender identity; and take measures to address the root causes of stigma and discrimination towards LGBTI persons.³³ RoH recommended sensitizing State Prosecutors and other players in the Criminal Justice System on LGBTI issues.³⁴

17. Various stakeholders reported with concern that, in 2019, an application for registration of a LGBTI organization was rejected by the Government, arguing, among other reasons, that same-sex sexual acts were criminalized in Eswatini.³⁵ They recommended creating and enabling an environment encouraging public debate and dialogue even on sensitive and controversial issues such as LGBTI, and allowing registration of all NGOs without discrimination and restrictions.³⁶

18. JS9 regretted that due to widespread discrimination and stigmatization of sex workers by health care professionals, sex workers did not seek health care out,³⁷ did not receive information on policies and decisions concerning them, and were rarely allowed to express their concerns.³⁸ JS9 recommended ensuring protection and support to sex workers, including to those victims of violence, in line with the Sexual Offences and Domestic Violence Act of 2018.³⁹ JS9 also recommended ensuring meaningful consultations with sex workers in decision-making about laws and policies on sex work;⁴⁰ organizing awareness-raising campaigns on sex workers' rights;⁴¹ and ensuring that sex workers are covered HIV prevention and treatment services, and included in the COVID-19 programmes.⁴² UPRP-BCU recommended ensuring protection to female sex workers,⁴³ and cooperating with NGOs in this regard.⁴⁴

19. JS9 noted with concern that the COVID-19 pandemic had exposed the inequality of social, health and legal systems, revealing gaps against marginalized people in Eswatini.⁴⁵ JS6 recommended that Eswatini does not discriminate in COVID-19 responses on any grounds including nationality, documentation or migration status.⁴⁶

Human rights and counter-terrorism⁴⁷

20. AI was concerned that, although Eswatini amended the 2008 Suppression of Terrorism Act in 2017, the Act still contained provisions that undermined the rights to freedom of expression, association and peaceful assembly.⁴⁸ JS7 and JS10 noted that amendments to the Terrorism Act did not address concerns raised in the High Court judgment, which declared previous provisions unconstitutional.⁴⁹ Various stakeholders recommended that Eswatini repeal or amend the Sedition Subversive Activities Act and the Official Secrets Act, and suppress the Terrorism Act.⁵⁰ JS7 also recommended withdrawing the existing designation of political parties as terrorist groups and withdrawing charges faced by their members for simply being members of such parties.⁵¹

2. Civil and political rights

Right to life, liberty and security of person⁵²

21. AI and JS1 were concerned that the Criminal Procedure and Evidence Act still permitted the use of the death penalty for individuals convicted of murder or treason.⁵³ AI and JS1 recommended that Eswatini abolish the death penalty.⁵⁴ JS1 and AI further recommended commuting, without delay, all death sentences to terms of imprisonment.⁵⁵

22. JS1 referred to the excessive use of force by the law enforcement agents, including the police, who had shot and killed individuals suspected of criminal conduct.⁵⁶ JS1 added that law enforcement continued to use torture as an investigative tool.⁵⁷ JS3 regretted the persistence of impunity regarding this practice and the government's resistance to carry out appropriate investigations where there were allegations of torture, including against human rights defenders.⁵⁸ JS1 recommended that Eswatini criminalize and punish torture and ill-treatment; adopt a zero-tolerance policy regarding that practice; ensure that officials at the highest level publicly condemn torture and ill-treatment; adopt a more rigorous policies and procedures regarding torture and ill-treatment; conduct and publicize investigations of acts of torture and ill-treatment in prison; provide training for state agents to avoid the use of torture and ill-treatment; and increase the transparency of the criminal justice system.⁵⁹

23. JS1 was concerned at overcrowding in prison and that prison conditions still not met international standards.⁶⁰ While indicating that His Majesty's Correctional Services (HMCS) was

responsible for the “protection, incarceration, and rehabilitation” of convicted persons and keeping order within the HMCS institutions,⁶¹ JS1 noted that violence among people in detention remained a concern.⁶² JS1 recommended to improve prison conditions in line with international standards and ensure that the Commission on Human Rights and Public Administration Integrity has unfettered access to all places of detention at all times.⁶³

24. JS4 indicated that corporal punishment of children was still lawful in Eswatini, despite previous recommendations to prohibit this practice.⁶⁴ JS8 added that corporal punishment was embraced in all settings⁶⁵ and violence against children was prevalent, including violent discipline, sexual violence, bullying and psychological violence.⁶⁶ JS4 and JS8 recommended that Eswatini enact legislation to explicitly prohibit corporal punishment of children in every setting and repeal section 14 of the Children’s Protection and Welfare Act 2012 and section 29(2) of the Constitution 2005, as a matter of priority.⁶⁷

*Administration of justice, including impunity, and the rule of law*⁶⁸

25. HRW indicated that, since King Mswati III came to power in 1986, he has run Eswatini as an absolute monarchy.⁶⁹ HRW and JS1 were concerned that, although the Constitution provided for three separate branches of government, the king had absolute authority over the cabinet, parliament, and judiciary.⁷⁰ JS9 regretted that many laws and policies were enacted directly by the King.⁷¹

26. JS1 indicated that the King held ultimate authority over the appointment and removal of judges, acting on advice from the Judicial Service Commission, which was made up of royal appointees.⁷² Thus, the King can influence the judicial decision-making process, including pressuring the judiciary to qualify as treason a conduct that involves criticism of the monarchy, thereby resulting in a potential death sentence.⁷³ HRW and JS1 recommended that Eswatini take measures to ensure the independence of the judiciary and Parliament, and revise or amend legislation providing excessive powers to the king.⁷⁴ JS3 recommended ensuring the appointment of impartial judges, as well as prosecuting and punishing those responsible for acts undermining the independence or impartiality of judicial proceedings;⁷⁵ and ensuring the rules relating to the appointment and removal of judges are in line with the Basic Principles on the Independence of the Judiciary.⁷⁶

27. JS1 was concerned at the length of pretrial detention and that access to counsel continued to be a challenge.⁷⁷

*Fundamental freedoms and the right to participate in public and political life*⁷⁸

28. AI indicated that, despite the improved provisions for public gatherings in the 2017 Public Order Act, the right to peaceful assembly continued to be restricted, especially for prodemocracy protests, where protesters were usually dispersed, while those that were not seen as challenging the king were allowed to proceed.⁷⁹ Political activists face repression on account of their peaceful activities.⁸⁰

29. AI noted that the Public Order Act (as amended in 2017) recognized the right of journalists, human rights defenders and activists to do their work without fear of harassment and attacks from authorities.⁸¹ However, AI and other stakeholders were concerned that human rights defenders, journalist and students involved in political activism were subjected to intimidation, repression, harassment, threats, reprisals, torture and even kills. They also noted that several laws interfered with the right to freedom of association, including the Public Service Act No. 37 (2018), Sedition and Subversive Activities Act and Official Secrets Act;⁸² and that citizens were reluctant to freely express political opinions or affiliate with political parties, due to fear or reprisals, including eviction.⁸³ JS9 and JS10 were further concerned at civil defamation cases that had been brought before the courts, resulting in payment of huge defamation damages by media houses.⁸⁴

30. JS3 noted with concern that promoting human rights in the context of Eswatini’s patriarchal and very traditional society, created additional challenges for women human rights defenders.⁸⁵

31. JS10 recommended refraining from using threats and intimidation to suppress freedom of expression in the country;⁸⁶ and amending or repealing legislation which unjustifiably limited

freedom of expression, such as the Sedition and Subservice Activities Act.⁸⁷ AI and JS10 recommended repealing the suppression of the Public Order Act.⁸⁸ JS3 recommended to ensure that reports of harassment, abuse and the restriction of fundamental freedoms by law enforcement are adequately investigated and prosecuted.⁸⁹

32. JS10 also recommended that the Judiciary play a more positive role in promoting freedom of expression and media reportage on matters of public interest.⁹⁰ JS10 recommended amending the Computer Crime and Cybercrime Bill in order to ensure that it does not pose a threat to online civic space, and citizens' fundamental human rights to privacy and freedom of expression.⁹¹

33. According to MNF, elections are controlled by traditional leaders appointed by the King.⁹² HRW and JS3 were concerned at the lack of legislation enabling the formation, registration, participation of political parties, and that the Royal Decree of 1973 remained in force and was used by law enforcement officers to suppress political opponents.⁹³ JS3 regretted that assemblies were strictly restricted to non-political purposes.⁹⁴ Several stakeholders recommended that Eswatini formally repeal the Royal Decree of 1973 which banned political parties and allow candidates from political parties to operate freely without fear of detention, harassment, or attacks; engage with political parties in a productive dialogue on the creation of a multi-party democracy; and address the concerns raised concerning the 2013 and 2018 elections, in the Commonwealth Elections Report of 2013.⁹⁵ EI also recommended to develop a legislative framework to protect the rights to freedom of expression, association and peaceful assembly, including rights related to forming and participating in political parties and civil society organizations.⁹⁶

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

34. According to EI, the Collective Bargaining Agreement (CBA), the Employment Act of 2000 and the Industrial Relations Act (IRA) of 2000, and the Public Order Act (2017), continued to create restrictions on freedom of expression of trade union's members,⁹⁷ some of whom have also been intimidated, beaten and arrested.⁹⁸ EI also indicated that the government allegedly intimidated teachers, including through strikemedias platforms and work-no-pay, to discourage them to exercise their right to strike.⁹⁹

Right to an adequate standard of living¹⁰⁰

35. Several stakeholders indicated that absence of a legal and policy framework governing land had left hundreds of people vulnerable to forced evictions, which had been carried out without following due process. They were concerned at the lack of remedy for forced evictions.¹⁰¹ JS2 noted that land evictions had had an impact on people's wellbeing, exposing them to poverty, lack of housing and means of livelihood through agriculture, which is what most people in rural areas depend on for subsistence.¹⁰²

36. AI and JS2 recommended that Eswatini take the necessary steps to ensure security of tenure and protection of right to adequate housing.¹⁰³ AI further recommended expediting the finalization of the land policy and land bill, and ensuring its compatibility with international human rights obligations arising from the right to adequate housing; declaring a nationwide moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards; and setting out related safeguards.¹⁰⁴ AI and JS2 also recommended carrying out related consultations with all stakeholders.¹⁰⁵

37. JS10 noted that in the context of the COVID-19 pandemic, many people who ordinarily resided in urban areas migrated to the rural areas during the lockdown, which resulted in many women being evicted from their rural homes by their relatives as contestations over customary land increased.¹⁰⁶ JS10 recommended that Eswatini develop an effective response to COVID-19 pandemic, particularly at the situation of women living in rural areas.¹⁰⁷ JS10 also recommended putting in place measures to safeguard women's customary land rights, and ensure that they are treated on the basis of equality with men in accessing and controlling customary land and in owning freehold land at customary law.¹⁰⁸

*Right to health*¹⁰⁹

38. Several stakeholders noted with concern that Eswatini had the highest rate of HIV across the world with more than 27% of adults living with HIV. They indicated that women were disproportionately affected by HIV epidemic.¹¹⁰ JS7 stated that Eswatini had experienced a growing number of cases of cervical cancer linked to the high rates of HIV prevalence.¹¹¹ According to some stakeholders, the perception of women as subordinate to men and resulting gender inequality had increased the vulnerability of women to HIV.¹¹²

39. JS7 was concerned that diseases, such as diarrhoeal diseases and malaria, had remained neglected for many decades.¹¹³ JS7 was also concerned that the quality of health services in Eswatini was inadequate, including capacity of medical staff, emergency medical services and equipment, especially in rural areas.¹¹⁴ JS2 and JS7 regretted the persistent shortage of drugs and that public clinics had struggled to provide basic service, such as antenatal care medical supplements, due to constraints in the health budget, government pending debts with suppliers, and communication breakdown between health facilities and the Central Medical Stores.¹¹⁵ JS7 indicated that the national health budget failed to meet the 15% budget allocation threshold for health as required by the Abuja Declaration on HIV, Tuberculosis and Other Related Infectious Diseases.¹¹⁶

40. According to JS7, the Covid-19 pandemic had put a massive strain on the health system. Health care workers have not had sufficient personal protective equipment, and hospitals were full capacity, without enough resources such as oxygen/ventilators for patients who had contracted the virus.¹¹⁷ The already existing poor health system has only worsened as a result of the pandemic,¹¹⁸ and the lack of investment in the country's health system and infrastructure has exacerbated inequality.¹¹⁹ JS2 was concerned that, while during the COVID-19 crisis the population had been facing lack of medical care and infrastructure and the emergency response personnel lacked of adequate pay and lack working tools,¹²⁰ politicians and prominent people had been air transferred to a neighbouring country to receive medical attention.¹²¹

41. JS7 recommended that Eswatini improve the quantity and quality of health services, including emergency medical services and equipment, health services and facilities in prisons and in the clinics of rural areas.¹²² JS2 recommended decentralising and standardising access to health service through-out the country, in both rural and urban settings; and increase budget allocation in accordance with the real needs of the sector and in line with global standards to ensure the right to health.¹²³ JS7 recommended ensuring sufficient drugs stocks in clinics of essential medicines and antiretroviral medication.¹²⁴

42. JS7 recommended addressing the risk factors for non-communicable diseases and their determinants and make cervical cancer treatment available. JS7 also recommended improving the quality of maternity services,¹²⁵ providing access to sex education, including access to information and tools for sexual reproductive health rights, and creating youth friendly health centres for easy access to such services.¹²⁶

43. In the context of the COVID-19 pandemic, JS7 recommended ensuring sufficient personal protective equipment for essential workers, as well as creating temporary health care facilities in order for Covid-19 patients to receive adequate health care services.¹²⁷

44. JS7 and AI were concerned at cases of illegal abortions, leading to deaths of many women.¹²⁸ AI and JS7 recommended decriminalising abortion and guaranteeing the provision of, and access to comprehensive sexual and reproductive health services and goods, including safe abortion and post-abortion care, and modern contraceptives.¹²⁹

*Right to education*¹³⁰

45. JS2 was concerned at the poor quality of primary education in Eswatini;¹³¹ the high rates charged by some schools; the fact that only about 20% of children attended pre-primary school;¹³² and at the persistent limited and inequitable access to secondary education due, inter alia, to the cost of secondary education.¹³³ JS8 noted that one obstacle to access free primary education was the lack of birth registration.¹³⁴

46. JS2 regretted that the inefficient system of education pushed out a large number of children out of school. Moreover, access to Technical and Vocational Education and Training and Higher Education institutions still remained limited.¹³⁵

47. JS2 recommended that Eswatini increase access to Early Childhood Care and Development Education; ensure a related high quality education; standardise the primary education costs; and improve equal access to secondary and tertiary education.¹³⁶ HRW recommended that Eswatini legislate to make a minimum of nine years of education, free and compulsory for all, in light of its commitment to the Sustainable Development Goals;¹³⁷ and publish a time-bound plan to make secondary education free for all by its next Universal Periodic Review.¹³⁸

48. JS5 recommended equipping and setting up school libraries in the country; taking further initiatives to promote meaningful digital inclusion; expanding good practices that broaden access to information for vulnerable groups; and taking further action and measures expanding equitable access to cultural expressions.¹³⁹

49. JS7 reported that due to the COVID-19 pandemic, schools had been closed, and children in public schools had not been receiving any formal education. JS7 added that the majority of children had not benefit from home schooling due to the lack of financial means to provide infrastructure for online learning and because the majority of children lived in rural areas and their parents had not the means to afford access to Wi-Fi and other technical equipment required for online learning.¹⁴⁰

50. In order to mitigate and correct the disruption of children's right to education caused by COVID-19-related school closures, HRW recommended that Eswatini provide all children enrolled in free primary education during the duration of the pandemic an entitlement to a minimum of two additional years of free education, beyond the seven years currently guaranteed under law.¹⁴¹

51. JS8 indicated that teenage pregnancy constituted the most common reason for dropout among girls and this situation was increased due to lockdowns related to the COVID-19 pandemic.¹⁴² HRW recommended to promptly adopt a national policy that outlines pregnant girls' and adolescent parents' right to education, and publish official regulations issuing clear related instructions to schools.¹⁴³ JS8 recommended fast-tracking the development of the National Policy and Guidelines on Learner Pregnancy Prevention and Support.¹⁴⁴

4. Rights of specific persons or groups

*Women*¹⁴⁵

52. While welcoming the enactment of the Sexual Offences Domestic Violence Act in 2018, several stakeholders were concerned that Eswatini's customary norms and practices continued to undermine the rights of women.¹⁴⁶ In JS7's view, the fact that Swazi Law and Customary law was not codified, it left women vulnerable to abuse.¹⁴⁷

53. JS6 regretted that the Constitution denied to women the right to transmit citizenship to their children and foreign spouse—a right reserved for men,¹⁴⁸ and that gender discrimination in Eswatini's nationality law had resulted in wide-ranging human rights violations, including with regard to inheritance, property rights and freedom of movement.¹⁴⁹ JS7 moreover stated that women did not enjoy the same rights as men to seek separation, divorce or annulment of marriage,¹⁵⁰ and were politically marginalised.¹⁵¹ The authorities have not met the goal of having 30 representatives of Parliament being women.¹⁵²

54. JS10 also noted with concern that women were very often unlawfully subjected to land grabbing, evictions and disinheritance, situation that had been heightened by the Covid-19 lockdown where victims have had very limited options to seek redress for rights violations.¹⁵³

55. JS10 recommended expediting the enactment of the Bills promoting the rights of women into law, through consultative processes.¹⁵⁴ In particular, JS10 recommended amending the Administration of Estates Act of 1902 and passing the Land Bill of 2013 into law, through a consultative process to ensure that it complies with international human rights standards on gender equality and non-discrimination in inheritance matters.¹⁵⁵ It further recommended creating awareness raising among women and traditional leaders on women's rights, including on equality and non-discrimination.¹⁵⁶

56. JS7 recommended expediting the finalisation of and consultation on the Marriages Bill and Matrimonial Property Bill, in line with the Constitution and international law, and putting in

place legislative measures that gives equal citizenship rights between mothers and fathers over their children.¹⁵⁷

57. AI and JS10 recommended ensuring that customary law was in line with the international and regional instruments, especially on the elimination of discrimination against women.¹⁵⁸ JS7 also recommended that Eswatini codify the customary marriage process.¹⁵⁹ HRW recommended identifying and fighting discriminatory social and customary practices, and resolving conflicts between civil law and traditional law and ensuring protection of women's human rights.¹⁶⁰

58. HRW was concerned at the high rates of gender-based violence and that women and girls, especially those living in rural areas under traditional leaders and governed by highly patriarchal Swazi law and custom, were often subjected to discrimination and harmful practices such as the "inhlanti" and "kwendzisa", and "kungenwa".¹⁶¹ According to some stakeholders, married women remain "perpetual minors" and are subject to their husbands, who make key decisions for them as their "guardians." Young women are forced to take part in highly-stereotyped cultural activities and may be punished or fined by traditional leaders if they resist.¹⁶²

59. Several stakeholders also noted with concern that, according to statistics available, 1 in 3 women in Eswatini experienced some form of sexual violence by the time they were 18 and almost one in 2 women experienced some form of sexual violence in their lifetime, with boyfriends and husbands being the most frequent perpetrators. Only 3% of these incidents are reported to the police, only 7% of victims have access to counselling services, and 2.1% utilize a clinic or hospital.¹⁶³

60. According to JS10 and HKCIJ, the prevalence of gender-based violence increased with the emergence of the COVID-19 pandemic,¹⁶⁴ and domestic violence increased during the lockdowns.¹⁶⁵

61. JS10 recommended accelerating the implementation of the Sexual and Domestic Violence Act to ensure substantive protection of women from sexual and domestic violence, particularly in the context of COVID-19.¹⁶⁶ In particular, it recommended carrying out public awareness campaigns; establishing accessible and safe reporting mechanisms; providing training to police, prosecutors and judges; and providing adequate victim support services.¹⁶⁷ AI recommended to implement a public education programme to combat domestic violence, including by disseminating publicly information regarding the Sexual Offences Domestic Violence Act 2018, and ensure publication and circulation of a summarised version of the Act at community level.¹⁶⁸

62. HKCIJ recommended increasing budget allocation to the Judiciary to address the backlog of cases relating to gender-based violence, including those caused by Covid-19 and ensuring that offenders are brought to justice and victims have access to justice.¹⁶⁹ HKCIJ and JS10 recommended establishing support mechanisms for women victims of gender-based violence, including medical and psychological care and shelter.¹⁷⁰ HKCIL also recommended creating a single toll-free hotline to report gender-based violence and domestic violence.¹⁷¹

63. While noticing that Eswatini had progress in combatting child marriages and as a result it had one of the lowest rates of child marriages in Africa, ECLJ was concerned that this practice was still high in certain parts of the country such as Lubombo and Hhohho.¹⁷² ECLJ recommended that Eswatini revise its marriage laws in order to meet international norms, by raising the minimum age of marriage to 18 for both, girls and boys.¹⁷³ JS8 and JS7 recommended reviewing and harmonizing the Birth, Marriage and Deaths Registration Act with the Children's Protection and Welfare Act,¹⁷⁴ and clearly prohibit child marriages.¹⁷⁵

*Children*¹⁷⁶

64. JS8 was concerned that, according to available statistics, almost half of the children in Eswatini were considered to be orphans or vulnerable children, largely due to the high mortality rates among young parents due to HIV. Moreover, at least 10%-15% of Swazi families today were child headed. JS8 added that the COVID-19 pandemic had worsened the economic and social situation in Eswatini, resulting in the inability of the existing community structures to take care of orphaned and vulnerable children.¹⁷⁷

65. JS8 recommended that Eswatini speed up the process of aligning the National Alternative Care Guidelines with the UN Guidelines for the Alternative Care of Children to set clear standards for alternative care; ensure a comprehensive mechanism of complaints and periodic

review of the care placement for children; and strengthen authorization and monitoring of all alternative care settings.¹⁷⁸

66. In HKCIJ's opinion, the ongoing prevalence and acceptance of gender-based violence against children was also extremely concerning, as well as insufficient assistance or support provided to victims.¹⁷⁹ JS6 added that domestic and gender-based violence were among the issues children and adolescent girls faced as they stayed home during the COVID-19 pandemic. The pandemic has also increased children's vulnerability to exploitation, abuse, neglect and violence by directly affecting their caregivers or causing the loss of their families' and communities' livelihoods.¹⁸⁰

67. JS8 recommended increasing budget allocation for improved services to prevent and respond to violence against children; ensuring sufficient and reliable disaggregated data on violence against children in order to make informed decisions on programmes and policy development to prevent future violence and abuse; providing services and support systems for victims of violence; and formalizing the community child protection committees to strengthen reporting and referral of cases.¹⁸¹

68. JS6 was concerned that discrimination on the transmission of nationality resulted in a range of human rights violations impacting children, including access to public education and healthcare.¹⁸²

69. JS6 recommended ensuring that all children born within the national territory are registered by, *inter alia*, making birth registration equally accessible to either parent regardless of marital status, easy and free of charge, introducing mobile units, and conducting public awareness campaigns and civic education, especially in rural areas.¹⁸³

*Persons with disabilities*¹⁸⁴

70. JS7 noted with concern the lack of health facilities accessible and equipped, for persons with disabilities.¹⁸⁵ JS7 recommended that Eswatini take measures to provide health facilities and services easily accessible to people with disabilities.¹⁸⁶

Stateless persons

71. JS6 was concerned that the Nationality law included gender discriminatory provisions that contributed to statelessness, depriving Swazi women and their children of equal protection under the law.¹⁸⁷ JS6 regretted the lack of provisions to safeguard against statelessness in the nationality law. JS6 added that the low levels of birth registration contribute to increased risks of statelessness.¹⁸⁸ JS6 noted cases of children being unable to access services due to lack of documentation.¹⁸⁹

72. JS6 indicated that women were also a group at risk of statelessness. The deprivation of nationality of women upon marriage to a foreign national have been documented in practice. JS6 also regretted that orphaned and vulnerable Children, whose parents passed away without registering their births, were at risk of becoming stateless.¹⁹⁰ JS6 recommended Eswatini to amend the Constitution and Citizenship Act to ensure that women have equal nationality rights as men;¹⁹¹ strengthen institutions responsible for detecting and preventing statelessness;¹⁹² and take adequate measures to strengthened Civil Registration Systems.¹⁹³

73. JS6 recommended ensuring that every child's right acquire and preserve their nationality and introduce legal safeguards to ensure the right to nationality for otherwise stateless children on the territory.¹⁹⁴

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI

Amnesty International, London (United Kingdom);

UPRP-BCU	The UPR Project at BCU, Birmingham (United Kingdom);
ECLJ	The European Centre for Law and Justice, Strasbourg (France);
EI	Education International, Brussels (Belgium);
HKCIJ	The Helena Kennedy Centre for international Justice, Sheffield (United Kingdom);
HRW	Human Rights Watch, Geneva, Switzerland;
ICAN	The International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
The Rock of Hope	Manzini (Eswatini);
Manzini North Foundation	Manzini (Eswatini);
Center for Global Nonkilling	Geneva, Switzerland.
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: The Advocates for Human Rights, and The World Coalition Against the Death Penalty, Minneapolis (United States of America);
JS2	Joint submission 2 submitted by: CANGO: Coordinating Assembly of Non-Governmental Organizations Council of Swaziland Churches Diabetes Eswatini Swaziland Network Campaign for Education For All Arterial Network Eswatini Sexual and Gender Minorities Foundation for Social Economic Justice, Mbabane (Eswatini);
JS3	Joint submission 3 submitted by: The Coordinating Assembly of Non-Governmental Organisations, the Justice and Law Initiative, Southern Africa Human Rights Defenders Network (The Defenders Network or SAHRDN), Women and Law in Southern Africa Research and Educational Trust Eswatini (WLSA) and the Youth Sustainable Development Centre; Geneva (Switzerland);
JS4	Joint submission 4 submitted by: End Corporal Punishment and the Global Partnership to End Violence Against Children; London (United Kingdom);
JS5	Joint submission 5 submitted by: The Eswatini Library and Information Association and the International Federation of Library Associations and Institutions; the Hague, (The Netherlands);
JS6	Joint submission 6 submitted by: The Coordinating Assembly of Non-Governmental Organizations (Eswatini), Youth Sustainable Development Centre, Southern African Human Rights Defenders Network, Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion; Eindhoven (The Netherlands);
JS7	Joint submission 7 submitted by: Southern Africa Litigation Centre and Eswatini Sexual and Gender Minorities; Rosebank, Johannesburg (South Africa);
JS8	Joint submission 8 submitted by: SOS Children's Villages Eswatini World Vision Eswatini Save The Children Eswatini, Manzini (Eswatini);
JS9	Joint submission 9 submitted by: African Sex Workers Alliance, and Sexual Rights Initiative; Manzini (Eswatini);
JS10	Joint submission 10 submitted by: The Women and Law in Southern Africa Research and Educational Trust Eswatini and the Advancing Rights in Southern Africa; Johannesburg (South Africa).

² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/33/14, paras.109.1-109.8, 110.1–110.6, 110, 109.26, 108.2, 109.13–109.15, 109.21–109.25, 109.27, 109.9, 109.10, 109.12, 109.16–109.19, 107.15, 107.17–107.19, 110.7–110.12, 107.16.

⁴ AI, p. 5, HRW, p. 4, and JS1, paras. 7 and 19 and 36.

⁵ JS1, para. 36, AI, p. 5, HRW, p. 4, JS10, p. 5, and the UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para. 23(i).

⁶ JS3, p. 9.

⁷ ICAN, p. 1.

⁸ AI, p. 5 and Non-killing, p. 6.

⁹ HRW, p. 4.

¹⁰ JS2, para.6.

¹¹ JS3, page 9.

¹² JS2, para.6 and JS3, page 9.

¹³ HRW, p. 3 and JS3, p. 9.

¹⁴ HRW, page 3.

¹⁵ For relevant recommendations see A/HRC/33/14, paras. 107.1–107.3, 110.13, 109.28, 109.66–109.68, 110.14, 109.45, 109.46, 109.49, 109.64, 109.65, 109.34–109.36, 109.32, 109.33, 109.72, 107.32, 109.30, 109.51, 107.10, 107.11, 107.10, 107.11, 107.9, 107.8, 107.4107.6, 107.7, 107.13, 107.14, 107.12.

¹⁶ JS2, para.9.

¹⁷ HRW, page 3.

¹⁸ JS3, page 9.

¹⁹ HRW page 4.

²⁰ JS2, para.7.

²¹ JS8, page 9.

²² For relevant recommendations see A/HRC/33/14, paras. 108.5, 108.4, 109.29.

²³ The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para.13, JS7, page 5.

²⁴ The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para.13 and 14; JS7 page 5.

²⁵ The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para.15; JS7, page 5.

²⁶ JS7, page 5.

²⁷ JS7, page 5.

²⁸ The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, paras. 16m, 23, ii).

²⁹ ECLJ, para.15.

³⁰ ECLJ, para.17.

³¹ AI, para.27, JS3 page 6, JS7, page 10.

³² RoH, page 4.

³³ AI, page 6, JS9 and HRW, page 4.

³⁴ RoH, page 6.

³⁵ AI, para.29, HRW, page 2, JS3.

³⁶ AI, page 5, JS3 page 9.

³⁷ JS9, para.5, 16, 22.

³⁸ JS9, para.24 and 27.

³⁹ JS9, page 7, para.2.

- 40 JS9, page 7, para.3.
41 JS9, page 7, para.5, JS9, page 7, para.6.
42 JS9, page 7, para.10.
43 The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para.23, iv).
44 The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para.23, ii).
45 JS9, para.26.
46 JS6, para.46.
47 For relevant recommendations see A/HRC/33/14, paras. 108.6 and 108.7.
48 AI, para.8.
49 JS7, page 1 and JS10, page 3.
50 JS3, page 9 and JS7, page 4, EI, para.30.
51 JS7, page 4.
52 For relevant recommendations see A/HRC/33/14, paras. 109.42, 109.44, 109.38, 109.39, 109.37, 109.34, 109.47, 109.48, 107.34, 109.47, 109.48, 107.61.
53 AI, page 6, JS1, para.13.
54 AI, page 7 and JS1, page 1 and 36.
55 AI, page 7, and JS1, para.36.
56 JS1, para.24.
57 JS1, para. 22.
58 JS3 page 6.
59 JS1, para.21 and 36.
60 JS1, para.25.
61 JS1, para.11.
62 JS1, para.26.
63 JS1, page 6 and 36.
64 JS4, page 1.
65 JS8, page 8.
66 JS8, page 9.
67 JS4, p. 1 and JS8, p. 9.
68 For relevant recommendations see A/HRC/33/14, paras. 107.51, 107.52, 107.53, 107.49, 109.60, 107.50.
69 HRW, page 3.
70 HRW, p. 3 and JS1, para.10.
71 JS9, para.4.
72 JS1, para.29.
73 JS1, para.29.
74 HRW, p. 3 and JS1, para. 36.
75 JS3, page 9.
76 JS3, page 9.
77 JS1, para.32.
78 For relevant recommendations see A/HRC/33/14, paras.107.56, 107.57, 107.58, 107.55, 109.63, 109.62, 109.61, 109.59, 107.60, 109.69, 109.70, 109.71.
79 AI, para.17.
80 AI, para.18.
81 AI, page 5.
82 JS7, page 1, JS3, page 4 and 5, see also HRW page 2.
83 AI, para.18 ; JS3, page 4 and 5. ; JS7, page 4, AI and JS10, para.11.
84 JS10, page 9.
85 JS3, page 8.
86 JS10, page 10.
87 JS10, page 9.
88 AI, page 5 and JS10, para.4.
89 JS3, page 9.
90 JS10, page 10.
91 JS10, page 10.
92 MNF, page 1.
93 HRW, page 2, JS3, page 5.
94 JS3, page 5.
95 AI, page 5, EI, para.30, JS3, page 9 and JS7, page 4.
96 EI, para.30.
97 EI, paras. 1-2.
98 EI, para.9 and 12.

- ⁹⁹ EI, para.20, 28.
- ¹⁰⁰ For relevant recommendations see A/HRC/33/14, paras. 107.62, 107.63, 107.64, 107.65.
- ¹⁰¹ AI, para.10, JS2, para.11, JS10, page 7.
- ¹⁰² JS2, para.11.
- ¹⁰³ AI, para.10, 20, and21; JS2, para.11.
- ¹⁰⁴ AI, page 5.
- ¹⁰⁵ AI, page 5, JS2, para.16.
- ¹⁰⁶ JS10, page 7.
- ¹⁰⁷ JS10, page 5.
- ¹⁰⁸ JS10, pages 1 and 5.
- ¹⁰⁹ For relevant recommendations see A/HRC/33/14, paras. 107.65, 107.66, 107.68, 107.69, 107.70, 107.61, 107.72, 107.64, 107.73, 107.67.
- ¹¹⁰ JS2, The UPR Project at BCU, Centre for Human Rights, School of Law, Birmingham City University, para.1, and HKCIJ , JS7, page 5HKCIJ, para.9.
- ¹¹¹ JS7, page 5.
- ¹¹² JS2, BCU and HKCIJ, JS7, page 5HKCIJ, para.9.
- ¹¹³ JS7, page 5.
- ¹¹⁴ JS7, page 6.
- ¹¹⁵ JS2, para.20, JS7 page 4.
- ¹¹⁶ JS7, page 4.
- ¹¹⁷ JS7, page 5.
- ¹¹⁸ JS7, page 6.
- ¹¹⁹ JS2, para.23.
- ¹²⁰ JS2, para.23.
- ¹²¹ JS2, para.23.
- ¹²² JS7, page 7.
- ¹²³ JS2, para.23.
- ¹²⁴ JS7.
- ¹²⁵ JS7, page 7.
- ¹²⁶ JS7, page 7.
- ¹²⁷ JS7, page 7.
- ¹²⁸ JS7, page 6, AI, page 5.
- ¹²⁹ AI, page 5, JS7, page 7.
- ¹³⁰ For relevant recommendations see A/HRC/33/14, paras. 107.75, 107.77, 107.78, 107.79, 107.85, 107.76, 107.76, 107.80, 107.81, 107.82, 107.83, 107.84.
- ¹³¹ JS2, para.27.
- ¹³² JS2, para.26 and 27.
- ¹³³ JS2, para.28.
- ¹³⁴ JS8, page 8.
- ¹³⁵ JS2, para.28.
- ¹³⁶ JS2, para.31.
- ¹³⁷ HRW, page 6.
- ¹³⁸ HRW, page 6.
- ¹³⁹ JS5, pp. 2–3.
- ¹⁴⁰ JS7, page 9.
- ¹⁴¹ HRW, page 6.
- ¹⁴² JS8, page 7.
- ¹⁴³ HRW, page 6.
- ¹⁴⁴ JS8, page 9.
- ¹⁴⁵ For relevant recommendations see, A/HRC/33/14, paras. 107.23, 107.24, 107.26, 107.27, 107.28, 107.29, 107.30, 107.31, 107.22, 109.31, 108.3, 107.20, 109.50, 107.21, 107.25, 107.33, 107.35, 107.36, 107.37, 107.38,107.39, 107.41, 107.42, 107.43, 107.40, 107.44, 107.41, 109.41, 109.40, 107.46107.48, 107.45, 109.54, 109.55, 109.56, 109.57, 109.52, 109.53.
- ¹⁴⁶ AI, para.24, JS10 page 2, JS6, para.42, HKCIJ, para.9, 11, 17, 2.
- ¹⁴⁷ JS7, page 8.
- ¹⁴⁸ JS6, para.23, JS6, para.30.
- ¹⁴⁹ JS6, para. 14 and 30. See also JS7, p. 8.
- ¹⁵⁰ JS7, page 7.
- ¹⁵¹ JS7, page 9.
- ¹⁵² JS7, page 9.
- ¹⁵³ JS10, page 10. See also AI, para.4.
- ¹⁵⁴ JS10, page 4.

- 155 JS10, page 5.
156 JS10, page 5.
157 JS7, page 9.
158 AI, page 6, JS10, page 5.
159 JS7, page 9.
160 HRW, page 5.
161 HRW, p. 4.
162 HRW, page 4, ECLJ, para.17, JS2, para.9, JS7, page 6–8.
163 AI, para.24, JS10 page 2, HKCIJ, para.9, 11, 17, 20; JS6, para.42.
164 JS10, page 2, HKCIJ, para.24.
165 HKCIJ, para.25.
166 JS10, page 5.
167 HRW, page 4.
168 AI, page 6.
169 HKCIJ, para.26.
170 HKCIJ, para.26, JS10, page 5.
171 HKCIJ, para.26.
172 ECLJ, para.14.
173 ECLJ, para.17.
174 JS8, page 9.
175 JS7, page 7.
176 For relevant recommendations see A/HRC/33/14, paras. 107.54, 107.87, 107.88, 107.54.
177 JS8, page 6.
178 JS8, page 9.
179 HKCIJ, para.21.
180 JS6, para.43.
181 JS8, page 9.
182 JS6, para.35.
183 JS6, para.46.
184 For relevant recommendations see A/HRC/33/14, paras. 107.87, 107.88.
185 JS7, page 6.
186 JS7, para.7.
187 JS6, paras. 32–33.
188 JS6, para.18.
189 JS6, para.19.
190 JS6, paras. 20–21.
191 JS6, para.46.
192 JS6, para.46.
193 JS8, page 9.
194 JS6, para.46.
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