

# **MANZINI NORTH FOUNDATION**

P.O. BOX 4558

MANZINI ESWATINI

TEL: 2505 9578

Email:manzininorthfoundation@gmail.com



Ka Bhila Behind Ka Ngcobo

Makholweni

MANZINI ESWATINI

## **MANZINI NORTH FOUNDATION SUBMISSION TO THE UPR OF ESWATINI 2021**

### **EXECUTIVE SUMMARY**

This submission is prepared for the Universal Periodic Review (UPR) of Eswatini. In it Manzini North Foundation evaluates the implementation of recommendations made in the previous review of Eswatini as well as the current situation of human rights in the country, and makes recommendations to the government of Eswatini to strengthen the protection of human rights and address human rights challenge especially ensuring that the freedom of association is protected and that membership and activities of trade unions and political parties are not restricted.

### **FOLLOW UP TO THE PREVIOUS REVIEW**

During its UPR in October 2011, Eswatini accepted most of the recommendations made to it by member states. However, a number of important recommendations were rejected, including recommendations to remove restrictions on political parties and to introduce multi party democratic elections.

### **RESTRICTION ON FUNDAMENTAL FREEDOMS**

The constitution guarantees fundamental rights such as the freedoms of thought, conscience and religion: expression and opinion: and peaceful assembly and association. However these provisions are undermined by extensive limitation clauses that permit the state to restrict the enjoyment of those rights. Freedom of association, particularly for purposes of contesting political power, is further restricted by section 79 of the constitution, which stipulates that individuals wishing to stand as candidates in elections can do so only on the basis of individual merit and within constituencies controlled by traditional leaders appointed by the King, effectively precluding anyone from standing for election under the banner of a political party

The current constitution, with its recognition of the freedoms of expression, association and assembly has effectively unbanned political parties. Nonetheless, there remain a number of significant impediments to political parties effective participation to national politics. Despite the recognition of the above cited rights, elections, according to section 79 are based on individual merit. This in effect means

although political parties are permitted to exist, they are not permitted to perform the very function for which they exist-which is to provide the vehicle for the expression and attainment of the collective interest of members. Denying political parties the opportunity to participate in elections also denies the electorate a choice. Political parties are not social clubs but exist to contest for power in order to govern.

#### **RECOMMENDATION FOR ACTION BY STATE UNDER REVIEW**

Remove all restrictions, in law and practice, which prevent the full enjoyment of the right to freedom of association, including associating for purposes of contesting political power, as guaranteed under the International Covenant on Civil and Political Rights and other international standards, as Eswatini had accepted to do in the previous review

#### **CONCLUSION**

In the prevailing situation, it has been argued that while general illegality of political parties has been lifted by the constitution, in order to enable political parties to play their proper role, there is a need to enact legislation that will outline the details of their operation and participation in politics. In order to become properly active, political parties require enabling laws that provide for their registration, ground rules for their activities and funding as well as their regulation and the manner in which they would participate in politics and governance through the electoral process. In spite of the coming into force of the constitution in 2005, no laws have yet been passed in this regard. To date, apart from the general provisions of the Constitution none of the electoral legislation has been amended in order to be aligned with the constitution. In the absence of the enabling legislation, there is no framework for the operation of political parties and no mechanism for their effective participation