



**KINGDOM OF ESWATINI**

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH  
PARAGRAPH 5 OF THE ANNEX TO HUMAN RIGHTS COUNCIL  
RESOLUTION 16/21**

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## ABBREVIATIONS

ACC	Anti -Corruption Commission
AGYW	Adolescent Girls and Young Women
CAG	Community ART Groups
CBE	Competency Based Education
CEDAW	Convention on Elimination of All forms of Discrimination Against Women
CHRPA	Commission on Human Rights and Public Administration
CSO's	Civil Society Organisations
FEMCOM	Federation of National Associations of Women in business in Eastern and Southern Africa
MOH	Ministry of Health
MTCT	Mother- to- child transmission
NCD	Non-Communicable diseases
NMRF	National Mechanism for Reporting and Follow-up
NSF	National Strategic Framework
OHCHR-ROSA	Office of the High Commissioner for Human Rights –Regional Office for Southern Africa
OP-CAT	Optional Protocol to the Convention Against Torture
OVC	Orphans and Vulnerable Children
PLHIV	People living with HIV
PMTCT	Prevention of Mother to Child Transmission
POCA	Prevention of Corruption Act
PWA	Persons with Albinism
PWD	Persons with Disabilities
SMME	Small Micro and Medium Enterprise
SODV	Sexual Offences and Domestic Violence Act
UNCAC	United Nations Convention Against Corruption
UPR	Universal Periodic Review

## **ESWATINI NATIONAL REPORT ON THE UNIVERSAL PERIODIC REVIEW– 3<sup>RD</sup> CYCLE**

### **INTRODUCTION**

1. The Working Group on the Universal Periodic Review (UPR) reviewed the Kingdom of Eswatini's (formerly known as the Kingdom of Swaziland) Second Cycle National report in May 2016. During the interactive dialogue Eswatini received 181 recommendations, of which 131 were accepted and 50 noted.
2. This report sets out the progress on the implementation of the accepted recommendations since the last review.

### **METHODOLOGY AND CONSULTATION PROCESS**

3. A consultative workshop led by the Ministry of Justice was held in November 2018 with an aim of tracking the implementation of the accepted recommendations. The workshop was attended by representatives from Government ministries, Non – Government Organisations and Civil Society Organisations (CSOs). However, Eswatini did not submit a mid- term review to the Human Rights Council due to the non-existence of a National Mechanism for Reporting and Follow-up (NMRF) at the time.
4. In preparation of this national report, in early November 2020 a communique requesting information on the recommendations was sent to various Government ministries to which the recommendations fell under and the Ministries were further made aware that the process of preparing the third cycle report for Eswatini had commenced.
5. On the 2<sup>nd</sup> to 3<sup>rd</sup> December, 2020 a workshop was held to provide technical advice on the preparation of Eswatini's Third Cycle National Report. The workshop was facilitated by the United Nations Office of the High Commissioner for Human Rights, Regional Office for Southern Africa (OHCHR-ROSA) and the United Nations Country Team. It was attended by NMRF Secretariat, representatives from the National Mechanism for Reporting and Follow- up (NMRF) Committee, Commission on Human Rights and Public Administration and Civil Society Organisations. The workshop provided an opportunity for the stakeholders to be capacitated on the UPR process, State Report writing and further discussed the implementation and progress made on the recommendations as well as highlighting the challenges faced.
6. On the second week of March 2021, the information provided by Government ministries and departments was used by NMRF Secretariat to produce a zero draft of the State report.
7. On 15<sup>th</sup> and 16<sup>th</sup> April 2021, the NMRF Secretariat conducted a consultative meeting attended by NMRF Secretariat, representatives from the NMRF Committee/duty bearers, Judiciary, Legislature, Commission on Human Rights and Public Administration and Civil Society Organisations. In this meeting, the zero draft report was presented and discussed with a view of collecting inputs from the stakeholders. The inputs were subsequently incorporated into the draft state report which was subsequently validated on 27<sup>th</sup> July 2021.
8. The state report was submitted to Cabinet and thereafter to the Human Rights Council.

## **DEVELOPMENTS SINCE THE LAST REVIEW**

### **Legislative and Policy Frameworks**

9. Since the last review, Eswatini has enacted several legislations that domesticate the various human rights conventions ratified by the country. Some of the enacted legislations include inter alia: - the Sexual Offences and Domestic Violence Act 2018, Persons with Disabilities Act 2018, Prevention of Organised Crime Act 2018, Witness Protection Act 2018, Suppression of Terrorism Act 2008 (as amended), Public Order Act 2017, Correctional Services Act No. 13 of 2017, Police Service Act No. 22 of 2018, the Small Claims Court Act 2011 (as amended).
10. Further, Eswatini has made progress in developing sector policies guiding the promotion, protection and enjoyment of human rights as well as improving the livelihoods of Eswatini. These include National Gender Policy, Education and Training Sector Policy 2018, Health and Reproductive Rights, Disability Policy and others. There are also strategies in place such as the Strategic Roadmap 2019 – 2023, the National Development Plan 2019 – 2022, the National Strategy and Action Plan to End Violence (2017-2022), Eswatini National Financial Inclusion Strategy (2017 – 2022) and the National Disability Plan of Action (ESNDPA) 2018 – 2022 amongst others.

### **National jurisprudence**

11. During the period under review, Eswatini's jurisprudence on the elimination of discrimination and inequality has made positive strides, thereby protecting and promoting the rights of women in accordance with Sections 20 and 28 of the Constitution and further giving effect to the provisions of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and other instruments that the country has ratified.
12. In this regard, reference is made to the case of *Makhosazane Eunice Sacolo (nee Dlamini) and Another vs. Jukhi Justice Sacolo and 2 Others* (1403/16) [2019] SZHC (166) 30<sup>th</sup> August 2019 wherein the Court declared the common law doctrine of marital power invalid in that it is discriminatory against married women and offends against the Constitutional right to equality before the law and the right to dignity. The Court further declared that spouses married in terms of the Marriage Act 1964 and in Community of Property have equal capacity and authority to administer marital property. Women in Eswatini are now able to buy and sell property, sign contracts, and conduct legal proceedings without their husbands' consent.

### **National human rights infrastructure**

13. In 2020, Eswatini established a Law Reform Unit to systematically review and reform laws of the country to comply with international norms and standards as well as the Constitution. It is anticipated that this Unit will cascade and develop into a Law Reform Commission at a later stage.

## **FOLLOW-UP ON THE PREVIOUS REVIEW: IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS**

### **RATIFICATION OF INTERNATIONAL TREATIES**

(Recommendations 108.1, 109.1, 109.9, 109.10, 109.11, 109.12, 109.13, 109.14, 109.15)

14. Eswatini ratified the two Optional Protocols on the Convention on the Rights of the Child in 2012. There are ongoing national processes to sensitize stakeholders on the need to ratify the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women and the Optional Protocol to the Convention against Torture. Notwithstanding that, Eswatini has not yet ratified the Optional Protocol to the Convention Against Torture, missions are undertaken to places where people are or where they may be deprived of their liberty such as Correctional Services institutions by national, regional and international organizations. For example, the African Commission on Human and Peoples Rights<sup>i</sup>, Civil Society organizations and the Eswatini Human Rights Commission & Public Administration have undertaken such missions.

### **REPORTING UNDER INTERNATIONAL LAW**

(Recommendations 107.15, 107.17, 107.18, 107.19)

15. In early 2019, Eswatini established the NMRF through a Cabinet resolution. Members of the NMRF were appointed and gazetted under Legal Notice No. 220 of 2020, and comprises of representatives of all the Government Ministries, the Judiciary and Parliament to facilitate treaty implementation and reporting processes.
16. The Chairperson of the NMRF is the Ministry of Justice and Constitutional Affairs, and its Deputies are the Deputy Prime Minister's Office and the Ministry of Foreign Affairs and International Cooperation respectively. The body works with a Secretariat that comprises of twelve members from the Deputy Prime Minister's Office, Ministry of Justice and Ministry of Foreign Affairs and International Cooperation.
17. Through the technical and financial support of the OHCHR-ROSA, United Nations Development Programme (UNDP) and United Nations Fund for Population Activities (UNFPA) several capacity building exercises have been undertaken between the period of 2016 to 2020. These capacity building initiatives have equipped the incumbent NMRF members with knowledge and skills in interacting with the United Nations Treaty Bodies, coordinating report to other human rights mechanisms including the UPR, Reporting Guidelines on specific treaties as well as key capacities and functions of the NMRF.
18. The country acknowledges that there are overdue reports to be submitted to treaty bodies and anticipates that now that the NMRF has been established, the country will be able to prepare and submit the reports timeously, systematically coordinate, engage with CSOs on the implementation of the recommendations issued by the human rights mechanisms.

### **PROMOTION OF HUMAN RIGHTS**

(Recommendations 107.4, 107.5, 107.6, 107.7, 107.8, 107.9, 107.12, 107.13, 107.14)

19. To fully operationalize as well as to strengthen the Commission on Human Rights and Public Administration (CHCPA), Eswatini, through the technical assistance of the Commonwealth, is in the process of coming up with a law, the Human Rights and Public Administration Bill, 2020. This is also in an effort to ensure that the Commission complies with the Paris Principles. Further, there are ongoing

consultations with relevant Government Ministries to guarantee the Commission's financial and operational independence.

20. As a means of raising awareness on human rights, the Commission runs a radio program through the National radio. Also, in 2018, through the support of Development partners, a Baseline survey on the status of human rights in Eswatini was conducted and disseminated to stakeholders. There are also continuous trainings conducted at the Police Academy and Correctional Services to ensure that officers are capacitated on human rights related issues. In 2020, the Commission developed a website to ensure dissemination of their reports. ([www.chrpa.org](http://www.chrpa.org))
21. Due to constraints in human and financial resources, the Commission has not undertaken awareness campaigns in schools, communities and youth forums. Further, these constraints have hindered the development of a strategy and action plan for human rights education and training. However, there are active Civil Society Organizations that undertake human rights campaigns and educational sessions in communities.
22. In respect of strengthening the fight against corruption, the Prevention of Corruption Act (POCA)<sup>ii</sup>, is the key legislation establishing and operationalizing the Anti-Corruption Commission (ACC) and further provides its operational independence. However, the allocation of resources remains a challenge, as the funding of the ACC is dependent on the extent of availability of funds in the Government purse. In the assessment of implementation of the legal framework, the country underwent a self-assessment process under the United Nations Convention Against Corruption (UNCAC) for issues relating to criminalization, law enforcement and international cooperation in 2018. Through the assistance of the United Nations Office on Drugs and Crime (UNDOC) gaps were identified in the legal framework and recommendations made to amend the POCA. Other legislations that augment the fight against corruption include the Money Laundering (Prevention) Act<sup>iii</sup> and the Procurement Act<sup>v</sup>.
23. Further, the enactment of the Witness Protection Act<sup>v</sup> and Prevention of Organised Crime Act<sup>vi</sup> seek to strengthen the anti-corruption initiatives. An Inter-Agency Task Team has been established, comprising of the Police, Prosecutors, Financial Intelligence Unit and ACC, to enhance the investigations relating to complex cases. In 2019 Government further established an Asset Forfeiture Unit to manage and deal with ill-gotten properties.

#### **NATIONAL DISASTER MANAGEMENT AUTHORITY (NDMA)**

(Recommendations 107.10, 107.11)

24. The NDMA transitioned to a semi-autonomous entity in 2014 and to-date has regional offices in Siteki, Nhlangano, Piggs Peak and Manzini to ensure that services are brought closer to Emaswati. Through the NDMA, several assessments are carried out to inform the setting of national disaster risk management agenda. These include the Annual Vulnerability Assessment and Analysis reports that documents disaster risks according to all constructs (hazards, vulnerability, exposure, and coping capacity) in economic and social sectors; Capacity Assessment on Disaster Risk on appraisal of legislative, institutional, technical and operational capacity for national systems and sectors to effectively manage disasters and their risks.
25. There are also sectoral technical working groups established to support national response in time of emergencies in health, food security, water sanitation and hygiene as well as protection cluster which covers social protection issues.

26. Eswatini is currently reviewing the Disaster Management Act, 2006 to align it with international standards and to cater for emerging issues, such as COVID-19. It is worth noting however, that Eswatini managed to contain the COVID-19 epidemic through enactment of specific regulations (COVID-19 Regulations, 2020) in line with the Act to allow for proper management, coordination, prevention and control of COVID-19.

### **ADMINISTRATION OF JUSTICE AND FAIR TRIAL**

(Recommendations 107. 49, 107.50, 107.51, 107.52, 107.53, 109.60)

27. The Government of Eswatini adheres to the doctrine of separation of powers. In the exercise of judicial power, the Judiciary is independent in both its judicial and administrative functions, including financial administration. The Legislature and the Executive arms of Government do not interfere with the functions of the Judiciary. Its independence is guaranteed by the Constitution<sup>vii</sup>.
28. Since 2016, several judicial officers in the superior and subordinate courts have been appointed on permanent and pensionable basis. To this end, 14 male Magistrates and 10 female Magistrates have been appointed. For superior courts, eight males and four female Judges have been appointed to the High Court and eight male Judges appointed to a permanent Supreme Court Bench. A permanent bench of the Industrial Court of Appeal consisting of four judges, three males and one female has also been established.
29. The appointments of these judicial officers is to guarantee their tenure of office, impartially when deciding matters without any form of improper influence, prejudice, pressure, direct or indirect interferences.
30. Further, to quicken the adjudication of small commercial disputes, regional Small Claims Courts have been established in 2020. These specialised courts are presided over by permanent five female Commissioners.
31. As an effective measure to ensure transparency in allocation of judicial work, an automated case management system is being developed and currently there are stakeholder consultations on the components and functions to be provided by this platform. Further, it is envisaged that the filing of court processes will be done electronically.
32. To intensify access to justice, a Legal Aid Policy and Legal Aid Bill of 2020 have been developed, currently undergoing stakeholder consultation. The Bill seeks to give effect to the right to fair hearing and equal protection of the law, as a Constitutional mandate to indigent members of society. Further, it promotes the principle of equality and non-discrimination by directing the Legal Aid Board to provide legal aid to all qualifying persons regardless of age, race, gender, and language amongst others.

### **JUVENILE JUSTICE SYSTEM**

(Recommendation 107.54)

33. The Children Protection and Welfare Act No. 6 of 2012, prescribes the age for criminal responsibility to be 12 and above<sup>viii</sup>. However, for sexual offences, the Sexual Offences and Domestic Violence Act<sup>ix</sup> places the minimum age for criminal liability at 10 years. For children between the ages of 10 to 14 to be prosecuted, an inquiry must be done by a Magistrate to assess if the child possessed the capacity to appreciate the difference between right and wrong and had the ability to act in accordance with that appreciation. During the inquiry the Magistrate is compelled to hear and consider evidence from experts on the intellectual, emotional, psychological and social development of a child.



34. On conviction, offenders falling within the category of juveniles are segregated from older and more hardened offenders. Further, treatment programmes tailored specifically for the needs of juveniles are administered on them. The rehabilitation programmes include amongst others formal education and juvenile industrial training.

## **VIOLENCE AGAINST WOMEN, GENDER EQUALITY, WOMEN EMPOWERMENT AND NON-DISCRIMINATION**

(Recommendations 107.21, 107.22, 107.23, 107.24, 107.26, 107.27, 107.29, 107.30, 107.31, 107.33, 107.35, 107.36, 107.37, 107.38, 107.39, 107.40, 107.41, 107.42, 107.43, 107.44, 107.45, 109.52, 109.53, 109.54, 109.55, 109.56, 109.57)

35. The Kingdom of Eswatini has undertaken various approaches and strategies towards ending all forms of discrimination and violence against women and girls. Women and girls are discriminated in many ways often disguised as tradition, customs as well as patriarchal norms and values which society has held on to in the name of indigenous culture (way of life).
36. The Kingdom enacted the Sexual Offences and Domestic Violence (SODV) Act No. 15 of 2018. This Act makes provision concerning sexual offences and domestic violence, prevention and the protection of all persons from harm and acts of domestic violence amongst others. It serves as deterrent to a lot of discrimination, exploitation and mainly violence against women and girls who are considered as the most vulnerable groups of society. Regulations have been recently developed to facilitate holistic implementation of the SODV Act which include the establishment of specific institutions to further enhance the protection of women and children.
37. During the period under review, Government has developed and is implementing a National Strategy and Action Plan to End Violence (2017-2022). This undertaking was in response to the realization of the lack of a multisectoral framework that will guide the prevention and response agenda to violence in the country. This framework has been very instrumental in the programming for prevention, social and behavioural change as well as protection of all vulnerable groups from violence. As such, this has seen the advancement of the Male involvement agenda being formed into a Men Engage Network to engage men and boys on gender equality, prevention of violence and abuse in all settings. There are Non-Governmental Organisations like Kwakha Indvodza (KI), Swatini Action Group against Abuse (SWAGAA) among others that are leading these initiatives to eliminate violence in our societies.
38. Eswatini has further developed a National Strategy and Plan of Action on Positive Parenting (2019-2023) currently at advanced stage of endorsement. The plan provides a blueprint and national roadmap towards achieving holistic child development through empowering and supporting parents to discharge their parenting roles. This plan seeks to instil principles that discourage violence and promote positive discipline, to assist eliminate all forms of violence including those appearing as child discipline.
39. The National Gender Policy 2010 has been reviewed to align it with the Beijing declaration and Platform for Action as well as other regional and international frameworks. This policy will guide gender mainstreaming strategies for the next 10 years (2020-2030). However, due to the COVID 19 pandemic disruptions, it is yet to be implemented and integrated into national budgets.

### **Women empowerment**

40. Eswatini has continued to invest in women driven economic empowerment initiatives, with the leadership from government's strategic roadmap 2019 - 2023. A case in point is E100 million<sup>x</sup> has been used to establish the Women's Business Hub in Manzini.
41. The Small, Micro and Medium Enterprise (SMME) Policy 2018 and the Eswatini National Financial Inclusion Strategy (2017 – 2022) have been adopted to contribute to poverty alleviation by enabling alternative channels to serve the poor.
42. The major aim of the Financial Inclusion Strategy is to ensure the “delivery of financial services and products in ways that are available, accessible and affordable to all segments” of the country's populace. The target is to grow adult access from 43% to 75% and reduce the excluded from 27% to 15% by 2022. The target will be achieved by expanding mobile money services (e-money) increasing usage of banks, reducing risks in management of financial services and devising alternative ways of serving the poor. Further, it targets the un-served or underserved in rural areas; women and youth; Micro, Small & Medium Entrepreneurs including in the agriculture sector. The Strategy will facilitate the participation of Women and Youth Entrepreneurs in economic activities, particularly women in the Informal sector who often lack access to credit for business start-ups and growth. Studies<sup>xi</sup> reveal that the Informal sector provides employment to 40.2 percent women compared to 25.5 percent men.
43. Further, the country has developed a Citizens Economic Empowerment Bill 2021 to enable equal participation of women and men in economic transformation. The Bill seeks to, among other issues, “promote gender equality in accessing, owning, managing, controlling and exploiting economic resources”.
44. The Government of Eswatini has established the Federation of National Associations of women in business in Eastern and Southern Africa (FEMCOM) along with a strategic plan of 2018-2022. FEMCOM is responsible for facilitating economic empowerment of women and youth entrepreneurs. Its mandate is to promote programmes, which integrate women into trade and development activities in various business fields, thus contributing to national development and the promotion of vision 2022.
45. In 2020, the Government launched 50 Million African Women's Speak digital Platform. To contribute to the economic empowerment of women through the provision of a networking platform that will enable women in business to access information and financial services. Specifically, the objective is to establish a platform to improve the ability of women entrepreneurs to network and share information as well as to access information on financial and non-financial services.

### **Equality and non-discrimination of women**

46. Eswatini is currently using the definition of discrimination in terms of section 20 of the Constitution read together with the reviewed Gender policy which has aligned the definition of discrimination with that in CEDAW. A legislation that will comprehensively domesticate CEDAW is yet to be developed. Further, a pack of family law bills<sup>xii</sup> have been developed that seek to domesticate certain parts of CEDAW and are currently undergoing stakeholder consultation processes.
47. Section 211(2) of the Constitution of the Kingdom of Eswatini provides that all citizens of Eswatini have access to land regardless of gender. However, post the Constitution, some Chiefdoms followed the traditional system of land allocation. This meant that women only accessed land through males which could either be their husbands, male relative or male child. For some women who were unmarried or widowed, access to land remained a struggle. However, it is worth mentioning that there is now a

paradigm shift from the patronage system as most Chiefs are aware of the Constitutional rights of women, thus land is accessible to women without the assistance of a male. Efforts are being made to develop an information management system that will provide statistical data on this development.

48. With regards to representation of women in politics, Eswatini enacted the Election of Women Members into the House of Assembly Act No. 06 of 2018 to ensure that at least 30% of women constitute the House of Assembly, thereby giving effect to section 86 of the Constitution. However, this target has not been met as currently, women legislators constitute 20.38% of the legislators, and 29% at Cabinet.
49. There are still barriers that hinder women's ability to be elected or appointed into decision making positions such as patriarchy, economic disadvantages, social stereotypes, and socio-political perceptions around women's leadership. As a mitigating measure, Eswatini is developing a National Strategy on women's participation in politics and decision-making. This strategy seeks to address barriers to women's participation.
50. The Elections and Boundaries Commission conducts Civic Voter education to sensitize members of the public on the electoral process before elections. Further Civil Society Organisations conduct educational vote for women campaigns to ensure women's participation in politics and decision-making structures. Women candidates and nominees are capacitated on leadership and campaigning skills prior to Secondary Elections.

### **Forced and early marriages**

51. The Constitution protects women and girls from being forced to contract marriages without their consent and being subjected to customs they are opposed to in conscience.<sup>xiii</sup> Therefore, customary practices of *kungenwa*<sup>xiv</sup>, *kwendziswa*<sup>xv</sup> and others are no longer practised against the free and full consent of the intending spouses. At a Customary marriage ceremony, the presence of a Chief's representative plays an important role of witnessing the proceedings of the ceremony including if the woman is a consenting party to the marriage.
52. With regards to the fixed legal age to marry, the country is reviewing the Marriage Act of 1964 which will fix the marriageable age to 18 for both males and females. A draft Marriages Bill is currently undergoing legislative processes.
53. There are on-going community dialogues, sensitisation campaigns, media advocacy on the adherence to laws protecting children, in particular the girl child, against harmful practices that hinder their full development. Where there are suspected reported cases of child marriages, the office of the Deputy Prime Minister attends to the cases and as a result several children have been removed from forced marriages and cases referred to the criminal justice system for investigations and prosecution.

### **HEALTH RELATED RIGHTS**

(Recommendations 107.65, 107.66, 107.67, 107.68, 107.69, 107.70, 107.71, 107.72, 107.73, 107.74, 108.4, 108.5)

#### **Non-communicable diseases**

54. The Kingdom of Eswatini is committed to expand health care programmes in the country despite the burden of diseases; the combination of long-established infectious diseases, with a rapidly growing new epidemic of chronic Non-Communicable Diseases (NCDs). Risk factors such as raised blood pressure,

cholesterol, tobacco use, excess alcohol consumption and obesity, has not spared the population of Eswatini as 90% of adults aged 30 and above are at more risk to develop an NCD.

55. To step up the fight against NCD, the Ministry of Health (MoH) developed a NCDs Policy in 2016 which defines the country's action plan to minimize the consequences of these diseases. To facilitate the implementation of the NCDs Policy, the MoH further developed the National Strategy for the Prevention and Control of Non-Communicable Diseases 2016-2020 that describes interventions to be carried out for the prevention and control of NCDs. Following the development of these policy guiding documents the country has made remarkable strides in preventing, further averting the burden of NCDs. These are evident through the availability of prevention and control implementation guidelines, protocols and standards especially for the priority prevalent NCDs and mental health.
56. In 2014 the country piloted NCD services in 10 facilities using the HEARTS package guided by the WHO Package for Primary level facilities (WHO-PEN) and thereafter the facilities increased from 5% in 2016 to 66 % in 2020. Furthermore, NCD medicines have been declassified to enable availability at primary level facilities in line with implementation of clinical guidelines.
57. The country established a cancer registry for systematic and equitable implementation of evidence-based interventions for prevention, early detection, treatment and care through the National Cancer Control Unit. In addition, the Government developed Standard Operational Procedures (SOP), cancer-screening register and job aids for all screenable cancers and secures Specialists to manage complicated cases.

#### **Incidence of tuberculosis**

58. Eswatini has observed a steady downward trend in Tuberculosis (TB) incidence (363/100 000 population) and TB notifications, TB related mortality and TB/HIV co-infection rates. As of December 2020, TB incidence was 363/100 000 from above 1000/100 000 population before 2016. The country notified 2,259 TB cases from 4,190 in 2016, successfully treated 86% of drug susceptible TB (DS-TB) patients from 79% in 2016, and 81% of drug resistant TB (DR-TB) patients from 70% in 2016. Mortality declined from 12% in 2016 to 8% in 2020 for DS-TB patients and from 18% to 11% for DR-TB patients. TB/HIV co-infection rate declined from 70% in 2016 to 64% in 2020 for DS-TB, and from 79 % to 69% for DR-TB patients.
59. Interventions such as intensified TB screening in health care settings and communities, use of rapid molecular TB diagnostic tests, strengthening TB treatment adherence system, scaling up of HIV testing and treatment services in TB settings and commencing TB patients living with HIV on antiretroviral treatment (from 92% in 2016 to 98% in 2020), scaling up of TB preventive services among vulnerable populations such as screening People Living with HIV (PLHIV)for TB and initiating them on TB Preventive treatment (from 1% in 2017 to 65% in 2020) as well as capacity building of healthcare workers have contributed to the observed reductions in TB cases and better treatment outcomes.

#### **Malaria**

60. In terms of malaria control, in 2018 there were 268 indigenous cases of the disease compared to 724 cases in 2017. Progress is due, in part, to the country's hundred percent adherence to national diagnostic and treatment guidelines as well as an improvement in vector control activities, backed by high-level Government support. Eswatini is the first country in the African continent to introduce (in 2019) the Malaria elimination scorecard to enhance tracking, accountability and action towards Malaria elimination and this has been publicly posted to the African Leaders Malaria Alliance scorecard knowledge hub. In line with the legacy agenda of the African Leaders Malaria Alliance,

His Excellency Uhuru Kenyatta, in May 2019 the country launched an End Malaria Fund to raise US\$5 million towards malaria elimination.

### **Prevention and reduction of HIV/AIDS prevalence**

61. Eswatini has made tremendous strides towards epidemic control through a focus on key interventions in testing and treatment, coupled with strong community prevention programming. It is estimated that 95% of all PLHIV know their HIV status due to successful case identification and messaging. Early adoption of Test and Start (T&S) programme increased numbers of people on treatment, and strategic interventions to increase access to viral load and to support retention have led to a viral suppression rate of 95% for those who are on ART. According to the 2020 HIV Estimates and Projections Report, new infections have been declining since 2016 from around 8000 to 4500 in 2019.
62. The Kingdom of Eswatini had a National Strategic Framework (NSF) from 2014 – 2018 which has since been replaced by NSF 2018 – 2023 to further reduce new HIV Infections. The current NSF 2018-2023 is being implemented and a Mid-term review is ongoing. The country adopted the Test and start for all people-testing positive for HIV, introduced a HIV self-testing programme to encourage people to know their HIV status. Further, community ART groups (CAG) were established which has also reduced AIDS deaths from 2700 in 2016 to 2300 in 2020 and the HIV Prevalence has relatively remained around 27% for the past four years<sup>xvi</sup>.
63. The Prevention of Mother-to-Child Transmission (PMTCT) programming has reduced the mother-to-child transmission (MTCT) to less than 2%<sup>xvii</sup> at 6-8weeks. The country has developed an Elimination of Mother to child transmission of HIV and Syphilis strategy 2018-2022, Integrated HIV guidelines addendum for the amendment of the HIV guidelines 2019 and an operational plan for eMTCT (2020-2022). The Ministry of Health engages communities to sensitize on PMTCT and community health care workers (RHMs and community mentor mothers) for follow-up and home visits of mother and lactating mothers in the community.
64. The Maternal Mortality Rate stands at 452/100 000<sup>xviii</sup> and neonatal mortality is at 20/1000 live births, and Infant mortality is at 57/1000 live births<sup>xix</sup>. The MoH has developed guidelines for antenatal care, new-born care and for the management of obstetric emergencies for health care workers. In 2018 MoH conducted a Service Availability and Readiness Assessment (SARA) and Quality care assessment in all health facilities aimed at reducing maternal and infant mortality.
65. In response to the impact of COVID-19 pandemic on continuity of services, the Government has expanded its community service delivery to take HIV testing, prevention and treatment services (including ART drug distribution) to people through outreach programmes that rely on rural health motivators and HIV treatment adherence support initiatives. The effect of all these initiatives helped to maintain uninterrupted regimes and to connect with key and vulnerable populations.
66. In 2019, Eswatini conducted a HIV Related Stigma, Discrimination and Human rights survey. The findings were that out of 1136 respondents, 10% experienced HIV related stigma and discrimination in a form of remarks and verbal harassment. The survey has informed the policy and program improvements to address the findings.
67. In the 2018-2023 National Strategic Framework (NSF), social protection and the reduction of structural vulnerabilities including HIV related stigma, key population groups and discrimination form part of the strategic interventions in the implementation of the HIV response in the Kingdom. Further, Non-Government Organizations organise campaigns during events to sensitize the public on HIV related information.

### **Access to health services**

68. Eswatini's health facilities provide health services to all citizens regardless of their sexual orientation or gender identity. The number of health facilities has increased to 327 resulting to 85% being within the radius of 8km in the communities and of those facilities at least 52% are youth friendly as reflected in the study by the Ministry of Health of 2017.
69. Mobile clinics referred to as DREAMS on Wheels focusing on Adolescent Girls and Young Women (AGYW) provide comprehensive health services (prevention, treatment, care and support). With regards to Sexual Reproductive Health Rights (SRHR) – several healthcare workers have been trained on the provision of quality Youth friendly services, neonatal care and have been oriented on the developed Antenatal Care Guidelines. These SRHR services are rendered for free in the Government health facilities.
70. The Government is currently implementing SRHR – HIV knows No Borders targeting migrants to ensure their access to healthcare services. This programme further targets communities, religious sector, sex workers, AGYW and LGBTIQs.

### **The HIV/AIDS programmes funding.**

71. Eswatini received approximately US \$146,580,000 in Overseas Development Assistance in 2017<sup>xx</sup>. The health sector has been the largest beneficiary of external assistance; the HIV/AIDS and tuberculosis (TB) epidemics have received a significant response from global development partners and donors. Despite economic challenges, the Government of the Kingdom of Eswatini domestic expenditure in health has risen from \$133,009,265 expended in 2017/2018 to the budgeted level of \$146,433,314 in 2018/2019. The domestic expenditure on HIV has increased from \$23,807,009 spent for the 2017/2018 financial year to \$25,438,673 in 2018/2019. ARV purchasing expenses alone accounted for nearly \$19,799,308 in expenditure in 2017/2018, and the budget for this increased to over \$21,111,037 for 2018/2019.

### **RIGHT TO EDUCATION**

(Recommendations 107.75, 107.76, 107.77, 107.78, 107.79, 107.80, 107.81, 107.82, 107.83, 107.84, 107.85, 107.86)

72. In stepping up efforts towards pursuing the right to education, Eswatini has implemented the following initiatives, amongst others:-
  - **Policy** - The Government developed an Education and Training Sector Policy, 2018 to ensure that all learners including those with special needs and disabilities are able to access inclusive quality education and are able to re-enter their former education and training establishment at an appropriate time and in a conducive and supportive environment, should they leave prematurely due to pregnancy, conflict with the law, or are assigned another suitable education or training establishment.
  - **Learners with special needs (LSEN) and disabilities:** There is an ongoing training of teachers on inclusive teaching and learning. The Government also continues to provide specialised materials, equipment and devices for LSEN at all levels of the education sector to ensure access to the curriculum and meaningful participation in teaching and learning.
  - **Competency Based Education (CBE)** - Eswatini is currently going through curriculum reform, the country is moving from objective-based curriculum to the competency-based curriculum. CBE infuses life personal skills in addition to the cognitive and vocational skills,

to empower the learners. CBE has been progressively introduced from 2019 and currently implemented in Grade 3.

- **Life Skills Education** – Whilst at the regional level it is known as Comprehensive Sexuality Education, Eswatini has however adopted Life Skill Education for the same concept. This is a curriculum-based process of teaching and learning about cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitude and values that will empower them to realize their health, well-being, dignity, and develop a respectful social and sexual relationship.
- **ICT infrastructure** - The Government has ensured that infrastructure related support extends to rural schools, which includes construction of laboratories in particular for ICT, Science and consumer science. The support for rural schools plays a multi-faceted role in ensuring that there is access to quality education and to some degree balancing the provision of education to reduce the rural-urban migration.
- **Orphans and Vulnerable Children (OVC) Grant (Education Grant)** - The Government of Eswatini continues to provide OVC Education Grant and is currently developing guidelines to effectively administer it.
- **School Feeding Schemes** - There are on-going Feeding Schemes programmes in public schools, providing at least one meal per day, against the desired two meals which, due to the financial constraints the Government is unable to provide.
- **Early and unintended pregnancy campaign** - The campaign is a social and behaviour change campaign aimed at reducing teenage pregnancy. It aims to create momentum for change at each level of the social system; hence, an inclusive gathering of different audiences for conversation is the flagship of all the activities. The campaign includes dialogues that will inform the rollout of the prevention of early and unintended pregnancy. The campaign is referred to as; “Let’s Talk, Pregnancy at the Right Time”. Consultative audiences include: policy makers, high-level influencers, traditional leaders, religious leaders, teachers, parents, adolescent and young people.
- The Government is currently working on developing a learner pregnancy prevention and support policy and guidelines. This is a culmination of the policy pronouncement that no learner should be excluded to education due to pregnancy (National Education and Training Sector Policy 2018). The Government has also partnered with CSOs that are working in supporting pregnant learners to be reintegrated back to the education system.
- **Care and support for teaching and learning framework** –This initiative is to remove all barriers to teaching and learning by creating a caring, secure, safe, supportive and inclusive teaching and learning environment. The initiative has been localized to INQABA meaning fortress. The approach is to make every school in the country a safe haven for school communities. It also specifically responds to barriers that Eswatini children face and has brought an overhaul of the whole education system in the country. Also, several other measures for ensuring safe, secure and conducive learning and teaching environment are being developed and implemented.

73. Despite the aforementioned initiatives there are other push out factors that lead to a substantive number of learners dropping out of school. These include hidden costs, teenage pregnancy, and grade repetition amongst others. The current net enrolment is standing at 94%.

74. In an effort to address the increasing number of dropout rates, the Government conducted two studies in 2018; namely the Out of School Study and the Repetition study which have informed the development of a Strategy to address dropout and the repetition rates, which is still in its draft form.
75. According to the study, female learners miss school lessons due to poverty and orphan-hood resulting in lack of sanitary pads. The country does provide the sanitary pads to the female learners only that the coverage for their provision is very low due to the financial constraints that the country is currently facing. Further, the country has removed English language as a passing subject in an effort to reduce the dropout rates.
76. In an effort to improve access to primary education, the Government provides free textbooks, stationery, school furniture and feeding scheme programmes to all public schools to retain children in schools.
77. Further, the introduction of the registration of temporary Personal Identity Number (PIN) for children has improved the school enrolment rate, and the Government is in a process of conducting a nationwide Mop Up Campaign to register all children without birth certificates in the country
78. For the reopening of schools post the first COVID-19 pandemic lockdown, the Government formulated an action plan- campaign towards the safe re-opening of schools. The objective of the campaign was to guide/regulate schools reopening after the prolonged schools closure to ensure a safe return and reintegration of all learners with emphasis on the reintegration of pregnant learners. The Government partnered with line ministries and supporting partners for the effective implementation of this campaign.

## **RIGHTS OF PERSONS WITH DISABILITIES**

(Recommendations 107.48, 107.87, 107.88, 109.40)

79. The country established a National Disability Unit under the Deputy Prime Minister's Office to ensure political support to realise the development of all relevant disability legislative frameworks that create an enabling environment to mainstream issues of disability across Government machinery. This includes the development of policies, regulations and proactive strategies that address issues of disabilities.
80. In 2018, Eswatini enacted the Persons with Disabilities Act, 2018 which provides for the protection of the rights and welfare of Persons with Disabilities (PWD). This legislation expressly prohibits discrimination of persons with disabilities in all spheres and provides for equal enjoyment of all human rights and freedoms.
81. To demonstrate the full commitment of Government towards ensuring and protecting the rights and fundamental freedoms of PWD, a Disability Policy 2013 and the National Disability Plan of Action (ESNDPA) 2018 - 2022 were developed and costed. However, its full implementation has been hindered by the financial constraints. The Disability Policy seeks to improve the socio-economic status of men and women, girls and boys, and to promote inclusiveness in all institutions providing services to PWD in the same manner as they would provide to non PWD.
82. Government adopted an Early Identification and Intervention (EII) strategy for children with disabilities. This strategy is aimed at ensuring children with disabilities are identified early in order to ensure access to required services for optimization of their development and growth. The EII strategy is a screening assessment tool for childhood with disabilities to ensure that children receive the necessary and appropriate support.



83. The Government in collaboration with relevant stakeholders is implementing a number of initiatives to uphold and safeguard the inherent dignity of PWD. These includes amongst others the distribution of assistive devices, medical equipment to various Institutions and Organizations promoting and safeguarding the rights of PWD. There have been training sessions organised for PWD to equip them on entrepreneurship and business planning skills.
84. Eswatini has also implemented the following interventions in an endeavour to promote and fulfil the rights of PWD:-
- World Vision Disability Project - is a partnership between the Government and World Vision which seeks to promote dialogues on disabilities in the communities, provision of clothing and assistive devices to PWD. This initiative also conducts an art programme to assist young PWD to develop art skills in drawings, painting and music.
  - Leave No One Behind Project by Bantwana Initiatives Eswatini and SWAGAA October 2019 to September 2022. The main objective of the project is to ensure safety and prevent violence in families and communities and refugees' camps. The target is 9000 adolescent girls and young women with disabilities as well as 100 refugees in the Lubombo Region.
  - Disability Radio programs (radio slot) conducted once a week by the Federation of Organisations for the Disabled in Swaziland (FODSWA) at the Eswatini Broadcasting Information Services to sensitise and raise awareness on issues affecting PWD and create a platform for PWD community.
  - The Government from time to time sensitize religious leaders, traditional leaders and other sectors of society on disability mainstreaming issues. This can be achieved by empowering PWD to exercise their rights and enjoy equal participation in the communities which they live in, without discrimination of any kind based on their disability.
  - Advocacy campaigns include - Commemoration of International Day of PWD (3<sup>rd</sup> December), Commemoration of World Deaf Week (last week of September annually) and World Sign Language Day (23<sup>rd</sup> September) annually; Commemoration of World Albinism Day annually (13<sup>th</sup> June); Training of PWD in Entrepreneurship and Business Planning (9 – 11<sup>th</sup> November 2019); Schools Autism Competition of Developing a Siswati Name and Promotional Educational Posters on Autism Spectrum Disorders (ASDs);
  - In response to the COVID – 19 Pandemic, Eswatini Established the COVID-19 Platform on Disability Response in Eswatini on the 15<sup>th</sup> April, 2020; The Government also declared that a human rights-based approach is to be maintained towards regulating this epidemic, by abiding with the principle of not to leave anyone behind, as prescribed by the United Nation Sustainable Development Goals Agenda 2030.
85. With regards to Persons with Albinism (PWA), Eswatini has designed and is implementing programs to support PWA , which include amongst others community dialogues to change the stereotypical negative thinking and myths about PWA as well as protecting them from harmful practices. The Government provides sunscreen support program through the Ministry of Health's dermatology department and further collaborates with partners for the provision of protective hats, sunglasses and Cryotherapy equipment.
86. During the 2017 Population and Housing census, Government included the profiling of PWA, to inform policy direction and development of practical and relevant programs aimed at supporting PWA.
87. Eswatini is developing an information management system that will keep a register of PWD in the country, currently the system keeps a register for individuals benefiting from the disability grant. This

registry classifies the beneficiaries according to codes that describe the types of disability they have. The Government undertakes to continuously upscale the registration of PWD through their community structures.

88. Eswatini prioritises investigation of cases of violence against people with albinism especially girls and women. Through the collaboration between Police, Disability Unit and relevant stakeholders, persons with albinism are placed in places of safety if there are imminent threats to their livelihoods. All Police stations are required to keep a record of persons with albinism living within their territorial jurisdiction to ensure their protection. Where murders or disappearances of PWA occur, task teams are established which collaborate with Interpol to investigate these cases as most of them are transnational.
89. Further, the general principles of criminal and statutory law apply with same effect in cases of harmful practices such as ritual killings, “mercy killings”, mutilations, trafficking of organs and body parts, infanticide, or premeditated killing of PWA. During trial the Court considers crimes committed against PWD as aggravated, in particular if there is proof that the victim lived with disabilities.

### **FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY**

(Recommendations 107.55, 107.56, 107.57, 107.58, 107.59, 107.60, 109.61, 109.62, 109.63, 109.69, 108.6, 108.7)

90. The country has adopted several legislations to promote the right to freedom of expression, association and peaceful assembly in compliance with the Covenant of Civil and Political Rights (ICCPR) and any other similar international instruments. In this regard, Section 40 of the Industrial Relations Act, No. 1 of 2000 (as amended) which guarantees the right of any Organization registered with the Office of the Commissioner of Labour to embark upon a protest action in pursuit of any socio-economic complaint against the government. This legislation was adopted to domesticate the International Labour Organisation (ILO) Convention No. 87 (Freedom of Association and Protection of the Right to Organize (1948) (ratified by the country on 26<sup>th</sup> April, 1978) as well as the ILO Convention No. 98 (The Right to Organize and Collective Bargaining Convention) (1949) (also ratified by the Country on 26<sup>th</sup> April, 1978).
91. The Industrial Relations Act has been supplemented by the promulgation of the Code of Practice for Industrial and Protest Actions adopted in 2015 which was published through Legal Notice No. 202 of 2015. This Code was drafted under technical assistance received from the ILO. Through this technical assistance, several workshops were held to capacitate numerous key stakeholders on the purposes and spirit of the Code. These capacity building sessions are still on-going. Stakeholders who have already benefitted from these advocacy workshops include leadership of the labour formations (that is, both workers’ and employers’ federations in the country), Municipal Councils, Police and Correctional Services Staff, Humanitarian Organizations (Red-Cross), Politicians (that is, Portfolio Committee Members for the House of Assembly and House of Senate), amongst others. Judges and Prosecutors are being considered for inclusion in due course in these capacity building workshops on the Code.
92. The country also enacted the Public Order Act, No. 12 of 2017, which is supplemented by a Code of Practice on Gatherings Notice No. 201 of 2017. The Code of Practice on Gatherings has since been made part of the advocacy workshops in line with the Code of Practice for Industrial and Protest Actions.
93. The Suppression of Terrorism (Amendment) Act No. 11 of 2017, in section 2 narrows down the definition of terrorist act to exclude employee organizations from the definition of the phrase ‘terrorist

group' which was perceived to hinder the exercise of freedom of expression by workers' organizations. Further the amended Act provides for the judicial review of the Minister's decisions by the High Court.

94. There is a Social Media policy of 2019 whose purpose is to create awareness of some of the opportunities that social media present for the State Party, as well as making Government ministries and staff aware of how to manage the risks associated with the use of these platforms. The guidelines focus on the use of social media within the Government communication environment, in order to improve transparency, participation and interaction with the public.
95. Regarding the non-participation of political parties in elections, Eswatini's system of governance precludes political parties from contesting in elections or appointment to public office however, individual members of political parties are able to contest in their personal capacities. A majority of Emaswati expressed their preference of representation based on individual merit, as opposed to representation through political parties, as per the aspirations of Emaswati in the Constitution and reaffirmed during Sibaya in 2018 before the administration of national elections. The enactment of the Constitution Act No. 01 of 2005 repealed the 1973 Decree.

### **CONDITIONS OF DETENTION CENTRES**

(Recommendations 107.14 109.47, 109.48)

96. The Correctional Services Act 2017 aligns with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). It further strengthens the rehabilitation programmes administered to inmates and introduces measures aimed at improving the conditions of detention of offenders. Offenders are provided with needs-based programs and interventions to facilitate their rehabilitation and enable their social reintegration. Every offender at Correctional Service centres are given an opportunity to enrol for formal basic education, informal education, or vocational education
97. To ensure adherence to human rights principles, a module on human rights is taught at Police/Correctional Training Colleges. Further, human rights lectures are conducted periodically to all law enforcement officers in their respective workstations. It is therefore a disciplinary offence for Police and Correctional officers to violate human rights.
98. With regards to health care, inmates receive free medical treatment in the Correctional Centres' clinics. These health care facilities are run by qualified nurses under the supervision of medical officers. The medical team renders comprehensive health care services that include amongst others; curative health services, HIV/AIDS management, tuberculosis management and do make referrals to other hospitals and specialists should there be a necessity.
99. Inmates are given three meals a day and penal diets are no longer enforced in observance of the country's commitment to promote, observe, protect and promote human rights. The Correctional Service has permanent officers that are Nutritionists and Environmental Health and Safety Officers who visit all centres at frequent intervals to inspect the conditions of the kitchens and food. Further, these experts equip Correctional Officers and inmates responsible for cooking with skills and knowledge of best practices and acceptable standards of handling food and management of cooking facilities.
100. Overcrowding in prisons remains a huge challenge, as a measure to mitigate this challenge alternative sentencing methods such as community services, curfew orders, Extramural Penal Employment, release of inmates through King's amnesty are explored.

## **POVERTY REDUCTION, SAFE DRINKING WATER AND SANITATION**

(Recommendations 107.62, 107.63, 107.64.)

101. Eswatini is committed to the implementation of the Sustainable Development Goals Agenda 2030 and African Union Agenda 2063 to reduce the disparities between rural and urban communities.
102. Eswatini has a population of 1,093,238<sup>xxi</sup> and 58.9% are living below the poverty line <sup>xxii</sup> which has improved from 63% in 2010. According to the ESHIES report<sup>xxiii</sup>, poverty is most pronounced in rural areas at 70.2% than urban areas 19.6%, highest in the Lubombo and Shiselweni regions at 71.5% and 67.3% respectively (see Annexure 1).
103. Poverty is one of the main development challenges affecting the Kingdom. To address this challenge, a number of policies and strategies have been developed such as the following:
- Poverty Reduction Strategy and Action Programmes 2005 which was tailor-made to end Poverty by 2015. This strategy's recommendations resulted in the establishment of Poverty Reduction Fund, Regional Development Fund, Youth Enterprise Fund and the social grants for the elderly, PWD, OVCs.
  - Strategic Roadmap 2018/9 to 2022/3 which provides for policy direction and range of interventions for economic recovery and inclusive growth.
  - The Financial Inclusion Strategy has strengthened access to finance for SMME development.
  - The National Strategy for Sustainable Development and Inclusive Growth.
  - National Development Plan 2019 – 2022 which has six outcomes and Outcome 3 -Enhanced Social and Human Capital Development, gives direction on how the socio-economic rights are to be achieved.
  - Strategy for Sustainable Development and Inclusive Growth (SSDIG), 2018: A national development strategic framework which was an expansion of the NDS (National Development Strategy) to incorporate sustainable development as per Agenda 2030. This National strategic framework set national targets and priorities for pursuit towards a prosperous Eswatini by 2030. The SSDIG articulates the vision of the country for the year 2022 and beyond and further maps the development path for Eswatini.
  - Post COVID 19 Kingdom of Eswatini Economic Recovery Plan 2020; aims at mitigating the impact of the COVID-19 crisis and at saving the economy and livelihoods. The Plan will facilitate creation of opportunities for income generation and wealth creation in priority areas of the economy.
  - National Youth Policy 2020; Eswatini recently reviewed her National youth policy of 2010, This National Youth Policy (NYP) builds on the previous NYP through deliberately identifying and facilitating the attainment of positive youth development outcomes. It embraces new thinking on development, specifically youth development, which takes into cognizance the significance of population dynamics and the principles of sustainable development. The vision of this policy is “All young people in Eswatini have the capabilities and platforms as well as opportunities to facilitate their own development and that of their communities”.
104. In an endeavour to fight hunger and achieve food security, Eswatini endorsed and domesticated the Sustainable Development Agenda 2030 and further prioritized SDG 2 in an effort to end hunger among its citizens in line with the Global Zero Hunger Challenge. The country collaborated with key sectors to develop the Eswatini Zero Hunger Strategic Review (EZHSR) 2019 in an effort to inform the implementation of SDGs 1 and 2.
105. The Government in collaboration with Development Partners and NGO's initiated a Subsidy programme to assist small scale farmers with technical expertise, subsidies and grants aimed at improving food security. In 2018, under this programme, approximately 23,000 households received

farm inputs (2797 MT NPK fertiliser, 1864 MT lime and 233 MT seeds and technical support for agricultural activities.

106. Under the social protection programmes, the Government has increased budget over the years as indicated in the Table 2 below.

**Table 2: Population covered by social protection programme**

<b>Proportion of population covered by social protection floors/systems</b>		
<b>Indicator</b>	<b>2016/17</b>	<b>2020/21</b>
<b>number of beneficiaries under the OVC grant</b>	52 632	58193
<b>number of beneficiaries under the elderly grant</b>	94, 851	74 955
<b>number of beneficiaries under the disability grant</b>	4 779	5019
<b>Government budget allocation for social protection programmes</b>		
	<b>2016/17</b>	<b>2020/21</b>
<b>Govt. budget allocation –OVC grant (E)</b>	108,034,458	190,000,000
<b>Govt. budget allocation –elderly grant (E)</b>	154,201,748	466,833,454
<b>Govt. budget allocation – disability grant (E)</b>	1,123,920	28,708,000

*Source: DPMO annual report, GoE estimate books (2017/18 -20/2021)*

107. Eswatini has increased access to safe drinking water at national level from 72% in 2014 to 82% in 2021. 78% of the rural population now has access to improved water sources compared to 93% for urban areas. The improvement has been achieved through Government’s collaboration and assistance from various partners funding projects aimed at amongst others; the management of water resources, build resilience to climate change & disaster risks, water and sanitation. Most of these projects targeted the rural and peri- urban areas.

108. Some of the initiatives Eswatini has implemented with the support of Development Partners to improve potable water supply and sanitation projects, especially in rural areas includes: -

- Drilled wells and installed hand pumps at 80 sites in the rural areas of Eswatini, benefitting 15 000 people in the communities;
- The Government Plan of Action for 2021 has an objective to implement 15 potable water projects to benefit 1500 Emaswati;
- A USD 35 million water access project was implemented in 3 components, within the rural communities of the country. Its objective was to improve access to improved water supply and sanitation, as well as strengthening the national rural water supply provision.

- A USD 45 million Eswatini Water Supply and Sanitation Project was implemented in the Shiselweni region. Its objectives were to improve the management of water resources, build resilience to climate change and disaster risks, and to improve access to sanitation.
- Further launched four different potable water and sanitation projects set to benefit over 118 000 Emaswati in rural and peri – urban areas.

<b>Project</b>	<b>Beneficiary</b>	<b>Budget</b>
Integrated Water Supply and Sanitation (Manzini Region)	76 000 Emaswati	SZL 825 million
Revival of three water projects for three rural areas (Lubombo region)	3,969 Emaswati	SZL 1.3 million
Solar water project (Manzini Region)	33,243 Emaswati	SZL 27 million
Solar water project	4,800 Emaswati	SZL 8.4 million

## **ACHIEVEMENTS AND BEST PRACTISES**

109. Since the last review, Eswatini has continued to formulate and implement policies and programs giving effect to human rights principles with specific focus to gender responsiveness to ultimately improve the lives of Emaswati. These include:

### **Progress made in the fight against HIV and AIDS**

110. The Kingdom of Eswatini has achieved the 95-95-95 HIV global target set for 2030, which means that 95 % of people living with HIV know their status, 95% of people who know their status are accessing treatment and 95% of people on treatment have suppressed viral load. The success is attributed to the investment in HIV prevention and treatment interventions such as the provision of ART, TB-HIV Coinfection, Voluntary Medical Male Circumcision as well as preventive programmes targeting AGYW amongst others.

111. The Government remains committed to finance HIV response to sustain this achievement and commends the support by the UN and partners including Global Fund, PEPFAR, World Bank and others for providing strategic guidance to the HIV response and ensuring that clear targets are set, shared and consistently monitored.

### **The enactment of the Sexual Offences and Domestic Violence Act, 2018 and the development of regulations for the implementation of the act.**

112. This legislation aims to address the high rates of sexual and gender-based violence in the Kingdom. It makes provision concerning sexual offences and domestic violence, prevention and the protection of all persons from harm and acts of domestic violence amongst others. The development of Regulations is to realise the holistic implementation of the SODV Act which include the establishment of specific institutions aimed at providing protection for the most vulnerable groups such as women and children.

## **CHALLENGES TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

113. The Kingdom has made progress during the period under review by developing interventions that seek to implement the recommendations issued based on our 2016 UPR report as well as concluding observations issued by various treaty bodies.
114. Despite the progress made, Eswatini continues to experience a number of challenges in the promotion and protection of human rights. Some of the notable challenges include: -
- High number of gender-based violence cases disproportionately affecting women and girls; approximately 1 in 3 females having experienced some form of sexual abuse by age of 18 years and 48% of women reporting to have experienced some form of sexual violence in their life time. This is despite the policies and legislation enacted to address this scourge.
  - The absence of a specific law against torture and other cruel inhuman treatment and punishment makes it difficult to prosecute cases of this nature;
  - Financial constraints which hinders the full implementation of the Persons with Disabilities Act 2018 and the National
  - Disability Plan of Action (ESNDPA) 2018 – 2022 and other initiatives aimed at improving the lives of all Emaswati.
  - On education- dropout rates and teenage pregnancy.
  - Eswatini continues to explore effective mechanisms to clarify its position on LGBTQ rights despite existing normative and religious barriers. In the meantime, the Government continues to implement the general right to non-discrimination in the promotion and protection of human rights for all persons.
  - The economic meltdown due to the prevalence of Covid-19 pandemic which hampers the country's socio-economic progress. Government and the private sector had serious challenges in their business operations as they were forced to either close or operate lesser hours than usual. The relaxed tax collection procedures which were adopted had adverse effect on the national budget. Action Plans and strategies put in place before Covid-19 pandemic to improve health, education, agriculture, tourism and other sectors have to be revisited and reviewed where necessary. As a result a Post COVID – 19 Economy Recovery Plan has been developed.

## **PRIORITIES FOR THE COUNTRY**

115. The country remains committed to strengthening its policy and legislative frameworks in order to improve the implementation of human rights for all by addressing challenges. The Government will continue to engage key stakeholders, and take note of international best practices emanating from our international relations in order to achieve the 2030 Agenda and drive the universal goal towards respect for human rights.
116. Priorities for Eswatini include ensuring economic development, strengthening of the social sector and promoting environmental sustainability;

**Economic development:** initiatives to improve availability of resources through strengthened tax collection, strengthening of Eswatini Revenue Authority (ERA), promotion of resource mobilization component, public investment, the Micro Small and Medium Enterprises (SMME) sector, creation of enabling environment for the private sector to function, harnessing employment creation opportunities and strengthening of the mining sector.

**Social sector:** strengthening of social protection floors catering for the vulnerable and marginalized groups in the society.

**Environmental sustainability:** initiatives for adaptation to climate change are a priority as it affects many sectors; agriculture (primary and secondary), tourism, environment.

117. On this premise, Eswatini welcomes the technical assistance of the OHCHR and other development partners in addressing these challenges through capacity building.

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<sup>i</sup> Report of Joint Promotional Mission to the Kingdom of Eswatini adopted during the 60<sup>th</sup> session of the African Commission on Human and Peoples Rights in 2017.

<sup>ii</sup> No.3 of 2006

<sup>iii</sup> As amended in 2016

<sup>iv</sup> No. 7 of 2011

<sup>v</sup> Act of 2018

<sup>vi</sup> Act 11 of 2018

<sup>vii</sup> Section 141 of the Constitution of Eswatini

<sup>viii</sup> Section 79

<sup>ix</sup> Section 150

<sup>x</sup> Ministry of Commerce, Industry and Trade Annual Performance Report 2018

<sup>xi</sup> Finscope Study 2017.

<sup>xii</sup> Marriages Bill, Matrimonial Property Bill, Administration of Estate Bill, Interstate Succession Bill, Wills Bill, Civil Registration and Vital Statistics Bill.

<sup>xiii</sup> Sections 27 (2) and 28 (3).

<sup>xiv</sup> Widow inheritance

<sup>xv</sup> Arranged marriage

<sup>xvi</sup> 2020 HIV Estimates and Projection Report

<sup>xvii</sup> PEPFAR, Eswatini Country Operational Plan 2019, Strategic Direction Summary.

<sup>xviii</sup> Population and Housing 2017

<sup>xix</sup> MICS 2014

<sup>xx</sup> The World Bank 2018 data.worldbank.org

<sup>xxi</sup> Eswatini Population Census report, 2017

<sup>xxii</sup> Eswatini Household and Income and Expenditure Survey report (ESHIES, 2017).

<sup>xxiii</sup> Ibid.