

**ESWATINI**



**GOVERNMENT**

**OPENING REMARKS TO THE HUMAN RIGHTS COUNCIL, WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW DELIVERED BY THE HONOURABLE MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS, PHOLILE P. SHAKANTU**

**8 NOVEMBER, 2021**

**THE PRESIDENT OF THE HUMAN RIGHTS COUNCIL,  
DISTINGUISHED MEMBERS OF THE UPR WORKING GROUP,  
DISTINGUISH MEMBERS OF THE TROIKA  
REPRESENTATIVES OF MEMBER STATES  
LADIES AND GENTLEMEN.**

The Kingdom of Eswatini welcomes the opportunity to present before the Human Rights Council, the country's Third Cycle Report under the Universal Periodic Review (UPR) mechanism. Madam President, may I reaffirm the Government of Eswatini's commitment to respect, promote and protect human rights. Eswatini further commits to ensure a conducive environment for the enjoyment of the fundamental rights and freedoms by Emaswati.

I would like to take a moment to introduce members of my delegation:

Ms. Gugu Nsibande Under Secretary in the Ministry of Justice and Constitutional Affairs.

Ms. Philile Masuku Charge 'd' affairs ad interim, of the Kingdom of Eswatini Mission to the United Nations Office at Geneva.

Mr. Vuyile Dlamini Legal Advisor in the Ministry of Foreign Affairs and International Cooperation.

Ms. Lungile Magagula, Legal Advisor in the Elections and Boundaries Commission.

Mr. Jacob Dlamini, First Secretary Information, Permanent Mission of Eswatini to the United Nations.

Ms. Bawelile Simelane, First Secretary Economics, Permanent Mission of Eswatini to the United Nations.

Mr. Mpendulo Masuku, Monitoring and Evaluation Analyst (Gender), Department of Gender and Family Issues under the Deputy Prime Ministers' Office

Ms. Nozipho Mazibuko, State Reporting Coordinator, National Mechanism for Reporting and Follow Up (NMRF)

Mr. Mloni Nsibandze, Senior State Reporting Officer, NMRF

Madam President,

May I, on behalf of His Majesty's Government and the people of Eswatini present before the esteemed members, the country's report on the progress made in the implementation of the recommendations since the last review.

Your Excellencies, in our last review the Kingdom received a hundred and eighty one (181) recommendations and accepted a hundred and thirty-one (131). The submitted report articulates the progress made in the implementation of the supported recommendations. It highlights some of the significant milestones achieved, and the challenges encountered.

The preparation of this national report was through a Consultative process involving all Government Ministries/ duty bearers, relevant Civil Society Organisations and the Commission on Human Rights and Public Administration.

Your Excellencies, this review is taking place at a time when the Kingdom is currently experiencing a number of challenges. Like other countries, the Kingdom has not been spared by the current global challenges such as economic recession, global warming and the emergence of the COVID-19 pandemic. Additionally, Climate-related disasters and associated socio-economic impacts are intensifying globally. The Kingdom of Eswatini has not been spared from extreme weather events such as cyclones and El-Nino induced droughts.

Further, the Kingdom witnessed some protests which have resulted in unprecedented civil unrest. These have led to the unfortunate loss of lives, injuries and damage to property and infrastructure.

Despite these challenges, the Kingdom of Eswatini has taken strides in advancing Sustainable Development Goals (SDGs) and human rights in different thematic areas since the last review. These include the legislative and policy advancements, promotion of health, education and social security.

**Legislative milestones:** Since last review, several progressive legislations have been enacted to domesticate the various human rights conventions ratified by the country. These include:

- The Sexual Offences and Domestic Violence Act of 2018 and operational regulations adopted in 2021.
- The Persons with Disabilities Act of 2018
- The Public Order Act of 2017
- The Election of Women Members to the House of Assembly Act of 2018.

Other important legislation recently enacted by the kingdom include The Police Service Act No. 22 of 2018 and the Correctional Services Act No. 13 of 2017. These statutes prohibit Law Enforcement Officers from inflicting torture and other forms of cruel, inhumane and degrading forms of punishment or treatment.

The Kingdom has also amended the **Suppression of Terrorism Act No. 03 of 2008**. The amendment narrows the definition of 'terrorist act' and further to provides for judicial review of a Ministerial Order designating certain organizations as proscribed entities.

Further to these legislative advancements, the Kingdom established a Law Reform Unit to improve the efficiency of domesticating international instruments and harmonizing the laws with our Constitution.

Your Excellencies, Eswatini is progressively moving towards honouring its reporting obligations to the regional and international treaty monitoring bodies. To systematically coordinate the preparation of these reports and following-up on recommendations from the various human rights mechanisms, in 2020 Eswatini established a permanent National Mechanism for Reporting and Follow-up (NMRF) Committee with a full-time Secretariat.

In July 2017 the Kingdom presented its report to the Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR).

In September this year, the country presented its second to fourth periodic reports to the Committee on the Rights of the Child under the Convention on the Rights of the Child.

Currently, the country has started working on its first and second periodic reports on the Convention on the Rights of Persons with Disabilities (CRPD) to be submitted early 2022.

At a regional level, the country presented its first and second periodic reports under the African Charter on the Rights and Welfare of the Child (ACRWC) in 2019.

On the 24th November 2021, the country will be presenting a report under the African Charter on Human and Peoples' Rights (African Charter) and the

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (the Maputo Protocol).

Your Excellencies, let me assure you that efforts to fully operationalize and strengthen the Commission on Human Rights and Public Administration are at an advanced stage. The Human Rights and Public Administration draft Bill of 2020 is at its final consultation stages. Its enactment will assure the full efficiency and compliance with some of the Paris principles.

Your Excellencies, Eswatini is party to seven of the nine core UN human rights treaties. At the last review, Eswatini accepted the recommendation to sign, ratify or accede to the Optional Protocol to the Convention on Elimination of All forms of Discrimination Against Women (OP-CEDAW), Optional Protocol on the Convention Against Torture (OP-CAT) and the Convention on the Prevention and Punishment on the Crime of Genocide. Eswatini has fallen short of the commitments made in 2016. However, efforts to accede to these instruments are underway.

**Death penalty:** In relation to the recommendation to abolish the death penalty, in the period between 2016 to date, the death penalty has not been sought, imposed or carried out. Eswatini will continue to take this recommendation under advisement.

**Environmental issues:** Although Eswatini is one of the lowest emitters, the kingdom has submitted its Nationally Determined Contribution (NDC) commitment to the Paris Agreement which proposes to reduce greenhouse gasses by 14% and increase access to renewable energy in Eswatini to 50% by 2030. Through support from UNDP and other development partners,

Eswatini has invested in building resilience to climate shocks and disasters. These efforts have included strengthening climate information and early warning systems to inform risk-based decision making. The assistance by Development Partners in mobilizing climate finance and enhance environmental protection for Eswatini is highly appreciated.

### **Promotion of Gender equality and empowerment of women**

In relation to non-discrimination and equality between men and women, there is a significant paradigm shift pronounced by the Constitution and compounded by the Courts in relation to land ownership. The concept of marital power has also been abolished, meaning that women married in community of property can now acquire immovable property and register property in their own name without the assistance of their husbands.

On participation of women in decision making positions, although some efforts have been made in this regard, Eswatini acknowledges that there is need to invest more efforts to the participation of women.

Your Excellencies, the Kingdom continues to grapple with the high prevalence of gender-based violence (GBV) which have been further escalated by the COVID 19 lockdown.

The Kingdom appreciates the need for further efforts to compliment the legislative and policy gains. The implementation of the SODV Act has presented its own challenges. In 2020 the Commission on Human Rights with support from UNDP conducted an assessment to better understand these bottlenecks.

The assessment presented recommendations on how to improve the effective implementation of this important legislation, but also how to address Gender based violence holistically. These recommendations are currently being implemented by the country. These interventions include training of the key implementers of the law for uniform application, strengthening the coordination within Government and with other relevant stakeholders and improving after care for the survivors of violence.

Some of the key milestones in this area include implementation of the National Strategy and Action Plan to End Violence 2017-2022 and, the approval of the national guidelines for shelters of GBV survivors which are critical in guiding the services package as well as infrastructure needed for a shelter housing survivors of GBV.

There are a number other initiatives undertaken by Non-Government Organizations aimed at eliminating this scourge in our society. These interventions range from programmes involving changing societal norms and values, social and behavioral change and other protection programmes. However, there is need for better investment in these prevention programs by Government and assistance in this regard will be greatly appreciated.

## **Education**

In relation to the right to education, your Excellencies may I report that the Government of Eswatini priorities education as it is the foundation and main pillar of economic and social development. The introduction of the free primary education has improved with a net enrolment of 92.7%.



Despite all the efforts made, there are constraints faced by the education sector which has been further perpetrated by the global challenges including Covid 19 pandemic.

During the Covid 19 pandemic, the Government had to temporarily close schools to protect children between the periods of March 2020 to March 2021 with the exception of classes sitting for external examinations. As of September 2021, only 11% of confirmed Covid 19 cases were school going children.

Unfortunately, since the closure of schools, Eswatini has seen an increase of teenage pregnancy cases. The reported number stood at one thousand seven hundred and sixty (1760) as of September 2021. Our Education Policy allows for the integration of pregnant girls back to their school. The Ministry of Education is working with relevant parties in ensuring that the situation does not get worse and to ensure that the affected girls are re-integrated in accordance with the Policy.

Your Excellencies, one cannot ignore the impact of this pandemic on education. It has greatly caused delays in the learning programmes and compromised the quality of education. In order to mitigate these, the Ministry of Education with support from UNICEF, introduced home-based learning for external examination classes (Grade 7, Form 3 and Form 5). Core subjects were aired on radio, television and published in local daily newspapers.

An estimated 80% of the population has access to radio stations therefore this modality greatly improved the opportunity to access education. There

were schools that opted for online learning. Despite these mitigating measures, not all learners were able to access these initiatives due to their socio- economic backgrounds.

Eswatini has experienced double tragedy with the disruption of learning during the unrest while faced with covid 19 related inhibitions. The Government is working tirelessly to ensure learners return to class. The Government will continue to invest financial and human resources in the education sector to ensure quality education and will further work in collaboration with all relevant partners in achieving this outcome.

## **Health**

Your Excellencies, the health sector remains a priority area for the Government of Eswatini. The Kingdom continues to strive for the Universal Health Coverage. The objective is to ensure Emaswati have access to equitable, affordable and quality health care, irrespective of socio-economic status. In 2020 10.5% of the total Government budget was allocated to the Ministry of Health to support the implementation of its programmes and interventions in the health sector.

The Kingdom of Eswatini has been recognized for achieving the global targets of 90-90-90 set in 2016 by UNAIDS to be achieved in 2020 and exceeded its expectation by reaching 95-95-95 in 2019, a target projection set for 2030. This means that 95 percent of people living with HIV are aware of their HIV status; 95 percent of those who are aware of their HIV+ status are on ART and, 95 percent of those on ART are virally suppressed.

Government in collaboration with its Development and Implementing Partners continues to support all intervention programs directed towards the elimination of HIV/ AIDS in the country, as such, Government has met its obligation to procure all reagents and medications for HIV (ARVs). The Kingdom of Eswatini, is invariably aware that despite all the robust programs for HIV interventions, the prevalence remains very high at about 27% in the last 14 years, a case of cohort population.

This is resultant of the intense case identification, enrolment of persons to ARVs, retention and prevention programs that has improved reduction of infection incidence to about 1.3% and death rate of those infected to less than 2% increasing life expectancy from 47years to 63years according to our Census 2017.

### **Covid-19 Pandemic**

The emergence of the Covid 19 has perpetrated a multitude of challenges in the health sector. It has further exposed the inadequate response and preparedness to this global pandemic. The first case of coronavirus in Eswatini was identified in March 2020 and subsequent to that, a number of initiatives were introduced to curtail the spread of the virus including the introduction of partial lockdowns to limit the movement of persons.

A total of 46 457 people have been infected with Covid19 since the first case. 45 182 have recovered and; 1244 have died, placing the death rate at 2.7%. Currently there are 31 active cases with 0 new cases recorded as of the 7<sup>th</sup> of November 2021

In an effort to procure health necessities, a supplementary budget was approved to cater for the Covid emergency. Further, a portion of capital budget was also directed towards refurbishment and increase of health facilities. This facilitated the decentralization of services thereby increasing the bed capacity for those infected, for isolation or treatment of Covid-19 from two (2) to thirteen (13) health facilities.

His Majesty, has set up a Resource Mobilization Committee which was able to mobilize a significant amount and resources which assisted towards the Covid response.

Eswatini has received vaccines of AstraZeneca, Johnson and Johnson, including recent batch of Pfizer through the COVAX facility. About 21% of the total population has been fully vaccinated as at 7<sup>th</sup> November 2021. The Kingdom of Eswatini has been reported to be one of the first 14 African countries to have reached the World Health Organization (WHO) target of fully vaccinating at least 10% of its population against COVID-19 by the end of September 2021. In this regard, the Kingdom would like to express profound appreciation to its all Development Partners, including but not limited to the COVAX facility.

## **POVERTY REDUCTION AND SOCIAL PROTECTION**

Your Excellencies, the Government has managed to reduce poverty rate from 63% in 2010 to 58.9% in 2017, despite the positive progress the poverty remains high. Poverty is most pronounced in rural areas at 70.2% than urban

areas 19.6%. The Government has increased budget allocation and has put in place a number policies and strategies to alleviate poverty as discussed in our report.

Allocation for social protection programmes which have increased over the years. These include the Orphan and Vulnerable Children education grants, elderly grants and disability grants listed in main report.

To strengthen these interventions, Government has developed a National Social Security Policy 2021 (NSSP), which is at its advanced stage of approval. Furthermore, under development is the National Health Insurance Scheme (NHIS) Policy in the Ministry of Health.

The Government has commenced implementation activities in terms of the policy and is in the process of establishing modalities of an Unemployment Benefit Fund (UBF).

The Government also established a E25 000 000 (Twenty-five Million Emalangeni) Fund to provide relief to laid off employees. To date, the Fund has provided compensation to a total number of 23 040 employees from 155 Companies.

A socio- economic needs assessment was conducted to inform response and recovery plans. The Government made concerted efforts to coordinate a multisector comprehensive response through the National Disaster Management Agency (NDMA). This included a COVID-19 relief programme which saw over 300,000 vulnerable Emaswati receive this support in the form of cash transfers as well as food parcels distributed to most vulnerable and hard-hit populations in Eswatini. The Kingdom is grateful to the

Development Partners and the private sector for their contributions in these interventions.

## **Civil unrest**

Your Excellencies, Eswatini experienced civil unrest around June 2021. This unrest resulted in the unfortunate loss of lives, personal injuries and damage to property and infrastructure.

Although there has not been a comprehensive study to fully understand the root causes of the unrest, based on the available information it seems the cause of the unrest is a combination of socio –economic, political and criminal factors compounded by the effects of the pandemic which resulted in job losses, poverty and increased levels of frustration in general.

The Commission on Human Rights and Public Administration has conducted an independent preliminary assessment on the events surrounding the civil unrest. The Commission issued its preliminary findings and recommendations on Friday 29th October 2021. The Government is still considering the assessment report.

Further, the Government through the Deputy's Prime Minister's office has commissioned an assessment to ascertain the effects and impact of the unrest to the vulnerable groups. This assessment will culminate into a plan of action to address the findings and recommendations.

The Government appreciates the importance of finding sustainable solutions after fully understanding the root cause of the unrest in order to pave a way

forward within the confines of the law. To this end, His Majesty, the King has announced a national dialogue that is set to commence early next year. Eswatini believes that dialogue is the hallmark of national peace and reconciliation, and the Government remains optimistic that all parties shall work together in finding a sustainable solution to maintain peace and stability which is the hallmark of Eswatini.

With regards to damage occasioned to private and public property, His Majesty established a Reconstruction Fund to support all those that were affected during the civil unrest. This is a step towards resuscitating all the businesses, structures and infrastructure that were damaged during the civil unrest. The Fund has so far raised about E1 Billion injected by the Government, Business Community, Corporate Institution and Development Partners.

This was an unprecedented situation for the country, which has enjoyed centuries of peace and stability. Protests were accompanied by extensive campaigns of violence and looting. It is important to state that the unrest was not a product of planned peaceful protest in terms of the Public Order Act which allows parties to exercise their constitutional rights to freedom of assembly, freedom of speech in a lawful and orderly manner. When protest organizers follow the Public Order Act there are usually no incidence of violence and disorder.

## **Conclusion**

Lastly, I would like to appreciate the technical and financial assistance offered by the OHCHR, UNDP, Commonwealth Secretariat and other Development Partners in the preparation for this review, other efforts to achieve the SDGs and to protect and promote human rights of all people in Eswatini.

The Government counts on continued cooperation and support with UN, the Commonwealth, European Union and all other Development Partners in addressing the challenges to advance the lives of Eswatini.

As I conclude, allow me to reassure the Government of Eswatini's commitment to the attainment of the SDGs and to respect, promote and protect the fundamental human rights and freedoms in the Kingdom.

My delegation and I look forward to a fruitful and interactive dialogue.

I thank you.