

## **ESWATINI ESTABLISHES NATIONAL MECHANISM FOR REPORTING AND FOLLOW-UP (NMRF).**

### **Background**

The Kingdom of Eswatini is party to various international and regional human rights conventions/ treaties. The membership comes with requirements for the implementation of each treaty obligations, including reporting to the international and regional human rights mechanisms. The Government recognised that reporting and engaging with human rights mechanisms offers opportunities for the advancement of human rights domestically, self-assessment regarding the implementation of treaty obligations as well as the necessity for legislative and policy reforms.

This brought about the need to adopt a comprehensive, efficient and sustainable approach in implementing treaty obligations, reporting to and engaging with the international and regional human rights systems as well as following up on the recommendations or decisions emanating from these systems. An establishment of a National Mechanism for Reporting and Follow-up (NMRF) was therefore envisaged as a sustainable approach to undertake these assignments. The NMRF will not only help with effective implementation of obligations but will also foster national ownership of reporting and implementation of treaty obligations, regular interactions within and between State bodies; and structured and formalized contacts with Parliament, the Judiciary, National Human Rights institution (NHRI) and Civil Society.

In order to meet the reporting obligations under international law, many other States have increasingly adopted this type of governmental structure, known as the NMRF.

### **Composition of the NMRF**

The NMRF Committee is made up of representatives from all Ministries, Judiciary and Parliament. These representatives are the focal points for NMRF activities in the respective Ministries and Departments.

The Chairperson and Deputies of this Committee are the Ministry of Justice and Constitutional Affairs, the Deputy Prime Minister's Office and Ministry of Foreign Affairs as the custodians of the human rights instruments regionally and internationally respectively. The Committee works with a Secretariat that comprises of twelve members from the Deputy Prime Minister's Office, Ministry of Justice and Ministry of Foreign Affairs. Currently, the coordination of NMRF activities is performed by members of the Secretariat

seated within the Ministry of Justice. The Ministry is working towards having a permanent Secretariat to perform fully the responsibilities of the Secretariat.

### **What are the functions of NMRF?**

The main function of this mechanism is to organize and centrally facilitate the preparation of reports to international human rights mechanisms, including mid-term and follow up reports, to disseminate information, and to organize and coordinate information gathering and data collection from Government entities, ensuring participation of other relevant stakeholders for reporting and follow-up to recommendations.

Furthermore, this mechanism enables engagement and association with international and regional human rights bodies, including the UN human rights treaty bodies, the Special Procedures of the Human Rights Council, the Universal Periodic Review (UPR) of the Human Rights Council and the African Commission on Human & People's Rights. Similarly, it develops follow-up plans, including time-lines, with relevant ministries to facilitate such implementation; and to manage information regarding the implementation of treaty provisions and recommendations, with a view of preparing the next periodic report.

The NMRF also responds to individual communications and follow-up questions and recommendations/decisions received from other human rights actors, fosters and leads regular consultations for reporting and follow-up with the Commission on Human Rights & Public Administration and civil society organizations.

It has to further track/ follow up on the recommendations and decisions by the international and regional human rights mechanisms in order to systematically capture and thematically cluster the recommendations and decisions and further identify responsible Government ministries and/or agencies for their implementation.

### **Benefits of reporting and how it assist our country?**

Reporting on the implementation of the various treaties the country has ratified is not only just a legal obligation. Reporting provides an opportunity for the Kingdom of Eswatini to have critical self-assessment on the human rights situation. This assessment may result in the review of measures taken to harmonize laws and policies. Further, provides opportunities to monitor progress made in the implementation of the various treaty obligations.

During the reporting process, the country is able to identify problems or shortcomings hindering the full enjoyment of human rights in the country. In response to the

shortcomings, develop policies, strategic plans to achieve goals and further create an opportunity for national dialogue. By stating the true position on the human rights situation enables the Kingdom to receive technical assistance and benefit from the experiences of international experts. Reporting further provides a true picture that may attract foreign investments. The country also showcases best practises which may be followed by other states.

If Eswatini does not report as per the treaty obligations, the country tends to miss all benefits mentioned above.

The goal of reporting is to ultimately benefit the rights holders at national level. The recommendations received from the human rights mechanisms are meant to assist the country in improving its human rights situation for the enjoyment of the rights by all Emaswati.

### **Preparation of country reports.**

In preparation of the country reports, the NMRF engages with government ministries, Commission on Human Rights and Civil Society Organisations. The reports submitted to the human rights mechanisms do not only reflect Government efforts but all strides taken by the government, civil society organisations, development partners and other state actors in the human rights arena. These include the programmes or projects aimed at promoting and protection of human rights in the Kingdom.

Over and above the country's report prepared by the NMRF, Civil Society Organisations and the Commission on Human Rights also submit their own reports which puts the status of the human rights situation in context for the treaty bodies.

### **Who reviews the reports?**

Each treaty or convention creates an international Committee of independent experts to monitor by various means the implementation of the treaty obligations including the reviewing of the reports submitted by countries.

### **What is currently happening?**

The NMRF is currently working on a number of reports to be submitted to the human rights systems. Amongst the lists is the preparation of the Universal Periodic Review, Third Cycle Report to be presented to the UN Human Rights Council- Working Group on

the Universal Periodic Review scheduled for the 39<sup>th</sup> Session to be held in November 2021.