

ESWATINI



GOVERNMENT

**OPENING REMARKS TO THE HUMAN RIGHTS COUNCIL, AT THE
ADOPTION OF THE KINGDOM OF ESWATINI UNIVERSAL PERIODIC
REVIEW OUTCOME DELIVERED BY THE HONOURABLE MINISTER
FOR JUSTICE AND CONSTITUTIONAL AFFAIRS, PHOLILE P.
SHAKANTU**

23 MARCH 2022

**THE PRESIDENT OF THE HUMAN RIGHTS COUNCIL,
MEMBER AND OBSERVER STATES OF HUMAN RIGHTS COUNCIL
NATIONAL HUMAN RIGHTS INSTITUTIONS
CIVIL SOCIETY ORGANISATIONS
LADIES AND GENTLEMEN**

Greetings

I am honoured to address the Human Rights Council on this occasion for the consideration of the outcome document of the Universal Periodic Review (UPR) of the Kingdom of Eswatini.

I further wish to convey my delegation's sincere gratitude and appreciation to all the reviewing states for their participation during our review process,

in particular to those who took the floor to make comments and recommendations.

Our gratitude is also extended to the members of the troika (Libya, Nepal, and France) for their facilitation of our review. The Secretariats of both the Office of the High Commissioner for Human Rights (OHCHR) and the UPR are equally appreciated for their guidance, leadership and the anticipated support in the follow up steps.

The Kingdom of Eswatini approaches the UPR with an open and positive spirit, as these comments and recommendations will contribute immensely to our continued efforts in the advancement of human rights in Eswatini.

During the interactive dialogue in November 2021, Eswatini received a total of 222 recommendations. The delegation opted to take these recommendations back to Capital for further deliberations. To this end, relevant stakeholders including Government Ministries, the Civil Society Organisations as well as the Commission on Human Rights and Public Administration (CHRPA) were engaged on these recommendations. Their engagement is considered a milestone towards a systematic approach to the implementation of these recommendations.

Following the in-country consultations, I am pleased to mention that Eswatini has accepted a total of 156 recommendations and 66 were noted, which represent a 70.3 % acceptance rate.

Madam President, may I highlight some of the recommendations which Eswatini has already implemented in relation to the acceptance of international norms and cooperation with human rights mechanisms:

- With regards to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, the country acceded to these Conventions on 16 November 1999. To this end, there are a number of initiatives done by Eswatini to give effect to these two Conventions, as previously pointed out during the dialogue. Currently, the Government through the Ministry of Home Affairs is conducting a nation - wide registration and documentation exercise to provide legal identity to citizens and residents and the registration of all Vital Events such as Births, Marriages and Deaths for those who do not have documentation.
 - Further, Eswatini ratified the Protocol to the African Charter on Human and People's Rights on the Rights to Women in Africa (Maputo Protocol) in 2012. The country has since submitted a status report for the implementation of this Protocol to the African Commission on Human and Peoples Rights.

The country is intensifying efforts to submit human rights reports to treaty bodies following the establishment of the National Mechanism for Reporting and Follow-up (NMRF). The Kingdom appreciates the technical and financial support received from the OHCHR and development partners.

In relation to the elimination of gender-based and domestic violence, the country enacted the Sexual Offences and Domestic Violence Act in 2018, subsequently adopted its Regulations in 2021. The country has noted with concern the high incidence of gender-based violence (GBV) cases and has embarked on interventions aimed at changing societal norms and values to tackle the violence scourge and programs aimed at assisting the survivors of GBV. As highlighted in the country's UPR Report, these interventions and programmes include amongst others:

- implementation of the National Strategy and Action Plan to End Violence 2017-2022;
- implementation of the national guidelines for shelters of GBV survivors which are critical in guiding the minimum standard required for shelters.
- advocacy and media campaigns that seek to change societal norms and values.

Freedom of expression, assembly and political participation:

The Country has implemented the recommendations advocating for the amendment of the Public Order Act of 1963 and Suppression of Terrorism Act of 2008. These legislations were repealed and amended respectively, to bring them in line with international law. The Public Order Act of 2017, fully protects and allows citizens to enjoy the rights to freedom of expression, association and peaceful assembly. Like all other rights, these rights are not absolute, common limitations and boundaries apply. Inciting violence, riots,

violent gatherings, burning and destroying of public or private property is illegal and is not protected by freedom speech or assembly.

Madam President, may I now proceed to some of the recommendations which Eswatini has noted.

Most of the noted recommendations are calling upon Eswatini to sign, ratify or accede to outstanding international treaties. In as much as the country is not yet ready to ratify or accede, there are ongoing internal debates and processes with relevant stakeholders to inform the right course of action to be taken.

On recommendations calling upon the Government to implement compulsory free education at all levels of schooling; Eswatini appreciates the spirit in which these recommendations are made. The Government of Eswatini believes in the provision of accessible quality education for all, and as a result offers free primary education for all children, as well as educational grants for orphaned and vulnerable children at all levels of schooling. Further, the Government offers scholarships for tertiary education to qualifying individuals. His Majesty's Government budget allocation towards education is getting close the Education for All Declaration target of 20%.

Regarding recommendations on decriminalisation of abortion, Eswatini has not supported this position because our Constitution protects the right to life for all persons including the unborn child and does not allow for any person to be deprived of life intentionally. The Constitution only allows abortion procedure to be carried out under exceptional circumstances, which include

cases of rape, incest, serious malformation of the foetus or risks to the health or life of the pregnant woman. The Health Bill 2022 provides for the procedure to be followed in such circumstances. On the other hand, access to comprehensive and reproductive health services and modern contraceptives are provided to citizens in accordance with the laws of the land.

I am pleased to report that the Government has made budget allocation for the financial year 2022/2023 of about E 22 million for the national dialogue. The Government believes that dialogue is the hallmark of national peace and reconciliation, and we remain optimistic that all Emaswati will actively participate constructively in the process to achieve the 2030 Agenda. Section 232 of the Kingdom of Eswatini Constitution provides that "Sibaya functions as the annual general meeting of the nation but may be convened at anytime to present the views of the nation on pressing and controversial national issues." His Majesty's Government is making the necessary preparations for an all inclusive National Dialogue.

The Government of Eswatini wishes to assure the Human Rights Council that the lessons and experiences derived from this forum will be incorporated into Eswatini's interventions and programmes to advance the fundamental rights and freedoms of Eswatini citizens.

I thank you.

