



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

1 July 2022

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Kingdom of Eswatini and welcome the constructive engagement of the Government of Eswatini during the 39th session of the UPR Working Group in November 2021.

As the final outcome report on the review of Eswatini was recently adopted by the Human Rights Council at its 49th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Eswatini – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 79 delegations and the presentation made and responses provided by the delegation of Eswatini. I have also considered the actions taken by the Government of Eswatini to implement the 131 recommendations fully supported as well as those that were partially supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I note with satisfaction the efforts deployed by the Kingdom of Eswatini to implement the National Strategy and Action Plan to End Violence 2017-2022 and encourage the country to continue with its efforts to combat violence against women and girls. I am also pleased to note that Eswatini supported the recommendations received during its third UPR review to ratify a number of international human rights instruments to which it is not a party yet, including 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 and Other Cruel, Inhuman or Degrading Treatment.

I welcome that during its third UPR review, Eswatini indicated that it was taking measures to address concerns (expressed by the Office on 6 July 2021, as a result of the eruption of violence in Eswatini and the allegations of excessive use of force by security forces) in response to the protests, and that it was committed to resolve differences with all stakeholders through inclusive and meaningful dialogue. I also welcome Eswatini's allocation in the national budget towards the dialogue process.

/..

H.E. Mr. Thuli DLADLA
Minister for Foreign Affairs and International Cooperation
Kingdom of Eswatini

I note that further efforts should be taken to ensure respect and protection of the rights to equality and non-discrimination on any grounds, and encourage Eswatini to continue envisaging ways to improve this human rights area. I also encourage Eswatini to take steps to strengthen the Commission on Human Rights and Public Administration, in order for it to comply with the Paris Principles and therefore be accredited by the Global Alliance of National Human Rights Institutions. I further encourage your Government to submit overdue reports to treaty bodies, as well as to avail itself of the National Recommendations Tracking Database (NRTD) as a tool to implement the recommendations issued by the international human rights mechanisms.

I encourage Eswatini to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Eswatini to further strengthen its national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government of Eswatini to consider submitting a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Eswatini in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc.: H.E. Ms. Pholile DLAMINI-SHAKANTU
Minister of Justice and Constitutional Affairs
Kingdom of Eswatini



Mr. George WACHIRA
United Nations Resident Coordinator
Kingdom of Eswatini

Ms. Laila NAZARALI
Senior Human Rights Adviser of the United Nations High Commissioner for Human Rights in the Office of the United Nations Resident Coordinator
Kingdom of Eswatini

Ms. Abigail NOKO
Regional Representative of the United Nations High Commissioner for Human Rights
OHCHR Regional Office for Southern Africa
South Africa

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Intensifying efforts to continue ratifying international human rights instruments to which Eswatini is not a party yet, including 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 and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Submitting its overdue reports to treaty bodies.

National human rights framework

- Providing the Commission on Human Rights and Public Administration with sufficient human and financial resources and ensuring its independence, in order for the Commission to fulfil its mandate in accordance with the Paris Principles.
- Undertaking comprehensive reforms with a view to bringing its domestic legislation into line with ratified international human rights instruments.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Taking steps to ensure that persons with albinism are adequately protected, in law and in practice, against all forms of violence and discrimination.

B. Civil and political rights

Right to life, liberty and security of person

- Taking steps to prevent excessive use of force by law enforcement against peaceful protests and ensuring that allegations of excessive use of force are promptly, independently and transparently investigated. Ensuring that the law and practice are in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Providing efficient training on torture and ill-treatment to law enforcement personnel, by incorporating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) into all training programmes for law enforcement officials.
- Improving detention conditions in all premises and bringing the regulations governing prison conditions into line with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

Administration of justice, including impunity, and the rule of law

- Taking adequate measures to ensure the independence of the judiciary and Parliament, by putting in place specific constitutional guarantees to protect judges and prosecutors from any form of political influence in their decision-making, and effectively ensuring that they are free of pressure and interference in the performance of their work.

Fundamental freedoms and the right to participate in public and political life

- Modifying or repealing the laws, which unduly restrict civil and political rights, in order to bring domestic legislation into conformity with international law on human rights.
- Ensuring the enjoyment of the rights to freedom of expression and association and peaceful assembly, including by removing any unlawful restriction; guaranteeing the protection of human rights defenders and journalists so that they can carry out their work without fear of reprisals; and creating an environment that facilitates inclusive and productive dialogue that ensures respect for human rights, including the right to freedom of peaceful assembly and association.
- Guaranteeing free and fair elections and the independence and effectiveness of the bodies in charge of elections, including by ensuring that representatives of political parties, the media and the civil society are not prevented from exercising these rights and fostering a culture of political pluralism, ensuring a genuine and pluralistic political debate.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Addressing the gender pay gap, by identifying and addressing the underlying causes of pay differentials, such as vertical and horizontal job segregation and gender stereotypes, covering both the formal and informal economy.

Right to an adequate standard of living

- Taking concrete steps to address poverty with a particular focus on people living in rural areas.
- Continuing to take necessary measures to improve access to safe and clean drinking water and sanitation facilities of the vulnerable population.

Right to health

- Strengthening the health sector and providing the necessary health care and ways to reach all areas and all vulnerable groups throughout the country.
- Integrating sexual and reproductive health care services, especially for women and girls, and targeted interventions for adolescent girls to address the high levels of HIV/AIDS, teenage pregnancy and violence.
- Ensuring access to comprehensive reproductive health education and services for all throughout the country, in particular in rural areas, including access to affordable contraceptives, and increasing awareness-raising programmes on contraceptives and on sexual and reproductive rights.

Right to education

- Developing a long-term financing strategy for pre-primary education and substantially increasing investment in the education sector to enhance quality and accessibility of education to all, and making education free and compulsory for 12 years of schooling.
- Allowing pregnant girls access to education, including by ensuring their reintegration into the school system following pregnancies.
- Increasing efforts to finalize the drafted strategy to address the increasing number of school dropout rates.

D. Rights of specific persons or groups

Women

- Raising public awareness on the Sexual Offences and Domestic Violence Act (2018); increasing budget allocations towards the prevention of and response to gender based violence and violence against children; adopting legislation to effectively criminalize and combat sexual offences and domestic violence; and providing relevant actors in the police, public prosecution and judiciary with training on sexual and gender based violence and on evidence-gathering for such cases.
- Ensuring that all cases of sexual and gender-based violence are thoroughly investigated, that perpetrators are prosecuted and, if convicted, are punished with appropriate sanctions, and that victims receive full reparation; and ensuring that victims have access to effective remedies and means of protection.
- Increasing efforts to fully protect young girls against harmful practices and forced marriages.
- Repealing all legal provisions that perpetuate gender stereotypes and discrimination against women.
- Taking additional measures to increase the participation of women in political and public life, in particular in decision-making positions, including by implementing a minimum quota of 30 per cent for the representation of women in House of Assembly.

Children

- Taking practical measures to strengthen and adequately fund a child-focused social protection system and to improve the periodic collection and analysis of data on groups of particularly vulnerable children.

Persons with disabilities

- Continuing efforts to protect the rights of persons with disabilities and to eliminate any discrimination against them.

Stateless persons

- Expediting its efforts to register all births on its territory and continuing to mount public and family awareness-raising campaigns concerning birth registration, particularly in rural areas.