

**Universal Periodic Review
(12th session, 3-14 October 2011)**

Contribution of UNESCO

SWAZILAND

I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	08/10/1970	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989				Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	30/11/2005			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	-			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	-			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

2. Constitutional framework: The Constitution of the Kingdom of Swaziland Act (2005) recognizes the right to free public education in Article 29 paragraph 3 which states that: “Every Swazi child shall within three years of the commencement of this Constitution have the right to free education in public schools at least up to the end of primary school, beginning with the first grade.” Additionally, Article 60 paragraph 8 provides that “Without compromising quality the State shall promote free and compulsory basic education for all” Moreover, according to Article 23 (3): “A religious community is entitled to establish and maintain places of education and to manage any place of education which that community wholly maintains, and that community may not be prevented from providing religious instruction for persons of that community in the course of any education provided at any place of education which that community wholly maintains or in the course of any education which that community otherwise provides.” Regarding political objective, Article 58 (3) stipulates that: “The State shall cultivate among all the people of Swaziland through various measures including civic education respect for fundamental human rights and freedoms and the dignity of the human person.”

3. Legislative framework: The Education Act of 1981 (Act No. 9) has been reviewed since the adoption of the new Constitution. The Teaching Service Act of 1982, which is the only legal document that provides for recruitment, deployment and discipline of teachers, has been amended since the adoption of the new constitution. This act established a Teaching Service Commission. The University of Swaziland Act, 1983 (Act No. 2) provides for the establishment and functions of the University. A schedule of the statutes is provided in the Statutes of the University of Swaziland of 1983.

4. Policy Measures:

a) *Financial assistance*

- i) Free textbooks provided to all pupils at primary school level by the Ministry of Education of Swaziland.
- ii) A capitation grant was introduced with the main objective to increase access to basic education and enhance the quality of education. Schools that participate in

¹ Sources:

- i) The Development of Education, National report of the Kingdom of Swaziland, Ministry of Education, 2008,
http://www.ibe.unesco.org/National_Reports/ICE_2008/swaziland_NR08.pdf (Accessed 14/02/2011)
- ii) International Bureau of Education (IBE), Profile of the education system of Swaziland,
<http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/afrique/swaziland/profile-of-education.html> (Accessed 14/02/2011)

- the capitation program receive a flat rate of 100E per child enrolled and 125E per orphaned or vulnerable child registered in school.
- iii) Bursaries provided by the Government of Swaziland to Orphaned and Vulnerable Children (OVCs) both at primary and secondary levels. This programme has benefited mainly children who have been orphaned due to HIV/AIDS and poverty.
- b) *Special education*
 - i) Provision of Braille textbooks, devices and other learning materials started in 2007.
 - c) *Use of information and communication technologies (ICT) in Education:*
 - Campaign for introduction of information technology (IT) in schools:
 - i) Investment in IT infrastructure in Teacher Training Colleges;
 - ii) Through the Computer Education Trust and the Republic of China (Taiwan) the Ministry is supplying computers to secondary schools throughout the country.

2. Right to take part in cultural life

5. Legislative framework: National Trust Commission Act, 1972, amended 1973; The Protection of Fresh Water Fish Act, No. 75 of 1937; The Flora Protection Act, 2000; The Game Act, 1953 and The Game (Amendment) Act, 1991; The Environment Management Act, 2002; The Public Enterprises Unit Act; Mining Act No. 5 of 1958; Water Act No. 7 of 2003; Swaziland Tourism Act No. 2 of 2001.
6. Institutional framework: The Swaziland National Trust Commission; Swaziland National Council of Arts and Culture; Swaziland National Museum; King Sobhuza II Memorial Park.
7. Policy measures: Swaziland Cultural Policy adopted.
8. Cooperation: The cultural sector in Swaziland is under the responsibility of the Ministry of Sport Culture & Youth Affairs. The key cooperation in the field of culture however takes place through direct contacts with the National Commission for UNESCO and The Swaziland National Trust Commission (www.sntc.org.sz).
9. Swaziland actively participates in the activities of the international and regional bodies such as: the African Union (AU), the Southern African Development Community (SADC), the New Partnership for Africa's Development (NEPAD), as well as the United Nations system organizations. The more specific cooperation in the field of culture reflects in participation in the professional bodies such as: the United States African Command (AFRICOM), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the SADC Heritage Association and the Oral Tradition Association of Southern Africa.

10. Work with civil society: Civil society organisations are involved in the activities in all aspects of culture, particularly in reference to the living heritage (intangible cultural heritage) as well as cultural aspects of HIV/AIDS prevention.

11. Achievements, best practices, challenges and constraints:

a) Workshop for the house of senate on international agreements was organized on 1-3 December 2010. As its follow up, the Parliament will be considering the approval for the ratification of: Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, Convention for the Safeguarding of the Intangible Cultural Heritage 2003 and Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005.

b) Reinforcing of siSwati (language) usage through traditional cultural activities as well as education (e.g. celebration of the International Mother Language Day).

12. Capacity-building and technical assistance provided and/or recommended by UNESCO:

a) Awareness raising activities: celebration of the International Mother Language Day.

b) Capacity building workshops aimed at activities in heritage conservation and management (Intangible Cultural Heritage, World Heritage).

3. Freedom of opinion and expression

13. Achievements, best practices, challenges and constraints: Freedom of expression is restricted in Swaziland, especially regarding political freedoms or matters concerning the royal family. There are very few legal protections for journalists and media workers.

14. Section 24 of the new constitution from February 2006 provides for freedom of speech; number of draft laws that guarantee media freedoms were introduced. However, a majority of these bills have yet to be finalized or enacted.

15. Although there have been positive changes, the king may annul these rights at his discretion. Sections 4 and 5 of the 1938 *Sedition and Subversive Activities Act* ban publication of any criticism of the monarchy. The 1968 *Proscribed Publications Act* empowers the government to ban publications if they are deemed “prejudicial or potentially prejudicial to the interests of defence, public safety, public order, public morality, or public health.” The law has been used in recent years to sue newspapers that criticized the monarchy for defamation. This has led to increased self-censorship among journalists.

16. The internet remains a free forum, and there are no restrictions on access.

17. In May 2008, the parliament passed a Suppression of Terrorism Act. The definitions of ‘terrorist’ in Part I and ‘terrorist acts’ in Part III and Section 2 are expansive. The parameters for a ‘terrorist act’ in Subsection 2 allow for actions to be judged on the basis of ‘nature and content’.

18. The government of Swaziland has launched a bill to regulate the broadcasting sector in the country. Once the bill becomes law, a new commission will among other things, issue licenses to TV and radio broadcasters, which could open up for private broadcast media in the kingdom. This would be a positive step for freedom of expression in the country.

19. Capacity-building and technical assistance provided and/or recommended by UNESCO: Consistent with its mandate, UNESCO collaborates at different levels with Swaziland to reinforce the right to freedom of expression. Among other activities, the organization is supporting media development policies with the development of evidence-based data (Media Development Indicators).

III. RECOMMENDATIONS

Right to education

20. Swaziland should be encouraged to ratify the 1989 UNESCO’s Convention on Technical and Vocational Education.

Right to take part in cultural life

21. In order to advance the right to take part in cultural life, UNESCO considers that, in view of the forthcoming ratification of the 2003 and 2005 Culture Conventions, Swaziland must be encouraged to ensure that its domestic law and practice are consistent with the provisions of these Conventions.

Freedom of opinion and expression

22. There are several opportunities for developing and protecting freedom of expression in Swaziland. UNESCO recommends:

- (i) to develop a comprehensive legal framework that guarantees Freedom of expression, media freedom and the right to access information;
- (ii) to open broadcast media to private sector players;
- (iii) to establish a self-regulatory mechanism for the media, and develop awareness-raising campaigns about the nature, purpose and operations of this proposed structure.