



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined initial and second periodic reports of the Kingdom of Swaziland at the Committee's fifty-eighth session, held in July 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/SWZ/CO/1-2). You may recall that in the concluding observations, the Committee requested the Kingdom of Swaziland to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 9 and 21 of the concluding observations.

The Committee welcomes the follow-up report received with a 9-month delay in April 2017 (CEDAW/C/SWZ/CO/1-2/Add.1) under the CEDAW follow-up procedure. At its sixty-seventh session, held in July 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 9** of the concluding observations, that the State party “adopt a comprehensive legal definition of discrimination against women in line with article 1 of the Convention, covering all prohibited grounds of discrimination, including sex and marital status, by amending section 20 of the Constitution or adopting other appropriate national legislation”: The State party indicated that it has not adopted a comprehensive legal definition of discrimination against women.

The Committee regrets that the State party has not adopted a comprehensive legal definition. It considers that the recommendation **has not been implemented**.

In relation to the recommendation that the State party “should urgently adopt the laws and policies that are pending, such as the bills on marriage, administration of estates, transnational crime, employment, legal aid and sexual offences and domestic violence and the land policy, and ensure that they fully comply with the Convention”: The State party reported that a sexual offences and domestic violence bill has been tabled in Parliament, that the legal aid draft bill is partially implemented, and that legal services continue to be provided free of charge by none state actors. It however informed that it has not adopted bills on marriage, administration of estates, transnational crime or employment and that it has no data on a land policy.

His Excellency
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The Committee welcomes advancements in regards to the adoption of a bill on sexual offences and domestic violence. It however regrets that bills on marriage, administration of estates, transnational crime, employment and legal aid, as well as the land policy have not been adopted. It considers that the State party has taken some steps to implement the recommendation, and that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “widely disseminate the amendment to the Deeds Registry Act of 2012 and ensure its full implementation”: The State party reported that dissemination of the Deeds Registry Act of 2012 is in progress through ongoing programmes.

The Committee welcomes the information provided by the State party that dissemination of the Deeds Registry Act of 2012 is in progress. It however regrets the lack of information on the role the amendment on section 16 of this Act, which relates to the registration of titled property in the name of both spouses if they so desire, has in ongoing dissemination programmes and the lack of information on efforts made to ensure the full implementation of the Act. The Committee thus considers that it has **not received sufficient information to assess** whether the recommendation has been implemented.

The Committee recommends that, in relation to **paragraph 9** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Adopt a comprehensive legal definition of discrimination against women, in line with article 1 of the Convention, covering all prohibited grounds of discrimination, including sex and marital status, by amending section 20 of the Constitution or adopting other appropriate national legislation.
2. Adopt pending bills on marriage, administration of estates, transnational crime, employment, legal aid, sexual offences and domestic violence and the land policy, and ensure that they fully comply with the Convention.
3. Widely disseminate the amendment to the Deeds Registry Act of 2012 and ensure its full implementation.

With regards to the recommendation made in **paragraph 21** of the concluding observations, that the State party “enact into law the bill on sexual offences and domestic violence without further delay and ensure that it is comprehensive, covering all forms of violence against women, especially marital rape and sexual harassment.”: The State party mentioned that the bill on sexual offences and domestic violence was tabled in Parliament in June 2016. It added that views from stakeholders have been elicited, that a capacity building exercise on the bill has been conducted in both houses of parliament, and that it is currently ready for presentation at the house of Assembly. The State party also informed that the bill covers a comprehensive range of articles on domestic violence and sexual offences, including marital rape, sexual harassment, incest and rape.

The Committee welcomes efforts made towards the adoption of a bill on sexual offences and domestic violence and that it has been tabled in Parliament. It positively notes that the bill includes dispositions on marital rape and sexual harassment. It however regrets that the bill has not yet been enacted into law. The Committee considers that the State party has taken some steps to implement the recommendation. It considers the recommendation **has been partially implemented**.

Regarding the recommendation to “encourage reporting of domestic and sexual violence against women and girls”: The State party reported that it has an ongoing advocacy program, which

includes campaigns to sensitize and disseminate information on violence and on reporting structures to the public.

The Committee takes note of the information provided by the State party on an existing advocacy programme, raising awareness of the public on violence and reporting structures. It considers that the State party has taken significant steps to implement the recommendation. It considers the recommendation **has been implemented**.

With regards to the recommendation that the State party “ensure that complaints are effectively investigated and perpetrators punished with sanctions commensurate with the gravity of the offence”: The Committee **did not receive any information to assess** whether the recommendation has been implemented.

In relation to the recommendation “to address the culture of impunity regarding domestic and sexual violence”: The Committee **did not receive any information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to develop a system for regular collection of statistical data on cases, focusing on all forms of violence against women, including domestic violence and abduction, which should be disaggregated by age, type of offence and relationship between perpetrator and victim”: The State party reported that it established a National Surveillance System in 2009, which is in charge of regular collection of data on violence and abuse.

The Committee welcomes information provided by the State party on the existing National Surveillance System, which regularly collects data on violence and abuse. The Committee however regrets the absence of measures taken to collect specific data on violence against women, including domestic violence and abduction, and to disaggregate data by age, type of offence and relationship between the perpetrator and the victim. It considers that the State party has taken some steps to implement the recommendation, and that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “decentralize one-stop centres and shelters to the four regions of the State party in order to ensure that women and girls who are victims of violence can gain access to them”: The State party reported that it is integrating One-Stop Centres in hospitals. It informed that this process has been completed at the Raleigh Fitkin Memorial Hospital in Manzini region and is ongoing at the Lubombo Referral Hospital. It added that discussions on this process are in progress in the remaining region, Shiselweni.

The Committee welcomes measures taken to make One-Stop Centers available in all four regions of the State party. The decentralization process not yet having been completed, the Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation “to establish a national violence coordination mechanism with a mandate to tackle all forms of violence against women and girls and to coordinate national efforts to prevent and eliminate such violence”: The State party reported that it has established and launched a High Level Task Force on Violence and a Multi-Sectoral Technical Team on Violence in November 2016 to coordinate violence issues nationally.

The Committee takes note of the establishment and launch of a High Level Task Force and a Multi-Sectoral Technical Team on Violence for the coordination of issues on violence. It however regrets that no mechanism to specifically tackle all forms of violence against women and girls and coordinate national efforts to prevent and eliminate such violence has been created. The Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Enact into law the bill on sexual offences and domestic violence without further delay and ensure that it covers all forms of violence against women.
2. Continue advocacy campaigns aimed at empowering women to have the confidence to lodge complaints in case of gender-based violence against them.
3. Ensure that complaints of domestic and sexual violence against women are effectively investigated and that perpetrators are punished with sanctions commensurate with the gravity of the offence.
4. Address the culture of impunity in regards to domestic and sexual violence.
5. Ensure regular collection of statistical data on cases, focusing on all forms of violence against women, including domestic violence and abduction, which should be disaggregated by age, type of offence and relationship between perpetrator and victim.
6. Complete the process of integration of One-Stop Centres and shelters in hospitals of all regions of the State party and ensure that women and girls who are victims of violence can gain access to them.
7. Establish a national violence coordination mechanism with a specific mandate to tackle all forms of violence against women and girls and to coordinate national efforts to prevent and eliminate such violence.

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

Yours sincerely,



Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women