



EMBASSY OF THE KINGDOM OF SWAZILAND
CHEMIN WILLIAM-BARBEY 51 - 1292 CHAMBESY - SWITZERLAND

Note Verbale No.74/2017

The Permanent Mission of the Kingdom of Swaziland to the United Nations and other International Organizations in Geneva, presents its compliments to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights), and has the honour to refer to the recently ended Kingdom's appearance before the 120th Session of the International Covenant on Civil and Political Rights; to give responses in the absence of the initial report, on Friday 7th July and 10th July 2017.

Subsequently, during the Session on 10th July 2017, the Swaziland delegation was called upon to respond to a further round of questions as a follow-up.

Enclosed herewith, are the responses to the last round of questions. It is regrettable that the responses were to be handed much earlier, but due to flight schedules; the delegation could not convene after the 120th Session but did so after their arrival in Swaziland.

The Permanent Mission of the Kingdom of Swaziland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) in Geneva, the assurances of its highest consideration.



Geneva, 19th July 2017

To: Office of the High Commissioner for Human Rights
Palas des Nations
CH-1211 Geneva 10

**ANSWERS OF THE SWAZILAND DELEGATION TO THE FOLLOW UP QUESTIONS
BY THE HUMAN RIGHTS COMMITTEE MEMBERS.**

Absolute power of the King

His Majesty the King neither possesses nor exercises absolute power. The King exercises power within the bounds of the law. After the promulgation of the Constitution, the 1973 ceased to operate in as much as most of its provisions were replaced by the Constitution. For instance, the Bill of Rights was reinstated and the three arms of Government were reestablished. Hence the argument that the King has absolute powers is inaccurate, since the doctrine of separation of powers is recognized by the Constitution.

Corporal punishment

Corporal punishment has been abolished as a judicial sentence for children, that is persons below the age of 18. Corporal punishment is still a competent sentence for adults. However for the period under review there was not a single person sentenced to whipping by a court. The Government in collaboration with Save the Children promotes "positive discipline" in schools and contributes to training sessions for teachers, parents and other relevant stakeholders on how to support children and young people in their development using positive teaching methods. The difference between punishment and positive discipline is mainly that punishment is a process which focuses on what a child has done wrong, while positive discipline assumes that children want to behave well but need help in understanding how to do so. Punishment is based on the idea that you have to make children suffer to encourage them to understand what they have done and discourage them from doing it again. Positive discipline on the other hand, works on the principle that children learn more through co-operation and rewards than through conflict and punishment.

Discrimination in polygamy and child marriage

Polygamy is permissible in Swazi culture and with the free will of the parties thereto, and it is regulated by the Swazi law and Custom. There has been no cases of discrimination where polygamy has been said to be the cause.

Discrimination against women and children

After the advent of the Constitution the Government of Swaziland realized the need to align legislations pertaining to marriage and property rights of women and children. This has resulted in a number of legislations being tabled before the legislature for enactment. For instance, the Marriages Bill, Matrimonial Property Bill, Inter-state Succession and the Administration of Estates Bill. The Administration of Estates and the Inter-state succession still awaits validation

from stake holders and the Swazi public at large. The State envisages that the passing of these pieces of legislations will be completed soon.

Delays in passing legislation

The government of Swaziland acknowledges the fact that there seems to be delays in passing pieces of legislation to the enactment process. The government will like to assure the Committee that this is due to the backlog and the large number of pieces of legislations awaiting to be enacted into law by the parliament.