YSDC UPR PRE SESSIONS STATEMENT

Madam Chair, distinguished members of the Committee, greetings all.

It is an honour and privilege to submit this statement on behalf of the Youth Sustainable Development Centre (YSDC), a youth-centred organisation that promotes sustainable development and human rights

Eswatini has publicly affirmed its commitment to gender equality and the protection of human rights, including through its ratification of the 1954 and 1961 statelessness conventions and CEDAW. In 2019, the Kingdom also committed at the Global Refugee Forum to end statelessness and adopted a National Action Plan to Eradicate Statelessness. These commitments reflect an important recognition that every person has the right to a nationality and legal identity.

We recognise the commendable steps Eswatini has made to reduce the risk of statelessness by improving birth registration - including conducting a mop-up exercise to bring vital registration services directly to communities - though communities reported that the process continued to exclude children in complex cases - and adopting the Civil Registration and Vital Statistics Act of 2023. However, this does not fully address the issue of statelessness and progress towards fully achieving the NAP is slow. Eswatini continues to maintain nationality laws that discriminate against women and create a real risk of statelessness. Under the current constitutional and legal framework, women do not enjoy equal rights with men to confer nationality on their children or foreign spouses. This means that only a Swazi father can transmit citizenship to his children, except in limited circumstances, while Swazi women are denied the same right. In addition, women are not able to transmit citizenship to a foreign spouse on an equal basis with men. Through casework across three communities, YSDC has directly identified 60 persons at risk of statelessness as a result of these laws, and currently supports 11 affected mothers navigating this barrier. This figure likely understates the true scale: many others avoid engaging with such initiatives altogether, fearing discrimination or that participation could jeopardise pending citizenship applications. Wider national research is needed, as envisioned under the National Action Plan, drawing on disaggregated vital statistics and civil registry data to build a complete national picture. Thandi Dlamini, former Commissioner for Refugees, believes the true number of Swazis at risk of statelessness may be significant.

This discriminatory framework has serious consequences. Gender discrimination in nationality laws undermines family unity, deepens inequality, and can leave children and families without proof of nationality or legal identity. It also increases the risk of statelessness, particularly for children born to Swazi mothers married to non-Swazi spouses. In practice, this can restrict access to education, healthcare, employment, and other essential rights- leaving affected children and

families to exist at the margins of society. Of note, two Swazi women - one married to a Zimbabwean national, the other to a Ghanaian, both for over 15 years - filed a constitutional challenge after none of their Eswatini-born children could obtain citizenship, documenting these harms in practice. The Attorney General's office has signalled a preference for resolving such cases individually rather than reforming the law.

UPR recommendations from other countries have already urged Eswatini to review its nationality laws to guarantee women equal rights with men, and to ensure equal transmission of nationality by fathers and mothers. Yet the necessary legal reforms have not been prioritised. The lack of timely amendment to the nationality framework, together with the slow implementation of the National Action Plan, means that Eswatini has not yet fully honoured the commitments it made in 2019 and through the UPR process.

The National Action Plan, intended for implementation by 2024, is now overdue. It is therefore imperative that Eswatini fast-tracks its implementation and ensures that its commitments are translated into concrete legal and policy reforms. This includes gathering the necessary national data, addressing gaps in birth registration, and ensuring that no one is left behind because of discriminatory nationality laws. Indeed, Eswatini has no comprehensive safeguard preventing children of Swazi mothers and non-citizen fathers from becoming stateless, and even the citizenship-by-registration route offers little relief: applications can take over a decade, and require proof of foreign nationality that stateless children, by definition, lack.

Considering the above, it is our firm recommendation that Eswatini:

- Amend the Citizenship Act and Constitution to grant equal rights to women to confer nationality on their children and foreign spouses, developing a Bill in the interim to allow for this conferral while awaiting constitutional amendments.
- Strengthen laws to safeguard children from becoming stateless by defining a timeline for citizenship-by-registration applications.
- Establish statelessness determination procedures to protect stateless persons and those at risk, especially women and girls.
- Develop a time-bound plan to fast-track the National Action Plan to Eradicate Statelessness in Eswatini by 2027.

We thank the Committee for its consideration of these recommendations, and reaffirm YSDC's continued commitment to working with Eswatini and its partners towards the full realisation of every person's right to a nationality.