

Swaziland

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 17 July 2014



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/swaziland>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

11 stakeholders' reports were submitted for the UPR. 15 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was not contacted.

3 NGOs responded to our enquiry. None of the UN agencies responded. The State under Review did not respond to our enquiry.

The following stakeholders took part in the report:

1. **NGOs:** (1) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (2) Lawyers for Human Rights-Swaziland (LHRS) (3) Reporters sans frontières (RSF)

IRI: 38 recommendations are not implemented, 11 recommendations are partially implemented, and 2 recommendations are fully implemented. No answer was received for 91 out of 143 recommendations and voluntary pledges.



2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
115	Argentina	Death penalty	not impl.	page 13
29	Australia	Detention conditions	not impl.	page 10
108	Australia	Death penalty	not impl.	page 13
133	Australia	Freedom of association and peaceful assembly	not impl.	page 10
23	Brazil	Women's rights	partially impl.	page 16
110	Brazil	Death penalty	not impl.	page 13
67	Burkina Faso	Justice,Right to education,Rights of the Child	partially impl.	page 17
121	Burundi	Death penalty	not impl.	page 14
17	Canada	HIV - Aids,Right to education,Right to health,Rights of the Child	partially impl.	page 16
36	Canada	Justice	not impl.	page 11
99	Canada	Women's rights	partially impl.	page 17
98	France	International instruments,Women's rights	not impl.	page 17
102	France	Death penalty	partially impl.	page 11
103	France	Torture and other CID treatment	not impl.	page 12
126	France	CP rights - general,Freedom of association and peaceful assembly,Freedom of opinion and expression,Labour	not impl.	page 9
44	Germany	Freedom of opinion and expression,Freedom of the press	not impl.	page 7
22	Ghana	Disabilities,Rights of the Child	fully impl.	page 16
41	Ghana	Freedom of association and peaceful assembly,Freedom of opinion and expression	not impl.	page 6
117	Holy See	Death penalty	not impl.	page 13
104	Hungary	Death penalty	not impl.	page 12
127	Hungary	Freedom of association and peaceful assembly	not impl.	page 9
70	Indonesia	Civil society	not impl.	page 9
120	Mexico	Death penalty	not impl.	page 14
123	Norway	Detention conditions,Impunity,Torture and other CID treatment	not impl.	page 14
131	Norway	Freedom of association and peaceful assembly,International instruments	not impl.	page 10
132	Norway	Freedom of opinion and expression,Freedom of the press,Counter-terrorism	not impl.	page 10
119	Portugal	Death penalty	not impl.	page 14
8	Romania	Rights of the Child	fully impl.	page 16
42	Slovakia	Freedom of the press	not impl.	page 6
105	Slovakia	Human rights education and training,Torture and other CID treatment	not impl.	page 12
128	Slovakia	Freedom of opinion and expression	not impl.	page 8
129	Slovakia	Elections,Freedom of association and peaceful assembly	-	page 9
38	Slovenia	Justice,Rights of the Child	not impl.	page 11
109	Slovenia	Torture and other CID treatment	partially impl.	page 13
134	South Africa	General	not impl.	page 18
12	Spain	NHRI	partially impl.	page 18



rec. n°	Rec. State	Issue	IRI	page
140	Spain	Human rights education and training, Sexual Orientation and Gender Identity	not impl.	page 15
43	Switzerland	Freedom of the press	not impl.	page 7
101	Switzerland	Women's rights	partially impl.	page 17
106	Switzerland	Detention conditions, Extrajudicial executions	partially impl.	page 12
107	Switzerland	Death penalty	not impl.	page 12
122	Switzerland	Impunity, Torture and other CID treatment	not impl.	page 14
130	Switzerland	Freedom of association and peaceful assembly	not impl.	page 9
46	Trinidad & Tobago	Freedom of opinion and expression, Freedom of the press	not impl.	page 8
124	United Kingdom	Torture and other CID treatment	not impl.	page 14
143	United Kingdom	Elections	not impl.	page 10
45	United States	Civil society, Freedom of association and peaceful assembly, Freedom of opinion and expression, Labour	not impl.	page 8
125	United States	Human rights education and training, Sexual Orientation and Gender Identity	not impl.	page 15
138	United States	Detention conditions, Human rights violations by state agents	not impl.	page 15
139	United States	Sexual Orientation and Gender Identity	not impl.	page 15
32	Uruguay	Human rights education and training, Rights of the Child, Torture and other CID treatment	partially impl.	page 16
116	Uruguay	Torture and other CID treatment	partially impl.	page 13

3. Feedback on recommendations

CP Rights

Recommendation n°41: *Ensure the freedom of expression and the right to freedom of assembly and association, limited of course, by the interest of defence, public safety and public order* (Recommended by Ghana)

IRI: *not implemented*

Reporters sans frontières (RSF) response:

La liberté d'expression demeure gravement limitée au Swaziland, notamment pour les professionnels des médias, qui font face à un environnement de travail très difficile. En 2014, le Swaziland occupe la 156ème place sur 180 du classement mondial de la liberté de la presse. Le rédacteur en chef du journal The Nation, Bheki Makhubu, a subi 2 poursuites judiciaires en avril 2013 et en avril 2014, à chaque fois en raison du contenu critique d'une publication. Mettant justement en cause l'intégrité du système judiciaire swazi, celui-ci a été victime de vices de procédure, qui laissent à penser que les poursuites constituaient purement et simplement des représailles envers ses propos. Si les deux procédures en question se sont finalement conclues de façon relativement satisfaisante, rien ne garantit actuellement que de tels excès ne se reproduiront pas. Les autorités doivent prendre des mesures pour garantir un climat propice à la liberté de la presse et d'expression, particulièrement quand le contenu des publications touche à des questions d'intérêt public.

Lawyers for Human Rights-Swaziland (LHRS) response:

People are arrested for exercising these rights and freedoms. A human rights lawyer, Thulani Maseko and a Magazine Editor are currently in jail for expressing themselves. So is Maxwell Dlamini and Mario Masuku (Members of political parties). Others are out on bail.

Recommendation n°42: *Ease legislative and administration restrictions on the registration and operation of independent media with a view to provide for plurality of information* (Recommended by Slovakia)

IRI: *not implemented*

LHRS response:

To establish independent media in Swaziland is next to zero. Ambrose Zwane has struggled to get a licence to run a Lubombo Community Radio for the past 15 years.



Recommendation n°43: *Facilitate the establishment of private media organisations by eliminating legislative and administrative obstacles* (Recommended by Switzerland)

IRI: *not implemented*

RSF response:

Les poursuites judiciaires inéquitables dont a été victime le rédacteur en chef du journal The Nation, Bheki Makhubu, en avril 2013 et en avril 2014, constituent des signaux très négatifs à l'encontre du monde la presse swazie. En effet, celui-ci semble avoir été poursuivi non pas pour un délit réel mais bien à des fins de repréailles pour ses propos critiques envers des organes étatiques. Si les deux procédures en question se sont finalement conclues de façon relativement satisfaisante, rien ne garantit actuellement que de tels excès ne se reproduiront pas. Une telle menace constitue un frein évident à l'épanouissement aussi bien qu'à la création de médias privés et indépendants dans le pays.

LHRS response:

To establish independent media in Swaziland is next to zero. Ambrose Zwane has struggled to get a licence to run a Lubombo Community Radio for the past 15 years.

Recommendation n°44: *Develop a comprehensive legal framework that guarantees freedom of expression and a free media* (Recommended by Germany)

IRI: *not implemented*

RSF response:

La liberté d'expression demeure gravement limitée au Swaziland, et particulièrement pour les professionnels des médias. Le rédacteur en chef du journal The Nation, Bheki Makhubu, a subi 2 poursuites judiciaires en avril 2013 et en avril 2014, à chaque fois en raison du contenu critique d'une publication. Mettant justement en cause l'intégrité du système judiciaire swazi, celui-ci a été victime de vices de procédure, qui laissent à penser que les poursuites constituaient purement et simplement des repréailles envers ses propos. Si les deux procédures en question se sont finalement conclues de façon relativement satisfaisante, rien ne garantit actuellement que de tels excès ne se reproduiront pas. Les autorités doivent prendre des mesures pour s'assurer que les membres des organes judiciaires n'abusent pas de leur position pour entraver le travail des médias, particulièrement lorsque celui-ci touche à des questions d'intérêt public.



LHRS response:

Swaziland lacks good governance and democracy hence it is hard to enjoy these rights. If one exercises them they will be charged for sedition.

Recommendation n°45: *Respect the rights of all its citizens to freedom of assembly, freedom of association and freedom of expression, which are guaranteed by the Swazi Constitution and by international human rights instruments particularly by allowing labour, political and civil society groups to assemble peacefully, free from Government interference (Recommended by United States)*

IRI: not implemented

RSF response:

La liberté d'expression demeure gravement limitée au Swaziland, notamment pour les professionnels des médias, qui font face à un environnement de travail très difficile. Le rédacteur en chef du journal The Nation, Bheki Makhubu, a subi 2 poursuites judiciaires en avril 2013 et en avril 2014, à chaque fois en raison du contenu critique d'une publication. Mettant justement en cause l'intégrité du système judiciaire swazi, celui-ci a été victime de vices de procédure, qui laissent à penser que les poursuites constituaient purement et simplement des représailles envers ses propos. Si les deux procédures en question se sont finalement conclues de façon relativement satisfaisante, rien ne garantit actuellement que de tels excès ne se reproduiront pas. Les autorités doivent prendre des mesures pour garantir un climat propice à la liberté d'expression, libre d'entraves potentielles des organes étatiques.

LHRS response:

Despite being a party to many International Instruments on human rights and having a constitution with the bill of rights the lack of democracy and political participation makes it difficult to exercise these rights. Put plainly these rights don't exist in Swaziland.

Recommendation n°46: *Develop a legislative framework which guarantees freedom of expression and freedom of the press (Recommended by Trinidad & Tobago)*

IRI: not implemented

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Recommendation n°128: *Provide for an unhindered enjoyment of the right to the freedom of expression in accordance with country's international obligations (Recommended by Slovakia)*

IRI: not implemented

LHRS response:

Swaziland lacks good governance and democracy hence it is hard to enjoy these rights. If one exercises them they will be charged for sedition.

Recommendation n°70: *Further encourage the involvement of civil society as partner of the Government in promoting and protecting of human rights* (Recommended by *Indonesia*)

IRI: *not implemented*

LHRS response:

Civil society is viewed as political opposition hence it is not given space.

Recommendation n°126: *Remove all legislative and practical restrictions impeding to freely exercise civil and political rights, in particular those related to freedom of association and expression, with a view to allow the creation of political parties and respect of trade freedoms* (Recommended by *France*)

IRI: *not implemented*

LHRS response:

The oppressive laws are used to hinder political participation and the right to freedom of association.

Recommendation n°127: *Align the national legislation with international standards to guarantee freedom of assembly and association, in particular as regards the notification of the organisation of peaceful assemblies* (Recommended by *Hungary*)

IRI: *not implemented*

LHRS response:

This has not been done.

Recommendation n°129: *Consider allowing the registration and operation of political parties, introducing greater political freedoms through free, fair, transparent democratic elections* (Recommended by *Slovakia*)

IRI: -

+

Recommendation n°130: *Enact legislative measures to facilitate the existence of political parties* (Recommended by *Switzerland*)

IRI: *not implemented*

+



Recommendation n°131: *Create an enabling environment for civil society where citizens are free to exercise their full rights to freedom of peaceful assembly and association in accordance with the principles of democracy and in line with international obligations under the ICCPR, including revoking the royal decree of 1973* (Recommended by Norway)

IRI: *not implemented*

+

Recommendation n°133: *Take steps to further democratisation efforts, including by enacting laws that facilitate the registration of political parties* (Recommended by Australia)

IRI: *not implemented*

+

Recommendation n°143: *Clarify the status of all political parties and introduce multi-party democratic elections* (Recommended by United Kingdom)

IRI: *not implemented*

LHRS response:

Political parties remain banned and are not allowed to contest for elections.

Recommendation n°132: *Take immediate steps to repeal laws which criminalize and/or restrict freedom of expression and of the media, in particular the Sedition and Subversive Activities Act (1938), the Proscribed Publications Act (1968) and provisions of the Suppression of Terrorism Act (2008)* (Recommended by Norway)

IRI: *not implemented*

LHRS response:

About ten people have been charged under these laws and are awaiting trial beginning from June. Two people are serving their sentences charged on the same.

Justice

Recommendation n°29: *Improve conditions in Swaziland's prisons and detentions centres* (Recommended by Australia)

IRI: *not implemented*

LHRS response:

Detention centres are over populated and filthy.



Recommendation n°36: *Take concrete and immediate measures to guarantee the independence and the impartiality of the judiciary* (Recommended by Canada)

IRI: *not implemented*

RSF response:

Les poursuites judiciaires inéquitables dont a été victime le rédacteur en chef du journal The Nation, Bheki Makhubu, en avril 2013 et en avril 2014, constituent des abus de pouvoir évidents de la part de certains magistrats. En effet, le journaliste semble avoir été poursuivi non pas pour un délit réel mais bien à des fins de représailles pour ses propos critiques envers le système judiciaire. Si les deux procédures en question se sont finalement conclues de façon relativement satisfaisante, rien ne garantit actuellement que de tels excès ne se reproduiront pas. Les autorités doivent prendre des mesures pour s'assurer que les membres des organes judiciaires n'abusent pas de leur position pour entraver le travail des médias, particulièrement lorsque celui-ci touche à des questions d'intérêt public.

LHRS response:

The Judiciary is under siege at the moment with improper appointments to the bench and division amongst the judges. The Chief Justice issued arrest warrants last week wherein he wanted four judges arrested for not taking his orders.

Recommendation n°38: *Ensure the functioning juvenile justice system throughout the country and raise the age of criminal responsibility that comply with the acceptable international standards* (Recommended by Slovenia)

IRI: *not implemented*

LHRS response:

Criminal responsibility is 16 years in Swaziland. The justice system is malfunctioning as it is expensive and clamped with backlog of cases.

Recommendation n°102: *Continue commuting death sentences into prison sentences and institute a de facto moratorium on executions, with a view to definitely abolish the death penalty* (Recommended by France)

IRI: *partially implemented*

LHRS response:

Death penalty exists in the country even though the constitution says it shall not be mandatory. We have people waiting to be executed, even though they have been waiting for a long time.



Recommendation n°103: *Specifically criminalize torture and put in place effective measures to prevent and sanction the use of torture* (Recommended by France)

IRI: *not implemented*

LHRS response:

While the constitution provides for freedom against torture. There is no legal instrument criminalizing torture. Torture is commonly used by police against political dissidents.

Recommendation n°104: *Formalize the moratorium on the death penalty as a step towards its full abolition* (Recommended by Hungary)

IRI: *not implemented*

LHRS response:

Swaziland does not want to abolish the death penalty. While there has been no one executed but death penalty has been issued and people are waiting for execution.

Recommendation n°105: *Reinforce measures designed to prevent all forms of torture and inhuman or degrading treatment, including appropriate human rights training of the law enforcement personnel, while ensuring full accountability of perpetrators as well as redress and rehabilitation to victims* (Recommended by Slovakia)

IRI: *not implemented*

LHRS response:

Whereas the constitution expressly provides for protecting of such rights there is no legislation that protects the same. Courts have been reluctant to enforce these rights.

Recommendation n°106: *Set-up commissions of inquiry for all cases of deaths in custody which take place in the national police, the army, the penitentiary services, etc.* (Recommended by Switzerland)

IRI: *partially implemented*

LHRS response:

An inquest was set up after the judicial killing of Sipho Jele. But the inquiry was not impartial as it was not composed of independent individuals but government magistrate who issued a judgment in favour of the government. Ironically, the head of the inquiry was prompted soon after her report.

Recommendation n°107: *Set up a moratorium on all executions with a view to the final abolition of the death penalty* (Recommended by Switzerland)

IRI: *not implemented*

LHRS response:

This has not been done judicial killings are the order of the day.



Recommendation n°108: *Take all steps to abolish the death penalty* (Recommended by *Australia*)

IRI: *not implemented*

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Recommendation n°110: *Consider abolishing the death penalty* (Recommended by *Brazil*)

IRI: *not implemented*

+

Recommendation n°115: *Make every effort to repeal the application of the death penalty* (Recommended by *Argentina*)

IRI: *not implemented*

+

Recommendation n°117: *Abolish the death penalty* (Recommended by *Holy See*)

IRI: *not implemented*

LHRS response:

Swaziland is not keen to abolish the death penalty.

Recommendation n°109: *Prohibit corporal punishment in all settings* (Recommended by *Slovenia*)

IRI: *partially implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

We note that the Government stated that it considered this recommendation acceptable "in so far as adults are concerned". Nevertheless, since the review, the Children's Protection and Welfare Act 2012 has been adopted which explicitly prohibits corporal punishment of children as a sentence of the courts (arts. 161 and 126). This is a significant development. However, it falls far short of ensuring that children's right to legal protection from all corporal punishment in all settings is realised. On the contrary, the new Act specifically provides for "justifiable" discipline of children (art. 14), reflecting the provision in the Constitution 2005 allowing "lawful and moderate chastisement [of a child] for purposes of correction" (art. 29).

LHRS response:

There has been some great strides on the government side to prohibit corporal punishment. While there is no statute of same, but there are some positiveness.

Recommendation n°116: *Expressly prohibit by law corporal punishments in all areas* (Recommended by *Uruguay*)

IRI: *partially implemented*

GIEACPC response:

[See response to recommendation n°109]

Recommendation n°119: *Establish a formal moratorium on executions with a view to abolishing the death penalty* (Recommended by Portugal)

IRI: *not implemented*

+

Recommendation n°120: *Consider positively the establishment of a moratorium to the death penalty with a view to the abolishment of the death penalty* (Recommended by Mexico)

IRI: *not implemented*

+

Recommendation n°121: *Not to maintain the death penalty in its legislation since the last execution dates from 1983* (Recommended by Burundi)

IRI: *not implemented*LHRS response:

Swaziland is not keen.

Recommendation n°122: *Establish an independent unit to examine allegations of torture in order to provide reparation to victims of torture and to fight against impunity* (Recommended by Switzerland)

IRI: *not implemented*

+

Recommendation n°124: *Establish commissions of inquiry, and investigate and prosecute those who commit torture and violate human rights* (Recommended by United Kingdom)

IRI: *not implemented*LHRS response:

Torture and human rights violations are the order of the day at the present moment. The police are notorious for using torture and nothing is done to address that.

Recommendation n°123: *Take steps to end impunity for extensive use of pre-trial detention, ill-treatment and alleged torture of individuals in police custody, by investigating and prosecuting all perpetrators* (Recommended by Norway)

IRI: *not implemented*LHRS response:

Hundreds of people are in detention waiting for trial some waiting sentencing and it is unclear when either of the two will happen.



Recommendation n°138: *Enhance the Independent Commission's Investigation, processing and reporting of human rights abuses by State and non-State actors, including investigations of the allegations of arbitrary arrest and detentions associated with the spring protests (Recommended by United States)*

IRI: not implemented

LHRS response:

This has not been done state actors continues with arbitrary arrests and judicial killings.

SOGI

Recommendation n°125: *Implement measures to prevent violence against the LGBT community, through training and advocacy campaigns (Recommended by United States)*

IRI: not implemented

LHRS response:

Swaziland is an indigenous society which discriminate against LGBTI's on the basis that such is unAfrica and/or UnSwazi. Being gay is a crime in terms of the Criminal Procedure and Evidence Act.

Recommendation n°139: *Take concrete measures to decriminalize same-sex relations and prevent discrimination based on marital status and sexual orientation (Recommended by United States)*

IRI: not implemented

LHRS response:

No statute been promulgated or steps taken to address this.

Recommendation n°140: *Adopt the necessary political and legislative measures to establish a specific framework to protect against discrimination on the grounds of sexual orientation and repeal all laws which criminalize homosexual practice, and implement public awareness-raising campaign on this matter (Recommended by Spain)*

IRI: not implemented

LHRS response:

Homosexuality is not a priority for Swaziland at the moment it seems.

Women & Children

Recommendation n°8: *Speed up the adoption of the Child Welfare and Protection Bill, in order to achieve compatibility of domestic legislation, policy and practice with international standards, for the benefit of children* (Recommended by Romania)

IRI: *fully implemented*

LHRS response:

A Childs Protection has been promulgated to this effect.

Recommendation n°17: *Develop and implement a national strategy to eliminate stigma and discrimination against people living with HIV/AIDS, and ensure orphaned and vulnerable children have access to health and education services and are protected from violence and abuse* (Recommended by Canada)

IRI: *partially implemented*

LHRS response:

Drastic measure have been taken to address this.

Recommendation n°22: *Recommended further action to remove societal discrimination against children with disabilities, street children and children living in rural areas* (Recommended by Ghana)

IRI: *fully implemented*

LHRS response:

The office of the DPM is working on this

Recommendation n°23: *Combat gender inequality and discriminatory practices and consider legislative reforms to ensure equality between men and women before the law* (Recommended by Brazil)

IRI: *partially implemented*

LHRS response:

The office of the Attorney General has been slow to promulgate a bill to this effect.

Recommendation n°32: *Carry out educational and awareness raising campaigns to ensure the use of alternative disciplinary measures to*



corporal punishments in accordance with the human dignity of the child
(Recommended by *Uruguay*)

IRI: *partially implemented*

GIEACPC response:

Promoting alternative non-violent disciplinary measures in relation to children is an important element in protecting them from corporal punishment. However, it is inevitably undermined by national legislation which authorises some level of physical punishment, so-called "moderate chastisement" (Constitution, art. 29), "justifiable discipline" (Children's Protection and Welfare Act, art. 14), etc. It is vital that efforts to change behaviour to end corporal punishment of children are supported by law reform to prohibit it in all settings, including the home.

Recommendation n^o67: *Continue seeking solutions to enable children whose prison sentence is coming to an end in the middle of the school year, to continue school* (Recommended by *Burkina Faso*)

IRI: *partially implemented*

LHRS response:

There is an Industrial school operating solely for Juvenile offenders.

Recommendation n^o98: *Abrogate without delay the legislative and regulatory provisions that discriminate women, and adopt new laws in accordance with the principle of gender equality, as set out by CEDAW, ratified by Swaziland* (Recommended by *France*)

IRI: *not implemented*

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Recommendation n^o99: *Take concrete measures to repeal laws and practices that are discriminatory toward women, including in respect of property, land ownership and marriage* (Recommended by *Canada*)

IRI: *partially implemented*

+

Recommendation n^o101: *Amend the legislation in force to allow women to open bank accounts and register property titles in their names* (Recommended by *Switzerland*)

IRI: *partially implemented*

LHRS response:

The office of the Attorney General has been slow in drawing a bill to address this and parliament had been slow to legislate when attention had been sufficiently aroused.



Other

Recommendation n°12: *Develop a national institution for human rights to bring it in full compliance with the Paris Principles, by adopting the necessary legislation (Recommended by Spain)*

IRI: *partially implemented*

LHRS response:

The Human Rights Commission is like an old toothless dog that can bark but seldom bite. It lacks credibility and permanent staff.

Recommendation n°134: *Strengthen the institutions established to protect democracy (Recommended by South Africa)*

IRI: *not implemented*

LHRS response:

Swaziland lacks such institutions. Actually it lacks democracy.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Contact

UPR Info

Rue de Varembé 3
CH - 1202 Geneva
Switzerland

Website: <http://www.upr-info.org>



Phone: + 41 (0) 22 321 77 70

General enquiries info@upr-info.org



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