

HRC33 – Item 6: Swaziland UPR Adoption

*Swaziland should implement past UPR recommendations to ensure progress on rights reforms*

The Swazi government has made little progress implementing the recommendations it accepted during its last Universal Periodic Review (UPR) in 2011. There has been no progress on essential rights reforms that Swaziland rejected during the 2011 UPR review. These include: removal of all legislative and practical restrictions on fundamental civil and political rights, in particular those related to freedom of association and expression to allow the registration and operation of political parties; permitting greater political freedoms through free, fair, transparent democratic elections; ensuring the right to health without discrimination on the basis of sexual orientation or gender identity; abolition of the death penalty; and decriminalization of same-sex relations and prevention of discrimination based on marital status and sexual orientation.

The government has yet to repeal, or amend as appropriate, a number of repressive laws that restrict basic rights guaranteed in Swaziland's 2005 constitution, including freedom of association and assembly. The laws in need of amendment include the 2008 Suppression of Terrorism Act (STA), the 1938 Sedition and Subversive Activities Act, and the 1963 Public Order Act. Police have sweeping powers under the Public Order Act. The king's 1973 decree banning political parties remains in force despite repeated calls from local political activists to have it revoked. The constitution does not address the formation or role of political parties.

Human Rights Watch urges the Swazi government to:

- Guarantee rights to freedom of association, peaceful assembly, and expression;
- Revoke the king's 1973 decree on political parties, allow the registration and operation of political parties, and introduce multi-party democratic elections;
- Repeal or amend as appropriate repressive laws to comply with the constitution and international human rights standards, including the 2008 Suppression of Terrorism Act (STA), the 1938 Sedition and Subversive Activities Act, and the 1963 Public Order Act;
- Enact reforms to ensure equality for women and prevent their discrimination in law and practice, particularly under Swazi law and custom. This includes resolving conflicts between civil law and traditional law and values to ensure that human rights standards are not ignored; and
- Fully enforce and implement the constitutional provision that no woman shall be forced to take part in a custom to which she objects.