



General Assembly

Distr.: General
6 March 2012

Original: English

Human Rights Council
Nineteenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Swaziland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

Swaziland's views on conclusions and recommendations

<i>Recommendation</i>	<i>Response</i>	<i>Country</i>
1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Recommendations 77.1, 77.10 and 77.11	Acceptable.	France, Spain and Argentina
2. Ratify the Rome Statute of the International Criminal. Recommendations 77.1, 77.7, 77.9	Acceptable.	France, Slovenia, Brazil
3. Ratify the Optional Protocol to the Convention Against Torture. Recommendations 77.2, 77.12, and 77.13	Acceptable.	France, United Kingdom and Holy See.
4. Put in place the national mechanism for prevention of torture as set out in that instrument; abrogate the provisions of 2008 law on suppression of terrorism, which could allow the use of torture by the Police. (77.2) Specifically criminalize torture and put in place effective measures to prevent and sanction the use of torture.(77.25) Enact legislation, as a matter of priority that criminalizes the use of torture and ensure impartial and effective investigation in line with its obligations under the Convention Against Torture.(77.34) Enact legislation which specifically defines and criminalizes torture and stipulates effective measures to prevent and punish any violations.(77.35) Also recommendations 77.27, 77.44 and 77.46.	Acceptable. Acceptable. Acceptable.	France, Spain, Sweden, Slovakia, Switzerland, United Kingdom, Norway.
5. 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. (77.20) Take concrete measures to repeal laws and practices that are discriminatory towards women, including in respect of property, land ownership and marriage.(77.21)	Acceptable. Acceptable.	France, Canada, Ghana, Brazil, Turkey, Argentina and Switzerland.

<i>Recommendation</i>	<i>Response</i>	<i>Country</i>
Take further measures to eliminate discriminatory cultural practices. (77.22)	Acceptable. However, cultural practices are not codified, and they differ from family to family and as such it is difficult to review practices.	
Amend the legislation in force to allow women to open bank accounts and register property titles in their own names. (77.23)	Acceptable.	
6. Develop and implement a national strategy to eliminate stigma and discrimination against people living with HIV/AIDS, and ensure that OVCs have access to health and education services and protected from violence and abuse. (76.17)	Acceptable. The National Children's Policy caters for all children including OVCs. To operationalise the policy there is a National Plan of Action on children which runs from 2011–2015. There are already steps towards eliminating stigma and discrimination, in that a stigma index assessment was concluded in 2011. The key finding of the assessment indicates that the outstanding form of stigma is internal stigma.	Canada
7. Put in place rights training programmes for members of the judiciary and law enforcement officials, including the police, security forces and correctional officers.(76.35)	Acceptable.	Canada
8. Take concrete and immediate measures to Guarantee the independence and impartiality of the judiciary. (76.36)	Acceptable.	Canada
9. Adopt legislation that protects children in accordance with the concluding observations and recommendations by the United Nations Committee on the Rights of the child in 2006. (76.6)	Acceptable.	Hungary
10. Align the national legislation with international standards to guarantee freedom of assembly and association, in particular as regards the notification of the organization of peaceful assemblies. (77.49)	Acceptable.	Hungary and Norway

<i>Recommendation</i>	<i>Response</i>	<i>Country</i>
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. (77.53)	Acceptable.	
11. Accede to the Second Optional Protocol to the ICCPR and abolish the death penalty. (77.3–6, 77.8, 77.14, 77.16, 77.24, 77.26, 77.29, 77.30, 77.32–33, 77.37, 77.39–43)	Swaziland is not yet ready to accept this recommendation.	Slovenia, Germany, Romania, Australia, Brazil, Argentina, Holy See, Romania, Burundi, Hungary, Portugal, Switzerland, Spain, France, Portugal, Portugal, Turkey and Mexico.
12. Prohibit corporal punishment in all settings. (77.31 and 77.38)	Acceptable in so far as adults are concerned.	Slovenia and Uruguay.
13. Provide for an unhindered enjoyment of the right to the freedom of expression in accordance with the country's international obligations. (77.50)	Acceptable.	Slovakia and Norway
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) (77.54)	Acceptable.	
14. Consider allowing the registration and operation of political parties, including greater political freedoms through free, fair, transparent democratic elections; (77.54)	Not Acceptable. The country is not yet ready to accept this recommendation.	Slovakia, France, Switzerland and Australia.
Remove all legislative and practical restrictions impeding the free exercise of 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 for trade unions; (77.48)	Not acceptable. The country is not yet ready to accept this recommendation.	
Enact legislative measures to facilitate the existence of political parties; (77.52)	Not acceptable. The country is not yet ready to accept this recommendation.	

<i>Recommendation</i>	<i>Response</i>	<i>Country</i>
Take steps to further democratization efforts, including by enacting laws that facilitate the registration of political parties. (77.55)	Not acceptable. The country is not yet ready to accept this recommendation.	
15. Set up commissions of inquiry for all cases of deaths in custody which take place in the national police, the army, and the penitentiary services. (77.28)	Acceptable. Coroners are appointed in terms of the Inquest Act 1954 whenever there is a death in custody.	Switzerland
16. 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. (77.45)	Acceptable.	Norway
17. Issue a standing invitation to the special Rapporteurs and Working Groups of the United Nations human rights system;(77.17) Issue a standing invitation to the special procedures of the United Nations Human Rights Council and enhance its cooperation with all human rights bodies;(77.18) Consider positively the request for a visit by the Special Rapporteur on the promotion and protection of the right to freedom of Opinion and expression and eventually extend a standing invitation to all Special procedures of the Human Rights Council. (77.19)	Swaziland is not ready to accept these recommendations as the institutions, structures and mechanisms are still young and the country prefers the strengthening of local institutions and structures.	Norway, Romania, Latvia
18. Implement measures to prevent violence against the LGBT community, through training and advocacy campaigns. (77.47)	Acceptable in so far as prevention of violence is concerned.	USA
19. Bring legislation into conformity with international human rights obligations by repealing provisions which may be used to criminalize same-sex activity between consenting adults, and take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity. (78.6)	The decriminalization of same-sex activity is not acceptable. Taking all necessary measures to ensure enjoyment of the right to the highest standard of health, without discrimination on the basis of sexual orientation or gender identity is acceptable.	Portugal

<i>Recommendation</i>	<i>Response</i>	<i>Country</i>
20. Institute an urgent review of laws, Regulations and procedures relating to the use of force and firearms by law enforcement officials. (77.36)	Acceptable.	Sweden
21. Ratify the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). (77.11 and 77.15)	Acceptable.	Argentina and Burkina Faso
22. Strengthen the institutions established to protect democracy. (77.56)	Acceptable.	South Africa
23. Repeal or urgently amend the Suppression of Terrorism Act of 2008 and other pieces of security legislation to bring them in line with international human rights standards.(77.57)	Acceptable.	Sweden