



**International Human Rights
Instruments**

Distr.: General
24 February 2023

Original: English

**Common core document forming part of the
reports of States parties**

Eswatini*

[Date received 15 December 2022]

* The present document is being issued without formal editing.



List of tables

Table 1	Population Trends and Annual Growth Rate: 2007–2017
Table 2	Total Residency Population (de Jure) by Sex According to Age-Groups, 2017
Table 3	Population growth rates by regions, Census 2017.
Table 4	Population density by regions, Census 2017
Table 5	Population dependency ratio by resident, Census 2017.
Table 6	Life Expectancy level at birth by sex and region, Census 2017
Table 7	Mortality and Fertility Trend, Census 2017
Table 8	Population housing census 2017 (Rural and Urban Dispersion)
Table 9	Distribution of the population by Religious Affiliation, 2017
Table 10	Unemployment rate by sex, region and age groups
10.1	Trend of unemployment by region
10.2	Youth unemployment statistics
Table 11	Literacy rate by sex over two censuses
Table 12	Show Strategies implemented over the years
Table 13	The success story of 95-95-95
Table 14	Major causes of death in the Country
Table 15	Statistical data for demographic, social, economic and cultural
Table 16	Regional distribution of Tinkhundla centres and chiefdoms
Table 17	Incidence of violent death and life threatening crimes
Table 18	Number of persons who were brought before Courts for various violent offences
Table 19	Prisons Population since 2018 to 2022
19.1	gender statistics since 2018 to 2022
19.2	Prisoners by age groups since 2018 to 2022
19.3	Incidence of deaths while in custody
19.4	Length of sentence
Table 20	Main international human rights Conventions or treaties
Table 21	Judicial precedents on human rights cases

Acronyms

CBE	Central Bank of Eswatini
CDC	Constitutional Drafting Committee
CHRPA	Commission on Human and Public Administration
CPI	Consumer Price Index
CRC	Constitutional Review Commission
CSO	Civil Society Organisations
EBC	Elections and Boundaries Commission
ENL	Eswatini Nation Land
ESHIES	Eswatini Household and Income & Expenditure Survey report
FPE	Free Primary education
FY	Financial year
HIES	Household Income and Expenditure
MICS	Multiple Indicator Cluster Survey
NCD	Non-Communicable diseases
NCP's	Neighbouring Care points
NDS	National Development Strategy
NERCHA	National Emergency Response Council on HIV and AIDS
NGOs	Non-Governmental Organisations
NMRF	National Mechanism for Reporting and Follow-up
NSF	National Strategic framework
NYP	National Youth Policy
OVC	Orphan and Vulnerable Children
PWD	Persons with disabilities
RSA	Republic of South Africa
SACU	Southern African Customs Unit
SHIMS	Swaziland HIV Incidence Measurement Survey
SMEs	Small Medium Enterprises
SNAP	Swaziland National Aids Programme
SODVA	Sexual Offences and Domestic Violence Act
SSDIG	Strategy for Sustainable Development and Inclusive Growth
SZHC	Swaziland High Court
SZSC	Swaziland Supreme Court
TDL	Title Deed Land
TRC	Tinkhundla Review Commission

Introduction

1. The Common Core Document has been prepared in line with the harmonised guidelines on the form and content of reports to be submitted by State Parties. It has been prepared by the National Mechanism for Reporting and Follow-up and is the result of a participatory and collaborative process involving the relevant Ministries and departments, Civil Society Organisations, Development partners, Special groups and the Commission on Human Rights and Public Administration/ Integrity.
2. The Common Core Document contains general information on the demographic, economic, social and cultural characteristics of the country as well as its Constitutional, political and legal structures.

I. General information

The Land

3. The Kingdom of Eswatini is situated in the south east of the Southern African region. It is the small landlocked country in the region with a total geographical area of 17 364 square kilometres. Eswatini is surrounded on the north, west and south by the Republic of South Africa (RSA) and bordered by Mozambique to the east, at a latitude of 31 degrees, 30 minutes east of Greenwich and a longitude of 26 degrees, 30 minutes south of the equator. The nearest harbour is at Maputo in Mozambique, which is about 235 kilometres from Mbabane, the administrative capital and 200 kilometres from Matsapha, the country's main industrial area.
4. The Kingdom has four topographical and climatic areas ranging from 400 to 1800 metres above sea level, each with its own unique characteristics. The mountainous Highveld to the west features rivers, waterfalls and gorges and has a temperate climate of warm, wet summers and dry winters with frequent frost which occurs on the higher ground. The subtropical Middleveld, at a lower altitude, is made up of lush, fertile valleys and has a warm climate that is ideal for cultivating a diversity of crops and it is where much of the country's agricultural activities occur.
5. Further to the east is the Lowveld which is the largest region covering about 40% of the country, and is also subtropical. While this area is drought prone, sugar is successfully grown commercially on a wide scale under irrigation. Cattle-farming is also extensively carried out here. Much of the area is typical African bush where a wonderful profusion of indigenous natural life, birds and flora are found in protected areas. The smallest topographical and climate area is the Lubombo plateau, which borders Mozambique. This subtropical area is typified by mountainous scenery and supports abundant plant and animal life. Mixed farming is the main activity here.
6. The country's land tenure system consists of Eswatini Nation Land (ENL), Title Deed Land (TDL) and Crown Land. ENL is held in trust by the King on behalf of the Eswatini Nation and is administered by Chiefs who are placed in charge of one or more demarcated areas. ENL is accessed through the traditional¹ system of land allocation. This land can be allocated for residential purposes, subsistence farming as well as commercial farming for Small Medium Enterprises (SMEs). TDL and Crown land is privately owned, sold on the open market and is used for a wide variety of purposes. Ten percent of the land is arable and the country has a number of natural resources as shown in the table below.

<i>Mineral types</i>		<i>Current status</i>
1.	Coal	Exploited
2.	Gold	Exploited

¹ Kukhonta – a traditional method for acquisition of ENL.

	<i>Mineral types</i>	<i>Current status</i>
3.	Iron Ore	Not exploited
4.	Diamond	Not exploited
5.	Barite	Not Exploited
6.	Kaolin	Not exploited
7.	Silica	Not exploited
8.	Tin	Not exploited

The People and Traditions

7. Eswatini population is predominately homogenous, composed of ethnic Emaswati at 97.8 percent and 2.2 percent non-Swati.² The official languages are siSwati and English, siSwati is used in the native form.

8. Eswatini traditions are diligently observed and voluntarily attended by members of society. The two main cultural ceremonies are Umhlanga (Reed dance) and Incwala. Umhlanga is attended by maidens in August / September to gather reeds which are used to make screens around the royal kraal. Whereas Incwala marks the commemoration of the first Fruits that is held during December/ January, attended by everyone.

9. There are two types of marriages in Eswatini, namely the Civil Marriage and Customary marriage. Civil Marriages are regulated by the Marriage Act 1964, which only recognises monogamous marriages.³ On the other hand, customary marriages are regulated by the principles of Eswatini Law and Custom, and are potentially polygamous.

Population

10. Eswatini has a population of 1,093,238⁴ of this figure, 562,127 are females and 531,111 are males. This means that the population of Eswatini increased by 74,789 persons in the ten-year period 2007 to 2017. This represents an annual growth rate of 0.7 percent.

Table 1. Population Trends and Annual Growth Rate: 2007–2017

	<i>Male</i>	<i>Female</i>	<i>Both Sexes</i>	<i>Absolute Population Increase</i>	<i>Annual Growth rate</i>
2007	481 428	537 021	1 018 449	88 731	0.9
2017	531 111	562 127	1 093 238	74 789	0.7

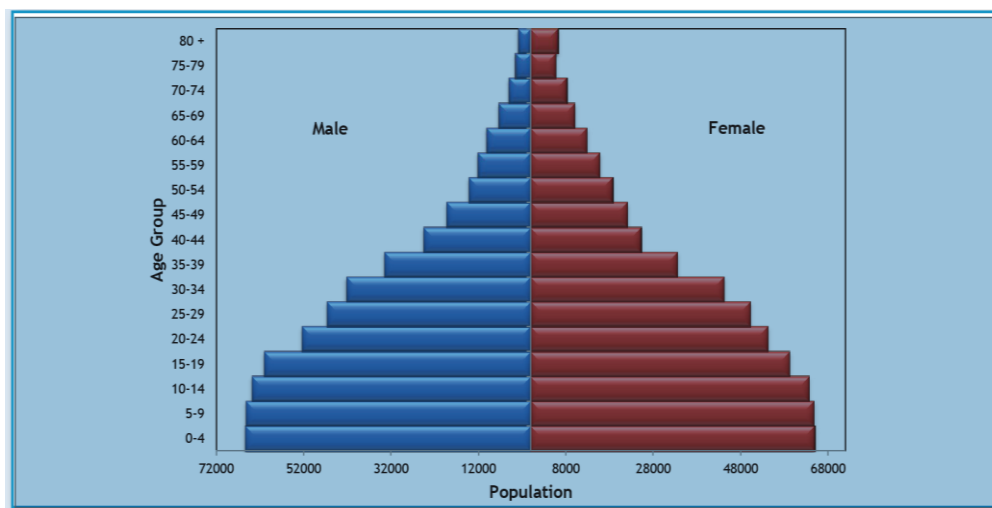
Table 2: Total Residency Population (de Jure) by Sex According to Age-Groups, 2017

	<i>Grand Total</i>			<i>Urban</i>			<i>Rural</i>		
	<i>Sex</i>		<i>Total</i>	<i>Sex</i>		<i>Total</i>	<i>Sex</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>		<i>Male</i>	<i>Female</i>		<i>Male</i>	<i>Female</i>	
Total	531 111	562 127	1 093 238	128 701	131 065	259 766	402 410	431 062	833 472

² Eswatini Population and Housing Census 2017.

³ Section 7 of the Marriage Act.

⁴ Eswatini Population and Housing Census 2017.



11. In terms of regions, 32.6 percent of the country's population resides in Manzini region while 29.3 percent were enumerated in Hhohho region, 19.4 percent resides in Lubombo and 18.7 percent resides in Shiselweni region.

12. The maximum exponential growth of 1.3 percent was recorded in the Hhohho region during 2007–2017. The national capital is located in the Hhohho region and better infrastructural facilities accompanied by more employment and economic opportunities could be the reasons for faster growth of Hhohho region. Manzini closely followed Hhohho, registering a growth of 1.1 percent. Manzini is both a commercial and industrial hub of the country and therefore, high growth of population was also expected in Manzini. Both Hhohho and Manzini recorded growth rates more than the national average of 0.7 percent. Lubombo recorded growth of 0.2 percent during the past decade while Shiselweni registered a negative growth of -0.2 percent. Out of a total increase of 74,789 during 2007–2017 the contribution of Hhohho was 37,917 persons followed by Manzini (36,415) and Lubombo (4,800). Shiselweni showed a decline in population by 4,343.

Table 3: Population growth rates by regions, Census 2017

Census	Region				
	Hhohho	Manzini	Shiselweni	Lubombo	Eswatini
2007	1.01	1.29	0.47	0.68	0.9
2017	1.3	1.1	-0.2	0.2	0.7

13. The reasons for change in population could be due to interplay of factors like fertility, mortality and migration responsible for demographic transition.

Density coverage, Census 2017

14. The population density of Eswatini is 63 persons per square kilometres of land area showing a slight increase from 58.7 persons per square kilometres in 2007.

Table 4: Population density by regions, Census 2017

Area	Density	
	2007	2017
National	59	63
Hhohho	78	89
Manzini	78	87
Shiselweni	55	54

Area	Density	
	2007	2017
Lubombo	36	36

Dependency ratio

15. Eswatini has a young population with an overall dependency ratio at 40.97 with a large youth dependency ratio at 37.9. Consequently, this implies the potential effects of changes in population age dependency ratio for social and economic development hence indicating trends in social support needs. A high dependency ratio indicates that the economically active population and the overall economy face a greater burden to support and provide the social services needed by children and older persons who are often economically dependent. A high youth dependency ratio, implies that higher investments need to be made in schooling and child-care.

Table 5: Population dependency ratio by resident, Census 2017

Census Year	Residence	Dependency Ratio		
		Young	Old	Overall
2007	Rural	74.52	7.98	82.50
	Urban	44.38	2.51	46.89
2017	Rural	67.97	9.18	77.15
	Urban	37.79	3.17	40.97

Table 6: Life Expectancy level at birth by sex and region, Census 2017

Area of Residents	Life expectancy at birth			
	Male		Female	
	2007	2017	2007	2017
National	42.22	58.85	43.13	63.52
Urban	57.19	69.82	57.59	68.21
Rural	37.86	56.03	39.29	61.21

Table 7: Mortality and Fertility Trend, Census 2017

Trends		2007	2017
Infant Mortality rate	Urban	105	44
	Rural	108	57
	National	107	53
Child mortality rates	Urban		14
	Rural		24
	National		21
Under-Age Mortality rate	Urban		58
	Rural		81
	National		74
Maternal Mortality ratio	Urban		382
	Rural		478
	National		452
Total Fertility rate		3.9	3.2

Rural and Urban Dispersion

16. The population of Eswatini is predominantly rural; out of the total population figure of 1,093,238, the rural population accounted for 76.2 percent while 23.8 percent is the urban population. In 2007 the urban population decreased marginally to 22.1 percent and in 2017 grew by 1.7 percent. These patterns of settlement are primarily determined by the availability of land, water sources, employment opportunities etc.

Table 8: Population housing census 2017 (Rural and Urban Dispersion)

	<i>National</i>			<i>Urban</i>			<i>Rural</i>		
	<i>Sex</i>		<i>Total</i>	<i>Sex</i>		<i>Total</i>	<i>Sex</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>		<i>Male</i>	<i>Female</i>		<i>Male</i>	<i>Female</i>	
Total	531 111	562 127	1 093 238	128 701	131 065	259 766	402 410	431 062	833 472

Religion

17. Section 23 (1) of the Constitution expresses the freedom of conscience or religion. It provides that: “Every person shall be entitled to, and except with his own consent, shall not be hindered in his enjoyment of, freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance”. In accordance with Section 23(3), every religious community shall be entitled to manage any of its educational institutions.

18. The Kingdom of Eswatini is characterized by a diversity of religious beliefs and practices which includes but not limited to: Christianity, Islam, Hindu, Baha’i Faith, Traditionalist, Judaism, Other Religion and No Religion.⁵ The distribution of the population by religious affiliation is presented in Table 9 both in absolute and percentage terms.

Table 9. Distribution of the population by Religious Affiliation, 2017

<i>Denomination</i>	<i>Sex</i>		<i>Total</i>	<i>Percentage</i>
	<i>Male</i>	<i>Female</i>		
Christian	453 249	522 508	975 757	89.25
Islam	2 188	1 438	3 626	0.33
Hindu	150	94	244	0.02
Bahai Faith	235	195	430	0.04
Traditionalist	3 523	1 346	4 869	0.45
Judaism	93	70	163	0.01
Other	2 050	1 313	3 363	0.31
No religion	57 463	23 398	80 861	7.40
Not Stated	12 160	11 765	23 925	2.19
Total	531 111	562 127	1 093 238	100.00

19. As reflected in the table, the country is predominantly Christian with all other Religions accounting for about ten percent. Among the religious groups, it is only the Christians which has more females than males.

⁵ The Population and Housing Census Volume 3 (Eswatini) 2017 – Chapter 3, Page 19–20.

Economic landscape

20. The Kingdom of Eswatini is a small export-oriented economy dependent on external, the growth of which is highly dependent on world and regional markets and trends. The World Bank classifies Eswatini as a lower-middle-income country. The major economic sectors are – manufacturing, wholesale and retail, public administration as well as agriculture and forestry.

21. Eswatini's GDP per capita was SZL 50, 146 in 2016, and increased to SZL 57, 187 in 2020. There was an economic growth from 2016 with 1.1 % to 2.7% in 2019, but a decline to (-1.6%) was realised in 2020. Underpinning the decline in growth was a slump in economic activity in the primary and tertiary sectors of the economy. Furthermore, the continued government's fiscal challenges which constrained public expenditure, coupled with the adverse climate change conditions predominantly resulted in the poor performance of these sectors. Further, with the global outbreak of the novel coronavirus disease of 2019 (COVID-19), the country's economic growth significantly contracted in 2020 as anticipated.

22. On domestic price development, inflation declined from 4.8 percent in 2018 to 2.6 percent in 2019, which was within the target band of 3–6% and reflecting achievement in ensuring price stability. Declines in inflation occurred in the following categories – communication, transportation, as well as housing and utilities underpinning moderation in the general price level. The price moderation afforded the Central Bank of Eswatini (CBE) the opportunity to adopt an accommodative monetary policy stance to cushion economic activity.

23. The headline inflation rate in January 2021 (i.e. the annual percentage change in the Consumer Price Index (CPI) in January 2021 compared with that of January 2020) for the country is 4.3%. This annual rate is 0.3 percentage points lower than the corresponding annual rate of 4.6% observed in December 2020.

24. Eswatini's GINI coefficient stood at 54.60 in 2016 (from 51.50 in 2009) showing a fairly huge dispersion of the population from the mean/average income distribution. This index measures the extent to which the distribution of income or consumption expenditure among individuals within a country; where a Gini index of 0 represents perfect equality, while 100 implies perfect inequality.

25. The Lilangeni which is anchored to the RSA rand, depreciated against all three major currencies and in particular against the US dollar, it averaged E14.45 in 2019 compared with E13.23 in 2018. The country's major trading destination and source in terms of exports and imports, respectively, remains the SACU region, dominated by the Republic of South Africa.

26. Eswatini is a member of the Southern African Customs Union (SACU) which includes Botswana, Lesotho, Namibia and South Africa, allowing for free movement of goods internally within the Union and distribution of customs and excise taxes among the membership. The Government of Eswatini depends on custom duties from SACU to finance almost 40 percent of its budget. However, SACU's expansionary fiscal policies and Low domestic revenue mobilization have widened the budget deficit to an annual average of 4.6% of GDP in 2020/21, as well as 2021/22.

27. The overall balance deficit amounted to (-8.5%) GDP in FY2019/20 and is projected to remain high in FY2020/21 (-6.7%) and FY2021/22 (-4.1%) (IMF). The deficits are financed by Central bank loans, levies on reserves and external and domestic borrowing. The deficit has pushed up public debt, which reached 31.4% GDP in FY2019/20 and is expected to continue to increase in FY2020/21 (39.3%) and FY2021/22 (42.5%), raising concerns about its sustainability (IMF) and accompanied costs of servicing the debt.

28. The decline in economic activity has contributed to an increase in the rate of unemployment which is presently 33.3 percent of the population, in 2021. Of this number 33.9 percent of the unemployed are females while 32.7 percent are males. Unemployment is also skewed against the rural population with 63.3 percent of the unemployed being based in the rural areas whereas the unemployment rate is at 36.7.

Table 10.0 Unemployment rate by sex, region and age groups⁶

Sex			
	Male	Female	Both Sexes
Region			
Hhohho	30.0	31.0	30.5
Manzini	39.2	40.6	39.9
Shiselweni	30.8	29.4	30.0
Lubombo	25.6	27.0	26.3
All Regions	32.7	33.9	33.3

Table 10.1. Trend of unemployment by region

Region	2007	2010	2013	2016	2021
Hhohho	27.2	23.2	29.0	20.2	30.5
Manzini	27.1	22.9	25.3	21.7	39.9
Shiselweni	30.0	25.4	37.5	24.5	30.0
Lubombo	31.8	24.3	24.8	28.6	26.3
All Regions	28.2	28.5	28.1	23.0	33.3

Table 10.2. Youth unemployment statistics

Sex			
	Male	Female	Both Sexes
Region			
Hhohho	49.4	57.3	52.9
Manzini	59.3	63.4	61.4
Shiselweni	45.6	80.3	64.7
Lubombo	57.6	54.7	56.2
All Regions	54.7	61.8	58.2

29. The table above depicts an unemployment rate of 58.2 percent for the age 15–24 years, where 61.8 are females and 54.7 are males.

30. Further the unemployment rate for persons with disabilities stands at 26.6%, where 29% are female and 23.3% are male.

31. The country's GNI per capita in 2017 was 7,840, in 2018 increased to 8130, then in 2019 there was a slight decline to 8110 and in 2020 it stood at 7,980.

Proportion of population under Poverty line

32. According to Eswatini Household and Income and Expenditure Survey report (ESHIES, 2017), out of the population of 1,093,238, 58.9% are living below the poverty line from 63% in 2010. According to the report, poverty is most pronounced in rural areas at 70.2% than urban areas 19.6%, highest in the Lubombo and Shiselweni regions at 71.5% and 67.3% respectively.

33. Poverty is one of the main development challenges affecting the Kingdom. Policies and strategies have been developed to eradicate it and further reduce the disparities between rural and urban areas. These include

- Poverty Reduction Strategy and Action Programmes 2005 which was tailor-made to end Poverty by 2015. This strategy's recommendations resulted in the establishment of Poverty Reduction Fund, Regional Development Fund, Youth Enterprise Fund and the social grants for the elderly, Persons with Disabilities, Orphans and Vulnerable Children.
- Strategic Roadmap 2018/9 to 2022/3 which provides for policy direction and range of interventions for economic recovery and inclusive growth.

⁶ Labour Force Survey, 2021.

- The National Financial Inclusion Strategy for Swaziland 2017–2022 to strengthen access to finance for Small Micro Medium Enterprises development.
- National Development Plan 2019–2022 which has six outcomes and Outcome 3 – Enhanced Social and Human Capital Development, gives direction on how the socio-economic rights are to be achieved.
- Strategy for Sustainable Development and Inclusive Growth (SSDIG), 2018: A national development strategic framework which was an expansion of the NDS (National Development Strategy) to incorporate sustainable development as per Agenda 2030. This National strategic framework set national targets and priorities for pursuit towards a prosperous Eswatini by 2030. The SSDIG articulates the vision of the country for the year 2022 and beyond and further maps the development path for Eswatini.
- Post COVID 19 Kingdom of Eswatini Economic Recovery Plan 2020; aims at mitigating the impact of the COVID-19 crisis and at saving the economy and livelihoods. The Plan will facilitate creation of opportunities for income generation and wealth creation in priority areas of the economy.
- National Youth Policy (NYP) 2020; This Policy builds on the previous NYP through deliberately identifying and facilitating the attainment of positive youth development outcomes. It embraces new thinking on development, specifically youth development, which takes into cognizance the significance of population dynamics and the principles of sustainable development. The vision of this policy is “All young people in Eswatini have the capabilities and platforms as well as opportunities to facilitate their own development and that of their communities”.
- Eswatini endorsed and domesticated the Sustainable Development Agenda 2030 and further prioritized SDG 2 in an effort to end hunger among its citizens in line with the Global Zero Hunger Challenge. The Government collaborated with key sectors to develop the Eswatini Zero Hunger Strategic Review (EZHSR) 2019 in an effort to inform the implementation of SDGs 1 and 2, in an endeavour to fight hunger and achieve food security
- National Gender Policy 2010 (currently being reviewed) – to guide national gender mainstreaming agenda
- Social Development Policy
- National Children’s Policy
- National Disability Policy 2013
- National Disability Action Plan 2018–2022

Education

34. Eswatini has an overall literacy rate of 96 percent of the general population. However, the country has not reached gender parity in literacy with females at 95.6 percent being disadvantaged compared to males at 96.5 percent.

Table 11. Literacy rate by sex over two censuses

<i>Year</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
2007	89.1	90.2	88.3
2017	96.0	96.5	95.6

35. The net enrolment rate at primary school level reached gender parity at 89 percent for both boys and girls in 2014 following the introduction of Free Primary Education (FPE) in 2010. The net enrolment rates were at 34.3 percent for girls, 23.7 percent for boys at lower

secondary and 14.7 percent girls and 9.9 percent boys at senior secondary level.⁷ Generally, enrolment in tertiary education seems to favour males over females with gender parity status of 0.96 percent. It has been observed that the enrolment rate is higher for girls at lower and senior secondary level yet at tertiary, the enrolment rate favours males. This can be attributed to social barriers such as child headed families (wherein the girls assume the role of taking care of families), lack of scholarships and the fact that females go for softer programmes.

Health

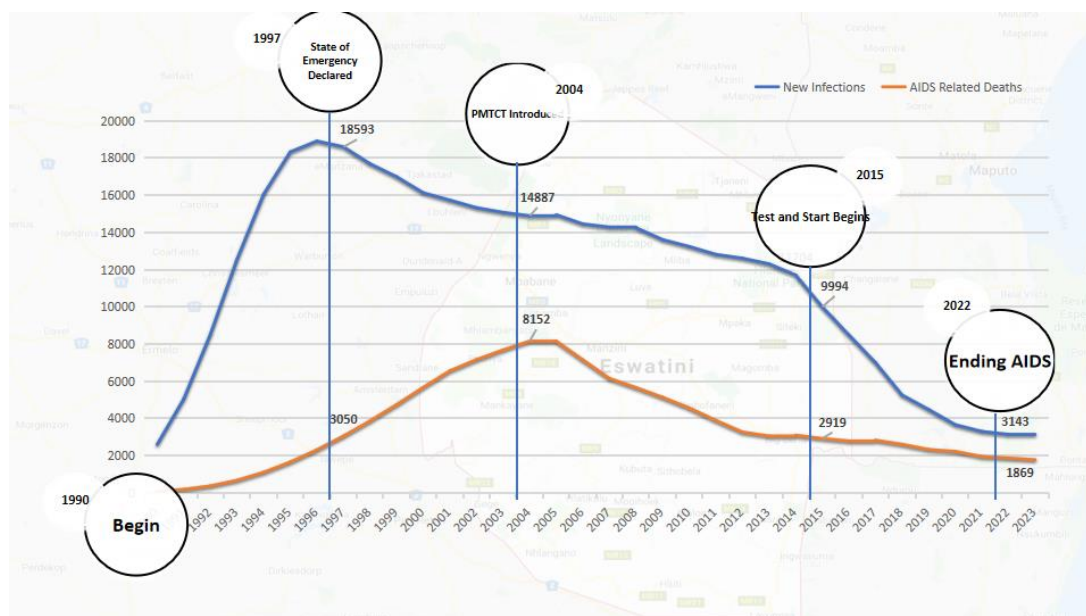
36. Eswatini's health facilities currently stands at 327, Eighty Five percent (85%) of these facilities are within the radius of 8km in the communities and of those facilities at least 52% are youth friendly.⁸

37. The Kingdom of Eswatini is committed to expand health care programmes in the country despite the burden of diseases; the combination of long-established infectious diseases, with a rapidly growing new epidemic of Communicable and Non-Communicable Diseases (NCDs). These have notable influences on the country's morbidity and mortality of health-related conditions that may have an impact on the health system and disease burden on the country. Such without track or monitoring may have a negative or positive effect on the economy of the country.

The journey to ending AIDS in Eswatini

38. This is a synopsis of the HIV and AIDS response from inception as a health lead response to a multisectoral response and to explicitly evidence the success factors which have contributed to turning a crisis into an opportunity for Eswatini. Eswatini has come a long way in the fight against HIV and AIDS and has made great strides in the 35 years since 1986.

Figure 1. Trends of timeline to curb HIV/AIDS



39. In 1986 the first HIV case was reported in Eswatini and in response, the Government established the then Swaziland National AIDS Programme (SNAP) to lead the national response to HIV and AIDS. SNAP promoted awareness raising, education and communication to inform the nation on HIV and AIDS.

⁷ Annual Education Census Report, 2014.

⁸ Ministry of Health study of 2017.

40. In 1992 the country undertook the first Sentinel Surveillance Survey which measured HIV prevalence amongst pregnant women attending Ante Natal Care clinic. The HIV prevalence escalated from 3.9% in 1992, 26% in 1996 to 42% by 2008 showing an alarming and fast-paced increase in prevalence rates. The first National HIV and AIDS policy was formulated in 1998 to guide and direct responses by all key stakeholders in the health led HIV and AIDS response.

41. Consequently, in 1999 HIV and AIDS was declared a National Disaster. Following the declaration of an emergency in 1999, the Government then established the Crisis Management Technical Committee (CMTC) under the Deputy Prime Minister's Office. This was the first attempt to give impetus to the realization that HIV and AIDS was no longer a health issue but a developmental challenge threatening to reverse all the developmental gains made by the country since independence.

42. The CMTC developed the first multisectoral strategic plan on HIV and AIDS 2000–2005 and action plan, ushering in a multisectoral approach beyond the health sector, even though the health sector continued to play a major role in the HIV and AIDS response.

43. In December 2001, the National Emergency Response Council on HIV and AIDS (NERCHA) was established as a Committee to lead, coordinate, and facilitate the national multisectoral response to the epidemic. In 2003 NERCHA was upgraded to Council status through the National Emergency Response Council on HIV and AIDS Act 8 of 2003, in line with international good practice. Under the leadership of NERCHA, the multisectoral response was guided and directed within the three ones principle since 2001 to date, and national HIV and AIDS strategic frameworks have provided the vision for the country. There are five generations of strategic plans that were put in place and all of them marking a specific era in the HIV response.

44. The country passed the HIV and AIDS/Sexually Transmitted Infections Prevention and Control Policy led by the Ministry of Health. Strategies were adopted to intensify information, education, and communication to the public. The Abstinence, Be Faithful and Condomise (otherwise known as the ABC strategy was promoted).

45. HIV testing Guidelines were passed and used to fast-track HIV testing using clinic based and outreach services provided by Government, private sector and non-governmental organizations.

46. In 2007 the first Swaziland Demographic and Health Survey was undertaken showing Eswatini as the country with highest prevalence rates at 26% of the reproductive age group aged 15–49 years. There was reported high estimated HIV incidence rate of 2.66%.

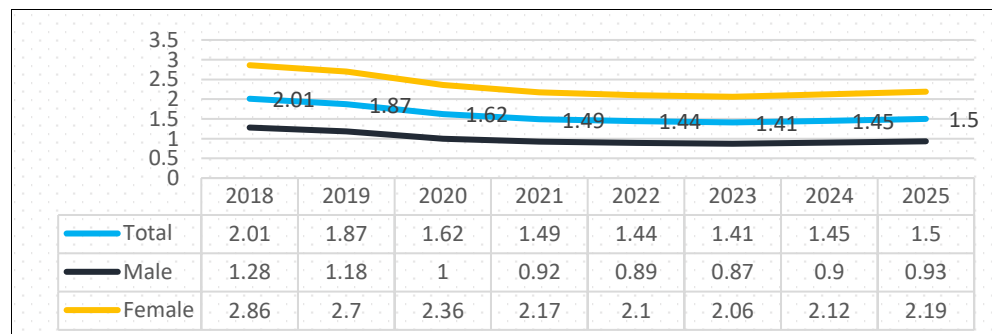
Table 12. Show Strategies implemented over the years

<i>Period</i>	<i>Focus and Vision of the Strategy</i>
National Multisectoral HIV and AIDS Strategic Programme (NSP) 1: 2000–2005	Period of education and information sharing
NSP 2: 2006–2008	Intensified Multisectoral Response, social mobilization of all Sectors and engagement of all Sectors in HIV Response
National Multisectoral HIV and AIDS Strategic Framework (NSF) 3: 2009–2013	Visioning, Targeted, Prioritized, Evidence and Results-Based HIV Response

Period	Focus and Vision of the Strategy
NSF 4: 2014–2018	<p>Promoted Strategic Investments Learning from Results, Prioritized and Evidence-Based HIV and AIDS Response (Extended NSF 3 to intensify Strategic Investment)</p> <ul style="list-style-type: none"> • The Eswatini HIV and AIDS Investment Case (<i>Umgubudla</i>) was developed to focus on the priorities in NSF, resulting in 5 key Strategic Investment HIV Programmes to End AIDS as a public health threat • In 2015 His Majesty King Mswati III pronounces the vision of ending AIDS by 2022
NSF 5: 2018–2023	<p>Continued focus on the vision of ending AIDS as a public health threat</p> <ul style="list-style-type: none"> • Recently concluded the joint mid-term review of the Multisectoral HIV and AIDS strategy to enable preparation of next Strategic Framework

Figure 2. Shows trends on HIV infection in the last 5 years; including the various segments of our society

Estimated New HIV Infections by Region and Sex among Adolescents and Young Adults 15–24, 2021, Graph 2: Estimated HIV Incidence 15–49 Years



How Eswatini has managed in fighting HIV/AIDS

47. The effective and efficient coordination of all Multisectoral HIV and AIDS entities in the country using enacted policies, strategies and guidelines keeps the ship afloat in most instances. For instance, there are coordinated implementing partners at community, constituency, regional and national level, doing a splendid job. This was done to ensure that all communities are serviced to curb HIV infections.

48. Some of the key documents include the following:

- National Multisectoral HIV and AIDS Strategic Framework 2018–2023 (NSF)
- National Coordination Framework
- National Health Sector Strategic Plan 2018–2023 (NHSSP)
- The Coordination Blueprint
- National Minimum Package (NMP)

Table 13. The success story of 95-95-95

<i>Treatment cascade; Age Group: All age groups; Indicator: % Eligible (90-90-90)</i>					
<i>Indicator</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
PLHIV	100	100	100	100	100
Know Status	92	94	95	99	>95
On ART	86	94	95	98	>95
Virally Suppressed	91	91	93	97	95

The Country has managed to maintain the gains realized on the Treatment Cascade. >95% of people are aware of their HIV Status which was also realized in the year 2019. >95% of the people who are aware of their status are actually on treatment and 95% of these people are virally suppressed.

Table 14. Major causes of death in the Country⁹

<i>2009 (top 10)</i>	<i>2019 (top 10)</i>
-HIV/ AIDS	-HIV/ AIDS
-TB	-Lower Respiratory Infections
-Lower Respiratory Infections	-Diabetes
-Diarrheal Diseases	-TB
-Diabetes	-Stroke
-Stroke	-Ischemic Heart Disease
-Neonatal Disorders	-Diarrheal Diseases
-Ischemic Heart Disease	-Neonatal Disorders
-Road Injuries	-Road Injuries
-Chronic Kidney Disease	-Chronic Kidney Disease

Table 15. Shows statistical data for demographic, social, economic and cultural indicators

<i>Variable</i>	<i>Value (Proportion/ Ratio/ Numbers)</i>		<i>Data Source and page</i>
	<i>Variant 1</i>	<i>Variant 2</i>	
Average household size	4.6% (SDHS 2007)	4.0% MICS 2014	SDHS (page 11)
	4.3% (MICS 2010)	4.2% Household Income and Expenditure (HIES) 2017	2010 (page 8) 2014 (page iii) HIES 2017 (page xiv)
Proportion of single-parent households		23.2% HIES 2017	HIES 2017 (page xiv)
Proportion of Women headed Households		49.4% HIES 2017	HIES 2017 (page xiv)
Share of (household) consumption expenditures on food, housing, health and education		E4, 242.00	HEIS 2017 (page xxii)

⁹ Global Health Metrics – Volume 396, issue 10258, page 1204–1222, October 17 of 2020 and CDC in Eswatini Fact Sheet 2020.

Variable	Value (Proportion/ Ratio/ Numbers)		Data Source and page
	Variant 1	Variant 2	
Proportion of population below the national poverty line		58.90% HIES 2017	HIES 2017 (page xxi)
Gini coefficient (relating to distribution of income or household consumption expenditure)		49.3% HIES 2017	HIES 2017 (page xxi)
Prevalence of underweight children under five years of age	Severe to moderate – 5.8% Severe – 1.0%	Severe to Moderate – 5.8% Severe – 1.6%	MICS 2010 (page iv) MICS 2014 (page iv)
Infant mortality rate	79/ 1000 live births – MICS 2010	50/ 1000 live births – MICS 2014 53/ 1000 live births – Census 2017	MICS 2010 (page 10) MICS 2014 (page) Census 2017, Vol 4, pg 30
Maternal mortality rates	593/ 100 000 population	452/100 000 population	Census 2017, Vol 4, pg 31
Percentage of women of child/bearing age using contraception or whose partner is using Contraception	65.2%	66.1%	MICS 2010 (page v) MICS 2014 (page v)
Life Expectancy		2017 58.85% males 63.52% females	Census 2017, Vol 4, pg 31
Total Fertility Rate	4.0% (2007)	3.2% (2014 and 2017)	MICS 2014 Census 2017
Medical terminations of pregnancy as a proportion of live births	No Data	No Data	No source
HIV Prevalence of infection of HIV/AIDS	SHIMS2 2016 27% overall 20.4% males 32.5% Females	27% overall 20.9% males 33% Females	SHIMS1 2010 (page 21) 2021 HIV Estimates and Projections Report
HIV Incident rate	SHIMS1 2010 2.4% general 1.7% males 2.45 females	HIV Estimates and Projections 1.0% general 0.62% males 1.47% females	SHIMS1 2010 (page 7) 2021 HIV Estimates and Projections Report
AIDS Related Deaths	HIV Estimates (2019) 2, 500 Total 1, 100 Males 1, 400 Females	HIV Estimates (2020) 2, 400 Total 1, 100 Males 1, 300 Females	2021 HIV Estimates and Projections Report

Variable	Value (Proportion/ Ratio/ Numbers)		Data Source and page
	Variant 1	Variant 2	
Prevalence of major communicable diseases		54% (WHO NCD Summary 2016)	WHO Eswatini NCD Summary 2016
Prevalence of major non-communicable diseases		13% Cardio-vascular 10% Injuries 6% Cancers 6% Diabetes 3% Chronic Respiratory diseases 10% Other NCDS	WHO Eswatini NCD Summary 2016

II. Constitutional, Political and Legal structure of the State

The Constitution

49. The Constitution of the Kingdom of Eswatini 001 of 2005 came into effect on 8 February 2006. The Constitution asserts its supremacy and reflects, as stated in the preamble – the aspirations of the people of Eswatini on the kind of democratic governance system they sought to realise including the rights that ought to be protected by this law.

50. Prior to the enactment of the Constitution, Eswatini was governed by the King through Proclamation No. 01 of 1973 which repealed the 1968 Constitution. The basis for its repeal was that this Constitution had “failed to provide an environment for good governance and maintenance of peace and order, therefore, served as an impediment to progressive development in the country.” A further weakness identified by Parliament was that the independence Constitution “did not reflect the aspirations of the people of Eswatini and neither did it articulate a preferred system of governance as defined by Emaswati – the people of Eswatini.

A brief background on the development of the current Constitution is provided below

51. The Tinkhundla Review Commission (TRC) was established in 1992 tasked with the process of defining a democratic system of governance for the Kingdom of Eswatini. Guided by a Terms of Reference, the TRC was mandated to focus its attention on key issues that could sustain a democratic process in Eswatini; this included defining the legislative nature of a preferred system of governance. The TRC was also established following a previous Commission which solicited views from Eswatini citizens through a consultative process on the political direction they aspired for the Kingdom.

52. The TRC mandate was however limited in its nature, in that it solely focused on the legislative arm of government. One of its key findings was the recognition that “A written Constitution for Eswatini entrenching the monarchy, rule of law and Independent Judiciary, the sovereignty of the King in parliament, Kings Advisory Council are of fundamental importance in the promotion of good governance, democracy, national unity, peace and stability in Eswatini.”

53. On recommendation by this Commission, a Constitutional Review Commission (CRC) whose mandate was to draft the Constitution of Eswatini was established, in terms of the Constitutional Review Decree of 1996. This meant that the CRC, through a consultative process with the people of Eswatini, would guide the shaping of the political, executive and legislative arm of government. This would also include determining the various rights that needed to be upheld by a Constitution – Bill of Rights. This Constitution was to be the Supreme Law of the Country and would foster constitutionalism.

54. The Constitution Drafting Committee (CDC) conducted consultations with various stakeholders in the country to obtain inputs from the people of Eswatini on what they wanted the Constitution to encapsulate. Stakeholders included Academia, Chiefdoms, Civil Society organisations, Faith Based Organisation, Business Community, and Professional Regulatory Bodies amongst others. The process of consultation culminated in the enactment of the Kingdom of Eswatini Constitution 001 of 2005.

System of governance

55. The system of Government for the Kingdom of Eswatini is a democratic, participatory, Tinkhundla based system which emphasizes devolution of state power from central Government to Tinkhundla areas and individual merit as a basis for election or appointment to public office.¹⁰

56. The term “Inkhundla” (in singular) or “Tinkhundla” (in plural) is a siSwati name for a constituency. “Inkhundla” or “Tinkhundla” is, among other things, also used as a constituency for the election of the members of the House of Assembly and also underpins the political organisation and decentralisation of state power.

57. Section 80 (1) of the Constitution provides for the division of Eswatini into several areas covering all of the country’s regions for purposes of political organisation and popular representation of the people in Parliament. The number of Tinkhundla has increased over the years from 40 (forty) in 1978, to 59 (fifty-nine) in 2018. The increase in the Tinkhundla centres means the representation of the people in the House of Assembly has increased.

58. Tinkhundla Centres also serve as focal units for the provision of Government/social services to communities, in line with the country’s decentralization policy. They are the engine of the country’s system of political organization including the pursuit for socio-economic development.

59. The Tinkhundla political system adopts useful and acceptable modern/western political ideas, practices and institutions such as stakeholder engagement, elections, representation, social inclusion, universal suffrage (which is at the core of electoral democracy) and electoral campaigns as well as electoral dispute resolution mechanisms.

60. In a nutshell the Tinkhundla system:

- Accords with the norms and values of Emaswati because it is home grown, non-partisan but constituency based;
- Gives prominence for people to serve on the basis of their being known in their communities;
- Encourages active participation at all levels of governance;
- Supports devolution of functions and power to the people by encouraging people to best manage and direct their own affairs at grassroots level, thereby supporting access to service delivery, development and empowerment from grassroots levels;
- Is non-discriminatory in that all Emaswati regardless of any social standing or class are free to participate (to vote or be voted for) in the elections, subject to meeting the qualifications stipulated in Section 88 of the Constitution;
- Provides for individuals to be elected directly into public office and having been elected, become the direct representatives of the people who voted for them.

61. The Tinkhundla system of governance exhibits an inclusive, collective or consultative decision-making process and respect for the will of the people. It encourages the active participation of all citizens at all levels in the governance of the country. The highest decision-making body is Sibaya or (the people’s Parliament), which is the deliberative component of Eswatini’s political tradition.¹¹ Sibaya offers an opportunity for people to

¹⁰ Section 79 of the Constitution Act No. 001 of 2005.

¹¹ Section 232 of the Constitution.

exercise influence over national affairs. Sibaya is a democratic institution founded on the principle of popular or direct democracy.

62. Administratively, the country is divided into four regions, namely, Hhohho, Manzini, Lubombo and Shiselweni. Each region is headed by a Regional Administrator appointed in terms of Section 83 (2) of the Constitution. The policy framework for local Government administration is informed by the Constitution and the Decentralisation Policy of 2005.

63. Local administration is through Tinkhundla which comprises of a Member of Parliament (ex officio), Indvuna yenkhundla (constituency head man) and Bucopho. The table 16 below outlines the regional distribution of Tinkhundla Centres and Chiefdoms.

Table 16

<i>Region</i>	<i>Tinkhundla</i>	<i>Chiefdoms</i>
<i>Hhohho</i>	15	79
<i>Lubombo</i>	11	56
<i>Manzini</i>	18	102
<i>Shiselweni</i>	15	99
Total	59	336

64. On the other hand, urban areas are governed by the Urban Government Act No. 8 of 1969 which places them under the Administration of the Ministry of Housing and Urban Development. Urban areas are further managed by Municipal Councils, Town Boards and City Councils. Currently, there are 2 Municipal Councils; 3 Town Councils and 7 Town Boards.

The Legislature

65. Every five years the Kingdom of Eswatini undergoes a democratic election process in conformity with the elections cycle which includes pre-election, election and post-election stages. The elections are conducted by the Elections and Boundaries Commission (EBC) established in terms of Section 90 of the Constitution to ensure free and fair elections in the country. The eligible age for voting is 18 years.

66. Parliamentarians, *Tindvuna teTinkhundla* (Constituency Headman) and *Bucopho* (Chiefdom Councillor) are elected through local constituency areas. The process entails nominations of candidates at Chiefdom level who then compete at Inkhundla level.

67. The first election held after the 2005 Constitutional dispensation was conducted in 2008 and subsequently in 2013 and 2018 respectively. In 2008, the office of Indvuna Yenkhundla and Bucopho became an elective office under the secret ballot mechanism.

68. In 2013, the country enacted six pieces of legislation which govern the different stages of the electoral process. These are the Elections and Boundaries Commission Act 3/2013, the Voters Registration Act 4/2013, the Elections Expenses act 5/2013, the Elections Act 6/2013, the Senate (Elections) Act 7/2013, Parliament (Petitions) Act 8/2013 and the Election of Women Members to the House of Assembly Act 9/2018.

69. The election is by secret ballot at both primary and secondary level in accordance with the “first-past-the-post” system whereby a person receiving the highest number of votes is declared a winner.

70. The elected Members of Parliament from the Tinkhundla form part of the legislative arm of Government which comprises of the House of Assembly and the Senate. The House of Assembly has sixty-nine (69) members of which ten (10) are appointed by the King. The Senate consists of thirty (30) members of which twenty (20) are appointed by the King and ten (10) are elected by the House of Assembly.

71. In the event after the general election, it appears that female Members of Parliament do not constitute thirty percent of the total membership of Parliament, then four women are elected by the House of Assembly from the four administrative regions.¹² In the 11th Parliament, a proportion of 22 percent are women Legislators from both Chambers.

72. In 2018, the eligible population for voting was about 650 000 and a total of 547 426 (84 percent) of the eligible voter population registered to participate in the election process.¹³ Out of the registered people 53 percent were females and 47 percent were males. Further, 54 percent of the registered voters were youth (18–35 years), 35 percent were adult population (36–59 years), 11 percent represented senior citizens population (60 years and above). The voter turnout for primary (331 422) and secondary elections (330 785) were 61 percent.

73. There were one hundred and twenty-seven (127) complaints that were reported to EBC during the 2018 Elections. The complaints were of different categories such as:

- Allegations of the inclusion of non-resident voters in a voters' roll of a particular polling division;
- Non-appearance of voters in a voters' roll;
- Conflicted staff in some polling divisions;
- Bribery of the electorate by some aspiring candidates;
- Unauthorised transportation of voters by some candidates;
- Canvassing for votes outside the stipulated campaigning period;
- The non-acceptance of election results by some candidates and the electorate in some instances.

74. The Manzini region recorded the highest number of complaints which were sixty-four (64). This region was followed by Lubombo, Hhohho and Shiselweni regions with twenty-eight (28), nineteen (19) and sixteen (16) complaints respectively.

The Executive

75. The King as Head of State is vested with executive authority to exercise such authority either directly or through the Cabinet or a Minister.¹⁴ The Prime Minister is the Head of Government appointed in terms of section 67 of the Constitution.

76. The Executive is comprised of the following Government Ministries:

- (a) Prime Minister's Office
- (b) Deputy Prime Minister's Office
- (c) Ministry of Agriculture
- (d) Ministry of Commerce, Trade and Industry
- (e) Ministry of Economic Planning and Development
- (f) Ministry of Education and Training
- (g) Ministry of Finance
- (h) Ministry of Foreign Affairs and International Relations
- (i) Ministry of Health
- (j) Ministry of Home Affairs
- (k) Ministry of Information, Communications and Technology

¹² Section 86 of the Constitution and the Elections of women into House of Assembly Act No. 9 of 2018.

¹³ National Elections Report 2018, Elections Boundaries Commission.

¹⁴ Section 64 of the Constitution.

- (l) Ministry of Justice and Constitutional Affairs
- (m) Ministry of Labour and Social Security
- (n) Ministry of Housing and Urban Development
- (o) Ministry of Natural Resources and Energy
- (p) Ministry of Public Service
- (q) Ministry of Public Works and Transport
- (r) Ministry of Sports, Culture and Youth Affairs
- (s) Ministry of Tourism and Environmental Affairs
- (t) Ministry of Tinkhundla Administration and Development
- (u) Ministry of Defence

77. The above ministries are under the supervision of Principal Secretaries who are appointed by the King on the advice of the Civil Service Commission.

The Judiciary

78. The judicial system of Eswatini is based on the Roman Dutch common law adversarial system and comprises of Superior Courts and Subordinate courts. The Superior Courts have two divisions, being the Supreme Court¹⁵ and the High Court.¹⁶ The Supreme Court has appellate and reviewing jurisdiction, whereas the High Court has unlimited original jurisdiction in civil and criminal proceedings, the appellate jurisdiction (to hear and determine civil & criminal appeals from decisions of the subordinate courts). Further, the High Court has a division for Commercial Cases.

79. The Industrial Court and Industrial Court of Appeal serve as specialised Courts to hear and determine labour related cases. These Courts are established in terms of the Industrial Relations Act (IRA) No. 01 of 2000 (as amended). The Court consists of a Judge President, Judges and two nominated members or their alternates.

80. The Judges of the superior courts are appointed by the King on the advice of the Judicial Service Commission (JSC).

81. The Conciliation, Mediation and Arbitration Commission (CMAC) established in terms of the IRA and serves as an alternate dispute resolution for labour matters. A CMAC Arbitrator has all remedial powers of an Industrial Court in determining matters of dismissal.

82. The subordinate courts include the Magistrates Courts (classified as Ordinary¹⁷ Senior¹⁸ and Principal¹⁹) as well as Eswatini National Courts. The Magistrates Courts are established in terms of the Magistrates Courts Act of No. 66 of 1938, and Magistrates are appointed by the JSC. Eswatini National Courts are established by the Swazi Courts Act No. 80 of 1950 and Court presidents are appointed by the King independently of the JSC to administer Eswatini law and custom.

83. In 2021, Small Claims Courts were established in all regions of the country.²⁰ The operationalisation of these courts will improve the ease of doing business on the enforcement of contracts, as well as affording cheaper means of resolving commercial and financial

¹⁵ Established in terms of section 145 (1) of the Constitution and Court Appeal Act No. 74 of 1954.

¹⁶ Established in terms of section 150 (1) of the Constitution and High Court Act No. 20 of 1954.

¹⁷ for all actions permitted by law or practice and actions where the claim or value of the matter in dispute does not exceed Ten Thousand Emalangeni.

¹⁸ for all actions permitted by law or practise and actions where the claim or value of the matter in dispute does not exceed Twenty Thousand Emalangeni.

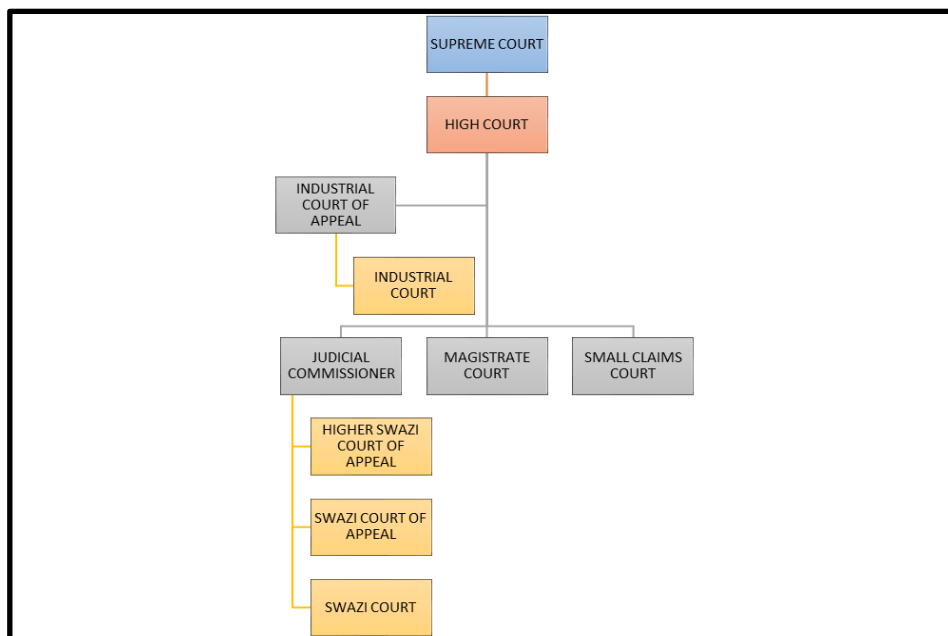
¹⁹ For all actions permitted by law or practise and actions where the claim or alley of the matter in dispute does not exceed Thirty Thousand Emalangeni.

²⁰ Established in terms of Small Claims Act No. 06 of 2011 (as amended).

disputes for Small and Medium Enterprises and individuals. The monetary jurisdiction for these Courts is Twenty Thousand Emalangeni (E20, 000).

84. The structure of the Judiciary is outlined below:

Court Structure



The Legal System

85. Eswatini has a dual legal system which consists of two distinct sets of legal norms, though separate yet co-existing. The general law – comprises Roman-Dutch common law and statute which was incorporated as the general law of Eswatini in 1907.²¹ The General Law has jurisdiction over all persons within the territory of Eswatini.

86. The operation of the general law system was retained after independence in 1968 and continues to date, with the Constitution confirming its operation in Section 252(1) as follows: ‘Subject to the provisions of this Constitution or any other written law, the principles and rules that formed, immediately before the 6th September, 1968 (Independence Day), the principles and rules of the Roman Dutch Common Law as applicable to Eswatini since 22nd February 1907 are confirmed and shall be applied and enforced as the common law of Eswatini except where and to the extent that those principles or rules are inconsistent with this Constitution or a statute.’

87. The Customary law of Eswatini comprises the traditions and customs of the Eswatini people as practised and passed on over the generations. Section 252(2) of the Constitution recognizes the operation of Eswatini customary law, subject to the provisions of the Constitution, the principles of Eswatini customary law (Swazi law and custom) are hereby recognized and adopted and shall be applied and enforced as part of the law of Eswatini.

88. The Constitution is the supreme law of Eswatini and if any other law is inconsistent with the Constitution that other law shall, to the extent of the inconsistency, be void.²²

89. Section 268 further entrenches the supremacy of the Constitution in its relation to existing law. The section provides the following:

²¹ Section 252 (1) of the Constitution.

²² Section 2 of the Constitution.

(i) The existing law, after the commencement of this Constitution, shall as far as possible be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.

(ii) For the purposes of this section, the expression “existing law” means the written and unwritten law including customary law of Eswatini as existing immediately before the commencement of this Constitution, including any Act of Parliament or subordinate legislation enacted or made before that date which is to come into force on or after that date.

Recognition of Non-Governmental Organisations (NGOs)

90. NGOs are registered in terms of the Companies Act of 2009 under section 17 as charitable organisations or non-profit making organisations, subjecting them to be regulated. However, efforts are underway to develop a legal framework that will comprehensively provide for and regulate matters concerning NGOs.

91. Non-Government Organisations are regulated through the Ministry of Home Affairs. Government recognizes NGOs as equal partners in development. The Coordinating Assembly of Non-Governmental Organisations (CANGO), is an umbrella body of NGOs which is membership-based and was established in 1983.

92. Currently there is a National NGO policy 2005 which provides for registration and application for subvention processes of Non-Governmental Organization in the country. This policy further establishes the coordinating machinery to facilitate easy communication between Government and NGO's.

93. The policy also contains guidelines for NGOs to monitor financial accounting and service delivery to donor organisations that require thorough records to ensure their assistance is properly used. Currently the country is considering to develop a legal framework that will regulate the affairs of NGO's.

Administration of Justice

A. Table 17 shows Incidence of violent death and life-threatening crimes reported cases for the past five years.

Table 17. Incidents of death and life threatening crimes

<i>Crime</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Murder	130	123	138	148	151
Attempted Murder	107	103	159	117	150
Rape	442	501	889	941	907
Assault					
Grievously Bodily Harm	4 762	4 681	4 937	4 178	4 198
Armed Robbery	215	158	249	174	292
Robbery	2 069	1 837	2 263	1 620	1 912
Total	7 725	7 403	8 635	7 178	7 610

B. Table 18. The number of persons who were brought before Courts for various violent offences:

<i>Crime</i>	<i>2020</i>	<i>2021</i>
Murder	149	190

<i>Crime</i>	<i>2020</i>	<i>2021</i>
Attempted Murder	79	112
Rape	377	294
Assault Grievously Bodily Harm	2 506	1 988
Armed Robbery	15	43
Robbery	367	258
Total	3 493	2 885

C. Prison population

Table 19.0. Prisons Population since 2018 to 2022

<i>Year</i>	<i>Population</i>
2018	3 394
2019	3 756
2020	3 451
2021	3 832
2022	3 359

Gender

Table 19.1. Gender statistics since 2018 to 2022

<i>Year</i>	<i>Male</i>	<i>Female</i>
2018	3 209	260
2019	3 187	89
2020	3 562	273
2021	3 177	194
2022	3 161	198

Age

Table 19.2 shows prisoners by age groups since 2018 to 2022

<i>Year</i>	<i>Age</i>	
2018	18 & Below	345
	19–24	797
	25–30	896
	31–36	611
	37–42	376
	43–48	175
	49–54	132
	55+	62
2019	18 & Below	376
	19–24	826
	25–30	977
	31–36	676
	37–42	413

<i>Year</i>	<i>Age</i>	
2020	43–48	225
	49–54	150
	55+	113
	18 & Below	340
	19–24	741
	25–30	894
	31–36	637
	37–42	391
	43–48	212
	49–54	127
2021	55+	109
	18 & Below	372
	19–24	820
	25–30	960
	31–36	682
	37–42	482
	43–48	222
	49–54	162
	55+	152
2022	18 & Below	301
	19–24	803
	25–30	820
	31–36	650
	37–42	377
	43–48	163
	49–54	118
	55+	117

D. Table 19.3. Shows Incidence of deaths while in custody

<i>Year</i>	<i>Number of deaths</i>
2018	11
2019	8
2020	16
2021	15

Table 19.4. Shows Length of sentence *Remands – Offenders awaiting trial

Correctional institution		Length of convicted and remanded persons in custody by correctional institutions in months as at 2018																											
		1–5		6–10		11–15		16–20		21–25		26–30		31–35		36–40		41–45		46–50		51–55		56–60		61+		Total Inmates	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Matsapha	Convicts	11	0	19	0	25	0	49	0	30	0	51	0	70	0	58	0	73	0	59	0	61	0	97	0	188	0	791	0
	Remands	2	0	0	0	0	0	5	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	0
Mbabane	Convicts	3	0	10	0	4	0	5	0	11	0	32	0	15	0	4	0	6	0	3	0	7	0	8	0	0	0	108	0
	Remands	26	2	12	0	12	0	20	0	9	0	3	0	10	2	19	0	48	2	22	0	17	2	35	0	15	0	248	8
Nhlangano	Convicts	5	1	10	0	17	0	9	0	33	0	5	0	0	0	31	0	0	0	19	0	0	0	24	0	16	0	169	1
	Remands	39	2	27	0	13	0	6	0	1	0	2	0	1	0	2	0	4	0	1	0	1	0	3	0	0	0	100	2
Malkerns	Convicts	0	0	0	0	0	0	0	0	33	0	0	0	0	0	12	0	1	0	24	0	1	0	45	0	50	0	166	0
	Remands	12	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21	0
Juvenile	Convicts	38	0	1	0	6	0	2	0	15	0	5	0	3	0	13	0	1	0	12	0	1	0	25	0	31	0	153	0
	Remands	29	0	8	0	9	0	3	0	2	0	4	0	1	0	2	0	0	0	0	0	0	0	0	0	0	0	58	0
Mawelawela	Convicts	0	0	0	3	0	37	0	40	0	25	0	12	0	27	0	30	0	0	1	0	0	0	20	0	11	0	206	0
	Remands	0	8	0	8	0	5	0	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	25
Big bend	Convicts	129	2	45	3	29	0	12	0	8	0	5	0	5	0	0	0	3	0	1	0	4	0	3	0	6	0	250	5
	Remands	55	6	29	2	6	0	5	0	1	0	7	0	3	0	0	0	1	0	0	0	0	0	4	0	2	0	113	8
Pigg's peak	Convicts	140	4	43	1	51	0	9	0	13	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	258	5
	Remands	56	0	29	0	1	0	0	0	2	0	2	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	93	0
Zakhele remand centre	Convicts	0	0	0	0	4	0	4	0	7	0	3	0	3	0	4	0	2	0	2	0	1	0	0	0	0	0	30	0
	Remands	44	0	65	0	20	0	38	0	43	0	21	0	15	0	10	0	3	0	5	0	5	0	4	0	2	0	275	0
Bhalekane	Convicts	3	0	11	0	19	0	11	0	39	0	2	0	3	0	38	0	3	0	69	0	39	0	9	0	31	0	277	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mankayane	Convicts	0	0	5	0	12	0	0	0	20	0	2	0	1	0	11	0	0	0	0	0	0	0	0	0	4	0	55	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal	Convicts	3	0	4	0	1	0	2	0	1	0	1	0	0	0	1	0	1	0	0	0	1	0	2	0	10	0	27	0
	Remands	1	0	0	0	0	0	0	0	3	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0

		<i>Length of convicted and remanded persons in custody by correctional institutions in months as at 2018</i>																											
<i>Correctional institution</i>		<i>1–5</i>		<i>6–10</i>		<i>11–15</i>		<i>16–20</i>		<i>21–25</i>		<i>26–30</i>		<i>31–35</i>		<i>36–40</i>		<i>41–45</i>		<i>46–50</i>		<i>51–55</i>		<i>56–60</i>		<i>61+</i>		<i>Total Inmates</i>	
		<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
Total	Convicts	206	7	148	7	168	37	103	40	210	25	106	12	100	27	174	30	90	0	189	1	115	0	213	20	336	11	2 284	217
	Remands	264	18	179	10	61	5	77	2	65	0	39	0	32	4	36	0	56	2	28	0	23	2	46	0	19	0	925	43
Grand total		470	25	327	17	229	42	180	42	275	25	145	12	132	31	210	30	146	2	217	1	138	2	259	20	355	11	3 209	260

Length of convicted and remanded persons in custody by correctional institutions in months as at 2019																														
		1–5		6–10		11–15		16–20		21–25		26–30		31–35		36–40		41–45		46–50		51–55		56–60		61+		Total Inmates		
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Matsapha	Convicts	14	0	17	0	22	0	27	0	60	0	21	0	18	0	61	0	40	0	48	0	60	0	82	0	334	0	804	0	
	Remands	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0		
Mbabane	Convicts	26	1	9	0	10		16	0	11	0	17	0	15	0	11	0	9	0	3	0	2	0	7	0	4	0	140	1	
	Remands	21	4	23	2	18	1	14	0	15	0	14	0	9	0	11	0	14	0	6	0	11	0	9	0	9	0	174	15	
Nhlangano	Convicts	3	0	8	1	9	2	16	1	26	1	0	0	8	0	19	0	6	0	11	0	5	0	21	0	38	0	170	5	
	Remands	50	0	26	0	7	0	7	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0	97	0	
Malkerns	Convicts	0	0	0	0	0	0	0	0	12	0	0	0	0	0	14	0	6	0	13	0	0	0	44	0	41	0	130	0	
	Remands	23	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31	0	
Juvenile	Convicts	39	0	26	0	12	0	9	0	16	0	12	0	8	0	11	0	6	0	10	0	5	0	3	0	5	0	162	0	
	Remands	32	0	8	0	3	0	2	0	5	0	6	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	58	0	
Mawelawela	Convicts	0	9	0	13	0	23	0	30	0	18	0	24	0	29	0	15	0	12	0	17	0	10	0	0	0	0	0	200	
	Remands	0	15	0	4	0	5	0	0	0	3	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	29	
Big bend	Convicts	129	4	25	0	20	0	4	0	6	0	2	0	4	0	2	0	1	0	3	0	2	0	1	0	5	0	196	4	
	Remands	59	1	35	2	12	0	15	0	1	0	3	0	2	0	2	0	1	0	1	0	2	0	1	0	3	0	137	3	
Pigg’s peak	Convicts	130	5	85	0	19	0	11	0	4	0	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	252	5	
	Remands	45	2	22	0	8	0	7	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	85	2	
Remand	Convicts	0	0	0	0	2	0	5	0	7	0	3	0	4	0	7	0	2	0	1	0	1	0	2	0	0	0	34	0	
	Remands	0	0	10	0	15	0	26	0	36	0	41	0	50	0	25	0	35	0	25	0	27	0	38	0	0	0	328	0	

Length of convicted and remanded persons in custody by correctional institutions in months as at 2019

		1-5		6-10		11-15		16-20		21-25		26-30		31-35		36-40		41-45		46-50		51-55		56-60		61+		Total Inmates	
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Bhalekane	Convicts	3	0	6	0	9	0	13	0	39	0	2	0	1	0	46	0	8	0	63	0	36	0	24	0	45	0	295	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mankayane	Convicts	1	0	7	0	8	0	5	0	13	0	0	0	1	0	9	0	1	0	0	0	0	0	0	0	8	0	53	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal	Convicts	3	0	3	0	1	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	1	0	0	0	13	0	25	0
	Remands	2	0	2	0	0	0	0	0	3	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0
Total Convicts		347	19	186	14	112	25	101	31	194	19	61	24	51	29	279	15	79	12	153	17	107	10	184	0	493	0	2 261	40
Remands		233	22	134	8	64	6	72	0	64	3	65	0	15	0	38	2	50	0	32	0	40	0	49	0	14	0	926	49
Grand total		580	41	320	22	176	31	173	31	258	22	126	24	66	29	317	17	129	12	185	17	147		233	0	507	0	3 187	89

Length of convicted and remanded persons in custody by correctional institutions in months as at 2020

		1-5		6-10		11-15		16-20		21-25		26-30		31-35		36-40		41-45		46-50		51-55		56-60		61+		Total Inmates		
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Matsapha	Convicts	4	0	22	0	29	0	46	0	77	0	43	0	31	0	95	0	74	0	51	0	81	0	145	0	323	0	1 021	0	
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mbabane	Convicts	24	0	11	0	19	0	5	0	20	0	9	0	6	0	14	0	6	0	10	0	3	0	9	0	7	0	143	0	
	Remands	34	0	21	11	7	5	17	3	12	1	15	0	10	0	17	0	10	0	5	0	2	0	7	0	3	0	160	20	
Nhlangano	Convicts	3	0	8	0	18	0	4	0	42	0	8	1	1	0	27	0	1	0	0	0	0	0	14	0	49	2	175	3	
	Remands	80	0	14	0	3	0	3	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	113	0	
Malkerns	Convicts	0	0	0	0	0	0	0	0	9	0	0	0	0	0	8	0	10	0	15	0	0	0	54	0	75	0	171	0	
	Remands	0	0	12	0	21	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	39	0	
Juvenile	Convicts	23	0	51	0	33	0	15	0	20	0	10	0	9	0	9	0	10	0	9	0	3	0	1	0	0	0	193	0	
	Remands	20	0	13	0	5	0	4	0	5	0	6	0	5	0	1	0	0	0	0	0	0	0	0	0	0	0	59	0	
Mawelawela	Convicts	0	23	0	24	0	29	0	38	0	17	0	10	0	9	0	21	0	5	0	15	0	13	0	7	0	5	0	216	

Length of convicted and remanded persons in custody by correctional institutions in months as at 2020

		1–5		6–10		11–15		16–20		21–25		26–30		31–35		36–40		41–45		46–50		51–55		56–60		61+		Total Inmates	
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Big bend	Remands	0	1	0	0	0	1	0	4	0	0	0	3	0	0	0	3	0	0	0	2	0	2	0	0	0	0	0	16
	Convicts	139	0	41	2	24	0	12	1	19	0	4	0	11	0	5	0	6	0	3	0	4	0	9	0	7	0	284	3
Pigg's peak	Remands	41	0	21	3	14	0	7	0	5	0	2	0	3	0	4	0	4	0	2	0	3	0	1	0	2	0	109	3
	Convicts	78	2	60	1	80	3	27	0	6	0	0	0	0	0	3	0	0	0	2	0	0	0	0	0	0	0	256	6
Remand	Remands	43	5	21	0	7	1	2	0	2	0	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	81	6
	Convicts	3	0	4	0	3	0	3	0	4	0	5	0	3	0	1	0	2	0	3	0	3	0	0	0	0	0	34	0
Bhalekane	Remands	33	0	61	0	29	0	45	0	7	0	12	0	13	0	14	0	5	0	4	0	6	0	13	0	0	0	288	0
	Convicts	1	0	6	0	7	0	14	0	37	0	2	0	2	0	58	0	4	0	61	0	33	0	38	0	82	0	345	0
Mankayane	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Convicts	0	0	1	0	6	0	7	0	18	0	3	0	0	0	13	0	2	0	2	0	0	0	0	0	4	0	56	0
Criminal	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Convicts	11	0	3	0	0	0	0	1	0	1	0	0	0	0	0	0	1	0	0	0	2	0	0	0	13	0	32	0
	Remands	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	3	0
Total Convicts		286	25	207	27	219	32	133	40	252	18	84	111	63	9	233	21	116	5	156	15	129	13	270	7	560	7	2 710	228
Remands		252	6	163	14	86	7	84	7	33	1	40	3	32	0	36	3	20	0	12	2	12	2	21	0	5	0	852	45
Grand total		538	31	370	41	305	39	217	47	285	19	124	14	95	9	269	24	136	5	168	17	141	15	291	7	565	7	3 562	273

* Remands – Offenders awaiting trial.

Length of convicted and remanded persons in custody by correctional institutions in months as at 2021

		1–5		6–10		11–15		16–20		21–25		26–30		31–35		36–40		41–45		46–50		51–55		56–60		61+		Total Inmates	
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Matsapha	Convicts	1	0	5	0	7	0	4	0	8	0	11	0	3	0	19	0	0	0	2	0	7	0	39	0	764	0	870	0
	Remands	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	
Mbabane	Convicts	21	0	14	0	17	0	7	0	12	0	9	0	6	0	4	0	8	0	2	0	5	0	3	0	1	0	109	0
	Remands	35	7	21	4	11	1	9	1	7	0	12	0	5	0	6	0	3	0	4	0	2	0	6	0	4	0	119	14

Length of convicted and remanded persons in custody by correctional institutions in months as at 2021

		1-5		6-10		11-15		16-20		21-25		26-30		31-35		36-40		41-45		46-50		51-55		56-60		61+		Total Inmates	
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Nhlangano	Convicts	8	7	11	0	11	0	8	0	22	0	1	0	0	0	14	0	29	0	0	0	2	0	24	0	11	0	137	0
	Remands	82	2	9	0	13	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	106	2	
Malkerns	Convicts	0	0	0	0	0	0	0	0	1	0	0	0	0	0	7	0	8	0	21	0	0	0	50	0	55	0	142	0
	Remands	0	0	11	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23	0	
Juvenile	Convicts	20	0	37	0	35	0	14	0	17	0	7	0	7	0	7	0	9	0	7	0	7	0	2	0	0	0	169	0
	Remands	7	0	9	0	5	0	6	0	7	0	5	0	3	0	3	0	1	0	0	0	0	0	0	0	0	46	0	
Mawelawela	Convicts	0	8	0	0	0	7	0	0	0	15	0	18	0	12	0	19	0	19	0	8	0	12	0	6	0	30	0	154
	Remands	0	3	0	0	0	1	0	4	0	2	0	0	0	0	0	4	0	3	0	0	0	0	0	0	0	0	0	17
Big bend	Convicts	97	1	61	0	51	0	20	0	19	0	21	0	9	0	7	0	4	0	3	0	3	0	3	0	0	8	306	1
	Remands	45	2	25	0	6	0	2	0	3	2	2	0	2	1	3	0	2	0	2	0	1	0	1	0	1	0	95	4
Pigg's peak	Convicts	71	0	44	0	36	0	27	0	20	0	11	0	4	0	3	0	1	0	0	0	0	0	0	0	0	0	217	0
	Remands	49	2	12	0	8	0	9	0	1	0	3	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	84	2
Remand	Convicts	6	0	5	0	2	0	2	0	4	0	1	0	3	0	4	0	1	0	3	0	3	0	2	0	1	0	37	0
	Remands	15	0	10	0	32	0	13	0	25	0	28	0	56	0	44	0	29	0	37	0	10	0	15	0	15	0	329	0
Bhalekane	Convicts	0	0	1	0	17	0	11	0	55	0	10	0	2	0	36	0	8	0	54	0	9	0	34	0	51	0	308	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mankayane	Convicts	0	0	3	0	5	0	3	0	6	0	0	0	0	0	5	0	0	0	4	0	0	0	4	0	14	0	44	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal	Convicts	6	0	2	0	0	0	1	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	8	0	19	0
	Remands	6	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	9	0
Total Convicts		230	16	183	0	181	7	99	0	165	15	71	18	34	12	106	19	69	19	92	8	36	12	161	6	905	38	2 358	155
Remands		247	16	97	4	77	2	51	5	44	4	50	0	66	1	56	4	36	3	43	0	13	0	23	0	21	0	819	39
Grand total		477	32	280	4	258	9	150	5	209	19	121	18	100	13	162	23	105	22	135	0	49	12	184	6	926	38	3 177	194

Length of convicted and remanded persons in custody by correctional institutions in months as at 2022

		1-5		6-10		11-15		16-20		21-25		26-30		31-35		36-40		41-45		46-50		51-55		56-60		61+		Total Inmates	
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Matsapha	Convicts	0	0	3	0	12	0	7	0	10	0	9	0	5	0	13	0	8	0	7	0	31	0	13	0	698	0	816	0
	Remands	7	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0
Mbabane	Convicts	27	0	8	0	12	0	10	0	12	0	10	0	9	0	8	0	7	0	4	0	4	0	2	0	0	0	113	0
	Remands	34	7	14	3	6	1	8	0	8	1	16	0	7	0	5	0	4	0	6	0	4	1	7	0	4	1	123	14
Nhlangano	Convicts	3	3	10	0	20	0	1	1	2	0	20	0	9	0	13	0	4	0	2	0	8	0	6	0	26	0	124	4
	Remands	52	0	28	0	14	0	19	0	10	0	3	0	5	0	6	0	0	0	0	0	0	0	0	0	0	0	137	0
Malkerns	Convicts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	9	0	21	0	0	0	50	0	55	0	140	0
	Remands	0	0	7	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0
Juvenile	Convicts	16	0	27	0	25	0	15	0	16	0	7	0	7	0	7	0	9	0	7	0	7	0	2	0	0	0	145	0
	Remands	4	0	7	0	4	0	5	0	1	0	6	0	4	0	3	0	4	0	3	0	0	0	0	0	0	0	41	0
Mawelawela	Convicts	0	10	0	2	0	6	0	0	0	8	0	10	0	26	0	9	0	0	0	28	0	30	0	19	0	4	0	152
	Remands	0	4	0	4	0	0	0	0	0	4	0	0	0	0	2	0	0	0	2	0	0	0	1	0	0	0	0	17
Big bend	Convicts	106	1	51	0	34	1	16	0	15	0	22	0	8	0	12	0	13	0	3	0	5	0	3	0	5	0	293	2
	Remands	29	4	21	1	11	1	6	0	3	0	6	0	5	0	4	1	2	0	3	0	6	0	4	0	3	0	103	7
Pigg's peak	Convicts	104	0	20	0	28	0	20	0	21	0	9	0	8	0	2	0	1	0	0	0	0	0	0	0	0	0	213	0
	Remands	55	2	5	0	5	0	3	0	3	0	1	0	3	0	0	0	1	0	0	0	0	0	0	0	0	0	76	2
Remand	Convicts	4	0	3	0	2	0	5	0	1	0	6	0	3	0	4	0	2	0	1	0	2	0	1	0	2	0	36	0
	Remands	15	0	10	0	20	0	45	0	25	0	35	0	43	0	33	0	21	0	51	0	15	0	6	0	15	0	325	0
Bhalekane	Convicts	0	0	17	0	11	0	14	0	65	0	3	0	0	0	38	0	6	0	59	0	27	0	41	0	85	0	366	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mankayane	Convicts	0	0	2	0	4	0	4	0	17	0	1	0	1	0	7	0	1	0	2	0	0	0	6	0	11	0	56	0
	Remands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal	Convicts	6	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	8	0	18	0
	Remands	5	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	8	0	0

Length of convicted and remanded persons in custody by correctional institutions in months as at 2022																														
		1-5		6-10		11-15		16-20		21-25		26-30		31-35		36-40		41-45		46-50		51-55		56-60		61+		Total Inmates		
Correctional institution		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
	Total	Convicts	266	14	142	2	148	7	93	1	160	8	87	10	50	26	109	9	61	0	106	28	84	30	124	19	890	4	2 320	158
	Remands	201	17	95	8	61	2	98	0	50	5	67	0	67	0	51	3	32	0	63	2	25	1	17	1	23	1	841	40	
Grand total		461	31	237	10	209	9	191	1	210	13	154	10	117	26	160	12	93	0	169	30	109	31	141	20	913	5	3 161	198	

III. General framework for the protection and promotion of human rights

Acceptance of international human Rights norms

A. Main international human rights conventions and protocols

<i>Convention/Instrument</i>	<i>Status</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	Ratified on 26 March 2004
International Covenant on Civil and Political Rights (ICCPR), 1966	Ratified on 26 March 2004
International Convention on the Elimination of All Forms of Racial Discrimination, (ICERD), 1965	Ratified on 7 April 1969
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	Ratified on 26 March 2004
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	Ratified on 26 March 2004
Convention on the Rights of the Child (CRC), 1989	Ratified on 7 September 1995
The Convention on the Rights of Persons with Disabilities	Ratified on 24 September 2012
The Optional Protocol to the Convention on the Rights of Persons with Disabilities	Ratified on 24 September 2012
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (ICMW), 1990	Not ratified
The International Convention for the Protection of all Persons from Enforced Disappearance	Signed on 25 September 2007 No ratification
Optional Protocol to the CRC on the involvement of children in armed conflict, 2000	Ratified on 24 September 2012
Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography, 2000	Ratified on 24 September 2012
Optional Protocol to ICCPR, concerning individual petition, 1966	Not signed
Second Optional Protocol to ICCPR, concerning abolition of the death penalty, 1989	Not signed
Optional Protocol to CEDAW, concerning individual complaints and inquiry procedures, 1999	Not signed
Optional Protocol to CAT, concerning regular visits by national and international institutions to places of detention, 2002	Not signed

B. Other United Nations human rights and related conventions

<i>Convention/Instrument</i>	<i>Status</i>
Slavery Convention, 1926 as amended 1955	Not signed
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	Not signed
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949	Not signed
Convention relating to the Status of Refugees, 1951, and its 1967 Protocol	Acceded to the Convention on 14 February 2000 and to the Protocol acceded on 28 January 1969
Convention relating to the Status of Stateless Persons, 1954	Acceded on 16 November 1999
Convention on the Reduction of Statelessness, 1961	Acceded on 16 November 1999
Rome Statute of the International Criminal Court, 1998	Not signed
United Nations Convention against Transnational Organized Crime, 2000, and its Protocols against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children	Signed the Convention on 14 December 2000 And ratified it on 24 September 2012
(a) Protocol Against the Smuggling by Land and Sea	Signed Protocol on 8 January 2001 and ratified it on 24 September 2012
(b) Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	Acceded to the Protocol on 24 September 2012

C. Conventions of the International Labour Organization

<i>Convention/Instrument</i>	<i>Status</i>
Weekly Rest (Industry) Convention, 1921 (No. 14)	Ratified on 26 April 1978
Forced or Compulsory Labour Convention, 1930 (No. 29)	Ratified on 26 April 1978
Labour Inspection Convention, 1947 (No. 81)	Ratified on 5 June 1981
Migration for Employment Recommendation, 1949 (No. 86)	
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	Ratified on 26 April 1978
Migration for Employment Convention, 1949 (No. 97)	Not signed
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	Ratified on 26 April 1978
Equal Remuneration Convention 1951 (No. 100)	Ratified on 5 June 1981
Social Security (Minimum Standards) Convention, 1952 (No. 102)	Not ratified

<i>Convention/Instrument</i>	<i>Status</i>
Abolition of Forced Labour Convention, 1957 (No. 105)	Ratified on 28 February 1979
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	Not ratified
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Ratified on 5 June 1981
Equality of Treatment (Social Security) Convention, 1962 (No. 118)	Not ratified
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	Not ratified
Minimum Wage-Fixing Convention, 1970 (No. 131)	Ratified on 5 June 1981
Holidays with Pay Convention (Revised), 1970 (No. 132)	
Minimum Age Convention, 1973 (No. 138)	Ratified on 23 October 2002
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Not ratified
Labour Relations (Public Service) Convention, 1978 (No. 151)	Not ratified
Occupational Safety and Health Convention, 1981 (No. 155)	Not ratified
Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities Convention, 1981 (No. 156)	Not ratified
Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169)	Not ratified
Worst Forms of Child Labour Convention, 1999 (No. 182)	Ratified on 23 October 2002
Maternity Protection Convention, 2000 (No. 183)	Not ratified

D. Conventions of the United Nations Educational, Scientific and Cultural Organization

<i>Convention/Instrument</i>	<i>Status</i>
Convention against Discrimination in Education, 1960	Signed on 8 October 1970

E. Conventions of the Hague Conference on Private International Law

<i>Convention/Instrument</i>	<i>Status</i>
Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, 1993	Acceded 2013

F. Geneva Conventions and other treaties on international humanitarian law

<i>Convention/Instrument</i>	<i>Status</i>
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949	Ratified on 28 June 1973
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949	Ratified on 28 June 1973
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949	Ratified on 28 June 1973
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	Ratified on 28 June 1973
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	Ratified on 2 November 1995
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	Ratified on 2 November 1995
Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and On Their Destruction, 1987	Ratified on 22 December 1998

G. Eswatini has ratified, or acceded to the following regional instruments

<i>Convention/Instrument</i>	<i>Status</i>
African Charter on Human and Peoples Rights (African Charter);	Ratified 15 September 1995
The African Charter on the Rights and Welfare of the Child;	Ratified 5 October 2012
The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol);	Ratified 5 October 2012
The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);	Acceded 5 October 2012
The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;	Ratified 16 January 1989
The African Youth Charter.	Acceded 5 October 2012

Regional instruments which Eswatini has not ratified are as follows:

- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights;
- The African Charter on Democracy, Elections and Governance;
- The African Union Convention on Preventing and Combating Corruption.
- The Protocol to the African Charter on Human and People's Right on the Rights of Persons with Disabilities: and
- The Protocol to the African Charter on Human and People's Right on the Rights of Older Persons.

94. Eswatini has ratified/acceded to a number of major human rights treaties, regionally and internationally. The Kingdom of Eswatini continues to engage in internal debates and consultations with relevant stakeholders to inform the right course of action to take on the unratified/not acceded treaties.

Legal framework for the protection of human rights at the national level

95. Eswatini's Constitutional framework on the respect for, promotion, protection and fulfilment of human rights is provided for under Chapter 3 (Bill of Rights) of the Constitution. The underlying principle of the Bill of Rights chapter is equality before the law and non-discrimination captured in section 20.

96. The Constitution enjoins the High Court of Eswatini as the Court of first instance (original jurisdiction) to enforce the rights contained in the Bill of Rights.²³ Importantly, redress is available for a violation that has been or is being or likely to occur. Further, there is a Commission on Human Rights and Public Administration established by the Constitution that also provides remedies or redress to people whose rights have been violated. The Commission promotes and protects human rights. Currently, Eswatini is in a process of ensuring that the Commission is in compliance with the Paris principles and further developing a Human Rights and Public Administration Bill to fully operationalise it.

97. Eswatini is a dualist system, which requires the domestication of International Instruments before they can be invoked in domestic courts.²⁴ A number of legislation have been adopted in an effort to promote and protect human rights and these include but not limited to:

- The Sexual Offences and Domestic Violence (SODV) Act of 2018 and Regulations adopted in 2021.
- The Persons with Disabilities Act of 2018.
- Children Protection and Welfare Act 2012.
- The Election of Women Members to the House of Assembly Act of 2018.
- The Police Service Act No. 22 of 2018.
- The Correctional Services Act No. 13 of 2017.
- The Suppression of Terrorism Act No. 03 of 2008.
- The Public Order Act of 2017.
- The Code of Practice for Industrial and Protest Action of 2015.

²³ Section 35.

²⁴ Section 238 of the Constitution provides that an international agreement executed by the State Party shall be subject to ratification and accession, to become binding on the Government by either an Act of Parliament or a resolution of at least two-thirds of the members at a joint sitting of the two chambers of Parliament.

- The Code of Practice on Gatherings of 2017.
- The amendment of the Industrial Relations Act in 2014.
- The Criminal Procedure and Evidence Act No.67 of 1938 (as amended).
- Refugees Act No. 15 of 2017

98. Further to these legislative advancements, the Kingdom has established a Law Reform Unit to improve the efficiency of domesticating international instruments and harmonising laws with our Constitution.

Institutional framework within which human rights are promoted at the national level

99. The following institutions have been established to promote, protect and fulfil human rights at national level.

The Ministry of Justice and Constitutional Affairs

100. This institution is responsible for the administration of justice through its various departments to ensure the promotion, protection and compliance with human rights on behalf of the Government. It houses the National Mechanism for Reporting and Follow up which coordinates the implementation of various human rights treaties.

The Courts

101. The Constitution gives the superior courts the important functions of maintaining checks and balances between the two other organs of State. Furthermore, it ensures the protection of the rights of individuals as provided for in the Bill of Rights. As such, a number of judgements have been issued upholding the rights of individuals or groups.

Judicial precedents of human rights cases

Table 22. Shows cases of Human Rights based on Legal Issue Equality and Non-Discrimination

<i>Case</i>	<i>Legal issue</i>	<i>Decision</i>
<i>The Attorney-General v Mary Joyce Doo Aphane</i> ²⁵	Constitutional challenge of the Deeds Registry Act, which prohibited women married in community of property from registering the property in their own names or in the joint names of themselves and their husbands; on the ground that the law violated the right to equality guaranteed by Section 20 of the Constitution.	In this case, the Court struck down legislation (the Deeds Registry Act), which prohibited women married in community of property from registering property in their own names or in the joint names of themselves and their husbands; on the ground that the law violated the right to equality guaranteed by Section 20 of the Constitution. The Court ordered Parliament to enact remedial legislation within 1 year from the date of its order. In compliance with the court order, the Section 16 of the Deeds Registry Act has been amended to comply with section 20 of the Constitution and went a step further to require a spousal consent when one of the

²⁵ *The Attorney-General v Mary Joyce Doo Aphane* Appeal Case No. 12/2010.

<i>Case</i>	<i>Legal issue</i>	<i>Decision</i>
		spouses wants to encumber or dispose of the property.
<i>Sihlongonyane and others v Sihlongonyane</i> ²⁶	Constitutional challenge to the common law concept of marital power insofar as and to the extent that it barred a married woman from suing and being sued without the assistance of their husbands.	The common law rule that married women had no capacity to litigate without the assistance of their husbands was declared inconsistent with the constitutional right to equality by the High Court, thereby effectively abolishing the doctrine of marital power insofar as it barred married women to litigate unassisted. The Court declared the principle to be inconsistent with section 20 and 28 of the Constitution and that the invalidity was with effect from “25 March 2013 from which date all married women subject to the marital power of their husbands shall have the right to sue and to be sued in their own names.”
<i>Makhosazane Eunice Sacolo (nee Dlamini) and Another vs. Jukhi Justice Sacolo and 2 Others (1403/16) [2019] SZHC (166) 30th August 2019.</i>	<p>A constitutional challenge of the common law principle of marital power of the husband as to whether it infringes the right to equality and dignity for married (in community of property) women.</p> <p>Further, an order was sought to declare that sections 24 and 25 of the Marriage Act of 1964 to be unconstitutional and invalid in that they are inconsistent with sections 20 and 28 of the Constitution of Eswatini. The basis for seeking such order was that the word “African” in the two sections of the Marriage Act was discriminatory on the basis of race in that it imposes upon African spouses the customary consequences of marriage while non-African spouses automatically have the benefit of common law consequences.</p>	<p>The Court held that the common law doctrine of marital power is discriminatory against married women and offends against the constitutional right to equality before the law and the right to dignity, and therefore declared invalid. The Court further declared that spouses married in terms of the Marriage Act 1964 and in Community of Property have equal capacity and authority to administer marital property.</p> <p>Held, further: Section 24 of The Marriage Act is declared invalid, save for the first portion which reads as follows: – “The consequences flowing from a marriage in terms of this Act shall be in accordance with the common law as varied from time to time by any law”.</p> <p>Held, further: Section 25 of The Marriage Act is declared invalid in its entirety.</p> <p>The Court in reaching its decision to invalidate part of section 24 and entire section 25 noted that that the word “African” is not defined in the Act. The Act defines only one word, “Minister”. Period. It takes no ingenuity to know that there are indigenous Africans and non-indigenous Africans on this continent. North Africa is dominated by indigenous Africans of Muslim culture and who, in all probability, have no inkling what is entailed in Eswatini customary practices.</p>

²⁶ *Sihlongonyane and others v Sihlongonyane* [2013] SZHC 144.

<i>Case</i>	<i>Legal issue</i>	<i>Decision</i>
		Unavoidably, we are bound to speculate that “African” was probably intended to mean “indigenous Eswatini”.

Freedom of Conscience or Religion

<i>Case</i>	<i>Facts</i>	<i>Decision</i>
1. <i>The Senate of University of Eswatini v Maziya</i> (51/2004) [2005] SZSC 10 (24 June 2005)	The respondent is a Christian and a devout member of the Seventh Day Adventist Church. The University’s examination timetable caused a conflict with his religion as he was required to write his exam on Saturdays. He wrote to the University requesting that his exam be rescheduled, and the University declined, as follows: “It is therefore unfortunate that you will indeed have to choose between writing the examination and complying with your ten commandments.”	The Court found that the University’s decision to deny the student in <i>casu</i> any relief was procedurally flawed, arbitrary, misdirected and grossly unreasonable

Political participation

<i>Case</i>	<i>Facts</i>	<i>Decision</i>
<i>Sithole NO and Others v The Prime Minister and others</i> , SC 50/2008	Applicants approached the court Subsequent to arrests of activists and the use of the Suppression of Terrorism Act against political parties.	In this case, the Supreme Court pronounced that political parties were not allowed to field candidates; however, members of such parties could participate based on individual merit. This position is in line with the interpretation of section 79 by the Supreme Court

Right to Education

<i>Case</i>	<i>Fact & issues</i>	<i>Decision</i>
<i>Eswatini National Ex-mine Workers Association</i> case number 335/09.	<p>On 29 January 2009, The Eswatini National Ex-mine workers association (applicant) against Eswatini Government (respondent) instituted an application under case number 335/09 against the Eswatini government for a mandatory order that the government is liable in terms of section 29 (6) and 60 (8) of the Constitution of 2005 Act No1 of 2005 to make free education available in public schools for every child. On March 2009 the High court suited the applicant and granted a declaratory order which did not award the remedy.</p> <p>On the 23rd July 2009, The Eswatini National Ex-Mine Workers again instituted legal proceedings against the government under case number 2168/09, seeking a mandatory order as an appropriate relief for an alleged violation of section 29 (6) and Section 60 (8) of the Constitution of 2005. Respondent opposed the same application. They raised points of law which include the following: The prayer for a mandatory order was a claim for the same thing on the same ground against the party yet such a claim was adjudicated upon by the court of competent jurisdiction. The respondent argued that in so far as the present application seeks to enforce the order made under case number 335/09, that application was misconceived. A court is enforced through contempt of court proceedings and not by a fresh application against the same party.</p>	<p>In the judgement of 16th March 2009 (335/09) the court did say that the constitutional responsibility cannot be suspended or be abdicated for whatever reason or excuse including lack of funds, shortage of teachers etc.,</p> <p>The applicant was granted the order they were seeking. It was the courts` view that the provision of Free Primary Education was not dependent on the availability of funds since that was not stated in the constitution. To implement the court order, the government enacted the Free Primary Education (FPE) Act 2010 which was deemed to have come to force on the 1st January 2009. They implemented the order by first paying for the first and second grade. To date, the FPE has been gradually rolled out to grade 7.</p>
<i>Freedom of expression – use of social media</i>		
<i>Exalto vs Royal Eswatini National Airways and Another</i>	Applicant is an employee of the First Respondent. Employer instituted disciplinary charges	The Court made a declaratory order and held that the post complained of was in exercise

<i>Case</i>	<i>Fact & issues</i>	<i>Decision</i>
(2258/2020) [2022] SZHC 40 (25 March 2022)	against employee, alleging that employee had brought disrepute upon the employer through the use of social media. Employee had posted on his Facebook page that “We can go on and on but nothing will change, because there is no will to change, because <i>kutokhala umzaqa</i> . ²⁷ Dictatorship 101.” This post was in the backdrop of a public concern about expenditure by the Government on luxury motor vehicles.	of the Applicant’s freedom of speech and opinion as guaranteed under Section 24(1) and (2) and or Sections 23(1) and (2) of the Constitution of the Kingdom of Eswatini. The court held further those facts in the present case fall outside of the exceptional circumstances recognized by the Constitution, hence the post complained of was in exercise of the Applicant’s freedom of speech and opinion. It was held further by the court that the rights in Section 14, 23 and 24 of the Constitution are not derogable except to the extent that the constitution expressly provides.

Commission on Human Right and Public Administration

102. Commission on Human Rights and Public Administration/Integrity (CHRP) is the country’s National Human Rights Institution (NHRI). The CHRP is established by the Constitution and has a three-prong mandate: to promote and protect human rights; investigate alleged human rights violations and abuse of power; and serves as an Integrity Commission.²⁸ The CHRP is constituted by a maximum of five Commissioners and serviced by a Secretariat.

103. The CHRP may take appropriate actions for the remedying, correction or reversal of instances determined to have violated human rights:

- publicising the findings and recommendations of the Commission;
- negotiation and compromise between the parties concerned;
- causing the complaint and the findings of the Commission on that complaint to be reported to the superior of an offending person or institution;
- referring matters to the Director of Public Prosecutions or the Attorney-General for appropriate action to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
- bringing proceedings to restrain the enforcement of any legislation or regulation by challenging the validity of that legislation or regulation where the offending action or conduct is sought to be justified by reference to that legislation or regulation.

104. The Commission conducts human rights trainings for public officials such as the Police, Military and Correctional Officials. In order to foster the understanding of human rights in the country, the Commission also undertakes public awareness programs in collaboration with Civil Society Organisations (CSO). To complement the work of the Commission, CSOs are engaged in various activities targeting the empowerment of minority groups and rural communities on fundamental rights.

²⁷ Kutokhala umzaqa means to be flogged by a stick.

²⁸ Constitution of Eswatini, Section 164 and 243.

The Elections and Boundaries Commission

105. The Elections and Boundaries Commission (EBC), is established by Section 90 of the Constitution and the Elections and Boundaries Commission Act No. 3 of 2013, which stipulates its mandate and composition. The EBC's functions include: overseeing and supervising the registration of voters; ensuring fair and free elections; and reviewing the boundaries of tinkhundla areas (constituencies), for purposes of elections. The EBC also facilitates civic or voter education in between elections. The EBC is constituted by a maximum of five Commissioners and serviced by a Secretariat.

Anti-Corruption Commission

106. The Anti-Corruption Commission is a statutory body established by the Prevention of Corruption Act, 2006. The Act mandates the Commission to prevent and eradicate corruption in order to ensure that service delivery is not compromised through diverting state funds dedicated to the advancement of human rights. It further combats corruption through various interventions and programmes aimed at sensitizing the public on the negative effects of corruption thus compromising the state obligation to maximise available resources for the progression, realisation of rights recognised in the Covenant on Economic, Social and Cultural Rights. The Commission consists of a Commissioner, two Deputy Commissioners and officers to assist the Commission in the performance of its functions.

Anti-Human Trafficking Task Force

107. The People Trafficking and People Smuggling Act, 2009 establishes a Task Force for the Prevention of People Trafficking and People Smuggling (the "Task Force"). This Task Force is composed of representatives from multiple Government and Law enforcement agencies, representatives from Non-Governmental Organisations or other relevant organisations having appropriate experience, knowledge and expertise in problems and on issues relating to people trafficking or people smuggling including the protection and support of trafficked or smuggled persons. To effectively execute the mandate the Task Force is supplemented by a full-time Secretariat dedicated to fight against Trafficking in Persons (TIP) and an Emergency Response Team (ERT) composed of front-line practitioners who are mandated to attend to individual TIP cases.

108. The Task Force is mandated to coordinate the implementation of the Act, formulating policies and programmes to prevent and suppress people trafficking or people smuggling including programmes in rendering assistance to trafficked or smuggled persons, formulating protective programmes for trafficked or smuggled persons and initiating education programmes to increase public awareness of the causes and consequences of the act of people trafficking or people smuggling.

Department of Gender and Family Issues

109. The Kingdom of Eswatini established a Gender Coordination Unit in 1997 for the purpose of coordinating all gender-related activities in the country. In 2014, this unit was converted into a Department of Gender and Family Issues and is currently located in the Deputy Prime Minister's Office. Gender mainstreaming is the core mandate of the Department of Gender and Family Issues. A number of initiatives have been undertaken by this Department in executing its mandate, such as capacity building has been conducted for Central Government Ministries, gender focal points and Planners in all Government ministries on Gender Responsive Planning and Budgeting.

National Children Services Department

110. The National Children Services Department was established in 2016 with a mandate to promote and protect children's rights and coordinates children services in the country. This

Department ensures the development of policies, strategies and programs to safeguard the rights of children at national level in line with regional and international standards.

National Disability Unit

111. The country established a National Disability Unit under the Deputy Prime Minister's Office to ensure political support to realise the development of all relevant disability legislative frameworks that create an enabling environment to mainstream issues of disability across Government machinery. This includes the development of policies, regulations and proactive strategies that address issues of disabilities.

112. In 2018, Eswatini enacted the Persons with Disabilities Act, 2018 which provides for the protection of the rights and welfare of Persons with Disabilities (PWD). This legislation expressly prohibits discrimination of persons with disabilities in all spheres and provides for equal enjoyment of all human rights and freedom.

113. Persons with disabilities have access to financial, material assistance and a range of quality social services and support programs, which ensures them access to opportunities and choices available to the rest of society, and enjoy an adequate standard of living, as documented in article 28 of the United Nations Convention on the Rights of Persons with Disability (CRPD).

Department of Social Welfare

114. The mandate of the Department of Social Welfare, is articulated in the National Social Development Policy of 2010. The Department provides social assistance to individuals, families and communities for an improved quality of life. It further provides technical assistance to Government Ministries and Departments, Non-Governmental Organisations, Community based Organisations, Faith-based communities and interests groups in effectively implementing programs and services that will empower disadvantaged individuals, families and communities. The services of this Department are decentralised to Regional Social Welfare Offices, Sub-Regional and at Tinkhundla level.

Department of Refugees

115. The Ministry of Home Affairs has a Department of Refugees which has the mandate of protecting Refugees and asylum seekers in the country in terms of the Refugees Act No. 15 of 2017. Refugees' protection and subsequent provision of basic services that are required by refugees and asylum seekers are executed through a systematic program designed to be a one-stop-shop for all those that would need assistance.

116. The refugee regime in Eswatini is mainly composed of three units. These are the Government through the Ministry of Home Affairs, United Nations High Commissioner for Refugees (UNHCR) and World Vision-Eswatini. This tripartite is also assisted by other stakeholders such as Governmental Departments, Non-Governmental Organisations and faith-based institutions.

117. Most refugees reside at Malindza Refugee Reception centre wherein they receive emergency food and medical aid until it is safe to return to their homes or until they are retrieved by other people outside the camps. The staff at the Refugee Section offer counselling services to the refugees in need, given the inherent traumatic effect of refugee flight and also provide psychological support.

118. The population of Asylum seekers is 968 and Refugees is 1,317, of this population 1465 are males and 820 are females.²⁹

²⁹ As at 25 November 2021.

Reporting process at the national level

119. In early 2019, Eswatini established the NMRF through a Cabinet resolution. Members of the NMRF were appointed and gazetted under Legal Notice No. 220 of 2020, and comprises representatives of all the Government Ministries, the Judiciary and Parliament to facilitate treaty implementation and reporting processes.

120. The Chairperson of the NMRF is the Ministry of Justice and Constitutional Affairs, and its Deputies are the Deputy Prime Minister's Office and the Ministry of Foreign Affairs and International Cooperation respectively. The body works with a Secretariat that comprises twelve members from the Deputy Prime Minister's Office, Ministry of Justice and Ministry of Foreign Affairs and International Cooperation. To supplement the operations of the NMRF a fulltime Secretariat was established in 2021 under the Ministry of Justice.

121. In preparation of treaty specific reports the NMRF collaborates with stakeholders ranging from all Government Ministries, Academia and Civil Society Organisations, Faith Based Organisations, Commission on Human Rights and Public Administration amongst others.

122. The process of compiling reports involves a desk review of relevant reports, legislation, policies as well as administrative measures to produce a zero draft. The zero draft document is then used as a springboard document for the national multisectoral consultations which are undertaken to inform the report. The stages that are observed when preparing reports are; Planning and organising, identifying key issues, collecting information, analysing data and drafting the report, coordinating with relevant stakeholders, finalising and endorsing the reports by Cabinet for onward submission to the human rights mechanisms.

Information on non-discrimination and equality

123. Eswatini is state party to numerous international frameworks that promote and protect human rights particularly on equality and non-discrimination. Laws applicable in Eswatini safeguard against discrimination and inequality for all. In the Constitution of Eswatini the underlying principle of the Bill of Rights (chapter 3) is equality and non-discrimination captured in Section 20.³⁰

124. In terms of the Constitution, discrimination means to give different treatment to different persons attributable only or mainly to their respective descriptions by gender, race, colour, ethnic origin, birth, tribe, creed or religion, or social or economic standing, political opinion, age or disability. The Constitution explicitly prohibits Parliament from enacting law that is discriminatory either of itself or in its effect. Similarly, Section 32 of the Constitution provides for equal pay for equal work without discrimination.

125. Section 20 of the Constitution, enjoins the High Court of Eswatini as the Court of first instance (original jurisdiction) to enforce the rights contained in the Bill of Rights as informed by various human rights instruments. Further, the Constitution establishes an independent Commission on Human Rights and Public Administration (CHRPA),³¹ whose mandate is to promote and protect fundamental rights and freedoms.

Measures taken to eliminate discrimination

126. The Government in collaboration with Civil Society Organisations continues to engage in consultations and sensitization workshops with stakeholders including traditional authorities, Faith Based Organisations, NGO's, key sector institutions, Communities on the promotion of equality and the elimination of discrimination in all its forms and on all grounds. These workshops are further complemented with civic education campaigns on human rights

³⁰ Section 20 provides for equality before and under the law, emphasizing that a person shall not be discriminated on the grounds of sex, race, disability...

³¹ Section 163 & 164.

advancement taking into consideration vulnerable groups and cross cutting issues such as gender, disabilities etc.

127. On the representation of women in governance and the equal participation in political life, Section 86 of the Constitution provides for a quota system in the representation of women.³²

128. To give effect to the Constitutional provisions above, the country enacted the Election of Women Members to the House of Assembly Act of 2018 to provide for a process and mode of nomination of women members in the House of Assembly; and for the election of women members to the House of Assembly where, after any general election, it appears that the female members of Parliament will not constitute thirty per cent of the total membership of Parliament; monitoring of the election of women to the house of Assembly.

129. The National Gender Machinery in collaboration with CSO undertakes advocacy campaigns to ensure that women participate in politics and decision making (vote for women campaign). Further, during civic and voter education, the EBC collaborates with Organisations for Persons with Disabilities to ensure their constituencies (women with disabilities) are not left behind so as to ensure their participation and representation in politics and decision making.

130. Abolishment of Marital Power: The High Court of Eswatini declared the common law doctrine of marital power invalid in that it is discriminatory against married women and offends against the Constitutional right to equality before the law and the right to dignity.

Criminal law provisions preventing and combating discrimination

131. To ensure that discrimination in all its forms and on all grounds is prevented and combated in practice, the SODVA makes an exception to hearsay evidence in cases where the victims have a visual, hearing or speech impairment or mentally impaired to be admissible.³³ The relief afforded to PWD by SODVA is in sharp contrast to the previously existing position of the law as provided for by the Criminal Procedure and Evidence Act No.67 of 1938,³⁴ which provides that no evidence which is in the nature of hearsay evidence shall be admissible in any case.³⁵

132. Principles of evidence in sexual offences: Section 51 (d) of SODVA provides that credibility, character, antecedents or predisposition to sexual availability of a victim or witness cannot be inferred by reason of the sexual nature of the prior or subsequent conduct of a victim or witness.

133. The SODVA³⁶ directs Courts not to treat evidence of a witness in criminal proceedings before it with caution and shall not call for corroboration of evidence solely on account of the fact that the witness is the complainant of a sexual offence; or a child.

Human rights situation of persons belonging to specific vulnerable groups

134. Eswatini has put in place policies and programmes which seek to address the economic, social and geographical disparities. These include the availability of social protection programmes mostly targeting vulnerable groups (women, children, youth, elderly, persons with disabilities etc.).

³² Section 86.(1) *Where at the first meeting of the House after any general election it appears that female members of Parliament will not constitute at least thirty per cent of the total membership of Parliament, then, and only then, the provisions of this section shall apply.*

³³ Section 55 (2) (c) and (d).

³⁴ Section 4.

³⁵ Section 223 of Criminal Procedure and Evidence Act.

³⁶ Section 49.

135. List of social protection programmes in Eswatini³⁷ includes the following:

- Elderly grants
- Ex-Service (uMsizi) Military pension
- Industrial and vocational training programme for Persons with Disabilities
- Orphan and Vulnerable Children(OVC) Education Grant
- Free Primary Education
- Special Education Needs
- Phalala Medical Referral Fund
- Free ARV's for Persons Living with HIV
- Free complementary healthcare services for the elderly
- OVC feeding at Neighbourhood Care points (NCPs)
- Cash bases transfers for Crises responses
- Community Micro Projects

136. Eswatini undertakes a number of advocacy campaigns to raise awareness and educate the public on the rights of different categories of vulnerable groups. The awareness raising initiatives include the commemoration of specific regional and international days, media programmes, as well as community sensitization programmes by various stakeholders.

Effective Remedies

137. CHRPA mandate is to also monitor cases reported for investigation and thereafter provide effective remedies.

138. The country currently does not have a Legal Aid system in place, however, there are initiatives that provides free legal services to vulnerable groups of society such as the following:

- The Legal Aid Clinic at the University of Eswatini, whereby law students under the supervision of Lecturers and Practising Attorneys provide legal aid services to indigent members of the society, paying special attention to vulnerable groups such as children and women.
- Non-Governmental Organisations (NGOs) working in the areas of human rights have, through their trained paralegals, are providing legal advice and support to indigent members of the society.
- Private Legal Practitioners also provide *pro bono* services to indigent members and vulnerable groups of society at no cost. With regards to accused persons charged with capital offences, it is mandatory for the State to provide legal counsel. With the support of the Law Society of Eswatini, the Government has developed a Legal Practitioners Bill that seeks to compel Legal Practitioners and Candidate Attorneys to provide legal aid services to disadvantaged members of society.
- Small Claims Courts for adjudicating claims with monetary value not exceeding E20, 000.00 thus improving access to justice.

Conclusion

139. Government cooperates with Development Partners in areas of technical support for building capacity of its officials and resources towards the implementation of policies and programs advancing human rights.

³⁷ Eswatini Fiscal Space Inception Report, 2021.

140. The Kingdom of Eswatini commits to advance the enjoyment of fundamental rights and freedoms by all its citizens through collaborated efforts by Government Ministries (duty bearers), Commission on Human Rights, Civil Society Organisations, Development partners as well as the United Nations system.
