



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the initial report of Eswatini\*

1. The State Party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 30 April 2026.

#### A. General information

2. Please provide information on measures taken, and the impact thereof, to raise awareness among judges, prosecutors and lawyers of the economic, social and cultural rights enshrined in the Covenant and their justiciability. Please provide examples of cases in which the provisions of the Covenant have been invoked before the State Party's domestic courts, and examples of relevant case law. Please elaborate on measures taken to ensure access to justice and remedies in civil court cases regarding economic, social and cultural rights, and to ensure the independence and impartiality of the judiciary. Please provide information on any further steps taken to render the Covenant justiciable in the State Party.

3. Please provide information on training received by the staff of the Eswatini Commission on Human Rights and Public Administration Integrity to ensure the promotion and protection of the full range of Covenant rights, and on measures taken to ensure its ability to fully discharge its functions, including measures taken to ensure an independent appointment process and the functional independence of the Commission's members. Please provide information on consultation with civil society organizations and other stakeholder groups in the development of new legislation related to economic, social and cultural rights, including organizations of and for marginalized and disadvantaged individuals and groups.

4. Please provide information on any legal or legislative measures taken, and the impact thereof, to ensure that businesses exercise human rights due diligence in the conduct of their operations, including their supply chain, concerning human rights under the Covenant. Please provide information regarding any plans to adopt a national action plan for business and human rights.

5. Please provide updated information on steps taken to systematically collect data, disaggregated on the basis of the prohibited grounds of discrimination, including sex, age, disability, ethnic origin and region, and to progressively develop appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State Party in complying with its obligations under the Covenant.

6. Please provide information on measures taken by the State Party with regard to the mitigation of climate change, including specific measures, and the impact thereof, to meet the nationally determined contributions for reducing emissions that the State Party has set itself under the Paris Agreement.

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\* Adopted by the Committee at its seventy-eighth session (8–26 September 2025).



7. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State Party assesses the impacts of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups, especially Indigenous persons;

(b) Whether the State Party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights;

(c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, land rehabilitation, litter management, water and sanitation, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

8. Please provide information on plans for the future development and reform of legislation concerning the State Party's land governance system. Please provide further updated information on measures taken, and the impact thereof, to empower Indigenous populations through the promotion of business development in rural areas, including to support women's business enterprises. Please also provide information on the intersection between food and land policy, and measures taken to better coordinate the use of land towards achieving food security goals across the country.

### **Maximum available resources (art. 2 (1))**

9. Please provide updated information on the evolution of the following, covering the past 10 years:

(a) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;

(b) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(c) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(d) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(e) Funds received through international cooperation, including overseas development assistance, in proportion to GDP, and the conditionality to which economic or monetary adjustments of those funds are subject.

10. Please provide information on the work of the State Party's anti-corruption commission and describe efforts to implement legislation to combat bribery and other acts of corruption, including with regard to land administration, public procurement and the criminal justice system. Please provide statistical data on the number of cases of corruption prosecuted

in the past five years, the sanctions imposed on the perpetrators and the assets resulting from corruption that have been recovered, taking into account the transnational dimensions of these crimes where relevant. Please indicate what legislative or other measures have been put in place to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption. Please provide information on measures taken, and the impact thereof, to strengthen the existing formal legal system, and to formalize parallel justice systems, including tribal and other forms of traditional justice systems.

#### **Non-discrimination (art. 2 (2))**

11. Please provide information on the status of the development and implementation of comprehensive anti-discrimination legislation. Please also provide information on the implementation of the National Disability Plan of Action (2024–2028) and disaggregated data concerning measures taken, and the impact thereof, to combat stigmatization, stereotypes and harmful practices concerning persons with disabilities, persons affected by HIV and AIDS, sex workers, persons of diverse sexual orientation and gender identity and other marginalized groups within the State Party. Please provide information on the specific legal and policy measures, and the impact thereof, to protect persons with albinism.

#### **Equal rights of men and women (art. 3)**

12. Please provide information on the impact of customary law on women, particularly on the ability of rural women and widows to inherit land from their deceased husbands. Please provide information on the reversal in 2024 by the High Court of a 2019 decision concerning the doctrine of marital power within customary law, and the impact thereof on matrimonial property decisions and equality in access to land.

13. Please provide updated information on measures taken, and the impact thereof, to address discrimination against women and to achieve equality between men and women. Please provide information on measures taken to close gender data gaps and to provide disaggregated data from a gendered perspective. Please provide detailed information on the measures taken to implement the revised National Gender Policy (2020–2030) and National Gender Strategy (2023–2033) in the domestic framework, the goals of individual policies and the indicators used to measure development towards their full implementation. Please provide information on measures taken to promote equal sharing, between women and men, of family and care responsibilities for children, dependent persons and older adults. Please provide information on measures taken, beyond awareness-raising workshops on gender mainstreaming, to address stigmatization, lack of public awareness and existing inconsistencies across chiefdoms in understanding and applying the constitutional and legal provisions on gender equality, as referred to in the State Party's report.<sup>1</sup>

### **C. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

14. Please provide information and data on the impact of the employment programmes currently in place in the State Party, especially on the employment of women and young persons, persons with disabilities and persons of diverse sexual orientation and gender identity, and the monitoring mechanisms in place to ensure that these programmes are effectively implemented. Please provide information on the development and future implementation of policies aimed at regulating the informal economy and at facilitating the re-employment of workers. Please provide information on the impact of measures taken to promote the development of small and medium-sized enterprises in the State Party.

#### **Right to just and favourable conditions of work (art. 7)**

15. Please provide information on the development of any legislation or other measures to address the current lack of a comprehensive minimum wage across the State Party and different sectors. Please provide further information on the independence of the mechanisms

<sup>1</sup> E/C.12/SWZ/1, para. 37.

in the State Party aiming to safeguard workers against unfair dismissal, on the applicability and justiciability of the legislative measures in place and on the support and protections provided to victims, including maternity protection.

16. Please provide detailed information on the implementation and independence of the existing mechanisms aimed at ensuring favourable working conditions and occupational safety and health, on the criminal sanctioning of offending employers and on the rate of such sanctioning in the State Party. Please provide information on the implementation of the conventions of the International Labour Organization (ILO) on child labour in domestic legislation and legal frameworks, particularly on the criminal sanctioning of offending employers and on the rate of such sanctioning in the State Party. Please also provide information on progress in implementing the National Action Programme on the Elimination of the Worst Forms of Child Labour (2021–2025). Please provide information on the measures taken to address the harmful impact of *kuhlehla* on children's labour rights.

#### **Trade union rights (art. 8)**

17. Please provide information on the measures taken, and the impact thereof, to fully incorporate into domestic legislation the ILO fundamental conventions regarding trade union rights, including the right to collective bargaining and the right to strike.

#### **Right to social security (art. 9)**

18. Please provide detailed information on the development of a universal social security policy, and on the development and implementation of other measures to improve the social security system. Please provide further information on the development of a holistic post-employment benefits scheme that ensures an adequate standard of living, covers workers in the informal economy and diminishes overreliance on private pension and provident fund schemes.

#### **Protection of the family and children (art. 10)**

19. Please provide detailed information on measures taken, and the impact thereof, to better ensure enjoyment of the rights and cater to needs of older persons and asylum-seekers. Please provide information on the progress of implementation of the Sexual Offences and Domestic Violence Act, 2018, the National Strategy and Action Plan to End Violence (2017–2022), the National Strategy to End Violence (2023–2027) and other measures, and the results and impact thereof, in terms of reducing gender-based violence and violence against children. Please provide information on measures taken to combat early marriage, voluntary juvenile detention and trafficking in persons within the State Party, and to support asylum-seekers and victims of trafficking.

#### **Right to an adequate standard of living (art. 11)**

20. Please provide updated, detailed information on the measures taken, and the impact thereof, to combat poverty across the State Party, including among diverse vulnerable groups, and to monitor programmes aimed at doing so. Please provide updated information on the progress of implementation of the National Development Plan (2023–2028) and of measures to reduce hunger, food insecurity and malnutrition across the State Party. Please provide information on the annual amounts actually invested in the Eswatini National Agricultural Investment Plan and the percentage of that Plan corresponding to the subsidy programme to assist small-scale farmers.<sup>2</sup> Please provide updated information on the implementation of measures to further increase access to safe drinking water, sanitation and hygiene, and to bridge the gap in access between urban and rural areas.

21. Please provide data and information on cases of forced eviction in the State Party, the legal basis for such evictions, and the support and compensation provided to those evicted, including individuals, families and persons from marginalized groups. Please provide

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<sup>2</sup> Ibid., paras. 185 and 187.

information on efforts to reform, develop and implement updated legislation to protect the right to housing.

### **Right to physical and mental health (art. 12)**

22. Please provide updated, detailed data and information on the measures taken, and the impact thereof, to improve the accessibility and affordability of healthcare facilities and services across the State Party and the evolution of health coverage, and to close the gap in access between rural and urban areas. Please provide further updated information on the development and implementation of the national health insurance scheme. Please provide updated information on the progress of immunization and vaccination efforts across the State Party, especially in regard to tuberculosis, malaria, hepatitis B and poliomyelitis. Please provide information on the measures in place to ensure the accessibility of healthcare to marginalized groups, including refugees, asylum-seekers, foreign nationals, persons of diverse sexual orientation and gender identity and victims of trafficking.

23. Please provide information on measures taken to ensure adequate access to health services for persons of diverse sexual orientation and gender identity. Please provide updated data and information on the impact of measures taken to prevent the spread of HIV in the State Party, to provide appropriate treatment and care, including adequate and widespread provision of all antiretroviral drugs, and to address ongoing social stigmatization and discrimination as a means to ensure that more individuals seek care when needed. Please provide updated information regarding measures taken, and the impact thereof, to increase the provision and quality of sexual and reproductive health services and programmes, including through educational programmes targeting young persons. Please also provide information on the incidence of mortality among women who resort to illegal abortion and how this situation affects the overall maternal mortality rate.

### **Right to education (arts. 13 and 14)**

24. Please provide detailed information on measures taken, and the impact thereof, to reduce dropout rates between primary and secondary education, increasing progression into secondary school and encouraging re-entry into education. Please provide information on measures taken, and the impact thereof, as well as future policies being developed, to reduce the direct and indirect costs of education, to expand access to secondary schools, including in rural areas, and to remove further barriers to education. Please provide information on any measures taken to promote pre-vocational and vocational training. Please provide updated statistical data, disaggregated by sex, disability, ethnicity, economic status and urban or rural area of residence, on enrolment and completion rates at the primary and secondary levels of education during the reporting period. Please also provide data, similarly disaggregated, on enrolment rates at the pre-primary level. Please provide updated information on measures taken, and the outcomes thereof, to improve the quality of education, including with regard to the availability of qualified teachers, and to improve school infrastructure, in particular in rural areas. Please provide information on efforts aimed at expanding access to education free of charge to include upper secondary education. Please provide information on efforts taken to improve literacy and address learning poverty among children and adults.

### **Cultural rights (art. 15)**

25. Please provide detailed information on measures taken, and the impact thereof, to encourage participation in and access to cultural life for all individuals throughout the State Party, in urban and rural areas. Please provide information on the progress of implementation of the National Arts and Culture Policy (2023–2028). Please provide information on steps taken to better utilize national and international programmes and funding as part of the State Party's efforts to achieve its goals. With reference to the State Party's report,<sup>3</sup> please provide information on measures taken, and the impact thereof, to address the negative impact of customary practices, including those concerning women, marriage and widows.

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<sup>3</sup> Ibid., para. 121.