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## Committee on Economic, Social and Cultural Rights

### **Initial report submitted by Eswatini under articles 16 and 17 of the Covenant, due in 2006\*** \*\*

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present document may be accessed from the web page of the Committee.



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## Abbreviations

ACMS	Aid Coordination and Management Section
AGYW	Adolescent Girls and Young Women
ART	Antiretroviral therapy
CASP	Comprehensive Agriculture Sector Policy
CBE	Competency Based Curriculum
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CESCR	Covenant on Economic, Social and Cultural Rights
ENL	Eswatini Nation Land
LUSIP	Lower Usutu Small holder Irrigation Project
MEPD	Ministry of Economic Planning and Development
MNRE	Ministry of Natural Resources and Energy
NAMBOARD	National Marketing and Agricultural Board
NAP – WFCL	National Action Programme on the Elimination of the worst Forms of Child Labour
NDMA	National Disaster Management Agency
NDP	National Development Plan
NDS	National Development Strategy
NGOs	Non-Governmental Organizations
NMC	National Maize Corporation
NMRF	National Mechanism for Reporting and Follow- up
NSSP	National Social Security Policy
OHCHR	Office of the High Commissioner for Human Rights
PLHIV	People Living with HIV
PMTCT	Prevention of Mother to Child Transmission
PRSAP	Poverty Reduction Strategy and Action Programmes
PSPF	Public Service Pension Fund
PWD	Persons With Disabilities
RDF	Regional Development Fund
REPS	Royal Eswatini Police Service
RFM	Raleigh Fitkin Memorial
RSTP	Royal Science & Technology Park
SDGs	Sustainable Development Goals
SET	Support to Education and Training
SNAIP	Swatini National Agriculture Investment Plan
SODV	Sexual Offences and Domestic Violence
SRHR	Sexual Reproductive Health Rights
SWAGAA	Swatini Action Group Against Abuse
TUCOSWA	Trade Union Congress of Eswatini

TVET	Technical Vocational Education and Training
UBF	Unemployment Benefit Fund
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSDCF	United Nations Sustainable Development Cooperation Framework
VTRS	Vocational Training and Rehabilitation Services
WASH	Water Sanitation and Hygiene
WIPO	World Intellectual Property Organization
WLSA	Women and Law Southern Africa
YEF	Youth Enterprise Fund

## I. Introduction

1. The Kingdom of Eswatini acceded to the Covenant on Economic, Social and Cultural Rights (CESCR) in March 2004. The accession to this instrument attested to the Government's commitment to undertake steps to the maximum of its available resources to progressively realize the rights recognized in this Covenant for enjoyment by the people of Eswatini.
2. This is the initial report in accordance with Articles 16 and 17 of the Covenant, providing information on measures taken by Eswatini in fulfilling its obligations under the Covenant. The Government of Eswatini acknowledges that this Report to the Committee on ESCR was due in 2005, a year after the accession to the Covenant. However, due to several factors including the lack of a mechanism to coordinate treaty body reporting; Eswatini was unable to fulfill its reporting obligation over the years. However, through the National Mechanism for Reporting and Follow-Up (NMRF) comprising representatives of Government Ministries, Central Statistics Office, Judiciary, Parliament which were established in 2019, the country is progressively addressing the reporting backlog on the Conventions ratified /acceded to by the country.

## II. Methodology

3. This report has been prepared in accordance with the guidelines on treaty-specific documents submitted by state parties under articles 16 and 17 of the CESCR under the auspices of the NMRF. For brevity purposes information provided in the Common Core Document will not be repeated in this report.
4. The Ministry of Justice and Constitutional Affairs, in collaboration with the United Nations Development Programme (UNDP) and Office of the High Commissioner for Human Rights (OHCHR) Regional Office for Southern Africa Treaty Body Capacity Building Programme conducted a capacity building workshop on drafting country's report under the CESCR in 2016. This capacity-building activity was attended by Government officials from all Ministries and Departments. Despite that the workshop held in 2016 provided an opportunity to develop Eswatini's report, such could not be achieved due to the unavailability of members of the Adhoc Committee tasked to undertake the drafting assignment.
5. Pursuant to the establishment of the NMRF in 2019, another workshop was then organized by the NMRF Secretariat in collaboration with UNDP and the OHCHR – ROSA which was held in 2020 attended by members of the NMRF Committee. Subsequently, the NMRF Secretariat issued correspondence to duty bearers requesting information on measures taken giving effect to the rights and obligations enshrined in the Covenant. However, there were further delays experienced in drafting the report until early 2022.
6. On 7–10 June 2022, the NMRF Secretariat then compiled a draft of the State report using the information provided by the duty bearers. On 09 and 10 August 2022, the Secretariat conducted a consultative meeting with stakeholders including Government Ministries and departments, Civil Society Organisations, Academia, and the Commission on Human Rights and Public Administration for purposes of getting more information to improve the draft report.<sup>1</sup> The inputs were incorporated, and the CESCR report was referred for validation sessions in May 2023 and March 2024.
7. The Eswatini initial report on the implementation of the CESCR was then submitted to the Cabinet and thereafter deposited to the Committee on ESCR.

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<sup>1</sup> List of Stakeholders consulted marked 'annexure 1'.

### **III. Treaty Specific Document**

#### **Article 1**

##### **Self-Determination**

8. The Kingdom of Eswatini was held by the Transvaal Republic (South African Republic) as a protectorate from 1894 to 1899 and in 1902, after the Anglo-Boer War, the same was transferred to the British administration.

9. The Kingdom of Eswatini attained its independence on 06th September 1968 and an Independence Constitution was put in place. Four years later the Independence Constitution was repealed on the basis that it failed to provide an environment for good governance and maintenance of peace and order, therefore served as an impediment to the progressive development of the country. The repeal was through the King's Proclamation to the Nation of 12th April 1973. The Tinkhundla system of Government was then put in place in 1978 and revised in 1993.

10. Before the enactment of the Constitution of Eswatini Act, 2005, a Constitutional Review Commission (CRC) was established to conduct a constitutional reform. This resulted in Eswatini citizens taking part in the determination of their political direction, thus shaping their political destiny.

11. The Constitution of the Kingdom of Eswatini 001 of 2005 came into effect on 26th July 2005. This 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 realize including the rights that ought to be protected by this law.

12. Section 79 of the Constitution provides that the system of Government for Eswatini is a democratic, participatory, Tinkhundla-based system that emphasizes devolution of state power from central Government to Tinkhundla areas. The primary objective of the Tinkhundla-based system is to bring Government closer to the people so that the people at sub-national or local community level progressively take control of their affairs and govern themselves. The people have the right to be heard through and represented by their freely chosen representatives in the Government of the country.

13. Chapter III of the Constitution provides for the protection and promotion of the fundamental rights and freedoms (the Bill of Rights), namely inter alia; the respect for life, liberty, right to a fair hearing, equality before the law, and equal protection of the law. This chapter also provides for freedom of conscience, freedom of expression, freedom of assembly and association.

14. According to the Constitution, all citizens have a right to own property either alone or in association with others. The compulsory taking of possession or acquisition of the property is made under a law that makes provision for prompt payment of fair and adequate compensation, and a right of access to a court of law by any person who has an interest in or right over the property; the taking of possession or the acquisition is made under a court order.

##### **Protection of the right to land ownership used as traditional sources of livelihood**

15. The land tenure system in Eswatini is categorized into two, namely; privately-owned land (Title Deed land) and communal land referred to as Eswatini Nation Land (ENL). Title deed land is regulated by the Deeds Registry Act 37 of 1968 (as amended) and is administered by the Ministry of Natural Resources and Energy – Deeds Registry Department. ENL is regulated through Eswatini Law and Custom and is administered by Chiefs in terms of section 233 of the Constitution.

16. Emaswati are indigenous to Eswatini and are predominantly homogenous. Section 211 of the Constitution affirms that a citizen of Eswatini, without regard to gender, shall have equal access to land for normal domestic purposes and cannot be deprived of land without due process of law. Further, section 211(3) protects the right to ownership of the land and territories that Emaswati traditionally occupy or use as traditional sources of livelihood. This provision states that a person shall not be deprived of land without due process of law and



where a person is deprived, that person shall be entitled to prompt and adequate compensation for any improvement on that land or loss consequent upon that deprivation unless otherwise provided by law.

17. Despite the entrenched patrimonial practices that have traditionally governed land allocation, a notable paradigm shift has been observed as a result of increased sensitization efforts and heightened public awareness. This shift has resulted to Chiefs, who hold significant authority in land allocation, now allocating land to women without the assistance of a male relative in accordance with constitutional provisions.

18. The Constitution establishes a Land Management Board which is responsible for the overall management and regulation of any right or interest in land whether urban or rural or vesting in iNgunyama in trust for the Eswatini Nation. The following legislation provides detailed guidance that is observed when consulting Emaswati in any decision-making process affecting their proprietary rights and interests:

- The Crown Lands Act No. 9 of 1949 – to proclaim certain areas of land in the Kingdom of Eswatini to be Crown lands;<sup>2</sup>
- Crown Lands Disposal Act 1911 – to dispose of the land to the citizenry;
- The Acquisition of Property Act 10 of 1961 – to make provision for authorizing the acquisition of property for public and other purposes and for settling the amount of any compensation to be paid or any matter indifference;
- The Farm Dwellers Control Act No. 12 of 1982 – to regulate and control relations between owners of farms and other persons residing on such farms;
- The Roads and Outspans Act 40 of 1931 – makes provision for the establishment of Public Roads and Outspans, and to provide for the establishment of Road Boards.

19. Eswatini recognizes and protects the rights of indigenous communities to ownership of the lands and territories that they traditionally occupy or use as traditional sources of livelihood through the above-listed legislation.

20. On the environmental aspect, the Kingdom established the Eswatini Environment Authority (EEA) in 2002, to provide for and promote the protection, conservation, and enhancement of the environment and the sustainable management of natural resources of Eswatini. The EEA undertakes public awareness to encourage environmental stewardship among Eswatini citizens. This is done through intensive multimedia awareness-raising programmes. There is citizen participation in decision making which is achieved by allowing interested and affected parties to object or raise questions on environmental issues through Part III and IV of the Environment Assessment Regulations of 2022<sup>3</sup> which comprehensively regulates the process of consultation and decision making of indigenous communities owning land. Members of the public may report environmental violations through online platforms or a designated cell phone number.

21. EEA also supports community activities that address environmental problems such as land rehabilitation and litter management which has grown into a major problem in peri-urban areas. The organisation has further developed a litter management plan as well as the Litter Regulations of 2011 that criminalize the indiscriminate dumping of litter.

22. To promote development of businesses in rural areas, Swazi Commercial Amadoda was established as an organization to fast-track the processes of venturing into business on Eswatini Nation Land (ENL). Its original mandate was to provide business advice to potential indigenous entrepreneurs located in rural areas and indigenous public transport operators. This organization's mandate was then broadened to cover the following aspects:

- Organization and development of small businesses on ENL;
- Granting of exclusive rights to trade on SNL throughout the country; and

<sup>2</sup> Land held through concessions that were returned to the Government.

<sup>3</sup> Legal Notice No. 465/2022.

- Protection of rights and the interests of the disadvantaged small businesses trading on SNL.

## Article 2

### International economic and technical assistance

23. Eswatini acknowledges the importance of international cooperation in support of national efforts towards the implementation of the CESC and other Human Rights Conventions ratified by the Kingdom. This co-operation is inclusive of and accessible to the diverse members of Eswatini society, in particular the disadvantaged and marginalized individuals and groups. The country regularly participates in actions toward facilitating and supporting capacity building, through the exchange and sharing of information, experiences, training programmes, and best practices.

24. The Government of Eswatini through the Ministry of Economic Planning and Development (MEPD) established an Aid Coordination and Management Section (ACMS). This department is responsible for the mobilization and management of external assistance for the implementation of various programs and projects within and outside the Government. The section has a Development Cooperation Policy which is the legal framework that underpins the work of the ACMS.

25. All external resources are channelled through the MEPD – ACMS which ensures that they are used in accordance with the Government's national development policies and that there is no duplication of efforts. The ACMS is the channel of communication between Government and development partners.

26. International Organisations and partners that provide technical and financial assistance to the Government, include but are not limited to:

- The United Nations Agencies – There are agreements between the Government and the UN that represent the collective UN support to the Kingdom in addressing its national development priorities, advancing the 2030 Agenda for Sustainable Development Goals, and transforming the lives of Eswatini citizens. These include the United Nations Development Assistance Framework 2011–2015, 2016 to 2020 (UNDAF), and the United Nations Sustainable Development Cooperation Framework 2021–2025 (UNSDCF). These agreements coordinate the funding and implementation of all resources that are received from the UN;
- The milestones achieved as a result of the support from the UN in Eswatini are as follows:
  - The El Nino Mitigation by mobilizing USD 96.4 million plus an additional USD 32 million in collaboration with the UN Office for the Coordination of Humanitarian Affairs (OCHA) for life-saving activities in line with the National Emergency Response, Mitigation and Adaptation Plan (NERMAP) 2016–2022. All UN agencies were involved in the humanitarian response;
  - Advocacy in the fight against sexual and gender-based violence leading to the enactment of the Sexual Offences and Domestic Violence (SODV) Act of 2018. The UN continues to support the implementation of the Act by promoting public awareness, advocacy, and capacity building for case management;
  - The mainstreaming of Agenda 2030 of the Sustainable Development Goals and the African Union's Agenda 2063 resulted in the revised National Development Strategy, now themed Strategy for Sustainable Development and Inclusive Growth (SSDIG) and the National Development Plan (NDP);
  - Scaling-up of HIV prevention programmes – pre-exposure prophylaxis, condom distribution, raising awareness about HIV, including in the school curriculum, keeping adolescents and young women in schools, voluntary medical male circumcision, and other interventions;

- Provision of technical and financial support to undertake the first digital population census in 2017, including information technology, capacity building, and provision of Census equipment as well as contribute about USD 500,000 towards conducting the population census;
- The development and launch of an e-Government Communication Strategy which revolutionized Government service delivery and introduced mobile-based Government services in key ministries such as Home Affairs and Commerce. The e-Government strategy puts citizens first, addresses Sustainable Development Goals (SDGs), and paves the way for economic growth.
- European Union Programs – The European Union is one of our major donors and development partners. ACMS continues to coordinate the implementation of projects funded by the European Union and these include:
  - Support to Education and Training (SET) – this project focuses on the construction of primary schools’ classrooms, capitation grant, and construction of workshops in various vocational institutions. The beneficiary institutions are Gwamile Vocational and Commercial Training Institute (VOCTIM), Eswatini College of Technology (ECOT), and Nazarene Teachers’ College;
  - EU accompanying measures to sugar protocol countries. The purpose of this program is to assist sugarcane farmers adapt to the EU sugar reforms that were introduced in 2006. Installation of irrigation equipment in 865ha in various farmers’ associations in the country has been completed. Planting has commenced under LUSIP and KDDP.
- Republic of China (Taiwan) – The country has a bilateral cooperation agreement/Protocol with the Republic of China (Taiwan) which covers ten years. The current cooperation ended in 2022 and funds under this Protocol amounted to US\$18m. Projects funded under this Protocol are appraised and monitored by the Technical Monitoring Committee (TMC), which normally meets once a year. The country has benefited a lot since the bilateral cooperation existed between the two countries and the standard of living for Eswatini communities has greatly improved. The Taiwanese Government has assisted in many areas which include the Rural Electrification Project, the Rural Water Supply Project, the establishment of the Intensive Care Unit at the Raleigh Fitkin Memorial Hospital (RFM), the Provision of medical equipment for the TB hospital, the establishment of a new Outpatient Department at the Mbabane Government Hospital, Health Centres, Clinics and Hospitals, Water Supply to Schools among others. There is also the Joint Ministerial Conference (JMC) which is an annual event where the two countries meet to approve projects recommended by the TMC and discuss issues of mutual interest. Hosting of the JMC alternates between the two countries;
- Japan – The country has bilateral cooperation with the Government of Japan. The Government of Japan has assisted the country and is continuing its assistance in different areas including the Establishment of the Eswatini Integrated and Geospatial Information System, Farm inputs, Provision of tractors to the Ministry of Agriculture, and Food Aid project, among others. Japan through JICA continues to assist with the capacity building program both for Government and private institutions. The country has signed a grant agreement of ¥1, 143 billion equivalent to E99m for the Improvement of Secondary School Education which involves the construction of four high schools in all the regions of the country;
- Eswatini Agricultural Development Programme which is responsible for improving productivity of small-scale farmers and assisting them to access markets. Competitiveness and Trade Support Programme (€1.799m). This program aims to facilitate regional and international trade as a means of contributing to Gross Domestic Product growth and poverty alleviation. Its purpose is to enhance the capacity of Eswatini to formulate, negotiate, and implement trade policies that are inclusive and pro-poor:

- Support the development of the Social Protection System (€4.8 Million);
- Support to the Horticulture and High-value Crops project (€16.6 Million);
- Support to Water harvesting and Small Dams project (€ 14.25 Million).
- Capacity Strengthening and technical cooperation – The purpose of this program is to provide technical assistance and capacity-building workshops and seminars for Government prioritized programs;
- Water and Sanitation (€12m) – The project aims to improve portable water supply and sanitation in selected areas in Lubombo and Shiselweni region. These regions have been consistently hit hard by drought. The project is being implemented by the Ministry of Natural Resources and Energy. The project will also build capacity of the Department of Water Affairs, which plays a critical role in this sector;
- Support to renewable Energy Project – (€ 7.45 Million) – to ensure that the country has sustainable energy sources in the future;
- EU/World Bank Health Programme (€16.2m-EU component and US\$20m – World Bank component) – The project aims at improving access to and quality of health services in Eswatini with a particular focus on primary health care, maternal health, and TB and to increase social safety net access for OVC through a cash transfer pilot.

27. The impact and measures of successes for the above listed programmes implemented through the international cooperation are discussed in articles 10 to 13 below. These initiatives provide benefits to every citizen of Eswatini regardless of nationality, gender, social origin, religion amongst others.

### **Article 3**

#### **Gender equality and non-discrimination**

28. In 2004, the Government ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other regional and international instruments that ensure that men and women enjoy rights on an equal basis in law and practice.

29. The Government of Eswatini has enacted and reviewed statutes; developed policies and strategies to promote and protect the rights of women. Sections 20 and 28 of the Constitution provide for equality before the law and equal opportunities for women and men in political, economic, and social spheres.

30. The Constitution provides for affirmative action and empowers Parliament to enact laws necessary for implementing policies and programmes aimed at redressing social, economic or educational, or other imbalances in society. Furthermore, section 84 (2) provides that women in Eswatini and other marginalized groups have a right to equitable representation in Parliament and other public structures. These sections provide a special clause where the State party can make provisions for the protection of women.

31. The Government acknowledges that it has not enacted legislation that comprehensively domesticates CEDAW, however, it is continuously taking strides in legislative reform and policies to address challenges of gender inequalities in the country. These include:

- The People Trafficking and People Smuggling Act 2011 – women and children are the most vulnerable groups and susceptible to being trafficked or smuggled, hence the enactment of this legislation provides for their protection.
- The Child Protection and Welfare Act of 2012 – ensures that all children, in particular a girl child, are adequately maintained, afforded opportunities throughout the stages of their growth, and further protected from harmful practices.
- The Sexual Domestic and Violence Act 2018 – protects everyone, paying special attention to women, against sexual offences and domestic violence.

- The Persons with Disabilities Act 2018 – provides for the protection of rights and welfare of persons with disabilities.
- Employment Act of 1980 – ensures that equal treatment is afforded to men and women in the workplace.

32. The above legal frameworks have led to the establishment of the following programmes and institutions; the construction of child-friendly courts, toll-free lines, Domestic Violence and Victims Support Centers in Police stations, One Stop Centers to provide care and support for gender-based violence survivors (currently at two regions).

33. The revised National Gender Policy 2020–2030 and National Gender Strategy 2023–2033 are aligned to the Beijing Declaration and Platform for Action as well as other regional and international frameworks. This policy will guide gender mainstreaming strategies for the next 10 years.

34. In ensuring that economic exploitation of vulnerable and disadvantaged groups is avoided, the Employment Act 1980 provides for “Equal Pay for Equal Work” to eliminate any discrimination in respect of pay or remuneration based on gender. In law, discrimination in the workplace based on gender is prohibited<sup>4</sup> and an employer who discriminates against any person shall be guilty of an offence.<sup>5</sup>

35. Furthermore, the state party has enacted the Citizens Economic Empowerment Act, 2023 to enable equal participation of women and men in economic transformation. The Act promotes gender equality in accessing, owning, managing, controlling and exploiting economic resources.

36. Whilst the State Party provides maternity benefits for pregnant and lactating women, paternity benefits as well as parental leave have not been catered for. The omission of paternity benefits fails to foster the important role that needs to be played by either parent in the upbringing and development of their children. Moreover, it places an unequal burden on women to care for children and further perpetuates gendered divisions of labour. Further, the specifications in the maternity leave durations and remuneration in the Employment law need to be explicitly protected and regulated. As a mitigating measure, an Employment Bill to address these issues has been developed.

37. Legal frameworks on equality and non-discrimination are progressively implemented and further enforced by the Courts, however, inconsistencies in understanding and application of the Constitutional provisions still exist. For instance, in some Chiefdoms, post-2005 Constitution a woman without a male child could not *khonta* (secure ENL). As a corrective measure, the Government through the Department of Gender and Family Issues under the Deputy Prime Minister’s Office (DPMO) in collaboration with CSO conducts sensitization workshops for traditional leaders on gender mainstreaming.

38. Some of the Court decisions upholding the principle of equality and non-discrimination include:

- *Dlamini v Prince Chief Gasawangwane* (93 of 2018) [2019] SZSC 40 (9 October 2019), the Court protected a widow’s right to property and use of land under customary law;
- *Gamedze v The Master of the High Court of Eswatini and Others* (1537 of 2018) [2020] SZHC 157 (14 August 2020), wherein the court allowed widow married under Eswatini Customary Law to inherit under the universal partnership principle giving effect to the Constitutional principle of “reasonable share” provision as opposed to discriminatory customary law which allows for succession rather than inheritance. This is to ensure that there is equality in inheritance and that discrimination on the basis of sex is avoided.

<sup>4</sup> Section 29 of the Employment Act.

<sup>5</sup> Section 30 of the Employment Act.

### Participation of women in politics

39. To enhance the representation of women in politics, Eswatini enacted the Election of Women Members into the House of Assembly Act No. 06 of 2018 to ensure representation of women, in the event the elected women do not constitute 30 percent.

40. In 2018, to encourage the participation of women in politics and decision-making, the Elections and Boundaries Commission in collaboration with the Department of Gender and Family Issues and CSOs conducted civic education programmes aimed at advocating for the election of women. These initiatives did not yield optimum results as three percent of the elected Members of Parliament (MPs) were women.

41. There have been continuous advocacy initiatives on promoting women's participation in politics in readiness for the national elections in 2023, which resulted in the eleven percent improvement of women elected for MP positions, and about ten percent regression in *indvuna yenkhundla* (Constituency head) position. Below are the statistics on the participation of women candidates in the 2018 and 2023 election cycles.

Table 1  
Elections 2018 (Secondary)

Region	Bucopho			Indvuna yenkhundla			Member of Parliament		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Hhohho	64	15	79	12	3	15	15	0	15
Lubombo	53	3	56	9	2	11	11	0	11
Manzini	86	16	102	16	2	18	16	2	18
Shiselweni	83	17	100	14	1	15	15	0	15
<b>Total</b>	<b>286</b>	<b>51</b>	<b>336</b>	<b>51</b>	<b>8</b>	<b>59</b>	<b>57</b>	<b>2</b>	<b>59</b>
Percentage	85%	15%		86%	14%		97%	3%	

Table 2  
Elections 2023 (Secondary)

Region	Bucopho			Indvuna yenkhundla			Member of parliament		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Hhohho	69	10	79	13	2	15	14	1	15
Lubombo	45	11	56	11	0	11	9	2	11
Manzini	89	13	102	18	0	18	16	2	18
Shiselweni	81	18	99	14	1	15	12	3	15
<b>Total</b>	<b>284</b>	<b>52</b>	<b>336</b>	<b>56</b>	<b>3</b>	<b>59</b>	<b>51</b>	<b>8</b>	<b>59</b>
Percentage	85%	15%		95%	5%		86%	14%	

42. Through collaborative efforts between the Department of Gender, Women and the Law Southern Africa (WLSA), and the Elections and Boundaries Commission organized workshops in June 2022 to dialogue on fostering an enabling environment for women in politics and electoral participation. These workshops provided an opportunity to deliberate on barriers hindering the election or appointment of women to political and leadership positions. Socialization was identified as the root cause of perception or stereotypes. Through continuous advocacy, there are progressive appointments of women in decision-making positions.

43. In promoting the participation of women in local politics and administration, the Ministry of Housing and Urban Development and Eswatini Local Government Association (ELGA), collaborated with the Commonwealth Local Government Forum (CLGF) to implement a capacity-building project for a period of three years (2020–2022). The objective of the project was to increase the participation of women in

local-level politics, administration, and economic development in line with Sustainable Development Goal 5 through the establishment and strengthening of women's networks. It also advocated women's equal representation in local Government.

44. Three women networks with 174 members were formed and a youth network of 250 members (125 males and 125 females) was also formed. The women in these networks were empowered with different leadership skills and mentorship. Women in entrepreneurship were trained in business management, linked to markets, and assisted with drafting business plans as well as receiving grants for their businesses. 78 women entrepreneurs from various areas have benefitted thus increasing their monthly income. Furthermore, 130 women and female youth have also been trained to produce compost and liquid fertilizer in response to the fertilizer shortages in Eswatini.

45. Through the project, 64 women and female youth were trained and empowered to run for elections which started in November 2022. 32 senior women in local politics and administration strengthened their leadership skills by mentoring 43 young women to stand for local elections. Further, a Gender Response Service Delivery Campaign was also undertaken by 253 youth (132 females and 121 males) to encourage their local authorities to provide gender and youth-responsive service delivery. To achieve more results and build on the benefits gained from the project, a Women in Local Government Strategy 2020–2030 has been adopted.

## **IV. Part of the report relating to specific rights**

### **Articles 6 and 7**

#### **Right to work**

##### **Targeted employment programmes**

46. The Government established the Vocational Training and Rehabilitation Services Unit (VTRS) under the National Directorate of Industrial and Vocational Training Department in the Ministry of Labour and Social Security. This unit is mandated to empower Persons with Disabilities (PWDs) with the appropriate skills that will enable them to become economically productive and socially stable. The Unit further evaluate the abilities of PWDs and their attitudes towards work and train them in suitable vocational trades.

47. With the training offered at Vocational Institutions, it is envisaged that the trainees will achieve self –self-sustainability through formal employment in the Industry or secure capital to initiate income-generating projects in their respective homesteads, or communities. The unit further integrates them back into society and their communities so that they start their income-generation projects.

48. The department has three (3) vocational centres or institutions around the country located in the following areas; Nhlanguano, Malkerns, and Mbabane. The PWDs currently admitted into these centres are mainly those who are physically disabled, those with minor mental challenges, speech and hearing impairments as well as a persons with learning disabilities. However, in the near future, the Unit is looking forward to upgrading and eventually accommodating persons with visual impairments, subject to the availability of resources. The centres offer hostel facilities at minimal fees for admitted trainees as well as workshop sheds. There is a variety of vocational courses offered in these centres ranging from sewing, leatherwork, building, carpentry, metal fabrication, agriculture, business, and computer studies. Enrolment to these centres is up to twelve months.

49. The Vocational Institutions/Centres:

- The Nhlanguano Vocational Training and Rehabilitation Services Centre – this centre has an intake capacity of one hundred and sixty (160) trainees per given period in the following areas; Electrical Installation; Leathercraft; Metalwork/Design & Technology; Commercial Studies; Sewing and Design; Agriculture; Carpentry/Building & Construction and Information Technology;

- The Malkerns Vocational Training and Rehabilitation Services Centre – This centre offers Agriculture courses only in crop production and animal husbandry. The centre has twenty hectares of good agricultural land and irrigation water. With proper renovations of the institution, the capacity of trainees per given time is thirty (30) and can even rise to sixty (60);
- The Mbabane Vocational Training and Rehabilitation Services Centre – This centre offers training courses in the following areas: Fashion and Design, Leather Craft, and Carpentry. Currently, this centre has been refurbished under a Public Private Partnership arrangement. New soft skills like hairdressing, beauty therapy, and photography to name a few will be introduced on re-opening.

50. Grade testing is done on Electrical, woodwork, metalwork, and sewing programmes. Commercial subjects are also examined.

51. Currently, the VTRS offers programmes free of charge for all students, however, due to budgetary constraints there is a proposal that students contribute a minimal fee to meet the costs of training except for PWD.

52. Over and above the mentioned vocational training and rehabilitation services, Eswatini, through the Ministry of Tinkhundla Administration, offers skills training programmes in manual activities such as sewing, food processing, and business management, amongst others. These trainings are mainly targeted at women, young persons, and other disadvantaged groups living in rural areas. In furtherance of this programme, five (5) training Centres have been established in rural areas such as Mahlangatja, Sithobela, Mahamba, Siphofaneni, and Ntfontjeni. The Ministry of Agriculture through the Extension Officers also trains women in various programmes that aim to equip them with self-sustenance skills such as farming, animal husbandry, and soap making.

53. The women and young persons trained in the above-mentioned Centres are encouraged to start their small businesses in strategic areas of their own choice or use the already established work sheds which are situated in various parts of the country such as Lomahasha, Siphofaneni, Mpolonjeni, Khubuta, Ntfontjeni, Gege, Buhleni, etc. Further, the establishment of savings and credit bureaus or cooperatives is promoted to assist in financing business initiatives for the economic growth of members.

54. The country established various Funds dedicated towards disadvantaged groups, women and young persons to provide capital funding to start small businesses, these initiatives are further discussed under Article 11 below.

55. The Government through Community Development Officers and Extension Officers provide continuous technical assistance to small entrepreneurs either in group schemes or individuals. All the above-mentioned programmes and public Funds are geared towards employment creation and poverty reduction in Eswatini to attain economic and social stability for all citizens.

### **Measures to facilitate re-employment of workers**

56. The country has not, as yet, established measures specifically directed towards the re-employment of retrenched workers. However, retrenched workers are also eligible to benefit from any of the available Funds established to provide capital investments towards the establishment of small/medium businesses.

57. Moreover, retrenchments and retirements, particularly in the public sector, are preceded by thorough preparation and training on how to use the retrenchment or terminal benefits, to mitigate the impact of post-employment status.

### **Work on informal economy**

58. A national discussion on the size, extent, and whole dynamics of the informal sector was commissioned in Eswatini by the Ministry of Commerce, Industry, and Trade. This discussion will result in a comprehensive report issued which will be used to inform a proper strategic direction on how best to manage and regulate this sector with or without transforming it into a formal economy.



59. Some of the initiatives undertaken by the country to promote the development of small and medium enterprises include:

- The Small Enterprises Development Company (SEDCO) – is a public enterprise that was established in 1970 to create, develop, and promote Small, Micro, and Medium Enterprises (MSMEs). It primarily aims to stimulate homegrown entrepreneurship with sustainable economic growth through entrepreneurship development and growth. In pursuing its mandate, SEDCO provides the following interventions to MSMEs: Capacity development, Business incubation, legal consultation, and market facilitation;
- Export Credit Guarantee Scheme (ECGS) – it promotes the country's export trade. The scheme was placed under the Central Bank of Eswatini for administration purposes. The policy objective of the ECGS is to facilitate Eswatini exporters to obtain loans from financing institutions at concessionary rates of interest and without undue limitation to the collateral that exporters can afford when applying for the loan;
- The Small Scale Enterprise Loan Guarantee Scheme (SSELGS) – is designed to cover shortage or lack of other acceptable collateral for credit to small-scale enterprises. Some of the objectives of the scheme are to make better use of financing resources available at financial institutions for a specific development purpose and to actively support local entrepreneurs to develop their businesses into viable private enterprises. Further, the Scheme seeks to promote increased participation of Eswatini nationals in the economic growth of the country, in particular in sectors of industry suitable for small-scale operations and to improve their competitive position;
- E45 Million Micro, Small and Medium Enterprises (MSMEs) Revolving Relief Fund – This fund was established in February 2021 to provide easily accessible finance to cater for the operating expenses of MSMEs, both formal and informal, which have been affected by COVID-19. It is being administered by Eswatini Bank and has assisted over 1 400 businesses (both informal and formal businesses), thus creating about 3 027 jobs at the end of December 2022, and has disbursed loans amounting to approximately E52 million. This fund is one of the interventions that are giving effect to the MSME Policy;
- The Informal Traders Revolving Fund, was established in 2018 to provide loan facilities to informal traders with loans of up to E5 000 payable within a year at an interest rate not exceeding one percent. This fund is being managed by the Eswatini Development Finance Corporation (FINCORP). The fund is currently available to the informal traders in the Manzini region and plans are underway to roll it out countrywide. During the financial year 2021/2022 a total of 50 traders were financed with about E256 250.00 and between 2020 and 2021 the operations of the Fund were disrupted by the effects of the COVID-19 pandemic;
- With support from COMESA, the Government constructed the Manzini Trade Hub (*Inhlanganisela yaboMake*) to provide a decent shelter for informal women traders that previously occupied the Manzini Satellite Bus Rank, an initiative that had the full support of Her Majesty the *Indlovukazi*.

#### **Safeguards against unfair dismissal**

60. There are two core national legislation that regulate relations between employers and employees. These are the Employment Act, No. 5 of 1980, and The Industrial Relations Act, No. 1 of 2000 (as amended), (IRA) respectively.

61. The objective of the Employment Act is to consolidate the law in relation to employment and to introduce new provisions designed to improve the status of employees in Eswatini. Part V of the Employment Act deals with the aspect of Termination of Contracts of Employment. Sections 35 and 36 outline fair and unfair reasons for the termination of employment services of employees. Section 40 lists instances in which employment may be terminated based on retrenchments. In terms of Section 42, the employer has the onus to prove that:

- The reason for the termination was one permitted by Section 36 of the Employment Act; and
- That, taking into account all the circumstances of the case, it was reasonable to terminate the services of the employee;
- That the termination was subsequent to due process of the law.

62. In dismissal cases, the burden of proving the fairness of the dismissal lies with the employer. The employee bears the burden to prove the existence of an employment contract after which the burden shifts to the employer to prove that the decision of dismissal of the employee was fair, taking into account the factors mentioned above.

63. Section 16 of the Industrial Relations Act deals with the remedial aspects of dismissals which have been found to be unfair, either due to procedural flaws or substantive flaws or by reason that the sanction of dismissal is found to have been too harsh taking into account all the circumstances of the case, as the case may be.

64. To ensure the implementation of these legal safeguards in practice, the country established specialized labour dispute resolution agencies for victims of unfair dismissals and related unfair labour practices to vindicate their rights. These are the Conciliation, Mediation, and Arbitration Commission (CMAC) and the Industrial Court.

65. CMAC is established in terms of Part VIII of the Industrial Relations Act, to provide speedy, cost-effective, fair, and equitable dispute resolution services for all parties involved in the labour market. The establishment of CMAC enables everyone to access justice without being hindered by financial constraints since legal representation is not a requirement for both the reporting and prosecution of labour disputes. Moreover, there are no legalistic papers to file before CMAC, and the dispute resolution mechanisms are not conducted in a purely legalistic manner.

66. The Industrial Court, on the other hand, is established in terms of Section 6 of the IRA for the furtherance, securing, and maintenance of good industrial or labour relations and employment conditions in Eswatini. Labour disputes which could not be resolved through conciliation/mediation may either be referred to arbitration at CMAC or to the Industrial Court for determination. Decisions issued by the Arbitrator or the Presiding Officer in the Industrial Court are binding.

67. In terms of Section 17(1) of the IRA, an Arbitrator at CMAC has all the remedial powers of the Industrial Court in cases of dismissals. Moreover, in terms of Section 11, the Industrial Court is not strictly bound by the rules of evidence or procedure that apply in civil proceedings and may disregard technical irregularity which does not or is not likely to result in a miscarriage of justice.

68. The graphs in Annexure 2 hereto show statistics of cases reported to CMAC over the past five years, statistics of cases settled at conciliation, and distribution of cases by category as well as by sector, included in this report with a view of demonstrating the practical application of the legal safeguards that are in place in Eswatini to protect workers from unfair dismissals and the effectiveness of these safeguards.

### **National minimum wage**

69. Eswatini enacted the Wages Act No. 16 of 1964 which establishes eighteen (18) tripartite Wages Councils for each industry or sector of the economy. These Wages Councils are tasked with the responsibility of annually reviewing the sectoral Wages Regulations Orders and promulgating revised minimum wages and basic conditions of service for each particular sector. For instance, in 2023 most of the Wages Councils reviewed the minimum wages and basic conditions of service for their respective sectors. Eswatini does not have a standard national minimum wage.

70. Sectors that are excluded from the Wages Councils are the public sector and all professionals such as Lawyers, Doctors, and others as there are trade unions and statutory bodies established to safeguard their interests. The public sector is highly unionized thus wages and conditions of service for the public sector are annually negotiated and agreed upon through the existing institutionalized collective bargaining structures, being the Joint

Negotiations Forum. There are four public sector unions covering the Nursing profession, Teaching profession, Accountants, and general Public servants.

71. In employment undertakings or economic sectors within the private sector, where trade unions are formed, registered, and recognized are allowed to negotiate better wages and conditions of service, building on top of the basic minimum wages as set through the annual Wages Regulation Orders.

72. After each sectoral Wages Regulation Order has been reviewed, the Minister responsible for Labour and Social Security publishes the reviewed wages and basic minimum conditions of service by issuing a Legal Notice in the Government Gazette. All employers whose basic minimum wages and conditions of service are regulated through the Wages Regulation Orders must display the relevant or applicable Wages Regulation Order in a conspicuous place.<sup>6</sup> This may be at the Notice Board or Reception area or any information Centre within the workplace for notification to all the employees about the newly obtaining basic minimum wages and other conditions of service.

### **Periodic review of wages**

73. The Wages Regulation Orders which are reviewed on an annual basis provide and ensure regular adjustments of the wages paid by employers to employees in the private sector and within the informal economy or small-medium businesses. These employees are mostly not covered by collective agreements in the absence of duly formed, registered, and recognized trade unions. However, the periodic review is achieved through the tripartite sectoral Wages Councils.

74. The mechanism available as an alternative to having a national minimum wage is the established tripartite sectoral Wages Councils. In these sectoral Wages Councils, there is equal representation of labour (workers), business (employers), and Government.

### **Working conditions**

75. The labour laws of the country provide adequate basic minimum standard conditions of employment in consideration of the physical, mental, health, and safety as well as the general welfare of all employees and their families. In this regard reference is made to the following legislative instruments:

- Employment Act;
- The Wages Act (supra);
- The Industrial Relations Act (supra);
- The sectoral Wages Regulation Orders;
- The Workmen's Compensation Act, No. 7 of 1983;
- The Factory, Machinery and Construction Works Act, No. 17 of 1972;
- The Occupational Safety and Health Act, No. 9 of 2001;
- The Codes of Good Practice (Under Section 109 of the Industrial Relations Act).

76. There are other subordinate policy documents that provide for general or basic minimum conditions of employment found in Company policies, Government General Orders, etc. To this extent, the country's labour laws make provision for the following basic conditions of service, amongst others:

- Annual leave or paid annual holidays (which is twelve days or more per annum) – Reference is made to Sections 121 and 122 of the Employment Act);
- Prohibition that annual leave be forgone or traded-off with monetary compensation, even if it is by agreement between the employee and the employer – Reference is made to Section 128 of the Employment Act;

<sup>6</sup> In terms of Section 18 of the Wages Act, 1964.

- Compassionate leave (which is one month annually) – Reference is made to Section 122(5) of the Employment Act;
- Entitlement to paid public holidays – Reference is made to Section 125 of the Employment Act;
- Payment during sickness (a minimum of fourteen days on full pay and a minimum of fourteen days on half pay) – Reference is made to Section 129 of the Employment Act;
- Protection from termination of employment as a result of absence from duty due to sickness certified by a medical practitioner for a period not exceeding six months, or to an accident or injury arising out of an employee's employment – Reference is made to Section 35(3) of the Employment Act;
- Entitlement to maternity leave to all female employees, which is not less than twelve (12) weeks – Reference is made to Sections 102 and 103 of the Employment Act;
- Entitlement to additional leave for female employees who suffer any illness arising out of her confinement (when giving birth) on top of the maternity leave to which she is entitled in terms of Section 103 (Such additional leave is up to six (6) weeks as a medical practitioner may determine) – Reference is made to Section 104 of the Employment Act;
- Special protection covering the employment of women, young persons, children, and domestic employees – Reference is made to Part X of the Employment Act.

77. With regards to measures taken to reconcile professional, family, and personal life, the provision for paid annual holidays (or annual leave) and weekly day offs in the country's labour laws promote a healthy balance between the professional, family, and personal life of employees. Other employees' wellness programmes, in particular in the public sector, include counselling, recreational activities, life coaching, preparation for retirement, wellness raising on communicable and non-communicable diseases, etc.

#### **Equal pay for work of equal value**

78. The country, demonstrating its unequivocal and long-standing commitment to fostering equality by eliminating all forms of discrimination between men and women has ratified the following international labour instruments:

- Convention No. 111 on Discrimination (Employment and Occupation), 1958 (ratified 5 June 1981);
- Convention 100 on Equal Remuneration, 1951 (ratified on 5 June 1981).

79. The above-mentioned international labour standards are part of the Eight (8) Core Conventions of the International Labour Organization (ILO) in respect of which all member States of the ILO (whether they have ratified these Core Conventions or not) should all respect, promote and realize. This requirement is according to the Declaration on Fundamental Principles and Rights at Work as duly adopted by the ILO in 1998.

80. Eswatini has made reasonable efforts to domesticate ratified ILO Conventions to ensure maximum compliance, enforcement, and vindication of violated rights. In this regard reference is made to the following statutory provisions:

- Section 29 of the Employment Act, No. 5 of 1980 provides that "No employer shall, in any contract of employment between himself and an employee, discriminate against any person or between employees on grounds of race, colour, religion, marital status, sex, national origin, tribal or clan extraction, political affiliation, or social status";
- Section 2 of the IRA, No. 1 of 2000 (as amended) prohibits discrimination by an employer against an employee based "on any arbitrary ground including, but not limited to, race, gender, sex, ethnic or social origin, colour, age, disability, religion, conscience, belief, political opinion, culture, language, marital status, or family responsibility";

- Section 96 of the Employment Act fosters “Equal Pay for Equal Work” to eliminate any discrimination in respect of pay or remuneration based on gender. Sub-section (1) of this Section provides that “...No employer shall, by failing to pay equal pay for equal work, discriminate between male and female employees employed by him”. Sub-section (3) of Section 96 further provides that “any provision of any contract of employment or collective agreement which contravenes sub-section (1) shall be null and void and the provisions of sub-section (1) shall be deemed to apply”;
- The Code of Good Practice: Employment Discrimination (under Section 109 of the Industrial Relations Act), Clause 4 thereof, provides that “every employer should formulate a policy for the prevention of discrimination and promotion of equal opportunity in employment”. This Policy must address several areas including, inter alia, remuneration for work of equal value (as per Article 4.5 of the Code). This Code prohibits all forms or kinds of discrimination perpetrated by employers either directly or indirectly (Article 5 of the Code);
- The legal position in respect of equality between men and women is further enshrined under Part IV of the Employment Bill on Fundamental Rights: Equality at Work, to ensure continuity in the protection against discrimination between men and women at work.

81. Compliance with the above-mentioned legislative provisions is monitored by the Inspectorate Division (Unit) under the Ministry of Labour and Social Security. The Unit ensures that regular labour inspections of all undertakings or work establishments in the country are conducted at least once per year, subject to follow-up inspections in the event of the discovery of non-compliance.

82. Follow-up labour inspections are normally conducted at intervals of one month to three months before any perpetual non-compliance is referred to the Director of Public Prosecutions (DPP) for criminal prosecution and sanction. No prior notification is provided to employers before any inspection. Discrepancies of remuneration between men and women carrying out similar work are not among the most common violations.

### **Sexual harassment in the workplace**

83. Eswatini adopted legislation that prohibits and criminalizes sexual harassment in the workplace. The Code of Good Practice: Employment Discrimination (promulgated under Section 109 of the Industrial Relations Act), Clause 3 thereof, whilst referring to Section 29 of the Employment Act, classifies harassment of an employee, whether of a sexual nature or otherwise, as constituting a form of discrimination.

84. Moreover, the Sexual Offences and Domestic Violence Act No. 15 of 2018 explicitly criminalizes sexual harassment<sup>7</sup> and offenders are liable to prosecution, conviction, and punishment of ten years imprisonment or a fine not exceeding Twenty-Five thousand Emalangeni or both. There are no available statistics of sexual harassment cases reported through the Labour Inspectorate.

85. However, CMAC data suggest that several sexual harassment and workplace bullying incidents go unreported as there are no workplace policies that deal with sexual harassment and bullying. In some cases, employees are not aware of what harassment entails.

### **Occupational safety and health**

86. Legislative safeguards are available to promote the safety and health of employees in Eswatini. In this regard, reference is made to the following legislative instruments:

- The Factories, Machinery, and Construction Works Act, No. 17 of 1972, provides for the registration of factories and the regulation of working conditions and the use of machinery at factories, construction works, and other premises;
- The Occupational Safety and Health Act, No. 9 of 2001, provides for the safety and health of persons at work and the workplace and the protection of persons other than

<sup>7</sup> Section 48.

persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace.

87. The scope of the above-mentioned legislative instruments applies to any workplace and factories, including premises or factories owned by or occupied by the Government. The implementation and enforcement of these legislative instruments are monitored by the Occupational Safety and Health Unit within the Department of Labour under the Ministry of Labour and Social Security. This department is under the direct supervision of the Chief Inspector who is appointed in terms of Section 4 of the Occupational Safety and Health Act, who works with inspectors. These inspectors carry out regular inspections in all work establishments to enforce compliance with all occupational safety and health measures as provided for in law. These inspections also include the inspection of specialized machinery, boilers, lifts, and escalators.

88. The inspectors also respond to any work accidents to investigate occupational accidents and diseases. Any evidence or facts collected during such investigations is recorded and attached to the Inspector's report submitted to the Minister responsible for Labour and Social Security. In case of an accident causing or likely to cause loss of life or serious bodily injury, the inspector sends copies of his report and evidence or facts collected during the investigation to the Attorney General and the Director of Public Prosecutions for their determination. In this regard, reference is made to Section 30 of the Occupational Safety and Health Act (under Part VI).

Table 3

**Occupational and Safety and health annual inspection reports**

<i>Year</i>	<i>No. of inspections undertaken</i>
2016/17	190
2017/18	206
2018/19	337
2019/20	184
2020/21	-
2021/22	279

## **Article 8**

### **Right to freedom of association**

#### **Operation of Trade Unions**

89. Eswatini has ratified the following ILO's Core Conventions relating to the principles of freedom of association and collective bargaining as well as on promotion of tripartism and social dialogue:

- Convention No. 87 (1948) – Freedom of Association and Protection of the Right to Organize Convention (ratified on 26 April 1978);
- Convention No. 98 (1949) – The Right to Organize and Collective Bargaining Convention (ratified on 26 April 1978);
- Convention No. 144 (1976) – Tripartite Consultation (International Labour Standards) Convention (ratified on 5 June 1981).

90. Eswatini submits periodic reports on the implementation of these Conventions to the ILO.

91. The operation of trade unions is regulated in section 32(2) of the Constitution which guarantees the right of workers to freely form, join, or not join a trade union for the promotion and protection of their economic interests. This section also protects the rights of workers to collective bargaining and representation.

92. Trade union issues are comprehensively regulated through the IRA. Part IV of the IRA states the procedures for the formation, constitution, registration, regulation, and affiliation, and other incidental matters of trade unions, staff associations, and federations, amongst other issues. Section 26(3) provides that “an organization of employees shall be deemed to have been formed on the date on which six or more employees agree in writing to form such organization”. Therefore, in terms of Eswatini law, it only requires a minimum of six employees to form a trade union or a staff association.

93. A trade union once formed and registered by the Commissioner of Labour<sup>8</sup> is then seized with the right to apply for recognition by an employer to acquire collective bargaining rights. The application procedure for recognition includes:<sup>9</sup>

- An application in writing to the employer for recognition as the employee representative and stating the categories of employees;
- Serving a copy of the application to the Commissioner of Labour;
- The employer is to reply in writing to the Organization and Commissioner within 21 days upon receipt of the application of whether the trade union is recognized or not.

94. The recognition section was amended in 2005 to make provision for recognition disputes to be automatically referred to arbitration without consent from the employer in the event a recognition dispute is not amicably settled at conciliation before CMAC. Therefore, recognition disputes no longer need to be referred to the Industrial Court as they are settled speedily either through conciliation or arbitration at CMAC.

95. The graph below shows the volume of Recognition disputes against the volume of disputes reported to CMAC over the past five years.

**Table 4**

<i>Year</i>	<i>Number of Collective Agreements Disputes reported to CMAC</i>	<i>Number of Recognition Disputes Reported to CMAC</i>	<i>Number of disputes reported to CMAC</i>
FY 2016/17	7	23	1 403
FY 2017/18	0	3	1 224
FY 2018/19	1	35	1 215
FY2019/20	10	34	1 205
FY 2020/21	12	24	1 055

96. The office of the Commissioner of Labour regulates and monitors the activities of labour formations or labour organizations such as trade unions, staff associations, federations, works councils, and joint negotiation councils.

97. There are no legislative restrictions on the right to form and join a trade union except for members of law enforcement agencies. A special provision is made for members of law enforcement agencies to establish Staff Associations that will advance their rights to collective bargaining and negotiate terms and conditions of service.

98. The IRA does not contain any restrictive conditions on the exercise and enjoyment of trade union activities, except where there has been a suspension or withdrawal of registration for failure to submit annual returns to the Commissioner of Labour.<sup>10</sup> Subject to standard procedural requirements, Trade Unions are guaranteed independence to organize their activities such as meetings, industrial actions, protest actions, etc.

<sup>8</sup> Section 27 of the Industrial Relations Act, 2001(as amended).

<sup>9</sup> Section 42 of IRA.

<sup>10</sup> Section 31 (3) of the Industrial Relations Act No. 1 of 2000 (as amended).

99. If any Trade Union or labour formation activity is to be held in a “public place”,<sup>11</sup> the Public Order Act No. 12 of 2017 requires that the convener applies for a permit from the Municipal Council or Local Authority within whose jurisdiction the activity is to be held.

100. Section 26, as read with Sections 32, 32bis, and 32quat of the IRA, guarantees the right of trade unions or labour formations to federate and affiliate with international trade union organizations. As a result of the above-mentioned legislative provisions, there are worker federations that have been formed by Trade Unions in Eswatini and have been registered in the Register of Organizations by the office of the Commissioner of Labour. These include the Trade Union Congress of Eswatini (TUCOSWA) and the Federation of Eswatini Trade Unions (FESWATU). On affiliation, TUCOSWA is affiliated with the Southern African Trade Union Congress (SATUC), at the regional level, as well as with the International Trade Union Congress (ITUC), at the international level.

101. There are 38 registered representative workers’ organizations in the country representing the public and private sectors. There are four (4) public sector unions, the rest of the registered organizations represent the interests of the private sector employees, such as; the agriculture industry, textile, manufacturing, domestic workers, support staff in educational institutions, retail industry, public enterprises, etc.

### **Regulation of industrial actions**

102. The right to strike envisaged by Article 8(d) of the Covenant is legally guaranteed through Section 2 and Section 86 IRA. The delimiting factors on the exercise of the right to strike is that it must be preceded by certain legislative conditions such as exhausting all internally established or agreed upon negotiation and grievance settling structures. Any deadlock must have been referred to the CMAC for conciliation/mediation *in lieu* of the strike action. In the event the matter remains unresolved at conciliation/mediation a notice to go on strike must be issued by the organization intending to embark on a strike action.

103. The table below depicts the number of industrial actions recorded in the past five years.

**Table 5**

<i>Year</i>	<i>No. of Strike actions</i>
2016/2017	10
2017/2018	5
2018/2019	7
2020/2021	-
2021/2022	7

104. The public and private sectors have the right to strike except for Essential services as classified or designated in terms of Section 93 of the IRA, by the Essential Services Committee. These services are defined as those whose interruption would endanger the life, personal safety, or health of the whole or part of the population. Currently, the following services have been designated as essential services; Water services, Electricity services, Fire services, Health services, Telephone and telegraphic services.

## **Article 9**

### **Universal social security**

105. Currently, there is no universal social security coverage in Eswatini. However, a legal framework to establish a National Social Security Authority is being developed which will bring together social security schemes that operate in isolation. These include the Workmen’s Compensation Insurance Fund; the National Health Insurance Fund; the National Pension Fund; the Motor Vehicle Accident Fund and the Social Welfare Fund.

<sup>11</sup> As defined in The Urban Government Act, 1969.



106. For instance, retirement packages are catered for under the Eswatini National Provident Fund (ENPF) and the Public Service Pension Fund (PSPF); Health insurance is catered for under the Phalala Fund within the Ministry of Health; elderly social welfare is catered for under the Monthly Elderly Grants within the Deputy Prime Minister's Office; employment injury is catered for under the Workmen's Compensation within the Department of Labour; whilst road accidents are catered for under the Motor Vehicle Accident Fund which presently operate as a public enterprise or parastatal.

107. The Eswatini National Provident Order, 1974 establishes the Eswatini National Provident Fund to cater for the post-employment period of all workers with the exclusion of public/civil servants whose post-employment benefit is catered under the Public Service Pension Fund. These post-employment insurance schemes are mutually contributory by the employer and the employee. The contributory rates for the Provident Fund escalate annually. Men and women enjoy equal pension rights, thus the age of access, qualifying periods and amounts are without differentiation.

108. The post-employment benefits under the Eswatini National Provident Fund cannot be said to be sufficient to ensure an adequate standard of living for the recipients and their families. This is mainly because the amounts contributed are lower than those contributed by employees and employers under the Public Service Pension Fund. Moreover, the Eswatini National Provident Fund Order permits a once-off withdrawal of all the saved funds at the discretion of the beneficiary or worker at the end of employment.

109. The non-contributory social security system caters for the elderly and disadvantaged individuals to obtain monthly grants. Moreover, this category of people is entitled to basic health services at no cost in all public health institutions and hospitals. Free primary education and a free school feeding scheme (at primary and high school level) are provided to all children of Eswatini in public schools. Further, the Government provides education grants for orphaned and vulnerable children to pursue secondary education.

110. To strengthen these interventions, the Government has developed a National Social Security Policy 2021 (NSSP), which is at its advanced stage of approval. However, the Government has commenced the implementation of activities in terms of the NSSP and is in the process of establishing modalities of an Unemployment Benefit Fund (UBF). Furthermore, under development is the National Health Insurance Scheme (NHIS) Policy in the Ministry of Health and the Social Assistance Policy under the Deputy Prime Minister's Office, which will cater for PWDs.

111. The country experienced several disasters over the last five years, two of which were declared national emergencies. These are the COVID-19 pandemic and Tropical Cyclone Eloise. The Government provided resources to mitigate the impacts of these events saving thousands of lives.

112. During the peak of COVID-19, one of the socio-economic interventions implemented was the establishment of a COVID Relief Fund to provide relief to laid-off employees coordinated through the Ministry of Labour. The Fund provided compensation to a total number of 23 099 employees (E400 per employee) from 155 Companies.<sup>12</sup>

113. Further, a socio-economic needs assessment was conducted to inform response and recovery plans. The Government made concerted efforts to coordinate a multisector comprehensive response through the National Disaster Management Agency (NDMA). This included a COVID-19 relief program that saw over 300 000 vulnerable Emaswati receive this support in the form of cash transfers as well as food parcels distributed to the most vulnerable and hard-hit populations in Eswatini.

114. The total in food distribution to vulnerable populations amounted to 1,299.27 MT. This included a combination of Cereal (1,040 MT), Pulses (208 MT), and Vegetable Oil (52 MT). This intervention benefitted 9,296 households which had a total of 34,605 beneficiaries across all four regions of the country. Cash Based Transfers of E700 per household and Food parcels distributed were conducted for beneficiaries across all Tinkhundla in the country. More than 26,000 households benefitted from this intervention

<sup>12</sup> As at November 2021.

which were made up of 127558 beneficiaries. A total amount of E26 397 316 million was disbursed by Government and partners in the reporting period.

115. The public social security schemes described above are supplemented by private schemes or informal arrangements. Several employers, on top of contributing towards the Eswatini National Provident Fund, for instance, also develop individual pension and provident fund schemes in agreement with their employees. The funds saved through these private pension and provident fund schemes supplement the funds obtained from the public social security schemes. Other social security benefits enjoyed from these private pensions and provident fund schemes include medical aid insurance for all healthcare issues.

116. These private pension and provident fund schemes are monitored by an independent Regulator, the Registrar for the Insurance and Retirement Funds under the Financial Services Regulatory Authority (FSRA). The Regulator is established in terms of the Financial Services Regulatory Authority Act No. 02 of 2010.

117. There are no specific social security programmes targeted at the informal economy. However, the NSSP aims to design, implement, and adapt legal and administrative social insurance frameworks for the coverage of workers in the informal economy.

118. Access to basic services is coordinated and facilitated through public service delivery provided by Government Ministries and Non-Governmental Organisations, thus bringing basic services closer to the people at the local Government level and helping mitigate challenges faced by non-nationals.

119. The country adheres to the non-discriminatory principle of health services to all, including non-nationals, migrants, asylum seekers, refugees, and Victims of Traffickings (VoTs), under the Universal Health Coverage principle (The Motto being health for all).

120. The Free Primary Education Act No. 01 of 2010 allows foreign children to benefit from Free Primary Education at public schools after complying with procedures outlined in sections 4 to 7. These include enrollment through consent of the Committee administering the institution, categorized in a Government Gazette in a specified kind or description that qualifies one to be enrolled at public primary schools amongst others. The Constitution obligates the State to promote free and compulsory basic education for all.<sup>13</sup>

## Article 10

### Protection of family

#### Marriage Consent

121. Section 27 (2) of the Constitution provides that “*Marriage shall be entered into only with the free and full consent of the intending spouses*”. Section 28 (3) declares that a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed. In practice, customary practices of *kungenwa*,<sup>14</sup> *kwendziswa*,<sup>15</sup> and others are no longer practised against the free and full consent of the intending spouses. During Customary marriages, the Chief’s representative has an important role of witnessing if the woman is a consenting party to the smearing with the red ochre.

122. There are ongoing community dialogues, sensitization campaigns, and media advocacy on the adherence to laws protecting children (the Children Protection and Welfare Act, Sexual Offences and Domestic Violence Act), in particular the girl child against harmful practices that hinder their full development. Where there are suspected reported cases of child marriages, the office of the Deputy Prime Minister and other relevant stakeholders attend to the cases, as a result, several children have been removed from forced marriages and cases referred to the criminal justice system for investigations and prosecution.

<sup>13</sup> Section 60 (8) of the Constitution.

<sup>14</sup> Widow inheritance.

<sup>15</sup> Forced marriage.

## Social Services

123. The Department of Social Welfare (DSW) under the Deputy Prime Ministers Office is mandated amongst others:

- To develop, facilitate, and monitor the implementation of effective policies and strategies on integrated social welfare services that meet the needs of all vulnerable groups;
- To implement comprehensive social welfare services focusing on all vulnerable groups. (poor families, older persons, persons with disabilities, children, drug addicts, persons affected with HIV/AIDS);
- To provide an affordable, accessible, comprehensive social security system that prioritizes the most vulnerable.

124. Social services and programmes offered by DSW to support families include:

- Elderly Grants – Offered to Emaswati Citizens above the age of 60 monthly at the rate of E500 per individual;
- Orphan and Vulnerable Children Grant – is offered to Emaswati High School-going children which caters to school-related fees;
- Ex-Servicemen military pension – social assistance offered monthly to war veterans who served in the 1st and 2nd World Wars. The Government provides social assistance to all living ex-servicemen and their widows;
- Child Welfare – caters to the care, protection, and general welfare of children. The DSW action all reported matters of non-maintenance of children and provided education and counselling to parents, guardians, and relatives who neglect, abandon and abuse children.

125. In 2023, the Government also established and operationalized a Home for the Elderly and Persons with Disabilities in Mankayane, with a capacity accommodating 20 people with disabilities and 48 elderly persons. This home only accommodates people with special needs and circumstances. The combined total spent on the project is E37.2 million, of which E9.27 million was a grant from the Government of the Republic of China (Taiwan). Furthermore, the Government introduced an Elderly Funeral Cover of E3 500 per beneficiary to help families of deceased elderly with funeral costs.

126. The budgetary allocation and beneficiaries under the social protection programs have increased over the years as indicated in Table 1 below.

Table 6

### Population covered by social protection programme

#### The proportion of the population covered by social protection floors/systems

Indicator	2016/17	2020/21	2021/22	2022/23
Number of beneficiaries under the OVC grant	52 632	19 653	60 373	55 474
Number of beneficiaries under the elderly grant	94 851	74 955	75 481	79 305
Number of beneficiaries under the disability grant	4 779	5 019	9 654	9 599
Number of beneficiaries under Ex-servicemen and widows	202	202	198	197
Government budget allocation for social protection programmes				
	2016/17 (E)	2020/21 (E)	2021/22 (E)	2022/23
Govt. budget allocation – OVC grant	108 034 458	180 000 000	170 000 000	170 000 000
Govt. budget allocation – elderly grant	154 201 748	466 833 454	466 833 454	466 833 454
Govt. budget allocation – disability grant	1 123 920	18 708 000	28 708 000	28 708 000
Government allocation – Ex-servicemen	2 000 000	2 000 000	2 000 000	2 000 000

Source: DPMO annual report, GoE estimate books (2017/18–20/2021).

Table 7  
Number of OVC School fees payment from 2009–2022

<i>Financial year</i>	<i>Number of ovcs</i>	<i>Total amount/year</i>	<i>Examination fee/year</i>	<i>Grand total</i>
2009/2010	89 706	98 720 350	158 137	98 878 487
2010/2011	118 219	103 703 664	21 637 768	125 341 432
2011/2012	87 713	121 340 405	22 464 589	143 804 994
2012/2013	87 551	115 320 376	20 852 848	136 173 224
2013/2014	77 014	115 646 523	26 187 651	141 834 174
2014/2015	61 998	108 610 825	30 556 396	139 167 221
2015/2016	53 564	109 714 800	26 076 797	135 791 597
2016/2017	52 632	108 034 458	29 295 802	137 330 260
2017/2018	55 572	114 292 643	35 986 595	150 279 238
2018/2019	57 799	119 114 450	39 850 661	158 965 111
2019/2020	58 499	120 925 550	41 446 605	162 372 155
2020/2021	19 653	31 260 075	40 373 260	71 633 335
2021/2022	60 373	88 405 911	64 328 200	88 405 911
2022/2023	55 474	83 419 819	38 155 977	121 575 796
<b>Total</b>	<b>817 548</b>	<b>1 438 509 849</b>	<b>373 043 086</b>	<b>1 811 552 935</b>

127. A National Children Services Department (NCSD) was established within the DPMO as a coordinating body for children's issues. In executing its functions the department takes guidance from the Children Protection Welfare Act, 2012 (CPWA), the National Children's Policy 2010 as well as the National Plan of Action for Children.

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

129. To demonstrate the full commitment of the Government towards ensuring and protecting the rights and fundamental freedoms of PWD, 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 PWD in all spheres and provides for equal enjoyment of all human rights and freedoms. Further, a Disability Policy of 2013 and the National Disability Plan of Action (ESNDPA) 2018–2022 were developed and costed. Detailed programmes and interventions put in place are discussed in Eswatini's Initial Report under the Convention on the Rights of Persons with Disabilities (2022).

### System of maternity protection

130. To ensure that no employee is dismissed based on pregnancy, the IRA prohibits the dismissal of an employee where the reason for the dismissal is due to the employee's pregnancy, intended pregnancy, or any reason related to her pregnancy and such is classified as automatically unfair dismissal.<sup>16</sup> Compensation for an employee whose dismissal has been found to be automatically unfair is double that of any ordinary dismissal, in terms of Section 16(7) of the Industrial Relations Act.

131. In terms of Section 102(1) of the Employment Act, No. 5 of 1980, "every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve months or more shall be entitled to maternity leave with at least two weeks' full pay...". Otherwise, the full period of maternity leave must not be less than a period of twelve weeks, in terms of Section 103(1) of the Employment Act. However,

<sup>16</sup> Section 2 of the IRA.

employers and employees may negotiate for payment which is more than the basic minimum condition provided for in the law. The above legislative conditions of employment are without discrimination to every woman, married or not, and whether involved in atypical work.

132. Compliance with these legislative provisions is monitored through the periodic labour inspections carried out by the Inspectorate Division under the Ministry of Labour and Social Security and enforced through established labour dispute resolution agencies such as CMAC and the Industrial Court.

133. In terms of Section 103(1) of the Employment Act, out of the twelve weeks' maternity leave period, the arrangement of taking the leave before and after confinement is discretionary between the two parties, except that the employee must be allowed such period as she desires not exceeding six (6) weeks before the date of confinement, and a period not less than six weeks from the date of the confinement. For a period of three months after maternity leave, every female employee is entitled to a one-hour nursing break with pay per day.

134. Other medical and support measures provided during pregnancy may be negotiated and agreed upon between employers and employees through collective bargaining or any other social dialogue forum as may be available in the workplace.

### **Child labour**

135. Eswatini ratified ILO Convention No. 182 of 1999 on Worst Forms of Child Labour in 2002. Section 29(1) of the Constitution, 2005 protects a child from engaging in work that constitutes a threat to the health, education, or development of the child. The Employment Act, No. 5 of 1980, under Part IV thereof, includes provisions prohibiting forced labour. Furthermore, Part X of the Act contains provisions prohibiting the employment of Children and the employment of young persons.<sup>17</sup>

136. The CPWA 2012 prohibits forced exploitative child labour and hazardous child labour and further regulates the employment of children above the age of 15 years. According to Section 109 of the Employment Act and Section 238 of the CPWA, any contravention of the provisions relating to the prohibition of employment of children and young persons is punishable through criminal sanctions.

137. In terms of the Integrated Labour Force Survey (ILFS) conducted in 2021, the prevalence of child labour in Eswatini is 8.2% of children between the ages of 5 and 17 years (8.9% – Males, 7.55 – Females), engaged in paid work.

138. There are misconceptions that Eswatini's cultural practice of *Kuhlehla*, constitutes child labour. *Kuhlehla* is a cultural practice in Eswatini where individuals occasionally perform chores for traditional establishments with their consent. These tasks include weeding, harvesting fields and general maintenance of traditional establishments. The essence of *Kuhlehla* shows a gesture of allegiance to the King by Emaswati.

139. Participating in *Kuhlehla* activities is not compensated monetarily; instead, participants gain a profound sense of belonging and pride by promoting and preserving Eswatini's rich cultural heritage. *Kuhlehla* is a testament to people's commitment to community, tradition, and mutual respect. It is a celebration of Eswatini's culture, where the values of solidarity and respect are upheld. *Kuhlehla* also serves as a platform where skills and values are transferred to children in preparation for adulthood.

140. Over and above all the mentioned legislative frameworks targeted towards the elimination of forced and child labour, Eswatini adopted a National Action Programme on the Elimination of the Worst Forms of Child Labour (NAP-WFCL). The implementation of this Action Programme is monitored or supervised by a multi-sectoral task team involving, inter alia, the Social Welfare Unit under the Deputy Prime Minister's office, the United Nations Children's Fund (UNICEF), Anti-Human Traffic Department under the Prime

<sup>17</sup> Section 97 and 98.

Minister's Office and the Child Labour Unit within the Ministry of Labour and Social Security (Department of Labour).

### Protection of older persons

141. Currently, Eswatini does not have specific legislation that comprehensively caters for the economic, social, and cultural rights of older persons, however, programmes are being implemented by the Government to give effect to the socio-economic advancement of older persons. In addition to the programmes highlighted above in paragraph 124 under social services, older persons have access to basic health care services provided by the public health system free of charge.

142. On the protection against abuse, abandonment, negligence, and ill-treatment of older persons, the general provisions of criminal law apply against perpetrators who violate the integrity and rights of older persons. The Sexual Offences and Domestic Violence Act, of 2018 specifically protects every citizen from domestic violence and imposes stiff penalties for perpetrators.

143. The Government has taken steps towards ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons. To this end, the Deputy Prime Minister's Office has undertaken stakeholder consultations on the ratification of the African Union protocols on older persons. The final clearing processes for ratifying this protocol are at an advanced stage.

### Rights of asylum seekers

144. The Refugees Act 15 of 2017 – provides for the recognition, protection, assistance, and control of refugees by giving effect to the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa; and to provide for matters incidental thereto.

145. The Ministry of Home Affairs has a Department of Refugees which has the mandate of protecting Refugees and Asylum seekers in the country. Their protection and subsequent provision of basic services are executed through a systematic program designed to be a one-stop shop for all services. These include health, food assistance, counselling, education, incoming generating opportunities, and skills training amongst others.

146. The refugee regime in Eswatini is composed of the Ministry of Home Affairs, the United Nations High Commissioner for Refugees (UNHCR) country office, and previously Caritas Eswatini. World Vision is now the implementing partner that collaborates with the UNHCR, since 2022. This tripartite is assisted by other stakeholders such as Government Departments, Non-Governmental Organizations, faith-based institutions, etc.

147. Eswatini does not have a refugee camp, instead, there is a reception center in Malindza that receives, assesses, and documents refugees who thereafter are free to reside anywhere in the country. Accommodation at the reception center is only for 3 months under Government support. A prolonged stay is then self-funded by the individual. The Government in collaboration with the UNHCR country office facilitates the process of family reunification of migrants where applicable.

Table 8

### Population of Asylum seekers and Refugees as of January 2024

<i>Category</i>	<i>No. of observations</i>
Asylum seekers	307
Refugees	2 722
<b>Total</b>	<b>3 029</b>

148. Out of a total of 3029 Refugees and Asylum seekers; 915 are females and 2114 are males.

## Violence against women and children

149. Eswatini has undertaken various approaches and strategies towards ending all forms of discrimination and violence against women and girls. Women and girls are discriminated against in many ways often disguised as tradition, customs as well as patriarchal norms and values which society has held on to in the name of indigenous culture (way of life).

150. The Kingdom enacted the Sexual Offences and Domestic Violence (SODV) Act No. 15 of 2018 to make provisions concerning sexual offences and domestic violence, prevention, and the protection of all persons from harm from other sexual acts and acts of domestic violence amongst others. The sentences meted out serve as deterrents to a lot of discrimination, exploitation, and violence against any person including women and girls who are considered the most vulnerable groups in society. In 2021, Regulations were developed to facilitate a holistic implementation of the SODV Act; which includes the establishment of specific institutions to further enhance the protection of women and children.

151. Eswatini is implementing a National Strategy and Action Plan to End Violence (2017–2022). The development of this Strategy was in response to the realization of the lack of a multisectoral framework to guide the prevention and response agenda to violence in the country. This framework is instrumental in the programming for the prevention and protection of all vulnerable groups from violence to effect social and behavioral change. Consequently, this has led to the advancement of the male involvement agenda being formed into a Men Engage Network; thus engaging men and boys on gender equality, and prevention of violence and abuse in all settings. There are Non-Governmental Organisations like Kwakha Indvodza (KI), and Swatini Action Group Against Abuse (SWAGAA) among others that are leading these initiatives to eliminate violence in our societies.

152. Eswatini further adopted a National Strategy and Plan of Action on Positive Parenting (2019–2023). The plan provides a blueprint and national roadmap towards achieving holistic child development through empowering and supporting parents to discharge their parenting roles. This plan seeks to instill principles that discourage violence and promote positive discipline, to eliminate all forms of violence including those appearing as child discipline.

153. Capacity-building initiatives have been undertaken since 2018 and are ongoing for the Police, Prosecutors, and the Judiciary on their roles and functions as outlined by the SODVA. However financial constraints and COVID-19 disruptions have inhibited the smooth rolling out of these trainings.

154. In 2009, the Royal Eswatini Police Service (REPS) Training Academy integrated a module for Domestic Violence, Child Protection, and Sexual Offences that forms part of the courses taken by Police trainees and Police in the service. The REPS has further issued national instruction/policy that serves as a guide to Police officers when dealing with children's issues.

155. Furthermore, through the assistance of partners, inter alia; UNICEF, Regional Psycho-Social Support Initiatives (REPSSI), and the University of Eswatini, Police officers undertake a two-year part-time Certificate programme on psychosocial support to provide comprehensive and quality services to victims of abuse.

156. In addition, with the support of development partners, Eswatini undertook a study on the Drivers of Violence against Children in 2016. The study indicates that violence against children is prevalent in Eswatini. The most prevalent forms of violence against children include violent discipline which includes both physical punishment and psychological aggression (88%), sexual violence (38%), bullying (32%), physical violence from an adult/carer or other authority figure (31%) and emotional violence (28.5%). Nearly three-quarters of children experience routine violence in the form of violent discipline and 1 in every 3 children experience some form of severe violence (including sexual violence). Experiencing one type of violence puts children at an increased risk for experiencing other types of violence. This comprehensive study on the drivers of violence against children identified five key factors that drive violence including:

- Gender norms and inequality;
- Economic and social policies that increase poverty and inequality;

- The HIV/AIDS epidemic;
- Formal and informal systems that inhibit disclosure, access, and follow-up on violence experiences and,
- The family and community norms around family secrets (*'Tibi Tendlu'*).

157. A total of 54,258 cases were reported between January 2015 and August 2020. Using 2017 National Census data, which places Eswatini's population at 1,093,238, equates to five reported cases per 100 people, or 5% (assuming one case per person). A total of 13,328 (about 25%) of these cases were reported by, or on behalf of, minors. Of these, the most affected age range is that of 12–17 years which contributes about 16% (8429) of the total number of cases reported. Conversely, about 75% (40,357) of abuse cases were reported by adults.

158. In line with a similar analysis of such data, the 6-year analysis revealed about 72% of cases (39,175) were reported by females, whilst 28% of the total cases were reported by males (15,075). This supports the notion that females experience and report more abuse, although the number of males reporting is consistently increasing year on year. The most reported form of abuse was physical abuse which constitutes about 36% (19,437) of the total cases received, with the second-highest (16,879) being emotional/verbal abuse. Sexual abuse constitutes about 19% (10,072).

159. Underreporting has been a challenge, however, due to continuous awareness-raising campaigns on gender-based violence, most people are confident in reporting cases of GBV. The DPMO – DGFI has expanded its outreach through developing a live-phone-in programme on Eswatini TV, which airs every Thursday evening. The programme unpacks several social issues including all forms of violence and legislation on women's and children's rights. The Programme aims to reach out to masses of the Eswatini populace on social issues affecting them as compared to the use of workshops that only accommodate a few participants.

160. Due to the prevalence of violence against women and children in Eswatini, REPS established a unit specifically dealing with cases of Domestic Violence, Child Protection, and Sexual Offences (DCS). The DCS unit is based in all 24 Police stations around the country, with a representation of four specialized personnel in each Police station. Further, the office of the Directorate of Public Prosecutions established a unit specializing in prosecution and/or dealing with cases of Sexual Offences, Domestic Violence, and Gender Based Violence to ensure that cases of such nature are thoroughly investigated and perpetrators are prosecuted, convicted, and punished under the SODV Act and kindred laws.

161. Various stakeholders within Government and Civil Society Organizations provide counselling services to survivors of gender-based violence. The Government has also established a One-Stop Centre as a strategy to deal with secondary trauma. The services provided under this platform include police services, social welfare services, and medical and psychological services. Plans to roll out the One-Stop Centres in all four regions of the country are at an advanced stage.

162. Children who have survived violence and those who require protection are placed in alternative care or temporarily at the halfway house. Due to the lack of halfway or safe houses, women survivors are accommodated by relatives.

### **Combating trafficking in persons**

163. The People Trafficking and People Smuggling (Prohibition) Act, No. 07 of 2009 provides for the offence of people trafficking and smuggling; the protection and support of trafficked or smuggled persons; and the establishment of a task force for the prevention of people trafficking and people smuggling.

164. Eswatini is the first country in the SADC region to establish a full-time Secretariat, under the Prime Minister's Office, dedicated entirely to the fight against Trafficking in Persons (TIP) and an Emergency Response Team (ERT) comprised of front-line practitioners who are mandated to attend to individual TIP cases. The mandate of the Anti-Human Trafficking Secretariat is to coordinate the implementation of the decisions made by the Taskforce for the Prevention of People Trafficking and People Smuggling. The task force



was initially established in June 2009 as part of the Government's efforts to prevent trafficking, it was resuscitated in January 2017.

165. This task force is comprised of representatives from multiple Government sectors and law enforcement agencies, representatives from the maiden regiment (Imbali), United Nations Children's Fund (UNICEF), NGOs focused on assisting women, children, and victims of crime, Faith-based organisations, and other vulnerable populations. It is mandated to develop a national plan of action and various standard operating procedures relating to trafficking.

166. To increase efforts to prevent people trafficking and people smuggling, the Secretariat conducts prevention programmes using platforms such as the Eswatini International Trade Fair. These programmes target parents, traditional leaders, students, and young women by providing them with information on trafficking. The Umhlanga (Reed Dance) ceremony is also used as a platform to sensitise and educate young women and girls on combating trafficking and smuggling, reporting procedures, and action to take in suspected cases.

167. In addition to the above, traditional and social media platforms are utilized to raise awareness on issues of TIP. Dialogues are also conducted in communities with stakeholders and the public. The Secretariat also facilitates the commemoration of World Day against Trafficking in Persons, an annual event commemorated on 30 July. In partnership with NGOs, the Secretariat analysed capacity gaps to improve prosecution, protection, and prevention of trafficking.

168. In November 2015, Eswatini launched guidelines for assisting trafficking victims titled: Victim Identification Guidelines and Referral Mechanism for Assisting Victims of Human Trafficking in the Kingdom of Eswatini: a practical guide for identifying, referring, and assisting victims of trafficking. These guidelines are in line with a victim-centered approach aimed at ensuring that survivors of trafficking receive adequate and essential services as provided for in the Constitution, SODV Act, and People Trafficking and People Smuggling (Prohibition) Act. In addition to this, the Secretariat facilitated the development of the National Strategic Framework and Action Plan to Combat People Trafficking (2019–2023).

169. Stakeholders in Ports of Entry are sensitized on:

- Victim identification guidelines;
- National referral mechanisms; and
- Related legislation.

170. These stakeholders include officials from Immigration, Police, Eswatini Revenue Service (Customs Department), and Eswatini Civil Aviation Authority. Further, Information, Education, and Communication material is placed at strategic points at the ports of entry for awareness raising to the public on issues about human trafficking and people smuggling.

171. The Government in collaboration with partners, continues to intensify efforts to improve people trafficking interventions in particular in the three pillars of prevention, protection, and prosecution.<sup>18</sup> The country has successfully prosecuted offenders for trafficking in person cases, in particular domestic trafficking cases.

172. In 2022, four cases were identified, two domestic and two international trafficking cases. With regards to the domestic cases, one involved three minors and the suspect was convicted and sentenced to 55 years imprisonment for sexual exploitation. The other case involves four minors and it is still pending before Courts for sexual exploitation as well.

173. Pertaining to the international trafficking cases; one involved a minor girl of Mozambican origin currently pending before the court for labour exploitation. The second case involved two boys and four girls of Mozambican origin for labour exploitation and is also currently pending before the Courts. Worth noting is that from 2016 to 2018, 50 victims of trafficking were detected in Eswatini.

<sup>18</sup> [PM-Statement---World-Day-Against-Trafficking-2021-1.pdf \(gov.sz\)](#) accessed 20 August 2021.

174. The COVID-19 pandemic has also brought its fair share of challenges, which have impeded the country's efforts to respond to trafficking in persons and programmes aimed at combating people trafficking. Nonetheless, The Government is committed to reviving the implementation of those programmes post COVID-19 era.

175. To provide shelter for victims of Trafficking, the Government in collaboration with the International Organization for Migration (IOM), identified and refurbished a structure to be used to shelter victims of Trafficking, currently operational. Apart from housing victims, this shelter is utilised to offer moral, emotional, and medical support to victims of people trafficking.

176. The 2021 Trafficking in Persons Report by the Washington Trafficking in Persons Office ranked the country as a tier 2 country. Being a tier 2 country means the country's response to people trafficking is plausible and has evidence of good efforts, but does not recognise all minimum standards put in place.

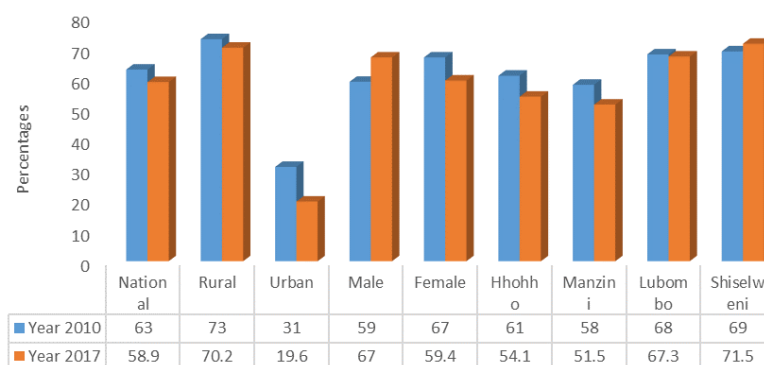
## Article 11

### Right to adequate standard of living

#### The right to the continuous improvement of living conditions

177. Eswatini is committed to the implementation of the Sustainable Development Goals (Agenda 2030) and African Union Agenda 2063. Further, the country is committed to reducing the disparities between rural and urban communities.

178. Eswatini has a population of 1,093,238,<sup>19</sup> out of this population 58.9% are living below the poverty line which has improved from 63% in 2010. According to the ESHIES report,<sup>20</sup> poverty is more pronounced in rural areas at 70.2% than in urban areas at 19.6%, highest in the Lubombo and Shiselweni regions at 71.5% and 67.3% respectively (see figure 1.1).



179. The country uses the national poverty line set at E946.00 per month with the extreme poverty line at E455.00. The poverty line is updated every 5 years through the Eswatini Household and Income Expenditure. The survey considers the basic basket of food and applies it according to households' expenditures on food. Poverty is one of the main development challenges affecting the Kingdom.

180. Eswatini has a youthful population of 72.9 percent at the national level, a total of 58.2 percent is unemployed youth, and 50.1 percent which accounts for unemployed graduates. Worth noting is that the national unemployment rate is 33.3 percent.

181. To address this challenge, the Poverty Reduction Strategy and Action Programmes (PRSAP) developed in 2005 was tailor-made to end Poverty by 2015. The PRSAP was designed to accelerate the implementation of the National Development Strategy (NDS)

<sup>19</sup> Eswatini Population Census report, 2017.

<sup>20</sup> Eswatini Household Income and Expenditure Survey (ESHIES) 2016/17.

focusing on reducing poverty among the citizenry. The Government through the Ministry of Economic Planning and Development developed a National Development Plan (NDP) 2023-2028 and Automated Monitoring and Evaluation System designed to monitor the implementation of the NDS and all Government Ministries and Departments' interventions for poverty reduction. These documents are reviewed yearly to ascertain their effectiveness.

182. The Government in collaboration with development partners has implemented, amongst others, the following interventions to combat poverty:

- Youth Enterprise Revolving Fund (YERF) targets both females and males below the age of 35 years and this fund is revolving. The YERF approved loan funding for 325 young people between 2018 and 2023, amounting to over E17M and creating over 1000 jobs;
- The Regional Development Fund (RDF) supports infrastructure development and service delivery for viable commercial projects that enable job creation. The Fund is accessible to group entrepreneurs or group schemes in the form of a grant under the same constituency. The Fund has been utilized to procure farm implements, harmer mill projects, and agricultural projects amongst others. Between 2018 and 2023 approximately E425.5 million was distributed through the RDF benefitting a total of 157 groups and associations, which in turn created 6 767 employment opportunities in rural households;
- Inhlanyelo Fund is a loan capital fund to promote viable micro projects in the informal (grassroots) business sector in all regions;
- Poverty Reduction Fund is accessible to individual entrepreneurs from all the Tinkhundla constituencies at very minimal interest rates;
- The Farmers Input Subsidy programme under the Ministry of Agriculture aims at subsidizing the production cost of subsistence farming in rural areas;
- Eswatini Youth Empowerment Programme commenced in January 2022 to January 2024 in collaboration with UNDP. It targets young people between 18 to 35 years old to gain work experience, skills, and access to jobs. Further, it also reaches out to young people with little or no tertiary education for training on entrepreneurship for business start-ups. In January 2024 a total of 4000 youth from all regions of Eswatini benefited from this programme, of which 50 percent were women. Amongst the 4000 beneficiaries, a total of non-graduate individuals were trained in basic vocational skills, business development, and mentorship. On graduation, this group received starter packs and business training to support self-employment;
- In February 2023, the Government also launched the Insika Yensha Youth Empowerment Programme (E5.1M) with Taiwan, which sets out to improve the lives of young people in Eswatini by offering technical training and start-up kits. A total of 90 youths were given start-up kits during the first phase of the Programme in February 2023. In July 2023, Taiwan awarded E1 million (E250,000 for each region) during the second phase which benefitted a total of 201 young people to start up businesses;
- Other international partners listed in Article 2 above, have also contributed to reducing poverty levels by providing scholarships, vocational training, business training, and providing starter packs to support self-employment.

183. Despite these financial interventions, grants are insufficient to meet the beneficiaries' demands. There is also a weak monitoring mechanism for the projects to achieve the desired impact.

### **The right to adequate food**

#### *Availability of affordable food*

184. Agriculture is one of the key strategic sectors prioritized by the country to address poverty and food insecurity. The development initiatives of the sector are informed by the Food Security Policy (2005), National Development Strategy and the Poverty Reduction Strategy and Action Plan which are the main planning frameworks for the Government.

185. At the sector level, the Ministry of Agriculture is guided by the Comprehensive Agriculture Sector Policy (CASP) (2005), which includes crops, livestock, irrigation, food security, and research and extension development. In July 2016 the sector and all its stakeholders endorsed the Eswatini National Agriculture Investment Plan (SNAIP) which is aimed at increasing both public and private investment for the development of the sector.

186. The Ministry of Agriculture promotes the production and productivity of crops, vegetables, livestock, and fisheries to increase local production and, thus ensuring availability of food required by the local population. The Ministry also provides subsidised mechanization support for land preparation and planting. In addition to free and decentralized extension services in the four regions and their sub-regions, the Government provides subsidized inputs programs for the staple crops (Maize, beans, and sorghum) offering price reductions for items such as plant food, pesticides, and seeds for these crops. Enrolment of the farmers has risen notably since 2018, specifically for maize, and later beans and sorghum. However, a general drop in participation of maize farmers enrolled was noted in the 2022/23 season compared to 2021/2022 from 15,049 to 11,519 respectively partly due to the short payment window.

187. The Government in collaboration with Development Partners and NGO's initiated a Subsidy programme to assist small-scale farmers with technical expertise and subsidies aimed at improving food security. Farmers are expected to contribute 35% of the input costs while the Government contribution is 65%. Other stakeholders like the National Maize Corporation and the Food and Agricultural Organization (FAO) have engaged farmers in contract farming. This initiative allows farmers to access farm inputs which they pay for once they have harvested their fields. In 2018, under this programme, approximately 23,000 households received farm inputs (2797 MT NPK fertilizer, 1864 MT lime, and 233 MT seeds and technical support for agricultural activities).

188. For livestock, there are also a number of services aimed at increasing local production, including extension services, subsidized supplementary feed (hay bales), genetics improvement programme (through the bull loan scheme under beef production and the provision of high-quality breeding stock, and semen straws produced for artificial insemination under pork production), promotion of small stock (poultry, goats, piggery, rabbits) to increase the availability of protein food at Household level. Where there are local supply gaps, the country's trade policies are open to allow traders and individuals to import food.

189. The Government also conducts a Vulnerability Assessment which forecasts the availability of food in the country and identifies regions where there might be a food deficit, thus corrective measures are put in place to stock and supply through imports. The trend indicates a domestic shortfall in each year of production.

Table 9

**Crop production in metric tonnes**

Year	Maize			Sorghum			Beans		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Hhohho	18 077.80	34 252.0	29 447.9	0	4.7	17.4	104.25	85.1	87.3
Lubombo	4 727.62	6 620.5	7 710.0	90.96	54.0	4.0	118.23	136.7	45.0
Manzini	51 323.51	60 941.4	24 485.0	0	69.0	59.4	258.8	1 721.6	119.1
Shiselweni	25 912.68	25 501.6	23 558.8	0	18.7	18.5	177.95	236.2	437.0
National	100 041.6	127 315.5	85 201.6	90.96	146.4	99.2	659.23	2 179.6	688.4

190. The Government established the National Disaster Management Agency (NDMA) to cater for emergency relief during the occurrence of natural disasters such as drought through the provision of basic food needs to those affected. Further in 2020, the NDMA collaborated with the Ministry of Agriculture to develop a National Drought Management Plan.

191. To fight hunger and achieve food security, Eswatini endorsed and domesticated the Sustainable Development Agenda 2030 and further prioritized SDG 2 to align its

interventions with the Global Zero Hunger Challenge. The Government collaborated with key sectors to develop the Eswatini Zero Hunger Strategic Review (EZHSR) 2019 to inform the implementation of SDGs 1 and 2.

192. Below are some of the programmes and projects implemented by the Government to ensure the availability of food.

#### Smallholder agriculture development

193. Promotes smallholder farmer development and links them to markets as a strategy to increase income from agricultural activities while addressing food insecurity. Some of the key institutions include:

- National Marketing and Agricultural Board (NAMBOARD) – for convectional and high value vegetables;
- National Maize Corporation (NMC) – for cereals like maize, rice and sorghum;
- Eswatini Water and Agricultural Development Enterprise (ESWADE) – for various cash crops like sugarcane and banana together with other agricultural activities that also involve livestock farming.

#### Komati Downstream Development Project (KDDP)

194. This project benefited 4500 households in the northern part of the country and as of 2016, a total of 5300 hectares (ha) had been developed with irrigation infrastructure mainly for sugar cane production while a small percentage is used for the production of non-sugar crops. The households within the project area are also provided with portable water and sanitation infrastructure.

#### Lower Usutu Small Holder Irrigation Project (LUSIP) – Downstream development

195. This project is implemented in two phases where a total of 12000 ha is targeted for development with irrigation infrastructure. Currently, a total of 4300 ha has been installed with irrigation, while investments for phase two commenced in March 2017. In total this project is estimated to benefit over 6000 households which will also be provided with access to portable water and sanitation.

#### Food security project

196. This project was targeted at providing input subsidies to improve maize production in the country, especially in the Highveld and upper middle veld regions where maize production is most suitable. More than 150 million Emalangeni (41 895 061 for 2019, 42 000 000 for 2020, and 42 200 000 for 2021) has been spent by the Government over the past three years where maize farmers have benefited in terms of getting subsidized inputs including fertilizers and seeds. The project has also procured tractors and implements which provide services for tillage and planting at subsidized prices for smallholder farmers. The project has also assisted in the decentralization of soil testing facilities to the four regions of the country. Farmers are also provided with lime to assist them in soil conditioning to improve their harvest. Once fully implemented, the project will increase maize yields from the current average of 1.2 tons per ha to 4 tons per ha. If achieved, such yields will ensure the country achieves self-sufficiency in maize production.

#### Agriculture Research and Extension services

197. The Government of Eswatini continues to provide agriculture research and extension services for crops and livestock development at no cost to smallholder farmers. The Government has decentralized these services to all regions and sub-regions of the country resulting in 17 Rural Development Areas, 5 agricultural research facilities, and training centers. In 2012, the Government drafted and endorsed the National Agricultural Research Policy aimed at improving the institutional arrangements for agricultural research in the country.

### Livestock development and animal health

198. Livestock production contributes extensively to smallholder farmer's livelihoods and the country's overall GDP. The Government implements programmes that include the provision of breeding stock to farmers for cattle, piggery, and indigenous chickens. Animal health services are provided to include a subsidized cattle dipping program for smallholder farmers amongst others. The vigilance and prevention of animal disease in the country has ensured continued access to international markets for export of beef which is a catalyst for the growth of the beef industry in the country.

### *Affordability of food*

199. The Government, through the Eswatini Competition Commission,<sup>21</sup> monitors and regulates prices for food commodities to ensure that it is affordable and these include Maize, bread, and milk amongst others. Supplementing the Competition Commission is the Ministry of Commerce, Industry and Trade which administers the Price Control Order No. 25 of 1973 and provides for price control of goods and services in Eswatini. Also, smallholder producers are supported to increase production and market their produce to generate income and increase their purchasing power for food items they don't produce. The staple food commodities are zero-rated in terms of Value Added Tax Regulations.

### *Food Safety*

200. The country has the Standards and Quality Act No. 10 of 2003 and Bio Safety Act 2012 which is mainly used by the Eswatini Standards Authority or other Competent Authorities to ensure that healthy and nutritious food is produced, marketed (processed, packaged, distributed), and consumed by the population. There are laboratories used to test the quality and nutritional value of food products. Further, food imports are also subjected to meet the food quality standards through the issuance of import permits. Public health services are provided by the Ministry of Health and Local Authorities to ensure that enterprises dealing with food are compliant with food quality standards, set by Public Health Act 1969 and Food Hygiene Regulations (1973). Further, a Food Science and Technology Laboratory was established to ensure that the quality of food is properly assessed before it can be promoted for consumption by the country's population.

### *Food nutrition and utilization*

201. The Government has put in place programmes to improve the utilization of food at the household level to enhance the nutritional status of the country's population. Communities and women groups are capacitated on food preparation and the importance of a balanced diet. Such interventions have contributed to reduced under-nutrition levels among children under 5 years from 31% in 2010 to 25.5% in 2015. A further decline to 20% has been observed in 2022.<sup>22</sup>

### *Legislative framework to strengthen the country's Food Security*

202. The Ministry of Agriculture developed several legislative instruments that will assist the country's programs towards the attainment of the desired goals such as:

#### The Fisheries and Aquaculture Act No. 15 of 2019

203. This legislation provides for the sustainable and regulated utilization of national fish resources; to ensure equitable, sustainable, and fair access to fish resources; to provide for the sustainable and responsible development of aquaculture; to repeal and replace the Protection of Fresh Water Fish Act No. 37 of 1937; and to provide for incidental matters.

<sup>21</sup> Established in terms of the Competition Act No. 08 of 2007 which seeks to provide for the encouragement of competition in the economy by controlling anti-competitive trade practices, mergers and acquisitions, protecting consumer welfare and providing for an institutional mechanism for implementing the objectives of the Act.

<sup>22</sup> Central Statistical Office (CSO). 2024. Eswatini Multiple Indicator Cluster Survey 2021-2022, Survey Findings (MICS 2022).

The Eswatini National Agricultural Research Authority Act No. 03 of 2018

204. This Act provides for the establishment and function of the Eswatini National Agricultural Research Authority and any incidental matters thereto.

The Pesticides Management Act No. 14 of 2017

205. The legislation provides for the importation, manufacture, distribution, sale, control, and management of pesticides and provides for incidental matters.

The Plant Health Protection Act No. 3 of 2020

206. The legislation provides for the prevention, introduction, and spread of planned pests to facilitate trade in plants and their products in accordance with the provisions of the International Plant Protection Convention, and to provide for other incidental matters.

Dairy Regulations of 2021

207. These Regulations seek to improve the Dairy industry in the country by providing a clear regulatory framework for the production of milk and milk products in the country.

#### *Advocacy on Nutrition*

208. The Ministry of Agriculture has a section for Home Economics which provides extension services on nutrition and household management. The households are capacitated on the importance of nutrition, and food utilisation and are empowered with skills in food handling and preparation. In addition to face-to-face extension and training programmes, the Ministry has radio and television programmes to increase outreach. There is also a growing participation in social media platforms where Government officials are reaching out and providing nutrition information.

209. There is also the Nutrition Council which promotes and advocates for improved nutrition and conducts studies and campaigns to sensitize the public on the importance of nutrition and how it should be mainstreamed in the food system of the country. The Ministry of Health is also running programmes of nutrition (especially for women) and improving sanitation at the household level.

210. Nutrition campaigns are further carried out by NGO's through a variety of media platforms to reach out to people, with information on good nutrition, food security, and safe food preparation measures. This is done at the community and national level using the different platforms.

#### *Accessibility to land, food, natural resources, and technology for food production*

211. Immovable property in Eswatini is categorized as privately owned land (Title Deed land) and Eswatini Nation Land (ENL). Title deed land is regulated by the Deeds Registry Act 37 of 1968 (as amended) and is administered by the Ministry of Natural Resources and Energy – Deeds Department. ENL is regulated through Eswatini Law and Custom and is administered by Chiefs in terms of section 233 of the Constitution.

212. Section 211 of the Constitution declares that all land in Eswatini, save privately held title-deed land; vest in the King (iNqwenyama) in trust for the Eswatini Nation. It further affirms that a citizen of Eswatini, without regard to gender, shall have equal access to land for normal domestic purposes and cannot be deprived of land without due process of law.

213. The Government is providing social protection through grants for the elderly and disabled populations. These grants help these groups to increase their income and by extension, access to food.

214. There is also the Asidle Kwetfu<sup>23</sup> and the Chiefdom Maize Production programmes which support child-headed households to produce their food. Under these programmes,

<sup>23</sup> Meaning "Let us consume our own products".

production inputs are provided by the Government and Development Partners to assist these households in planting their crops for home consumption.

215. There is also established a Centre for Financial Inclusion under the Ministry of Finance which supports programmes to increase access to finance through collaboration with Financial Institutions and the Central Bank to ensure that there are inclusive credit facilities.

*Challenges in the accessibility to land, food, natural resources, and technology for food production*

Food security

- Food security remains one of the major issues affecting livelihoods in the country which is further compounded by erratic weather patterns and climate change, resulting in discrepancies in crop production over the years;
- Increase in farm inputs prices.

Lack of land policy and legislation

- The lack of a national land policy and overarching legislation remains a major challenge in the administration of the country's land resources. Uncoordinated and unplanned use of land in the country is also widespread as a result. Data on land use is poor and as a result assessments on land use change remain a challenge;
- Prevalent encroachment of sensitive land ecosystems like wetlands, indigenous forest areas, and watershed areas by human settlements is highly observed as well as commercial activities like clearing virgin land for agricultural production and illegal logging;
- The land policy remains in draft and has delayed progress in addressing emerging challenges such as not observing the land use planning policy and encroaching on arable land using it for real estate or settling homesteads in rural at the risk of food security.

216. Currently, the Ministry of Agriculture is working with its stakeholders in each product value chain to develop Sector Development Plans and Agreements (SDPAs) which will bring all players in the value chain into a harmonized setup that will involve making investments toward the development of the sector and increasing local production and value addition and ultimately increase import substitution.

**The right to water**

217. To implement or promote universal access to water and sanitation by 2030, the Government has developed National Development Strategy (NDS) 2018–2022. The NDS ensures that the right to adequate and affordable access to clean water that is sufficient and safe for personal and domestic use for everyone is given effect.

218. Eswatini developed a National Water Policy, in 2018. This Policy provides a framework for water management in Eswatini. It provides the rules and regulations for the promotion of sustainable water harvesting and sharing of transboundary watercourses at all levels in the country.

219. The Ministry of Natural Resources and Energy (MNRE) is the overseer of all institutions mandated to give effect to the right to safe drinking water and sanitation in the country. Within the MNRE is the Department of Water Affairs established in terms of the Water Act of 2003 and serves as the secretariat to the National Water Authority. The Water Act further establishes the National Water Authority which establishes River Basin Authorities for the management of river basin matters.

220. The Water Affairs Department is comprised of three sections, namely:

- The Water Resources Section – Responsible for the management and development of surface resources which includes the development of dams, monitoring of river flows, and the control of water pollution;



- The Rural Water Supply Section (RWSS) – The mandate of the Rural Water Supply Branch is to provide clean safe drinking water supplies to residents in the rural areas of Eswatini. To achieve this the RWSS designs, constructs, maintains, repairs, and rehabilitates rural water supply schemes. The RWSS also provides technical advice on the design, construction, and maintenance of rural water supply schemes to other Government departments, non-Governmental organizations, and rural communities themselves;
- The Hydrogeology and Drilling Section – Responsible for the administration of the Borehole Regulations of 1995, exploration, drilling, and management of groundwater resources.

221. Eswatini Water Services Corporation (EWSC) is established under the Water Services Corporation Act No: 12 of 1992. It is a Category ‘A’ Public enterprise regulated in terms of the Public Enterprise (Control and Monitoring) Act No.8 of 1989. EWSC is a public enterprise whose mandate is to provide potable water and sanitation services to specified areas within the country adhering to specified business principles. Its objectives are to abstract, store, transport, purify, supply, and collect water, convey, treat, and dispose of sewage in designated areas (mainly urban and peri-urban).

222. Eswatini has increased access to safe drinking water at the national level from 67% (EHIES 2017) to 77% in 2022 (MICS 2022). About 72% of the rural population has access to improved water sources compared to 95% for urban areas. According to the MICS 2022, almost 8 to 10 households use drinking water from an improved source that is accessible within 30 minutes. This has resulted in improved access to sanitation services for 58% overall, which is 49% for urban areas and 61% for rural areas<sup>24</sup> which indicates that the population uses basic sanitation that is not shared with other households. EWSC has an annual budget for capital projects aimed at extending water and sanitation services in the four regions of the country. Extensions are made through pipe installations annually to increase access to water and sanitation services.

223. The improvement has been achieved through the Government’s collaboration and assistance from various partners funding projects aimed at amongst others; the management of water resources, building resilience to climate change and disaster risks, and water, and sanitation and these projects target the rural and peri-urban areas.

224. Some of the initiatives Eswatini has implemented with the support of Development Partners to improve potable water supply and sanitation projects between the period of 2016 to 2022, especially in rural areas include:

- Drilled wells and installed hand pumps and kiosks at 80 sites in the rural areas of Eswatini, benefitting 25, 658 people in the communities;
- Drilled 36 groundwater boreholes, benefitting about 5 000 homesteads and 81 hand pumps rehabilitated, benefitting 25 658 people;
- The Government Plan of Action for 2021 has an objective to implement 15 potable water projects to benefit 1500 Emaswati;
- A USD 35 million water access project was implemented in rural communities of the country. Its objective was to improve access to improved water supply and sanitation, as well as strengthen the national rural water supply provision;
- A USD 45 million Eswatini Water Supply and Sanitation Project was implemented in the Shiselweni region. Its objectives were to improve the management of water resources, build resilience to climate change and disaster risks, and to also improve access to sanitation;
- Four different potable water and sanitation projects set to benefit over 118 000 Emaswati in rural and peri-urban areas were launched.

<sup>24</sup> MICS 2022.

225. The details of these projects are listed in the table below:

**Table 10**

<i>Project</i>	<i>Beneficiary</i>	<i>Budget</i>
Integrated Water Supply and Sanitation (Manzini Region)	76 000 Emaswati	SZL 825 million
Revival of three water projects for three rural areas (Lubombo region)	3 969 Emaswati	SZL 1.3 million
Solar water project (Manzini Region)	33 243 Emaswati	SZL 27 million
Solar water project	4 800 Emaswati	SZL 8.4 million

*Affordability of water services*

226. Eswatini recognizes water as a basic human need and aims to make water affordable to all. The Government continues to provide water as a social service, hence the drilling of boreholes for individuals and communities is subsidized by the Government to ensure that more people access this scarce resource.

227. EWSC uses the increasing block tariff method where in the first band, 10,000 litres are charged below cost to make water affordable to the disadvantaged members of society. For more than 5 years, connection fees have not been increased so that people can afford to make a connection.

228. Water kiosk customers enjoy the usage of water without the minimum charges depending on what the household can afford to buy as and when necessary. A kiosk is managed by one person who takes responsibility for the metered connection and from the proceeds maintains the bills. The idea is to empower the kiosk runner while also ensuring the affordability of water. The tariff for the Kiosk is E7.45 per KL (1000 litres) flat rate. A total of 44 kiosks have been installed, below is a table listing places and their distribution.

**Table 11**

<i>Region</i>	<i>Place</i>	<i>Quantity</i>
Lubombo	Lavumisa	20
Hhohho	Somntongo	12
Shiselweni	Matsanjeni	8
Manzini	Malkerns	1
Lubombo	Siphofaneni	3

229. During COVID-19 (March 2020–December 2021) EWSC as a Corporate Social Responsibility Initiative donated 22,566,720 million litres of tanked water through NDMA to communities and schools country-wide. Furthermore, in Lavumisa, boreholes were dug for the vulnerable communities and the legally approved tariff increases were put in abeyance for a period over 16 months in an attempt to accommodate the financial constraints arising from the pandemic and other economic factors.

*Systems to monitor the quality of water*

230. The country's rivers and streams are transboundary in nature, hence the need to monitor the water resource when flowing in and out of the country to fulfill the transboundary obligations. The Department of Water Affairs has a Water Quality Laboratory, which is in the process of accreditation, where surface and groundwater quality analyses are conducted. The Laboratory has a Water Quality Management system that guides them on where to take water and effluent samples, the frequency of sampling, sampling methods, and preservation of samples on-site amongst others. The Laboratory is administered by qualified and competent personnel.

231. EWSC has a Laboratory that is accredited under ISO/IEC 17025. The laboratory periodically monitors the microbiological and physico-chemical quality of water in the EWSC catchment areas, treatment plants, and distribution points (reservoirs and end-user points). The purpose of the potable water monitoring program includes but is not limited to the following:

- To monitor catchment areas for pollutants that can affect treatability;
- To evaluate the effectiveness of treatment processes at waterworks;
- To assure the quality of EWSC products as delivered to the customer.

#### *Water education and conservation*

232. MNRE works in collaboration with the Ministry of Health (Department of Environmental Health) on issues of sanitation and hygiene and, the importance of protection of the water source from pollutants. This also includes sensitizing the communities and the public on the importance of conserving the scarce resource. EWSC monitors catchment areas for pollutants. There is a dedicated department that addresses water losses by acting on water leakages, pipe bursts, and water theft/illegal connections amongst others.

233. Despite the efforts made to improve access to water services, there are limited budgetary allocations to cater for maintenance and provide for new investments in the water sector as well as to implement rural water supply programmes by the Rural Water Division. This sector is also greatly affected by climate change.

#### **Housing**

234. The right to adequate housing is not explicitly spelled out in our Constitution. However, Section 59 (1) provides that the Government shall take all necessary action to ensure that the national economy is managed in such a manner as to maximise the rate of economic development, and to secure the maximum welfare, freedom, and happiness of every person in Eswatini. The Section further states that the State shall provide adequate means of livelihood, suitable employment as well as public assistance to the needy.

235. Other legislation promoting and protecting the right to housing include: the Town Planning Act of 1962, Human Settlements Act of 178, Sectional Titles Act and Residential and Tenancies Bill and Building and Housing Act of 1968. These legislation deal with spatial development, human settlements, rental housing facilities and provision of safe buildings and construction.

236. The Government ensures that the elderly and the vulnerable have decent shelter. Over the period of 2018 and 2023, the Government through the NDMA reconstructed and rehabilitated a total of 1 082 houses of vulnerable elderly people damaged by various hazards including storms and fire. Other partners and individuals also offer assistance to indigent members of society by providing decent housing. The table below provide detailed information on the houses constructed and rehabilitated per region.

**Table 12**

<i>Year</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>	<i>Grand total</i>
Hhohho	29	38	2	62	40	32	203
Lubombo	13	27	4	44	25	21	134
Manzini	52	34	12	112	63	273	548
Shiselweni	29	23	6	67	29	45	199
<b>Grand total</b>	<b>123</b>	<b>122</b>	<b>24</b>	<b>285</b>	<b>157</b>	<b>371</b>	<b>1 082</b>

237. The following information has been sourced from the Housing and Population Census of 2017 which depicts the findings on homelessness and inadequate housing.

Table 13  
Homelessness

<i>Age Group</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
0–4	27	12	15
5–9	38	16	22
10–14	32	18	14
15–19	36	23	13
20–24	25	14	11
25–29	21	8	13
30–34	23	14	9
35–39	14	8	6
40–44	11	6	5
45–49	23	10	13
50–54	12	10	2
55–59	2	0	2
60–64	5	2	3
65–69	5	4	1
70–74	1	1	0
75–79	2	1	1
80+	3	2	1
Not stated	3	2	1
<b>Total</b>	<b>283</b>	<b>151</b>	<b>132</b>

238. The data above presents the number of 283 persons considered homeless in various age groups.

#### *Inadequate housing*

239. Adequacy in housing includes security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy. With the aspiration of SDG 11 (make cities and human settlements inclusive, safe, resilient, and sustainable), the issue of providing inclusive, safe, adequate housing that has access to utilities is essential to ensure improved human well-being.

240. In the context of Eswatini, indicators such as access to safe drinking water and sanitation (toilets), the main materials, and the percentage of households with access to electricity have been chosen to present the data on inadequate housing in the country.

241. In urban areas or places that are regulated by the Municipalities or Town Councils, there are standards regulating the type of materials to be used for habitant households in line with The Building and Housing Act 1968 whereas in rural areas, materials used vary depending on the affordability of individuals as indicated below.

Table 14  
Eswatini: The main material of the wall

<i>Wall material</i>	<i>Housing units</i>	<i>Population</i>
	<i>Sum</i>	<i>Sum</i>
Mud and Poles	30 831	131 315
Stones	7 047	32 090
Grass	82	352
Wood	796	2 402

<i>Wall material</i>	<i>Housing units</i>	<i>Population</i>
	<i>Sum</i>	<i>Sum</i>
Cement Bricks /red blocks	211 596	844 326
Corrugated iron	2 916	9 486
Mud Blocks	10 367	443 87
Other	1 080	3 937
Not stated	720	2 143
<b>Total</b>	<b>265 435</b>	<b>1 070 439</b>

Table 15  
**Eswatini: Main source of drinking water in percentages**

<i>Main Source of drinking water</i>	<i>Urban</i>	<i>Rural</i>
Piped into housing unit	33.6	6.1
Piped into yard/plot	54.2	29.3
To neighbour	3.2	2.0
Unprotected well	0.6	2.5
Protected well	0.2	3.2
Borehole	2.0	9.0
Spring unprotected	0.3	2.7
Spring protected	0.3	2.0
Water collection	0.5	3.7
Surface water	2.6	18.0
Tanker truck	0.1	7.1
With small tank	0.0	1.0
Bottled water	0.2	0.1
Water Kiosk	0.3	0.3
Other	0.6	0.3
Not stated	0.1	0.0
<b>Total</b>	<b>100</b>	<b>100</b>

Table 16  
**Eswatini: Type of toilet**

<i>Type of toilet</i>	<i>Housing units</i>	<i>Population</i>
	<i>Sum</i>	<i>Sum</i>
Flush/Pour flush	54 501	166 475
Ventilated improved pit latrine (VIP)	38 206	176 165
Pit latrine with slab	125 634	532 801
Pit latrine without slab/Open-pit	24 517	99 038
Eco-San (Ecological Sanitation)	280	1 318
Other	1 258	4 030
No toilet facility	20 319	88 470
Not stated	720	2 143
<b>Total</b>	<b>265 435</b>	<b>1 070 439</b>

242. The findings presented on inadequate housing are that 20 319 out of 265 435 households have no toilet facility in each household but shared, which is a health hazard. However the Government with assistance from development partners are progressively addressing this challenge by providing building material for toilet facilities in rural and urban areas.

243. The national access to electricity as of December 2023 was at 82% from 78% in 2018.<sup>25</sup> Between 2018 and 2023, a total of 401 rural communities were connected to the National Electricity grid, benefiting a population of 19 117 people, with a total investment of E364M.

244. In 2023, the Government completed and operationalised a 10 MW solar plant at Lavumisa and Raleigh Fitkin Memorial Hospital to contribute to emission reduction. The Government also developed a Short-Term Generation Expansion Plan, leading to the commencement of the procurement of approximately 40MW Solar PV and 40MW Biomass power projects. Over the years, the Government, with support from the Government of the Republic of China (Taiwan) and other partners embarked on a rural electrification programme which has been succeeded by the establishment of the Rural Electrification Access Fund. The fund aims to fast-track rural electrification to attain universal access by 2030 in line with the UN Sustainable Development Goals.

245. A vulnerability assessment analysis of 2022 from the Central Statistics Offices indicates the following:

Table 17

**Energy for cooking**

	<i>Wood</i>	<i>Electricity</i>	<i>Gas</i>	<i>Paraffin</i>	<i>Other</i>
Hhohho	65.20%	26.80%	6.10%	1.50%	0.50%
Manzini	42.40%	39.50%	13.90%	0.80%	3.40%
Shiselweni	75.40%	12.50%	8.50%	1.00%	2.60%
Lubombo	65.30%	24.30%	10.00%	0.40%	
<b>Total</b>	<b>62.90%</b>	<b>24.80%</b>	<b>9.70%</b>	<b>0.90%</b>	<b>1.00%</b>

Table 18

**Energy for lighting**

	<i>Electricity</i>	<i>Candles</i>	<i>Paraffin</i>	<i>Solar</i>	<i>Wood</i>	<i>Other</i>
Hhohho	80.80%	17.70%	0.50%	0.50%	0.50%	
Manzini	82.80%	11.30%	2.50%	1.70%		1.70%
Shiselweni	73.80%	22.00%	1.60%	1.30%	1.00%	0.30%
Lubombo	75.70%	19.20%	2.90%	0.40%	1.30%	0.40%
<b>Total</b>	<b>77.90%</b>	<b>17.90%</b>	<b>1.90%</b>	<b>1.00%</b>	<b>0.70%</b>	<b>0.60%</b>

*Social housing measures*

246. The Government through the Ministry of Housing and Urban Development, developed the Housing Policy of 2001, with the aim that all Eswatini households should have access to affordable shelter and services. This policy was developed as a measure to ensure access to adequate and affordable housing with legal security of tenure for everyone, through the following policy focus areas, amongst others:

- Development of urban informal areas for low-income households;
- Incorporating the peri-urban areas with proximity to urban areas;

<sup>25</sup> Ministry of Natural Resources and Energy performance report (September 2023).

- Ensuring that all households acquire access to basic services such as health, safety, water, and sanitation;
- Access to land for low-income households ensuring the security of tenure to all Emaswati.

247. However, this policy has not been successfully implemented due to the fiscal challenges encountered by the Government over the years. There has been little intervention in terms of subsidies that will ensure the affordability of housing. Furthermore, this policy needs to be reviewed as it is outdated.

#### *Environmental Protection of Human Settlements*

248. The Human Settlements Authority Act of 1988 (as amended) ensures that human settlements are developed sustainably. This Act compels any person desirous of developing a human settlement to adhere to standards set by the Eswatini Environment Authority,<sup>26</sup> which regulates and provides specifications on the considerations to be taken when constructing human settlement structures.

#### *Protection from evictions*

249. The Constitution of Eswatini guarantees the right to property ownership in section 19. It further protects from arbitrary deprivation of property.<sup>27</sup> Section 211 (2) guarantees equal access, without regard to gender, to land for normal domestic purposes. Chapter XII further establishes boards to regulate any rights or interests in land.

250. There are no official documented statistics on forced evictions of disadvantaged and marginalized individuals and groups. However, some reports have been issued by various Organisations on evictions affecting the marginalized and vulnerable groups.

251. The process of evicting people who have developed human settlements on farms is carried out through the Farm Dwellers Control Act, of 1982 which is presently under review. This Act ensures that certain procedures are followed in the eviction of people occupying land illegally.

#### *Challenges*

- The lack of a National Land Policy and overarching legislation remains a major challenge in the administration of the country's land resources. Some of the challenges emanated from the pre-independence period where concessions were given to farmers. On attainment of independence, the land used by farmers (concessions) was never attended completely, hence the Constitution directs the Government to settle the issue of land concessions expeditiously, including enactment of legislation and policies, to enhance economic development and the unity of the Swazi people.<sup>28</sup> Efforts are being undertaken to address long-standing land issues, rooted in the country's colonial history;
- Erection of human settlements on unsuitable land such as wetlands, grazing areas, and river banks whose removal may be labeled as forced evictions.

<sup>26</sup> Established in terms of the Environment Management Act of 2002.

<sup>27</sup> Sections 19 (2) and 211 (3) – “a person shall not be deprived of land without due process of law and where a person is deprived, that person shall be entitled to prompt and adequate compensation for any improvement on that land or loss consequent upon that deprivation unless otherwise provided by law.”

<sup>28</sup> Sections 59 (6) and 217 of the Constitution.

## **Article 12**

### **Right to health**

#### **Universal access to primary healthcare**

252. The Ministry of Health has a universal mandate to provide health services to all regardless of sex, age, religion, or nationality to name a few. This is aligned with the Alma Alta Declaration of 1978. Its primary prevention services are offered free of charge with facilities networks of less than 8km radius aligned with World Health Organisation (WHO) Recommendations, however, such services are accessed upon payment of a minimal communal levy.

253. The Government recognizes the constitutional rights of every person to access health that is affordable, feasible, easy to reach, and offered by skilled competent staff. The Ministry of Health has reviewed its National Health Policy 2016 to 2026 to align with Agenda 2030.

#### **Accessibility of health facilities**

254. The country is currently implementing SDGs which are all about Universal health Coverage and prioritizing Primary health care. About 85% of health facilities in Eswatini are within the WHO-required 8km radius. The Government's main mandate is to ensure that it provides preventative, curative, and rehabilitative interventions. Cost implications are free for all primary health services (preventative) and are offered in all clinic-level facilities.

255. From 2018 to 2023, the Government constructed and rehabilitated 17 hospitals and clinics with an investment of E441 million. Further, a total of 25 health facilities were revamped to be COVID-19 compliant with a total investment of E170 million.

256. Curative and rehabilitative services are offered at a Government-subsidized rate that still retains affordable service. These services are offered at the Health Centres and Hospital level. Major services that the country has no advanced skill in are referred to or linked to health facilities outside the country such as services for radiotherapy or Cosmetic surgery including heart pacemaker operation to name a few.

257. However, some improvements have been made towards other medical conditions that used to be referred to outside the country such as cancer management (chemotherapy). Further, the country has improved and harvested skill technology and equipment to be readily available locally. The elderly population (above 60 years of age) and persons with disabilities are offered free services across all level facilities and school-going children are given first preference to be attended to.

258. Rehabilitation services are offered in various places, some of which have been decentralized such as the management of mental health issues, whilst others are still within specified settings as defined by patient load and demand like the palliative care offered by Hospice at Home. These services are also offered free of charge.

259. The School's Health Unit within the Ministry of Health in collaboration with the Ministry of Education is responsible for the early identification, prevention, and interventions for children with disabilities at school. One limitation of such interventions is that they benefit only school-going children.

260. To ensure accessibility, the Ministry of Health has facility-informed outreach services that target nearby geographically hard-to-reach areas within each facility catchment area. This is also complemented by the Ministry's regional and community implementing partners with programs such as 'DREAMS on Wheels' targeting adolescents and young people to offer them primary health services. Mobile clinics rendering Sexual Reproductive Health Rights (SRHR) services and preventative services are extended to the communities daily currently covering 43 out of 59 constituencies which is about 73% coverage.

#### **Affordability of healthcare services and health insurance**

261. All Public health facilities offer free primary health services and curative services are offered at Government sub-vented levy to minimize cost. However, private sector costs are not affordable by all and are limited to a selected working class. Most companies complement



these expenses through a private set medical scheme not regulated by the Government. The Government has been working in exploring Government medical schemes for the public, to this end the National Health Insurance Scheme (NHIS) Policy is at advanced stages of development.

### **Safe drugs and medical equipment**

262. The Ministry of Health has a Pharmaceutical Department that is tasked with ensuring that drugs, medical equipment, and supplies are of accredited standards. The Government has central medical stores where these are stored after procurements, and tested for quality before being distributed to respective facilities or regional depots. The Government works with SWASA (Eswatini Standards Authority) to ensure that ISO standards are complied with, especially for drugs and medical equipment.

### **Provision of sexual and reproductive health services and programmes**

263. Maternal and child care services are offered through the Sexual and Reproductive Health Program in the Ministry of Health. This program operates under the umbrella of the Health Policy and its Sexual Reproductive Health Policy (2013). This Policy has 11 thematic areas that include Safe Motherhood; Prevention of Mother to Child Infection (PMTCT); Adolescent Health Services; Family Planning; Sexual Dysfunction; Infertility; Cancers of the Reproductive Systems; STIs and HIV; Gender in SRH including Gender Based Violence (GBV); SRH for the Ageing; and Community Health Services.

264. The SRH Policy has resulted in the development of a sector-specific strategy that's been revised (Reproductive Health for Maternal, Child, Adolescent, and Nutrition 2019–2023) that defines the operation guidelines and implementation towards safe motherhood.

265. The Government in building capacity for the healthcare workers in SRHR has trained a number of Healthcare workers on the provision of quality services on an ongoing basis and is currently conducting onsite mentorship through collaboration with its regional mentors and implementing partners. However, high staff turnover, promotions, and annual department rotations tend to undermine most efforts toward skill capacity.

266. Maternal and Child Mortality are the country's proximal definer for economic growth or decline, the country in prioritizing Primary Health Care has made progress in Child and maternal health. Despite the high maternal mortality (452/100,000 population), it has had accessibility to health services for pregnant women (about 98% ANC coverage) since early 2,000, institutional delivery at 93%, and high skill birth attendance of about 94.3% (MICS 2022 and Population Census 2017). Strides have also been made to reduce both maternal and child mortality from 589/100,000 in 2006/07 to 452/100,000 in 2017, whilst child mortality has declined from 27 to 18/1,000 live births (Population and Housing Census 2017).

### **Prevention, treatment, and control of diseases linked to water**

267. The Government with support from partners is currently implementing WASH (Water Sanitation and Hygiene) where the environmental Health officers educate at the community level about the usage of safe clean water and its importance. Eswatini has a Program that focuses on Neglected Tropical Diseases including waterborne diseases.

268. The Government conducts deworming campaigns to reach all the children in schools and to reduce worm infestation in the country. To control communicable diseases, the environmental health office ensures that all households have toilets to reduce open defecation, as it poses a risk to the community (because of the running water that allows vectors to breed and become infectious).

### **Implementation and enhancement of immunization programs**

269. The country has an Immunization Program within the Ministry of Health, which ensures full immunization for all children under the age of five years as well as monitoring any potential outbreaks that may affect children and adults on a large scale. During the Covid 19 Pandemic Eswatini benefited from the COVAX Facility which enabled citizens to access

COVID-19 vaccines which resulted in about 36.9% of the population being fully vaccinated as of 31 May 2023.

270. The immunization programme intends to ensure the eradication of Polio, and the elimination of other communicable infections such as measles, rubella, and Tetanus to name a few. Basic Immunization coverage is currently at 76.7%,<sup>29</sup> from 70.7% in 2014 with basic immunization at birth for Polio at 86.9% and TB at 87.3 %. The program also conducts surveillance of the same if there are gaps, the country conducts campaigns to immunize all children on the ground. Some guidelines are currently being implemented on the Integrated Management of Childhood Illnesses and a Program that focuses on the same. The program also guarantees that all healthcare facilities have basic medical supplies even at the clinic level to ensure proper management for children exposed to dehydration or malnutrition that can eventually lead to major infections for children under the age of five years.

#### **Prevention of the abuse of alcohol and tobacco**

271. The Government through the Ministry of Health and implementing partners is currently undertaking service implementation targeting adolescents for primary health care; and preventive and rehabilitative interventions on drugs and substance abuse amongst others. As a new intervention, in particular drug and substance abuse, there is limited data available to validate the magnitude of drugs and substance abuse.

272. Moreover, the Government is yet to establish a functional drug and substance rehabilitation centre as well as the right medication required during rehabilitation. Presently all patients are managed either at the National Psychiatric Referral Hospital or independent non-regulated private facilities using withdrawal symptoms alleviating drugs only.

#### **Prevention of HIV/AIDS and other sexually transmitted diseases**

273. In the wake of HIV/AIDS, the Government has made strides since its first case in 1986 to date. Eswatini has been recognized for achieving the global targets of 90-90-90 set in 2016 by UNAIDS and exceeded its expectation by reaching 95-95-95 in 2020 a global target projection set for 2030 for ending AIDS as a public health threat. This means that 95 percent of people living with HIV are aware of their HIV status, 95 percent of those who are aware of their HIV+ status are on Anti-Retroviral Therapy (ART), and 95 percent of those on ART are virally suppressed. The synopsis of the HIV and AIDS response is narrated in the country's Common Core Document.

274. The Government in collaboration with its Development / Implementing Partners and Civil Society continues to support all intervention programs directed towards the elimination of HIV/ AIDS in the country. As such, the Government is committed to meeting its obligation to procure all reagents and medications for HIV (ARVs). Vulnerable populations include OVC, elderly, PLHIV, children in & out of school, PWDs Adolescent girls, and Young women (AGYW) Key populations are provided with targeted services to alleviate the impact of HIV /AIDS. HIV service delivery has reached maturity in that all target populations are accessing the required services.

275. This is a result of the intense case identification, enrolment of persons to ARVs, retention, and prevention programs that have improved the reduction of infection incidence to about 1.3% and the death rate of those infected to less than 2% increasing life expectancy from 47 years to 63 years (Census 2017).

276. Eswatini acknowledges that despite all the robust programs for HIV interventions, the prevalence has remained very high at about 27% in the last 14 years, a case of cohort population. The case of the cohort population is confirmed by a recent intervention program called RECENCY introduced in 2019 that aims to identify if a person with HIV is recent infection or old. This ongoing intervention has shown that only 5% of HIV cases are recent infections (HMIS 2021).

<sup>29</sup> MICS 2022.

277. These above-mentioned achievements have been realized through interventions that include prevention programs; care and treatment; and retention of care.

#### *Prevention*

278. On prevention, a number of interventions have been put in place which include:

- HIV Testing counselors decentralized to all health facilities and communities to ensure HIV testing services are within reach for all using provider-initiated or self-voluntary testing or self-testing approaches;
- Scaling up the intervention of Prevention of Mother-Child Transmission (PMTCT) through the introduction of baby-mother pair projects that look into retaining the mother and child for 24 months, where active breastfeeding occurs. Baby-mother pair strategy that enables monitoring of mother and baby through the first 24 months of life with specific HIV interventions through each milestone (birth, 6 weeks, 6 months, 12 months, 18 months, and exit period at 24 months);
- Exclusive neonatal feeding option between breast milk or artificial feed for a period of 6 months before introduction of solids which is intended to discourage mixed feeding that showed to be a risk of HIV transmission from mother to child;
- HIV PCR birth testing for HIV for all neonates born from HIV-positive mothers as well as at 6 weeks and other defined periods within the first 24 months especially for a breastfeeding baby;
- Introduction of neonatal and voluntary male circumcision;
- Introduction of PrEP for the key population as well as pregnant or lactating mothers, which now has been scaled up to all eligible persons;
- Increase condom marketing and choice diversity as well as increase accessibility to the grassroots level;
- Engagement and collaboration with key or vulnerable populations by increasing HIV or STI awareness through skill capacity, availing services for them within their comfort zone, and ensuring a clear referral and linkage package for them;
- On-going mass media sensitizations, education, and demand creation on HIV targeting young people;
- Introduction of peer educators, expert clients, and mentor mothers who are recruited on their voluntary declaration of HIV status to help offer psychosocial support for those newly diagnosed or struggling to cope with their HIV infections;
- Introduction of nationwide programmes addressing adolescent girls and young women (AGYW) and their partners in communities, workplaces, and schools. Career guidance teachers addressing life skills education for AGYW in schools;
- The key focus is being made to build capacity in men, to enhance gender equality and equity, and that men protect their partners from vulnerability to HIV;
- Interpersonal communication (IPC) and door-to-door campaigns are being promoted for targeted HIV prevention programming.

#### *Care and Treatment*

- As indicated earlier, the Government has assumed full ownership in the procurement of all ARVs for all required interventions such as PMTCT, PEP for HIV, PrEP, and Chronic Care;
- Introduced a concept of ‘test and start’ where persons newly diagnosed are given an option of starting as early as possible, if mentally ready, as opposed to following the adherence counseling that some have to undergo;
- HIV testing and treatment is easily accessible to adolescent children without the need for parental consent as per the provisions of the Children Protection and Welfare Act 2012;

- Treatment supply accommodative of person's ability to refill every 3 to 4 months once adherence is established as opposed to monthly visits;
- Persons with HIV are screened routinely for opportunistic infections such as TB and offered prophylactic treatment until their viral load is suppressed;
- Introduction of the recency study that determines HIV duration and potential for drug resistance, offering the person an option for starting on the right treatment to prevent treatment failure.

#### *Retention to care*

- Persons on treatment are followed up with constant telephonic reminders for psychosocial support or reminders for their next visit;
- Persons on ARVs are constantly monitored for treatment failure or poor compliance through bi-annual runs of viral suppression tests and CD4 count monitoring. There are also blood works to monitor critical organs such as the liver and kidney to ensure these are continuously functional. They are also monitored for NCDs which have been shown to be part of opportunist diseases that may interfere with or be caused by treatment for HIV;
- Recruitment of Psychologists for psycho-social support for all in particular those vulnerable populations such as children in HIV care and treatment.

#### *Addressing social stigma and discrimination*

- The country has delivered consistent HIV programming, ensuring that all persons affected and infected with HIV are accessing HIV services. This has resulted in reducing stigma and discrimination amongst the general population;
- To address stigma and discrimination amongst PLHIV the country supported by UNAIDS has conducted the stigma index reporting which shows that internal stigma remains rife amongst PLHIV. Programmes have been implemented to address internal stigma amongst PLHIV;
- To continue efforts to reduce stigma and discrimination in the country the national strategic framework on HIV/AIDs prioritized the response to stigma and discrimination which has since been integrated with all HIV programs and advocacy held at the community level;
- Additionally, UNAIDS global AIDS strategy 2021–2026 has set a target for achieving 10-10-10 which includes addressing stigma and discrimination as well as inequalities which are perceived as a key driver of vulnerabilities in society.

#### **Affordable access to essential drugs**

279. The Government has developed and reviewed the drug essential list to ensure essential drugs are available in all health facilities. ART services are free in all health facilities. Drug supply chain and procurement are managed through the Pharmaceutical Department in the Ministry of Health using ISO standards. Drugs, supplies, and medical equipment are solely the responsibility of the Government, however, there is always some support from development and implementing partners.

#### **Provision of adequate treatment and care in psychiatric facilities**

280. The country makes it an important intervention in defining and aligning all mental health conditions with the WHO Diagnostic Systematic Management (DSM) definition and currently providing services using an adaptation of WHO DSM 5. Strategic interventions define prevention, treatment, and rehabilitation of all mental health conditions and decentralise to all level facilities using the Mental Health Desk Guide 2016. This is intended to assist in identifying early predisposes to mental health complications and timely intervention before disease progression, thereby reducing the number of people in need of admission to the one available National Psychiatric Centre.

281. There has been the introduction of Wellness programs both in the private and public sector, since 2007, during the plight of the HIV Pandemic that also had mental health as one of the consequential outcomes. These wellness programs are now being used to manage work and life stressors that may give rise to mental health issues.

282. In the wake of Covid 19, with the mental breakdown from job losses, sudden prolonged confinements introduced by lock-down protocols as well as panics over the Covid, WHO and supporting partners capacitated health providers on Psychological First Aid, Debriefing Sessions, Family therapy sessions, as well as Team Building exercises. This was done to enable the participants to render those services to the public and themselves, indirectly reducing the number of admissions as people had been offered skills to cope with daily stressors.

283. In 2021, the country developed the first Mental Health Strategic Plan, to be implemented for the next 5 years, aimed at strengthening prevention services and decentralization of mental health services. While some interventions have been put in place, there is still more that can be done to ensure that citizens of Eswatini are functioning in a healthy mental capacity.

284. Some of the interventions include, but are not limited to the following:

- Increase staff capacity by cadre and specific needs in a facility such as a psychiatric nurse, psychologist, counselors, clinical social workers, clinical therapist, speech therapist, occupational therapist, cognitive behavior therapist, and education psychologist amongst others;
- Create more public health sensitizations and demand creation on mental health issues and service availability respectively. This will also assist in eliminating stigma (self and public) on mental health;
- Finalize the Mental Health Policy and review the Mental Health Order of 1978 which is now outdated.

285. To attain this, the country will need technical support and resource investment support from international and local development partners.

## **Article 13**

### **Right to education**

#### **Form and substance of education and school curricula**

286. The substance and form of education provided in the country are regulated and given effect by the National Education and Training Sector Policy, 2018, and the Eswatini National Curriculum Framework 2018. The overall goal and aspirations of General Education in Eswatini are: ‘to develop individuals for the realization of a knowledge-based society which contributes to the eradication of poverty through promoting self-reliance, gender equity, and improved health as to foster global competitiveness and accelerated socio-economic growth with environmental sustainability while instilling responsible citizenship and maintaining moral and cultural values’.

287. The Eswatini’s national curriculum framework of 2018 indicates that the curriculum is designed to raise the degree of cultural awareness, inculcating love for the country as well as respect for the law and other people. The curriculum also promotes the building of personal character and humanity. The aim of general education is to promote learner involvement in activities that inculcate pride in the national culture and embrace family, cultural, and religious ethics to develop moral values.

288. The Curriculum Framework also hinges on ensuring that it molds a productive and entrepreneurial society. The country has limited natural resources thereby developing the capacity to diversify the economy is essential. So, the curriculum builds a society that will be able to be personally productive and also learn to create work for others. Entrepreneurial and innovation skills are included in the Eswatini Curriculum. Subject areas such as Business Studies, Economics, Accounts, and ICT are part of Secondary Education.

### Provision of Free Primary Education

289. The provision of free and compulsory Primary Education is currently implemented, through the Free Primary Education Act No. 01 of 2010 (FPE Act), from grade 1 up to grade 7. The FPE Act provides for the implementation of the right to free primary education at public schools and outlines the responsibilities of parents/guardians and the Government. Further, the FPE Act has penal provisions for parents who neglect or refuse to cause their children to attend school. *Section 10 (1) “a parent of a child to whom this Act applies, who neglects, or refuses to cause the child to attend school, unless the child is excused under section 11, commits an offence and is liable on conviction to a fine not exceeding E1000 or in default of which to three months community services”.*

290. There is a fee structure that is aimed at addressing the cost by grade for all Eswatini Children provided by section 8 (1). The schedule of fees includes tuition, all books, stationery, school furniture, school feeding, construction as well as maintenance costs and exam fees for those taking National exams.

291. FPE was successfully rolled out from grades 1 and 2 in 2010 to grade 7 in 2015. The enrollment rate has increased from 231 555 in 2009 to 239 422 in 2012 and 247 717 in 2015. By 2022, enrollment stands at 236 002, indicating a decline because when the programme started, the education system was flooded with overaged learners. To accommodate the overaged learners, the Ministry decentralized the non-formal education sector, hence the decrease in enrollment numbers.

292. Indicators suggest that Eswatini is on track to achieve universal access to primary education specified in SDG 4. With the net enrollment of 94%<sup>30</sup> which has been relatively steady since 2015 at above 90%. With regard to the retention of learners in the school system statistics show that the progression rate has been above 80% since 2015 and the completion rate has been above 100%. Survival rates stand at 93%, which suggests that some of the key pushout factors have been addressed.

293. Key pushout factors such as repetition have been addressed through the enforcement of the repetition policy of 2018 of not less than 5%. Dropout due to pregnancy has been addressed through the Minister’s Directive to allow pregnant learners to continue with their education. The Directive culminated in the discussions around the development of the Prevention and Management of Learners Pregnancy Policy and Guidelines of 2022 which was launched in 2023.

294. All schools are meant to be inclusive. To accelerate inclusivity, the Government with assistance from partners has constructed 4 inclusive schools which act as model schools as the education system is transitioning to inclusive education. Standards for inclusive schools are in place.

295. Despite these efforts, there are challenges such as the lack of relevant trained personnel, and enough teaching and learning equipment and material (devices and relevant IT equipment and software) for learners with special needs. There is still a need to strengthen programmes or interventions to address parents and communities on the importance of ensuring that all children particularly those with special education needs access education as an inherent right.

### Elimination of direct costs

296. The FPE Act outlines the procedure for making a provision for parents to pay top-up school fees over and above the fees paid to the school by the Government, which the Minister for Education has to approve. Further, to ensure that no unnecessary extra school fees are paid by parents and guardians, the Government regulates the extra payments of school fees (top-up fees) through Circular No.5 of 2017 and Circular No.6 of 2017 which directs as follows:

297. “All Schools seeking to charge additional fees over and above the stipulated fee shall do so by seeking approval from the Minister of Education and Training through the Regional

<sup>30</sup> Annual Education Census 2019.

Education Officers and approved by the Ministry of Finance and shall be implemented after approval by the Cabinet”.

298. However, a study was conducted to inform the Government on the implementation of FPE. The findings were that the current E560 is inadequate to effectively run schools, and cover the indirect cost and economic fluctuations. These findings and recommendations were presented to Cabinet which resulted in an increase of E120 per learner, making a total of E680.<sup>31</sup>

### **Elimination of indirect costs**

299. In the FPE Act fee schedule, there are expenditure items that are not catered for, outlined as follows:

- Transport expenses – to address this, the Government ensures that the construction of schools is in close proximity to communities (within 7km) to curb transportation expenses for learners from poorer households;
- School Uniform Expenses – The National Education and Training Sector Policy of 2018 obligates schools to ensure that learners’ uniforms continue to remain appropriate in an era of erratic weather/climate change and that learners are not unfairly denied schooling because of lack of a designated uniform. School uniforms are further regulated by the Government through directives and circulars to ensure that schools do not charge exorbitant fees and have a variety of school uniforms at the expense of the parent/guardian.

### **Access to secondary education and Prevocational education**

300. The transition rate to lower Secondary Education currently stands at 93%, however, progression to secondary is very low. In 2019, the net enrollment rate at secondary school stands at 56%. A number of children have been lost in the system due to a high rate of dropout, triggered by factors such as costly school fees, pregnancy, long distance traveling as there are fewer secondary schools (289 secondary: 659 primary).

301. Efforts are underway to increase the number of secondary schools, improve spatial planning in constructing the schools, and address internal efficiency issues, including the equitable allocation of resources within the sector.

302. The National Education and Training Sector Policy 2018 as a secondary education strategic framework with short-term goals has committed to advocate for free and compulsory basic education to cater for the enhancement of transition rates. The OVC grant is provided for orphaned and vulnerable children. This grant caters for school fees, stationery, and examination fees.

303. Secondary education curriculum provides for Prevocational Education in the following subject areas: Design and Technology, Business Studies, Information Communication and Technology, Agriculture, Fashion and Fabric, Food and Nutrition, and Consumer Science. These subjects are a good foundation for the Technical Vocational Education and Training (TVET) Qualification and also promote self-employment, though it is implemented only in sixteen schools in the country. The low intake of pre-vocational education programmes over the years was due to a lack of accreditation, however, since April 2022, prevocational education is now accredited by the Examinations Council of Eswatini and the Directorate of Industrial and Vocational Training (DIVT).

### **Access to tertiary education**

304. Eswatini provides higher education without discrimination subject to the availability of funds, by offering partial loans for the initial training and full scholarship training which is subject to Government bonding. Tertiary scholarships are offered by the Government according to a defined point criteria system where qualifying students have to reach a certain cut-off threshold. Due to financial constraints, not all students admitted to tertiary institutions

<sup>31</sup> Free Primary Education Act, (Amendment of Schedule) Notice, 2023.

are awarded the Government scholarship. Further, priority areas are targeted for the award of scholarships to students.

305. To widen accessibility to Higher Education, the country has committed through the Ministry of Education and Training to ensure that all registered institutions provide and strengthen open distance education to increase enrolments without placing pressure on limited campus accommodation.

306. Through its medium-term Higher Education Strategic Framework, the Ministry has committed to establishing a revolving loan fund for all suitably qualified secondary school leavers graduates (EDSEC 2018).

307. Students with disabilities are accommodated though limited due to the availability of relevantly trained instructors and a universal admission criterion. The Education Policy states that all Higher Education institutions should ensure gender equality and access for students with disabilities.

308. The Ministry of Education provides subventions to public institutions to cushion the operational cost thus making tertiary education accessible to privately sponsored students. The country does not have a policy for making higher education free, nor have steps or discussions been made in that regard.

### **Promotion of literacy, as well as adult and continuing education**

309. The literacy rate stands at 96%.<sup>32</sup> The Ministry of Education through non-formal/adult education and life-long learning institutions such as Sebenta, and the regional adult education centres is taking education to the communities and making it accessible not only to adults but also to out-of-school youth who are struggling to cope with mainstream education.

310. In addressing drop-out challenges, Government expanded the mandate of its non-formal education programmes through Sebenta National Institute to cater to the education needs of out-of-school youth. The Institute's educational services are decentralized across all regions to cater for students who have dropped out and those above the stipulated school-going ages, with the intention of reintegrating them into the formal education system.

311. The Government with the support of partners provides support in the form of accessories for students such as uniforms, shoes, dignity kits, and others as a means to retain learners who may otherwise end up dropping out of school.

312. Another dedicated area by the Government to provide education to the youth is through its correspondence college- eMlalatini Development Centre (EDC). EDC has introduced an online learning facility to reach out to more students enrolled for open distance education. This is a means by the Government to provide more alternative access points for learning to secondary school learners.

313. Furthermore, the Government with its partners, has put in place upgrading centers to provide a second chance to learners who could not complete the formal schooling cycle due to not satisfying the passing condition in examinations.

### **Fair admission criteria at all levels of education**

314. According to School Guide Regulation and Procedures 1977 (currently undergoing review) admissions criteria are stipulated and are not discriminatory on the basis of gender. All learners are treated equally as long as a child is a registered citizen. Those who for some reason are not registered, the Ministry of Education collaborates with the Ministry of Home Affairs to assist them. Refugees are catered for in the FPE grants if they are legally registered to be in the country.

315. Through the Care Support Teaching and Learning (CSTL) Framework, a number of programmes and campaigns are being conducted to sensitize all stakeholders on the importance of educating a girl child.

<sup>32</sup> Population household census 2017.



### **Reduction of drop-out rates at the primary and secondary levels**

316. FPE and OVC grants – The provision of FPE and OVC grants for secondary school learners from poorer households has to some extent curbed dropout rates especially due to school fees.

317. The introduction of the Competency-Based Curriculum (CBE) – The Ministry of Education is currently implementing a curriculum reform; the country is moving from an objective-based curriculum to a competency-based curriculum. CBE infuses life skills specifically personal skills in addition to cognitive and vocational skills, to empower learners. This is supported by gender-responsive books. CBE has been progressively introduced since 2019.

318. Care and Support for Teaching and Learning (CSTL) – The initiative is captured in the SADC Policy Framework on Care and Support for Teaching and Learning which was endorsed by all SADC Ministries of Education in 2015. The initiative aims to remove all barriers to teaching and learning thereby creating a caring, secure, safe, supportive, and inclusive teaching and learning environment.

319. Eswatini's Ministry of Education and Training through the endorsement of the SADC CSTL Policy Framework has committed to taking a number of transformative measures to enable, empower, and capacitate every school in the country to become a CSTL school. The initiative has been localised to INQABA,<sup>33</sup> the approach is to make all schools in the country a haven for the school community. It also specifically responds to the Eswatini educational barriers children face.

320. This initiative has brought an overhaul of the whole education system in the country. A number of measures ensuring a safe, secure, and conducive learning and teaching environment are being developed and implemented.

321. Life Skills Education (LSE) – This is a curriculum-based process of teaching and learning about cognitive, emotional, physical, and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes, and values that will empower them to realize their health, well-being, and dignity, and develop respectful social and sexual relationships. At the regional level, it is known as Comprehensive Sexuality Education, however, Eswatini has adopted Life Skill Education for the same concept.

## **Article 15**

### **Right to culture**

#### **Participation in, and access to, cultural life**

322. The Constitution provides that all persons are equal before and under the law in all spheres of political, economic, social, and cultural life and every other respect and shall enjoy equal protection of the law. Section 60 (10) declares that the Government shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and shall ensure that appropriate customary and cultural values are adopted and developed as an integral part of the growing needs of the society as whole. Further, Section 221 (2) and (4) obligate Local Governments to promote the social and cultural life of the people and ensure the participation of people in activities that relate to social and cultural life.

323. Eswatini established relevant Government Ministries and Departments to promote participation in social and cultural activities. The Ministry of Sports, Culture and Youth Affairs is mandated to promote culture, sports and entertainment. The Ministry of Tourism and the Ministry of Information Communication and Technology provide access to cultural heritage and information technologies. The Ministry of Home Affairs through the Celebrations portfolio coordinates and provides logistical support for activities for national celebrations and cultural events (*Umhlanga, Incwala, Emaganu*).

<sup>33</sup> Meaning fortress.

324. At the school level, there are extra-curricular activities such as choral music, cultural dances, cultural music, and sporting activities. Schools also offer practical arts that promote the production of cultural artifacts and creative writing- poems, short stories, and drama amongst others.

325. Eswatini established institutions to preserve and promote popular participation in and access to cultural life such as the National Libraries, National Archives, Broadcasting & Information Services as well as Print Media:

- The Eswatini National Trust Commission (ENTC) is the custodian of the nation's heritage and cultural archives. The national museum, known in siSwati as Umsamo Wesive contains exhibits on Eswatini's culture, history, and natural history;
- [Mantenga Cultural Village](#) is a model of a traditional homestead from around the 1850s, which gives an experience of all the complexities and nuances of traditional Swati life; as well as a cultural dancing display for tourists;
- The Eswatini National Archives promotes National identity, protects the personal and public rights of Eswatini, and promotes efficiency, accountability, and transparency of Government through the preservation of public records of research value regardless of format and historical information on Eswatini for use in the Government and the people of Eswatini. This department was established through Archives Act 5 of 1971;
- The Broadcasting and Information Services Portfolio is responsible for disseminating news and information, which is aimed at educating, informing, and entertaining the Eswatini nation effectively, and impartially for development and social welfare through radio broadcast and publications;
- There are currently two major newspapers in Eswatini, The Times of Eswatini and The Eswatini Observer, two state broadcasters (Eswatini Broadcasting Information Service – SiSwati Channel and Eswatini Broadcasting Information Service – English Channel, 1 State TV station (Eswatini Tv), 1 private TV station (Channel Eswatini Tv), two religious' stations (Voice of the Church SiSwati and English), two periodical magazines and few other start-ups print media. The above-mentioned broadcasting services offer diverse programmes to cater to all.

326. Throughout the country, there are people well versed with the Eswatinis' culture and traditions that tell the story of the country's past and present. The skills and creativity of Eswatini's artisans are widely recognized and a wide range of arts and crafts are produced around the country. Most are socially responsible ventures providing employment to local communities and also creating products exported around the world.

327. The Government is in the process of mainstreaming arts and culture in the national curriculum/ syllabus in a bid to professionalize the sector. The National Arts and Culture Policy developed in 2016 is being implemented to promote arts and culture activities. Further, the Arts and Culture Bill is still being developed to regulate the Cultural and Creative Industry.

328. The Government ensures and promotes broad participation and access to cultural activities by coordinating and facilitating transportation, meals, security, and accommodation to main cultural events.

### **Protection of the moral and material interests of creators**

329. There is an Intellectual Property (IP) Department, under the Ministry of Commerce Industry and Trade, mandated to ensure the protection of intellectual property rights for innovators through the registration of trademarks, filing of patents, utility models, and industrial designs. The mandate also entails developing all Intellectual Property legislation and ensuring compatibility with the country's regional and international obligations under the African Regional Intellectual Property Organization (ARIPO) and the World Intellectual Property Organization (WIPO).

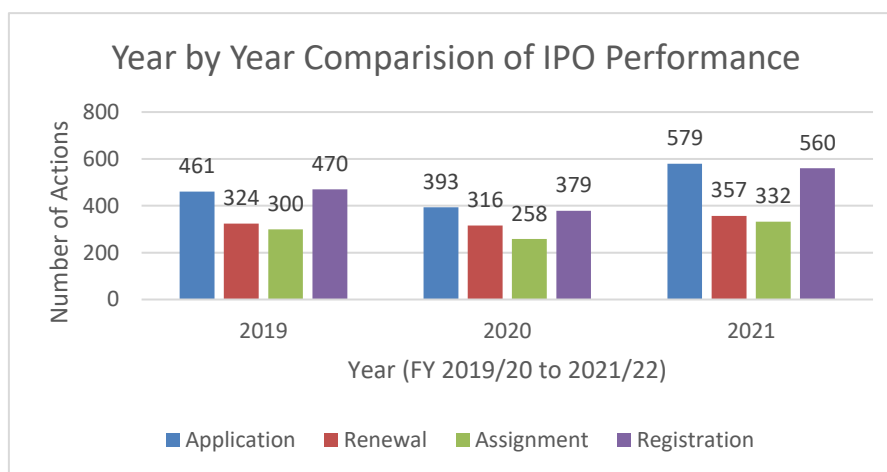
330. The pieces of Legislation that are being administered by the IP Department are the Copyright and Neighbouring Rights Act No.4 of 2018, the Patents Act No.19 of 2018, and

the Intellectual Property Act No. 18 of 2018 as well as the Trademarks Act 1981 which is currently under review.

331. The Ministry operationalized the Copyright and Neighbouring Rights Act and the Patents Act by issuing a Notice in the Gazette on the 1st of August 2021. The Draft Copyright Regulations have been developed through technical assistance from WIPO and are currently undergoing stakeholder consultation. To enhance the level of participation and quality of contributions during the consultative period, the stakeholders were capacitated on the international regulatory frameworks. In April 2022, the Copyright and Neighbouring Society was established to represent and protect the interests of the creative industry in the country to collect, determine, and distribute royalties for creators.

332. The Intellectual Property Automation System (IPAS) for Intellectual Property administration of applications has been introduced to add value in making the process faster, reliable, and user-friendly towards improving the department service delivery. Through technical support from WIPO, the department is in the process of developing the IP Registry to complement the IPAS system.

### 3-year performance of the IPO department



333. The indicators show overall positive growth in trademark activity, however, impacted negatively during the national COVID-19 lockdown.

### Challenges

- Financial constraints to fully operationalize the Intellectual Property legislation;
- Low levels of IP awareness in the country are attributable to the fact that there are insufficient human resources, lack of technical skills, and capacity for the office to reach out to the public.

### Protection of the freedom indispensable for scientific research and creative activity

334. The Royal Science & Technology Park (RSTP), was created to promote science; technology; and innovation, in the Kingdom of Eswatini. The aim of the RSTP is to provide steadfast support for basic research and innovation thereby providing a coherent approach to maximizing the innovation dividend.