**Swaziland: Concluding observations on the combined initial and second periodic reports**

CEDAW/C/SWZ/CO/1-2

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Issues raised:

Ratification:

The Committee welcomes the progress achieved since the ratification of the Convention, in particular the adoption of the following legislative measures:

The Children’s Protection and Welfare Act in 2012; and

The Committee welcomes the State party’s accession to the following international instruments the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2012 (para.4).

The Committee recommends that the State party:

Establish a comprehensive legal aid scheme by urgently enacting the Legal Aid bill;

Ensure that the Legal Aid bill provides legal assistance to women and girls both in criminal and civil matters (para.13).

Harmful practices:

The Committee is concerned at the persistence of adverse cultural practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, particularly those portraying women as caregivers. The Committee notes that such stereotypes contribute to the increased practice of child and/or forced marriage, abduction of girls and polygamy, and hence to the disadvantaged and unequal status of women in society (para.18).

The Committee urges the State party to intensify media and other efforts to educate the public and raise awareness about existing sex-based stereotypes that persist at all levels of society, with a view to eliminating them; Expand public education programmes on the negative impact of such stereotypes on women’s enjoyment of their rights, in particular in rural areas and targeting traditional leaders who are the custodians of customary values in the State party; Take effective legal measures to prohibit and eliminate child and/or forced marriages and abolish polygamy; and regularly monitor and review the measures taken to eliminate gender stereotypes in order to assess their impact (para.19).

While noting the intention of the State party to establish a national register of persons with albinism, the Committee is deeply concerned at the gruesome murders of women and girls with albinism whose body parts are harvested for rituals. The Committee is particularly concerned at reports that previous perpetrators of such murders were prosecuted for less serious crimes such as causing grievous bodily harm, and as such were convicted and punished with lenient sentences (para.22).

The Committee recommends that the State party urgently establish a national register of persons with albinism and provide protection to women and girls with albinism. The State party should ensure the effective investigation of all complaints relating to violence against women and girls with albinism, and ensure that perpetrators are prosecuted and punished with appropriate sanctions upon conviction (para.23).

Violence:

The Committee is concerned that, according to the National Violence Surveillance System, there is a high prevalence of violence against women and girls as well as the abduction of young girls in the State party, often perpetrated by persons known to the victims (para.20).

Recalling its General Recommendation No. 19 (1992) on violence against women, the Committee urges the State party to:

Encourage reporting of domestic and sexual violence against women and girls and ensure the effective investigation of complaints and that perpetrators are punished with sanctions commensurate with the gravity of the offence, and address the culture of impunity; Undertake measures to decentralise One Stop Centres and shelters to all the four regions of the State party in order to ensure their accessibility for women and girls who are victims of violence; and establish a national violence coordination mechanism with a mandate to address all forms of violence against women and girls, and to coordinate national efforts on the prevention and elimination of violence against women (para.21).

Trafficking and sexual exploitation:

While welcoming the adoption of the People Trafficking and People Smuggling (Prohibition) Act in 2009, the Committee remains concerned that the State party is a country of origin, transit and destination for trafficked women and girls mainly for sexual exploitation and domestic labour (para.24).

The Committee recommends that the State party:

Intensify efforts to address the root causes of trafficking in women and girls and to ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance, and alternative income-generating opportunities; Undertake a comprehensive study with a view to collecting data on the extent and forms of trafficking in women and girls, which should be disaggregated by age, region or country of origin; Intensify awareness-raising efforts aimed at promoting reporting of trafficking crimes and early detection of women and girls who are victims of trafficking as well as their referral through the National Referral Mechanism (para.25).

**Nationality:**

While noting the efforts of the State party to address challenges related to its nationality legislation, the Committee is concerned that both the Constitution and the Citizenship Act contain provisions depriving children born of Swazi women and foreign husbands of nationality, hence increasing their risk of statelessness. The Committee notes that this is discriminatory as it is not applicable where Swazi men marry foreign women (para.28).

The Committee recommends that the State party repeal discriminatory provisions from its Constitution and Citizenship Act to ensure that Swazi women married to foreign men can transfer their nationality to their husbands and children on the same basis as Swazi men married to foreign women, in line with article 9 of the Convention. Furthermore, the Committee recommends that the State party undertake programmes aimed at ensuring that children born to Swazi women married to non-Swazi men are not rendered stateless and have equal access to education, healthcare and other basic services (para.29).

Education:

While welcoming the introduction of free primary education and the high enrolment rates of girls in school, the Committee is concerned about the indirect costs of primary education. The Committee is also concerned at stereotypical choices of subjects and courses in education by girls who often avoid science courses. The Committee is further concerned about the; Increasing number of girls who drop out of school mainly due to teenage pregnancies; Widespread cases of abuse and sexual violence of girls at school by teachers, and when travelling to and from school; Limited provision of age-appropriate sexual and reproductive health and rights education in schools due to cultural resistance as sex education is considered taboo; and lack of appropriate measures to criminalise corporal punishment and prevent its use in all settings, particularly in schools (para.30).

The Committee recommends that the State party:

Remove indirect costs of primary education such as payment for school uniform to ensure that it is free and accessible to girls, especially from poor backgrounds; Adopt measures to prevent and eliminate all abuse and sexual violence against girls in school, and ensure that perpetrators are adequately punished; Encourage girls and young women to choose non-traditional fields of study and professions, including through the adoption of temporary special measures, and implement programmes aimed at counselling boys and girls on the full range of educational choices, with a view to encouraging them to choose non-traditional fields of study; Reduce school dropouts among girls by promoting re-entry into school by girls after giving birth; Integrate age-appropriate education on sexual and reproductive health and rights into school curricula, including comprehensive sex education for adolescent girls and boys covering responsible sexual behaviours; and prohibit corporal punishment and adopt measures aimed at eliminating its use in all settings, particularly in schools, and promote the use of non-violent forms of disciplining (para.31).