

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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22 September 2016

### **Swaziland must end excessive use of force and withdraw charges against human rights defenders**

#### ***Human Rights Council adopts Universal Periodic Review outcome on Swaziland***

Women and young girls experiencing gender-based violence in Swaziland have few remedies available to them under domestic law. Amnesty International therefore welcomes Swaziland's commitment to enact the Sexual Offences and Domestic Violence Bill and ensure that existing legislation is brought into conformity with obligations under the Convention on the Elimination of All Forms of Discrimination against Women.<sup>1</sup> The organization urges Swaziland to publicly commit to a time-frame within which this will be accomplished.<sup>2</sup>

Amnesty International has consistently raised concerns with the Swazi authorities that law enforcement officials use excessive force against peaceful demonstrators and use torture and other ill-treatment against arrested or detained persons. It therefore welcomes Swaziland's commitment to take the necessary steps to prevent torture and other human rights violations by law enforcement and security services, in accordance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>3</sup> Amnesty International calls on Swaziland to urgently enact legislation that defines and criminalizes torture and stipulates effective measures to prevent and punish incidents of torture, as it committed to do in its first review in 2011.<sup>4</sup> Amnesty International also encourages Swaziland to ratify the Optional Protocol on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish an independent, impartial body to investigate alleged human rights violations by the security forces with the power to recommend remedy, including prosecution.

While Swaziland's commitment to amend the Suppression of Terrorism Act of 2008 and the Sedition and Subversive Activities Act of 1938 is welcome,<sup>5</sup> Amnesty International notes that similar commitments were made during Swaziland's 2011 review and remain unimplemented.<sup>6</sup> The organization welcomes the Swaziland High Court judgement on 16 September declaring sections of these Acts inconsistent with the Constitution and therefore invalid, and calls on Swaziland to withdraw all criminal charges brought against human rights defenders and political opponents in accordance with this order.

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Swaziland*, A/HRC/33/14, 13 July 2016, recommendations 107.35 (Egypt), 107.36 (Germany), 107.37 (Panama), 107.38 (Norway), 107.39 (Togo), 107.40 (United States of America), 107.41 (Namibia), 107.42 (Botswana), 107.43 (Turkey), 107.44 (Italy), 107.45 (Uruguay), 107.46 (Brazil).

<sup>2</sup> Amnesty International, *Swaziland: Discrimination against Women and Restrictions on Fundamental Freedoms* (Index: AFR 55/3466/2016).

<sup>3</sup> A/HRC/33/14, recommendation 107.34 (Canada).

<sup>4</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Swaziland*, A/HRC/19/6, 12 December 2011, recommendations 77.25 (France), 77.27 (Slovakia), 77.34 (Spain), 77.35 (Sweden), 77.44 (Switzerland), 77.45 (Norway), and 77.46 (United Kingdom).

<sup>5</sup> A/HRC/33/14, recommendations 107.57 (Spain).

<sup>6</sup> A/HRC/19/6, recommendations 77.54 (Norway), 77.57 (Sweden).

Amnesty International regrets Swaziland's rejection of a recommendation to establish a formal moratorium on the death penalty, with a view to its abolition.<sup>7</sup>

**Background**

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Swaziland on 22 September 2016 during its 33<sup>rd</sup> session. Prior to the adoption of the report of the review Amnesty International delivered the oral statement above. Amnesty International also contributed to the information basis of the review through its submission on Swaziland: <https://www.amnesty.org/en/documents/afr55/3466/2016/en/>

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<sup>7</sup> A/HRC/33/14, recommendation 109.6 (Portugal).