

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AFR 55/001/2012

15 March 2012

Swaziland: Amnesty International urges Swaziland to take concrete and immediate measures to guarantee the independence and impartiality of the judiciary, and to amend laws which discriminate against women without delay

Human Rights Council adopts Universal Periodic Review outcome on Swaziland

Amnesty International welcomes Swaziland's acceptance of recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, and to take other measures consistent with existing obligations under the Convention.¹

The government should publicly articulate and adhere to clear time-frames for this. Swaziland acquired immediate obligations when ratifying the Convention against Torture in 2004, obligations which remain unfulfilled.

Torture and other forms of ill-treatment of detainees, and use of excessive force against demonstrators, are persistent, with perpetrators not being held accountable.

Amnesty International welcomes Swaziland's acceptance of recommendations to take concrete and immediate measures to guarantee the independence and impartiality of the judiciary.² Such measures are urgently needed. Amnesty International remains gravely concerned that the protection of human rights and access to justice for victims of human rights violations continues to deteriorate through what is in effect a crisis in the rule of law. A visible manifestation of this was the blatantly unfair removal of a senior High Court judge, Thomas Masuku, and the dismissal of the then Minister of Justice, David Matse, who had refused to participate in that removal.

Amnesty International welcomes Swaziland's acceptance of recommendations to align its legislation with international obligations to promote and protect freedoms of expression, association and peaceful assembly.³ However, Swaziland's intention in this respect is being undermined by its rejection of recommendations to remove all restrictions impeding the full exercise of civil and political rights, including through meaningful participation of political parties in elections.⁴

Amnesty International welcomes Swaziland's acceptance to amend "without delay" laws which discriminate against women, contrary to obligations under the Convention on the Elimination of All Forms of Discrimination against Women, and leave them without protection from violence.⁵ Swaziland should publicly state and adhere to time-frames for this task. Despite

¹ A/HRC/19/6/Add.1 paragraphs 3 and 4, referring to recommendations 77.2 (France), 77.12 (UK), 77.13 (Holy See), 77.25 (France), 77.27 (Slovakia), 77.34 (Spain), 77.35 (Sweden), 77.44 (Switzerland) and 77.46 (UK).

² A/HRC/19/6, recommendation 76.36 (Canada).

³ A/HRC/19/6/Add.1 paragraph 13, referring to recommendations 77.50 (Slovakia) and 77.54 (Norway).

⁴ A/HRC/19/6/Add.1 paragraph 14, referring to recommendations 77.48 (France), 77.52 (Switzerland), 77.54 (Norway), and 77.55 (Australia).

⁵ A/HRC/19/6/Add.1 paragraph 5, referring to recommendations 77.20 (France), 77.21 (Canada), 77.22 (Ghana), and 77.23 (Switzerland).

longstanding technical support from the international community, redrafted laws have remained un-enacted.

Finally, while Amnesty International welcomes Swaziland's part acceptance of a recommendation to implement measures to prevent violence against the LGBT community, it will be difficult to achieve this while discriminatory laws on the grounds of sexual orientation remain in place.⁶

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Swaziland on 15 March during its 19th 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:

<http://www.amnesty.org/en/library/info/AFR55/006/2011/en>

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org

⁶ A/HRC/19/6/Add.1 paragraph 18, referring to recommendation 77.47 (USA).