

SWAZILAND

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... Swaziland...

CERD 28TH No. 18 (A/9018) (1973)

200. The initial report of Swaziland, submitted on 18 August 1970, was considered by the Committee at its third session and deemed satisfactory. At its own initiative, the reporting State submitted a supplementary report on 18 May 1971. The second periodic report, dated 21 March 1973, was considered at the seventh session (137th, 138th and 144th meetings).

201. It was noted that, while no new legislation was enacted since the submission of the previous reports, the report under consideration contained extensive passages from a statement made by the Prime Minister of the reporting State in July 1971, which emphasized “the common commitment to non-racial democracy showed by the peoples of Botswana and Swaziland,” and informed the Committee of the current membership of the Cabinet Committee on Racial Discrimination, established on 3 June 1969.

202. Interest was expressed in the mandate and functions of the Cabinet Committee on Racial Discrimination and some members inquired about the progress it had accomplished in the four years which had elapsed since its establishment. Questions were raised about the effect, if any, of recent political and constitutional changes in the reporting State on its policies towards racial discrimination.

203. Several members of the Committee referred to the special circumstances of the reporting State, including its geographical location, and noted that the initial report had described candidly the difficulties encountered by the Government in its endeavours to eliminate racial discrimination. It was noted that a minority of 2 per cent of the population, which had formerly been the dominant political element and continued to have great economic leverage, practised racial discrimination against the majority. While admitting that racial discrimination was practised in clubs, industry and business, the Government also indicated that it had not yet gained sufficient economic power in the country so that it could remedy abuses which violated the Convention. In noting the candour with which the initial report described the situation, members also noted that the aim of the Government was to remove the vestiges of racial discrimination and not to practise racial discrimination against any group, including the powerful minority group. Several members expressed sympathy for the Government and suggested that both the unusual case of Swaziland and the support expressed by members of the Committee for the Government’s determination to eradicate the evils of racial discrimination should be reflected in the Committee’s annual report to the General Assembly. At the 38th meeting, the Committee decided to request the Rapporteur to prepare a draft decision drawing the attention of the General Assembly to the special situation in Swaziland. At the 144th meeting, when introducing the draft prepared in accordance with that decision, the Rapporteur suggested that, in view of the fluidity of the current political and constitutional situation in Swaziland, the Committee should take no formal action at the current session but await the receipt of additional information from that State party, and should content itself for the time being with bringing the matter to the attention of the General Assembly through the account to be made in the fourth annual report of the discussion of the question at the Committee’s seventh session. The Committee approved that suggestion and postponed consideration of the draft decision concerning information supplied by Swaziland until further information was received.

204. In the statement he made before the Committee at the 138th meeting, the representative of Swaziland informed the Committee that a representative of the Cabinet Committee on Racial Discrimination had been assigned to appear before the Committee on the Elimination of Racial Discrimination to report on the progress made by the Cabinet Committee and the nature of its responsibilities but, owing to the importance and urgency of the process of constitutional change currently taking place, he had been unable to come. He further informed the Committee that, it put into practice its determination to create a country in which no distinctions would be made on the basis of race or colour, his Government has suspended the Constitution in order to mould it so as to meet the aspirations of the people. The motion to suspend the Constitution had been adopted unanimously by the National Council and the Parliament of Swaziland; and a committee to redraft the Constitution - which, he was sure, would prepare a Constitution which would meet the aspirations and aims of the Convention - was currently engaged in the fulfilment of its mandate.

205. At the 144th meeting, the Committee decided to consider the report satisfactory and expressed the hope that the Government of Swaziland would continue to co-operate with the Committee as it had done in the past.

CERD 29TH No. 18 (A/9618) (1974)

200. The Committee noted that, according to the third periodic report of Swaziland, no legislative measures had been adopted since the second periodic report was submitted. The Committee welcomed the information contained in the report about the administrative and other measures adopted in furtherance of the Government's policy of encouraging the practice of "non-racialism", as well as the assurances made by the Government that those measures had made some progress, particularly in the fields of education and social and cultural affairs.

201. The Committee inferred from the report that the new Constitution, which - it had been informed at its eighth session (A/9018, para. 264) - was in the process of being drafted, had not yet been promulgated.

CERD A/46/18 (1991)

283. At its 921st meeting, on 8 August 1991 (see CERD/C/SR.921), the Committee reviewed the implementation of the Convention by Swaziland based on its previous report (CERD/C/R.70/Add.18) and its consideration by the Committee (see CERD/C/SR.205). The Committee noted that no information had been received from the State party since 1974.

284. Members of the Committee recalled that in the third periodic report the Government had provided information on the demographic composition of the country and had elaborated on the persistent political instability in the country. It was also recalled that subsequent to the consideration of that report, the Committee had requested additional information concerning the review of the Constitution and the concentration of economic power in the hands of a minority. Members noted that the law on nationality in Swaziland, which provided that Swazi nationality was conferred only on children of a Swazi father, accounted for a large number of stateless persons in the country.

285. Members of the Committee also noted that the democratic system had been abolished in March 1977 and that a new Constitution had been adopted in 1978. They wished to receive information on ethnic discrimination that favoured the Swazis and on the arrest of students and unionists as well as of members of the United People's Democratic Movement that had allegedly taken place in May or June 1991.

Concluding observations

286. In concluding the review, the Committee regretted that Swaziland had not responded to its invitation to participate in its meeting and to furnish information. It decided to request the Government of the State party to submit to the Committee information relevant to its implementation of the Convention, particularly with regard to provisions of the Constitution relating to ethnic problems. The Committee also drew attention to the possibility of the State party requesting technical assistance from the United Nations Centre for Human Rights to facilitate the preparation of reports to treaty monitoring bodies.

CERD A/52/18 (1997)

358. The Committee considered the fourth to fourteenth periodic reports of Swaziland, submitted in one document (CERD/C/299/Add.2), at its 1209th meeting, held on 19 March 1997 (see CERD/C/SR.1209), and at its 1213rd meeting, on 21 March 1997, adopted the following concluding observations.

A. Introduction

359. The Committee notes with satisfaction the submission of the report by the State party and the readiness of the Government of Swaziland to resume a dialogue with the Committee after a break of 20 years. It regrets that the report has not been prepared in accordance with the Committee's general guidelines and contains insufficient information on the actual implementation of the Convention by the State party. However, the information provided by the delegation of the State party in the course of the oral presentation of the report allowed the Committee to obtain a more comprehensive view of the overall situation in the country and of the implementation of the Convention. The Committee, having noted that a core document has not been submitted by the Government of Swaziland, draws the attention of the State party to the guidelines for the preparation of that document (HRI/CORE/1).

360. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention; some of its members requested that the possibility of such declaration be considered.

B. Positive aspects

361. Appreciation is expressed with regard to the commitment of the Government of Swaziland to combat racial discrimination and hatred and the efforts made by the State party to comply with the provisions of the Convention, particularly through the adoption of appropriate legislation, such as the Race Relations Act 6/1962, the Employment Act of 1980 (sect. 29) and the Citizenship Act of 1992 amending the 1982 Citizenship Act which, as had been alleged, had discriminatory aspects. It is also noted with interest that the State party is considering the modification of the Race Relations Act 6/1962 in order to address relevant issues raised by the Convention.

C. Principal subjects of concern

362. The report of the State party does not provide sufficient information on the practical implementation of articles 2, 3 and 6 of the Convention.

363. Concern is expressed at the failure to adopt legislative, administrative and other measures implementing fully the provisions of the Convention contained in article 4, article 5, in particular paragraphs (d) (i) and (e), and article 7. In that connection, it is noted that the Race Relations Act adopted in 1962, prior to the Convention's coming into force, adopted a narrower approach to the definition of the term "racial discrimination", as it speaks only of discrimination based on race and color.

D. Suggestions and recommendations

364. The Committee, having recalled that the report under consideration did not follow the Committee's guidelines for the preparation of reports and was submitted after a delay of 20 years, requests the State party to comply fully with the reporting obligations under article 9 of the Convention and to ensure that the next report is prepared in accordance with the general guidelines and submitted in time. It also recommends that the core document be submitted without further delay.

365. The Committee recommends that the report to be submitted contain detailed information on such specific issues identified by the Committee as measures taken to implement article 4, measures which have been taken under articles 5 and 7 and the difficulties encountered in implementing the provisions contained in the Convention.

366. The Committee suggests that the Government of Swaziland may wish to avail itself of technical assistance provided under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights/Centre for Human Rights.

367. The Committee suggests that account be taken of the Convention's provisions in the envisaged elaboration of a draft new Constitution of Swaziland.

368. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

369. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised during the consideration of the present report.