

Civil society report on the implementation of the Convention on the Rights of the Child

Eswatini

88th session of the Committee on the Rights of the Child

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This joint report is prepared by Rock of Hope, an organisation that strives to build a society in Eswatini that is free from stigmatization, discrimination and the oppression of gay, lesbian, bisexual and transgender people. We hereby submit this report evaluating the implementation of the Convention on the Rights of the Child in Eswatini, with particular focus on the rights LGBTI individuals and §4 of the List of Issues.



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Introduction and context

Studies in the region confirm that institutionalized criminalization of same-sex sexual acts reinforces stigma and produces exclusion and marginalization of Lesbian Gays Bisexuals Transgender Intersex (hereinafter called LGBTI) persons in families, churches, educational, health care and employment contexts¹. Such criminalization further results in low self-esteem, higher suicide rates, substance abuse, mental illness, anxiety and stress. According to the Southern Africa Trans Diverse Situational Analysis,² it is a common but inaccurate belief in Eswatini that trans-diverse people do not exist. This belief has resulted in abuses against the community going unnoticed. There is stigma, discrimination, abuse, and violence, both structurally and through individual acts. This status quo is also coupled by lack of an effective legal framework, policies and administrative measures to support LGBT.

Young LGBTI People's Rights Which Are Being Violated

Young LGBTI+ people usually are often victims of bullying, stigma and discrimination and violence at home, school, in the community and social media (cyber bullying). This treatment has had a negative impact in their lives and their health, preventing them expressing themselves and some disclosing their sexual orientation or gender identity. Moreover, this deprives them from enjoying the rights they are entitled to and enjoying the environment since it is not safe and they are not fully accepted in the society.

The right to education

LGBTI youth face almost all force of abuse in school, from teachers as well as their peers which at times is not addressed because the absence of protective policy, poor policy or unwillingness of institution to address it. The unwillingness of institutions to addressing bullying of LGBTI young people in schools leaves them at a high risk of being more exposed to violence and discrimination this reduces their chances of academic success, leading them to dropping out and increasing vulnerability. We have heard of cases of transgender people dropping out because they could not take the ill-treating with was based on their sexual orientation, yet it is their right to get education without any discrimination or prejudice.

The right to equality and non-discrimination

Equality affirms that all human being are born free and equally, non-discrimination ensures that no one is denied their rights because of factors such as sexual orientation. However, LGBTI young people face daily discrimination based on their sexual orientation and are denied the right to equality. In Eswatini LGBTI children face daily discrimination from family members, peers, the society, church and work place. Equality or equal treatment is something they do not really get to experience as the treatment these young people get is totally different from those heterosexual children at home, in the society, church and schools. LGBTI children are treated like outcast, they always get treated differently.

¹ OutandProud risk and vulnerability assessment - not yet published

² <http://www.aidsaccountability.org/wp-content/uploads/2017/02/Trans-SIT-Analysis.pdf>.

The right to freedom of Expression

Freedom of expression has to do with one expressing themselves, it could be through clothes, writing or orally, which is right entitled to every including children. LGBTI children fail to fully exercise that right even on social media because a simple post from them usually leads to cyber bullying. Self-expression for young LGBTI people usually leads to a backlash or name calling. This often leads to experience daunting pressure to suppress conceal or change their sexual orientation or gender identity, leaving emotional scars to young LGBTI people.

The right to family

All underage young people have the right to have all their need catered for by their families, which is why they have the right to family. However, that is not the case with some LGBTI youth as many LGBTI children experience prejudice and violence within their own families. The acceptance of LGBTI children is still difficult for many parents and other family members which leads them being deprived the right to family, being raised and provided for by their family members. Homophobic family members or families usually try by all possible means to 'change a child's sexuality' so they conform to the sex at birth, some go as far as corrective rape, which most of the time ends up damaging the child's mental health.

The right to shelter

LGBTI youth often end up homeless because their families and communities ostracize them at a time when they remain economically dependent. These young LGBTI people find themselves at a vulnerable time in their lives which is why most of them then end up finding themselves engaging in unhealthy and unsafe sex practices for money. In our emergency fund not applicants mentioned that they were chucked out at home because of their sexuality and they have been squatting at a friend's house. The current economic crisis makes it even harder for homeless young LGBTI people to find jobs especially dropouts.

The right to health and safety

Most LGBTI youth especially transgender people face huge barriers to healthcare, this might be caused by high costs of treatment, harassment, discrimination which is usually caused by the lack of information on healthcare service providers. In Eswatini transgender people are now recognized by the health minister, however they still cannot get access to hormones, hormonal therapy and sex change operation. All children are entitled to safety, protection from harm, harassment or violence and must exercise their rights without fear. LGBTI young people deprived their right of being able to exercise their participatory rights in all areas of life, and protection from violence and bullying. Child protection services, children's ombudspersons and the police should make particular efforts to include LGBTI children/youth in their outreach. The government needs to take systematic action to improve safety and equality of LGBTI children.

The right to information

LGBTI young people also face significant barriers in obtaining information about sexual health as well as about LGBTI people and identities, especially in Eswatini since it is a country that does not promote same sex relationships. Most institutions in Eswatini do not allow LGBTI organizations to sensitize pupils/ students on comprehensive sexuality education yet they have a right to get information on such important topics which would help in promoting self-esteem to LGBTI identifying youth and also promote health and acceptance of LGBTI youth institutions. This has led to young LGBTI people not getting the right safe sex commodities when engaging to sexual practices and putting them at right risk of being exposed to STIs and HIV. All youth have the right to receive factual information about sexuality and gender diversity and comprehensive sexual education should supported by institutions without discrimination.