



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Eighty-fifth session

11–29 May 2020

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined second to fourth periodic reports of Eswatini

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 14 February 2020. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

### Part I

1. Please provide examples of how customary law has been regulated and what safeguards are available if a customary law violates the provisions of the Convention. Please provide an update on the adoption of regulations for implementing the Sexual Offences and Domestic Violence Act, the Persons with Disability Act and the Children's Protection and Welfare Act. Please also provide information on the status of the free legal aid bill, the marriage bill and the citizenship bill.
2. Please update the Committee on the outcome of the review of the National Plan of Action for Children (2011–2015) and of the status of the National Master Children Development Plan. Please provide more information about the National Children Services Department and on measures taken to increase and improve the efficiency of budget allocations, in particular in the education and health sectors. Please update the Committee on steps taken to strengthen the system for collecting data related to children's rights.
3. Please update the Committee on steps taken to address the independence and resources of the Commission on Human Rights and Public Administration/Integrity and to ensure that its mandate includes children's rights and a child-friendly complaints mechanism. Please provide information on the outcome of activities carried out to disseminate and provide training on the text of the Convention and on steps taken to establish a coordination platform for stakeholders working for children's rights.
4. Please provide information on measures taken to prevent the de facto discrimination of orphans, children with disabilities, children with albinism, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children. Please clarify whether the State party has a protocol for determining the best interests of the child. Please also provide information on plans to prohibit the corporal punishment of children in all settings.
5. Please inform the Committee about the prevalence of and steps taken to prevent the ritual killing of children with albinism. Please provide data on the prevalence of polygamy,



forced marriage, including *inhlanti* and *kwendzisa*, and bride inheritance. Please provide information on measures taken to remove all exceptions to the minimum age of 18 years for marriage.

6. Please update the Committee on steps taken to ensure that children can derive their nationality from either parent and if that right is guaranteed in the draft bill on citizenship. Please also provide information on measures taken to address the barriers to birth registration mentioned in the State party report (CRC/C/SWZ/2-4 and CRC/C/SWZ/2-4/Corr.1, para. 61). Please also inform the Committee of any platforms that exist for promoting the structured participation of children and if another Children's Parliament forum will be organized.

7. Please provide information on measures taken to strengthen the capacities of the national surveillance system on violence and update the Committee on the action plan for implementing the National Strategy to End Violence (2017–2022). Please also provide information on the number and nature of and follow-up provided to calls received through the national helpline for reporting violence in schools and on how children can lodge a complaint for abuse in institutions.

8. Please provide detailed information on the different forms of day care and alternative residential or institutional care available in the State party. Please also provide information on measures taken to increase the number of government-funded one-stop centres and shelters for orphaned children and for child victims of gender-based violence.

9. Please update the Committee on the implementation of the National Disability Plan of Action (2015–2020) and inform the Committee about the human and financial resources available to the Disability Unit within the Deputy Prime Minister's Office.

10. Please provide information about measures taken to address the high rates of stunting and to ensure food security. Please provide information on the support services available to children who suffer from stunting or food insecurity. Please also provide information on measures taken to address the high rate of early pregnancies and to facilitate access to safe abortion services. Please also explain what actions the State party is taking to address the high rates of infant and neonatal mortality.

11. Please inform the Committee about measures taken to tackle the high numbers of children dropping out of secondary education and the high repetition rates, including by addressing the root causes. Please provide information about the implementation of the gender-responsive strategy for addressing secondary school dropout rates, grade repetition and transition and about any existing mechanism to give follow-up to those who have dropped out of school and of any programmes for their reintegration.

12. Please provide information on measures taken to promote alternatives to the formal criminal justice system and to detention and on the role of the *Umphakatsi* child justice committees. Please report on measures taken to ensure that children and adults are held separately when deprived of their liberty and provide information on access to health and education services, monitoring visits and the complaints mechanisms available to children in such places.

## Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## Part III

### Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

15. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

(a) Children who are stunted, wasted and overweight, and children with micronutrient deficiencies;

(b) Children victims of violence, abuse or sexual exploitation, including information on investigations, prosecutions, convictions or acquittals and any reparations paid to the victims;

(c) The number of cases brought against teachers, including information on the outcome of such cases, for practising corporal punishment against children;

(d) The number of children in day care;

(e) The number of children living with autism.

16. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

(a) Living with members of their extended family;

(b) Living in institutions;

(c) Placed in foster care.

17. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Out of school;

(g) Abandoned by their families.

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on the number of children in conflict with the law (both the formal and customary justice systems) who have been:

(a) Arrested;

(b) Referred to diversion programmes;

(c) In pretrial detention;

(d) In detention and the length of their sentence.

19. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they

promote the realization of children's rights under the Convention and its Optional Protocols.

20. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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