



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined second to fourth periodic reports of Eswatini\*

#### I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Eswatini<sup>1</sup> at its 2547th and 2548th meetings,<sup>2</sup> held on 15 September 2021, and adopted the present concluding observations at its 2562nd meeting, held on 24 September 2021.

2. The Committee welcomes the submission of the second to fourth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the State's accession to the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict, in 2012, and its ratification of the Convention on the Rights of Persons with Disabilities, also in 2012. It notes with appreciation the progress made in enrolment rates for children in primary education and in health outcomes for children, and the adoption of legislative and policy measures to implement the Convention, in particular: (a) the Free Primary Education Act, in 2010; (b) the Children's Protection and Welfare Act, in 2012; and (c) the Sexual Offences and Domestic Violence Act, in 2018, and its implementing regulations, gazetted in July 2021.

#### III. Main areas of concern and recommendations

4. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of**

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\* Adopted by the Committee at its eighty-eighth session (6–24 September 2021).

<sup>1</sup> [CRC/C/SWZ/2-4](#) and [CRC/C/SWZ/2-4/Corr.1](#).

<sup>2</sup> See [CRC/C/SR.2547](#) and [CRC/C/SR.2548](#).

<sup>3</sup> [CRC/C/SWZ/RQ/2-4](#) and [CRC/C/SWZ/RQ/2-4/Corr.1](#).



policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Previous recommendations of the Committee**

5. **The Committee recommends that the State party take all measures necessary to address the recommendations contained in its previous concluding observations, adopted in 2006 that have not been implemented or have been implemented insufficiently, in particular those related to allocation of resources; data collection; dissemination, training and awareness-raising; cooperation with civil society; and the best interests of the child.**<sup>4</sup>

### **Legislation**

6. While welcoming the establishment of the Law Reform Unit, for fast tracking the harmonization and finalization of draft legislation, and the adoption of the Children's Protection and Welfare Act, the Committee is concerned that the State party has yet to implement regulations to give effect to the Act and has not allocated sufficient human and technical resources for its implementation.

7. **The Committee recommends that the State party:**

(a) **Provide adequate resources to the Law Reform Unit to facilitate its effective assistance in the harmonization and finalization of draft legislation, particularly legislation related to children's rights;**

(b) **Take all measures necessary for implementing legislation, including the Children's Protection and Welfare Act, in compliance with the Convention, by promptly adopting the regulations necessary, and ensuring adequate human, technical and financial resources, for implementation.**

### **Comprehensive policy and strategy**

8. The Committee notes, as highlighted during the dialogue, that the national master development plan for children, and the national plan of action for children (2022–2026) are in their final consultative stages, but is seriously concerned that the National Children's Policy and the National Plan of Action for Children have not been renewed since their expiration.

9. **The Committee recommends that the State party adopt the national master development plan for children, update the National Children's Policy and the National Plan of Action for Children, and ensure that all of those measures are supported by sufficient human, technical and financial resources.**

### **Coordination**

10. While the Committee welcomes the establishment of the National Children Services Department to serve as a central coordination structure for child policies, it is concerned that the absence of a national action plan impedes the implementation of child rights policies and that the capacity to effectively ensure coordination is limited.

11. **The Committee recommends that the State party:**

(a) **Strengthen the coordination capacity of the National Children Services Department, including by ensuring the availability of structured coordination platforms at cross-sectoral, national, regional and local levels;**

(b) **Put in place a monitoring and accountability framework and ensure the human, technical and financial resources necessary for its effective operation.**

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<sup>4</sup> [CRC/C/SWZ/CO/1](#), paras. 16, 18, 20, 22 and 29.

### Allocation of resources

12. While welcoming the measures taken by the Government, including the increase in the budget allocations for free primary education, the Committee is concerned that:

- (a) Resource allocations, particularly in the areas of health, education and social protection, remain low;
- (b) The absence of child-specific budget allocations makes tracking and accountability difficult, and that the public finance management system related to children issues is inefficient;
- (c) Development aid is not well coordinated or harmonized with a view to supporting interventions informed by a national children's development plan;
- (d) There is widespread mismanagement of funds.

13. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee reiterates its previous concluding observations<sup>5</sup> and recommends that the State party:**

- (a) **Substantially increase the allocations to social protection, health and education;**
- (b) **Define budgetary lines for all children, with special attention to those in disadvantaged or vulnerable situations who may require affirmative social measures, and ensure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**
- (c) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;**
- (d) **Coordinate and harmonize all development aid to better support interventions related to children's rights;**
- (e) **Continue to take measures to combat the mismanagement of funds.**

### Data collection

14. The Committee notes that the State party collects some data relevant to children's rights through the Central Statistics Office. It is however concerned that data are not systematically collected on all areas of the Convention, that data are not routinely shared between ministries and that data are not sufficiently disaggregated to allow for adequate analysis and policy measures.

15. **With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee reiterates its previous concluding observations<sup>6</sup> and recommends that the State party:**

- (a) **Expediently improve its data-collection system, ensuring that the data cover all areas of the Convention and are disaggregated, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;**
- (b) **Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.**

### Independent monitoring

16. The Committee is concerned that the Commission on Human Rights and Public Administration:

<sup>5</sup> Ibid., para. 16.

<sup>6</sup> Ibid., para. 18.

(a) Does not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including in relation to guarantees of independence;

(b) Does not enjoy budgetary independence;

(c) Is not easily accessible to children and lacks a child-friendly complaint mechanism.

17. **The Committee recommends that the State party:**

(a) **Strengthen the Commission on Human Rights and Public Administration by allocating the resources necessary for its functioning, and consider establishing a unit dedicated to, or a commissioner responsible for, children's rights within the Commission;**

(b) **Guarantee the independence of the Commission, including with regard to the provision of adequate funding, its mandate and its immunities, so as to ensure full compliance with the Paris Principles;**

(c) **Provide and promote a child-friendly complaint mechanism within the Commission.**

#### **Dissemination, awareness-raising and training**

18. While noting that the State party organized trainings for professionals working with and for children, the Committee is concerned that the dissemination of relevant material related to the Convention is still limited and that the State party has not conducted any assessments to determine the impact of the training that was carried out.

19. **The Committee reiterates its previous concluding observations<sup>7</sup> and recommends that the State party strengthen the programmes aimed at building capacity in the area of children's rights among professionals working with and for children and ensure that regular assessment and evaluation of these programmes and activities is carried out.**

#### **Cooperation with civil society**

20. The Committee is concerned that cooperation with civil society remains ad hoc and that consultations carried out by the National Children Services Department are often inadequate.

21. **The Committee reiterates its previous concluding observations<sup>8</sup> and recommends that the State party establish a structured platform for regular and effective coordination of and cooperation among all relevant stakeholders working in the field of children's rights.**

#### **Children's rights and the business sector**

22. The Committee is concerned that the Environmental Management Act of 2002 and the Air Pollution Control Regulations of 2010 have not been adequately implemented.

23. **The Committee, referring to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, recommends that the State party:**

(a) **Establish and implement regulations, such as those related to the Environmental Management Act and the Air Pollution Control Regulations, to ensure that the business sector complies with international environmental, human rights and children's rights standards;**

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<sup>7</sup> Ibid., para. 20.

<sup>8</sup> Ibid., para. 22.

(b) **Ensure effective monitoring of such legislation and regulations and appropriately sanction violators and provide remedies to victims when violations occur.**

## **B. Definition of the child (art. 1)**

24. The Committee welcomes the definition of a child as a person under the age of 18 years for both boys and girls, introduced through the Children's Protection and Welfare Act in 2012. It is however seriously concerned about inconsistencies with that definition in other legislation, particularly the Marriage Act of 1964, and customary law, which allow for the marriage of children under the age of 18.

25. **The Committee reiterates its previous concluding observations<sup>9</sup> and urges the State party to revise its legislation, including by amending the Marriage Act and adopting the marriage bill, in order to ensure that the minimum age of marriage is established at 18 for both girls and boys, and to take all measures necessary to eliminate child marriage in practice, in line with its obligations under the Convention and the African Charter on the Rights and Welfare of the Child.**

## **C. General principles (arts. 2–3, 6 and 12)**

### **Non-discrimination**

26. While the Committee notes the prohibition of all forms of discrimination in the Children's Protection and Welfare Act, it remains concerned:

(a) That several pieces of legislation that have the potential to provide vulnerable children with protection against discrimination have not yet been passed into law, such as the marriage bill, or are lacking regulations, such as the Persons with Disabilities Act of 2018;

(b) About the discrimination against certain groups of children, particularly girls, children living in poverty, children with disabilities, children with albinism, orphans, children infected with and affected by HIV/AIDS, refugee children, asylum-seeking children and lesbian, gay, bisexual, transgender and intersex children.

27. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee reiterates its previous concluding observations<sup>10</sup> and recommends that the State party:**

(a) **Expedite the adoption of the marriage bill and the regulations for the Persons with Disabilities Act;**

(b) **Strengthen its efforts to eliminate discrimination and stigmatization against groups of children in marginalized and disadvantaged situations, particularly girls, children living in poverty, children with disabilities, children with albinism, orphans, children infected with and affected by HIV/AIDS, refugee children, asylum-seeking children and lesbian, gay, bisexual, transgender and intersex children, including by developing policies and addressing the root causes of de facto discrimination;**

(c) **Conduct comprehensive public education and awareness-raising programmes, including campaigns, to combat and prevent stigmatization of and discrimination against children in vulnerable situations.**

### **Best interests of the child**

28. The Committee remains concerned that the State party has not consistently interpreted and applied the best interests of the child in all legislative, administrative and judicial proceedings and decisions or adopted specific procedures and criteria to guide professionals working with and for children.

<sup>9</sup> Ibid., para. 24.

<sup>10</sup> Ibid., para. 26.

29. **With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its previous concluding observations<sup>11</sup> and recommends that the State party:**

(a) **Strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;**

(b) **Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving the best interests of the child due weight as a primary consideration.**

#### **Respect for the views of the child**

30. The Committee notes that the Children's Protection and Welfare Act provides for the participation of children in matters that concern them. The Committee is however concerned that:

(a) There is no platform for structured and regular participation of children where they can express their views and have their views taken into account;

(b) Cultural practices and traditional attitudes impede the participation of children and that consultation with children on issues that affect them is sometimes met with resistance.

31. **With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee reiterates its previous concluding observations<sup>12</sup> and recommends that the State party:**

(a) **Establish a platform for children's structured participation and consider re-establishing the Children's Parliament forums;**

(b) **Promote the meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making in all matters related to them.**

### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration**

32. The Committee welcomes measures taken by the State party to increase the level of birth registration. However, it remains concerned at the low rate of birth registration and:

(a) The legal and administrative barriers and requirements for registering a child;

(b) The absence of registration offices, and the inaccessibility of existing offices, in some areas, particularly in rural areas;

(c) The direct and indirect costs of registration services;

(d) Insufficient awareness among parents about how to register their children.

33. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee reiterates its previous concluding recommendations<sup>13</sup> and urges the State party to:**

(a) **Harmonize civil registration laws with the Children's Protection and Welfare Act;**

(b) **Address administrative barriers to birth registration, including by continuing its efforts to ensure a free, timely and simplified process and to establish a countrywide system of birth registration in health facilities and a system of e-registration;**

<sup>11</sup> Ibid., para. 29.

<sup>12</sup> Ibid., para. 31.

<sup>13</sup> Ibid., para. 35.

(c) **Increase public awareness about the importance and process of birth registration in communities, as well as incentives, including with the support of traditional authorities and religious leaders.**

#### **Right to a nationality**

34. While the Committee notes that the State party has prepared a citizenship bill, which recognizes a child's right to obtain citizenship from either parent, as well as a national action plan on eradicating statelessness, in 2018, it regrets that the bill remains in draft form and the action plan remains unimplemented.

35. **Recalling its previous concluding observations<sup>14</sup> and taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party urgently finalize the reform of the legislation on nationality, including the adoption of the citizenship bill, and implement the national action plan on eradicating statelessness, to ensure that a child can derive nationality also from the mother and that children born in the State party are not at risk of being stateless.**

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

36. The Committee is seriously concerned that corporal punishment is still lawful in the home, in alternative care settings, in day care, in schools and in penal institutions, and that the Constitution still allows for "moderate chastisement" of children, which is currently interpreted as permitting such punishment.

37. **The Committee urges the State party to consider narrowing the legal interpretation of "moderate chastisement" so that it excludes corporal punishment, explicitly prohibit corporal punishment in law in all settings and promote positive, non-violent and participatory forms of child-rearing and discipline.**

#### **Violence, abuse and neglect**

38. While the Committee notes the efforts by the State party to curb violence against children, it remains seriously concerned that:

(a) The Action Plan for the National Strategy to End Violence (2017–2022) has not been adequately implemented and has not been supported with sufficient resources;

(b) The High-Level Task Force on Violence and the Multi-Sectoral Technical Task Team on Violence are not operational;

(c) There were reports of children being killed and injured in the unrest that started late in June 2021;

(d) There is no multisectoral approach to prevent and respond to violence against children and no integrated child protection system;

(e) There is only one operational one-stop centre for child victims of violence and one government-owned halfway house for orphaned children;

(f) The State party has not yet operationalized a national 24-hour toll-free child helpline;

(g) There is no up-to-date data on the prevalence of violence against children.

39. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Allocate adequate human, technical and financial resources for the implementation of the Action Plan for the National Strategy to End Violence (2017–**

<sup>14</sup> Ibid., para. 33.

2022) and strengthen its coordination and oversight roles, and identify key targets for follow-up initiatives;

(b) Allocate adequate human, technical and financial resources to the High-Level Task Force on Violence and the Multi-Sectoral Technical Task Team on Violence to enable them to implement their mandates;

(c) Ensure that the safety and well-being of children are always respected and investigate the reported killing and injuries of children that allegedly occurred during the public demonstrations that started late in June 2021;

(d) Establish an efficient multisectoral child protection system, including an integrated child-sensitive case-management system operated by trained professional social workers, and strengthen community and school-based protection systems;

(e) Increase the number of one-stop centres and shelters for child victims of violence, strengthen and expand the capacity of social services at the community level and ensure that survivors have access to remedies and protection;

(f) Promptly operationalize a toll-free, 24-hour national helpline that is available for all children and provide the human, financial and technical resources necessary for its effective functioning;

(g) Establish a national database on all cases of violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence.

#### **Sexual exploitation and abuse**

40. The Committee welcomes the adoption of the Sexual Offences and Domestic Violence Act in 2018, but remains seriously concerned at the high prevalence of sexual exploitation and abuse of children and that:

(a) Few cases are reported, even though the perpetrators are often known to the victims;

(b) Sexual exploitation and abuse are often considered to be a “private issue” that should be dealt with within the realm of the family.

41. **The Committee urges the State party to:**

(a) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation, and measures to follow up on each case in terms of both psychosocial and judicial interventions;

(b) Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations.

#### **Harmful practices**

42. The Committee is seriously concerned about:

(a) Harmful practices of child marriage, such as *kwendzisa* and *inhlanti*, that are still practised, in particular in rural areas;

(b) Polygamy involving girls as spouses;

(c) Children with albinism affected by ritual killings.

43. **With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) Take effective measures to fully eliminate child marriage and to raise awareness of its harmful effects on physical and mental health and well-being, especially

that of girls, targeting households, local authorities, traditional and religious leaders and judges and prosecutors;

(b) **Eliminate polygamy involving girls as spouses, which causes emotional and material harm to children, often with serious consequences for their well-being;**

(c) **Address the root causes of violence, harassment and discrimination and provide adequate resources to implement the plan to respond to attacks against children with albinism;**

(d) **Prevent and combat killings of and attacks against children with albinism, protect and provide them with psychological support, redress, rehabilitation and legal assistance, and punish those responsible for such crimes.**

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

### **Family environment**

44. The Committee takes note of measures to provide support and assistance to parents. However, it is concerned that a large number of children are living without appropriate family care and parental guidance, due to circumstances such as the HIV epidemic, migration for work and the remarriage of parents, and that the financial resources allocated to strengthening children's family environments are insufficient.

45. **The Committee recommends that the State party invest in and incentivize family care, particularly by strengthening the measures for the prevention of family disintegration, formulate and implement parenting programmes to support parents and caregivers, and provide financial support for families in need.**

### **Children deprived of a family environment**

46. While the Committee welcomes the inclusion of provisions regarding alternative care, including kinship, in the Children's Protection and Welfare Act, it remains seriously concerned that:

(a) There is still a high number of children who are orphans or who have lost one parent;

(b) Implementing regulations for the alternative care system have not yet been adopted;

(c) The guidelines on alternative care developed in 2010 are not yet being enforced and guidelines on foster and kinship care are still not operational;

(d) The number of alternative residential or institutional care homes is increasing, that many of them are run by private owners and that there is an inadequate system of registration, monitoring and oversight.

47. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee urges the State party to:**

(a) **Expedite the adoption of the implementing regulations for the alternative care system provided for in the Children's Protection and Welfare Act, as well as the guidelines on alternative care;**

(b) **Urgently establish a comprehensive, rights-based and accountable system of alternative care for children that integrates the traditional care provided by the extended family with a particular focus on the best interests of the child;**

(c) **Support and facilitate family-based care for children wherever possible, including by implementing guidelines on foster and kinship care and by shifting government funding to support that type of care rather than institutionalization;**

(d) **Strengthen the system of registration for, effective monitoring of and oversight over alternative care institutions, including alternative care centres and placements administered by private actors;**

(e) **Ensure that adequate human, technical and financial resources are allocated to relevant child protection services, in particular community-based services, in order to facilitate the rehabilitation and social reintegration of children to the greatest extent possible.**

#### **Adoption**

48. The Committee welcomes the strengthening of the State party's legal framework with regard to inter-country adoption. It is concerned however that the implementing regulations of the Children's Protection and Welfare Act regarding inter-country adoption are not yet in force.

49. **The Committee recommends that the State party expedite the adoption of the implementing regulations for the Child Protection and Children's Welfare Act, that it raise awareness about the adoption procedures and regulations and that it promote and encourage domestic adoption.**

### **G. Children with disabilities (art. 23)**

50. The Committee welcomes the adoption of the Persons with Disabilities Act in 2018, the National Disability Policy of 2013 and the development of the National Disability Plan of Action (2015–2020). The Committee further welcomes the revised Education and Training Sector Policy of 2018, which promotes inclusive education. However, the Committee remains concerned about:

(a) The absence of disaggregated data on children with disabilities;

(b) The limited access to early identification and referral programmes for children with disabilities;

(c) The insufficiency of measures to ensure that children with disabilities can fully enjoy their rights, in particular to health, quality of life, and inclusive education;

(d) Reports that some children with disabilities are isolated and that they face stigmatization, discrimination and abuse;

(e) The limited human, technical and financial resources available for the work of the Disability Unit in the Office of the Deputy Prime Minister.

51. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities, and:**

(a) **Organize and analyse data collection, disaggregated by, inter alia, age, sex, type of disability, national origin, ethnicity, geographic location and socioeconomic status;**

(b) **Ensure that children with disabilities have access to health care, inclusive education, early detection and early intervention systems, and various forms of social protection of high quality supported with adequate human, technical and financial resources;**

(c) **Intensify efforts to end the isolation, stigmatization, abuse and ill-treatment of children with disabilities;**

(d) **Undertake ongoing awareness-raising campaigns targeting public officials, the public and families to promote a positive image of these children as rights holders;**

(e) **Ensure adequate allocation of human, technical and financial resources for the Disability Unit in the Office of the Deputy Prime Minister;**

(f) **Guarantee that the National Disability Plan of Action (2015–2020) has sufficient financial and human resources, in addition to having monitoring mechanisms that allow the measurement of results.**

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

52. The Committee welcomes increased investments in the health-care sector and the roll-out of child developmental and health programmes, and notes reduced rates of maternal, neonatal and child mortality, and the adoption of the food and nutrition mainstreaming plan for 2019–2023. However, it remains concerned about:

- (a) The scarcity of health-care facilities, particularly in rural areas, and at the stock-outs of certain medicines;
- (b) High neonatal, infant and under-5 mortality rates;
- (c) The high level of stunting, the low level of breastfeeding and the overall level of, and the significant regional differences in, food security in the State party.

53. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.1 of the Sustainable Development Goals on reducing maternal mortality, the Committee recommends that the State party:**

- (a) **Accelerate the implementation of the integrated child health programme and improve access to, and the quality of, primary health services, particularly in rural areas, by allocating sufficient human and financial resources for health infrastructure, and by developing an integrated medicine supply management system to improve the availability of and access to medicines;**
- (b) **Urgently strengthen its efforts to further reduce infant and child mortality, especially by improving antenatal and postnatal care, enhancing the capacity of health-care providers, and increasing the availability and accessibility of emergency obstetric care and skilled birth attendants in rural areas and support for proper nutritional intake;**
- (c) **Implement and apply the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age, prepared by the Office of the United Nations High Commissioner for Human Rights;<sup>15</sup>**
- (d) **Improve nutrition management by allocating sufficient resources to the Eswatini National Nutrition Council, adopting the multisectoral national nutrition strategy, and giving critical importance to maternal, infant and young child nutrition in rural and semi-urban areas;**
- (e) **Adopt optimal breastfeeding practices, including the promotion of exclusive breastfeeding up to 6 months of age, with appropriate guidance and support for breastfeeding for HIV-infected mothers, and fully implement the International Code of Marketing of Breast-milk Substitutes.**

### **Adolescent health**

54. The Committee welcomes the establishment of youth-friendly clinics and the roll-out of life-skills education in all secondary schools. The Committee is however concerned about:

- (a) Health services that are generally not adolescent friendly;
- (b) The high HIV infection rates;

<sup>15</sup> [A/HRC/27/31](#).

(c) The high rate of early pregnancy, particularly during the coronavirus disease (COVID-19) pandemic, and adolescents' limited access to contraceptives, particularly in rural areas;

(d) The stigma surrounding mental health and the lack of mental health services for adolescents;

(e) The lack of an assessment of the impact of legalization of cannabis on adolescents.

**55. Taking note of targets 3.4, 3.5 and 5.6 of the Sustainable Development Goals and with reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

**(a) Ensure adolescent-friendly health services, and provide free, confidential HIV/AIDS and sexual and reproductive health services;**

**(b) Ensure girls' access to family planning services, affordable contraceptives and safe abortion and post-abortion care services, and ensure that their views are always heard and given due consideration in abortion decisions;**

**(c) Ensure that comprehensive sexual and reproductive health education is part of the compulsory school curriculum, with special attention placed on the prevention of early pregnancy and sexually transmitted infection, in particular HIV/AIDS, and ensure access to confidential counselling;**

**(d) Ensure that all adolescents have access to confidential mental health services and counselling in primary health-care settings, schools and communities;**

**(e) Carry out an assessment of any potential negative impact of the legalization of cannabis on adolescents.**

#### **HIV/AIDS**

56. The Committee welcomes the adoption of the National Multisectoral HIV and AIDS Strategic Framework (2018–2023) and the decrease in mother-to-child transmission. The Committee however remains concerned about:

(a) The sustained transmission of HIV from mother to child, particularly before the child reaches the age of 18 months;

(b) The low level of awareness of prevention, treatment, care and support interventions for children with disabilities infected with and affected by HIV/AIDS.

**57. With reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child and taking note of target 3.3 of the Sustainable Development Goals, the Committee reiterates its previous concluding observations<sup>16</sup> and recommends that the State party:**

**(a) Continue to strengthen measures to prevent mother-to-child transmission of HIV, particularly before the child reaches the age of 18 months;**

**(b) Continue to strengthen early infant diagnosis, early initiation of antiretroviral therapy, and provision of psychosocial support and follow-up to the mothers and children;**

**(c) Conduct awareness-raising programmes on HIV/AIDS prevention, treatment, care and support interventions, particularly targeting children with disabilities.**

#### **Environmental health and impact of climate change on the rights of the child**

58. The Committee is concerned about:

<sup>16</sup> [CRC/C/SWZ/CO/1](#), para. 54.

(a) The industrial pollution that threatens access to safe drinking water from rivers, and urban waste and agricultural chemicals that pose a serious risk both to the environment and children's health;

(b) The high vulnerability to recurring droughts and related food insecurity adversely affecting the full implementation of the Convention.

**59. The Committee draws attention to target 13.b of the Sustainable Development Goals and recommends that the State party:**

(a) **Promote the sustainable management of natural resources, such as land and water, considering the consequences for the present generation and future generations;**

(b) **Identify the impacts of hazardous chemicals and waste on children and use the information to formulate a national policy on chemicals and waste management, and to review regulations on the control and management of chemicals such as mercury;**

(c) **Increase efficiency in biomass usage to protect the forest ecosystems and accelerate the transition to renewable energy; reduce the vulnerability of children to the impacts of climate change by building their adaptive capacity and resilience; and ensure that children's special vulnerabilities and views are taken into account in preparing early warning systems and disaster risk management plans;**

(d) **Increase children's awareness of climate change and environmental degradation by incorporating environmental education into the school curriculum.**

#### **Standard of living**

60. While the Committee welcomes the programmes to meet the needs of children in need, it is nevertheless concerned about:

(a) The inadequacy of social assistance programmes;

(b) The high poverty rate among children, particularly in rural areas;

(c) Many children living in informal settlements without access to water or sanitation.

**61. The Committee draws attention to target 1.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Develop a social assistance and social protection strategy and a child-sensitive, equitable, efficient and fiscally sustainable social assistance system;**

(b) **Expand the cash allowance to reach the most vulnerable households and consider developing a programme specifically targeting children in order to contribute towards reducing child poverty;**

(c) **Improve children's access to water and sanitation, particularly in informal settlements.**

## **I. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including early childhood development**

62. The Committee welcomes the adoption of the Free Primary Education Act in 2010, which increased total school enrolment to 98 per cent. It however remains concerned about:

(a) High dropout rates, with significant urban and rural differences;

(b) Pregnant students and adolescent mothers dropping out of school and facing stigmatization;

(c) Low enrolment rates in secondary education;

(d) The quality of education outcomes being inadequate at all levels;

(e) Inequalities in accessing education during the COVID-19 crisis due to the lack of access to online classes;

(f) The large number of unqualified teachers and the in-service training department being understaffed and underresourced;

(g) The hidden costs related to education, in particular top-up fees, and uniform and transport costs, and the fact that grants to orphaned and vulnerable children are insufficient to cover all costs;

(h) The underfunding of, and the limited and inequitable access to, early childhood care and education.

**63. Taking note of targets 4.a and 4.c of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Address dropout rates, in particular in rural areas, and ensure that pregnant girls and adolescent mothers remain in school or have the ability to reintegrate by eliminating stigma and providing counselling and access to childcare;**

(b) **Increase enrolment and reduce dropout in secondary education by addressing obstacles such as repetition rates, early pregnancy, distance from secondary school and poor infrastructure quality;**

(c) **Take the measures necessary to improve the quality of education, including by providing continuous training to teachers, further improving the student-to-teacher ratio and ensuring that teaching material is available to all students;**

(d) **Address inequalities generated by the COVID-19 crisis during online schooling, including by ensuring the availability of phone and computer equipment and sufficient Internet access, paying particular attention to rural areas and children with disabilities;**

(e) **Strengthen efforts to eliminate all hidden costs of schooling, in particular top-up tuition fees and costs for uniforms and transportation to school, and conduct regular monitoring and evaluation of the programme of grants for orphaned or vulnerable children in order to increase its effectiveness;**

(f) **Adopt and adequately resource the early childcare and development strategy, and ensure and assess the possibility of expanding the usage of national care points as early childhood education centres.**

## **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking, refugee and migrant children**

64. The Committee is concerned about access to various services, particularly education, by asylum-seeking and refugee and migrant children at the Malindza Refugee Centre.

65. **With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party enhance access to services for asylum-seeking, refugee and migrant children.**

### **Economic exploitation, including child labour**

66. The Committee is seriously concerned about reports of high rates of child labour, particularly among girls in rural areas and in the age group of 5 to 11 years, the lack of data on the extent and type of work carried out by children, and the insufficient resources allocated to the Child Labour Unit.

67. **The Committee recommends that the State party:**

(a) **Effectively enforce the Employment Act, explicitly prohibit the employment of children in harmful or hazardous work and expedite the amendments**

**to the Employment Act to include additional safeguards for children, in particular young girls in rural areas;**

**(b) Significantly increase the human, technical and financial resources allocated to the Child Labour Unit in order to fully, regularly and effectively implement the laws and policies on child labour, particularly with regard to domestic work and in the agricultural sector, increase sanctions for violators and prosecute perpetrators;**

**(c) Collect data on the extent and type of work carried out by children;**

**(d) Expediently adopt and implement the draft action plan on child labour.**

#### **Sale, trafficking and abduction**

68. The Committee welcomes the establishment of a referral and support system, and training of staff, in the anti-trafficking secretariat and the police academy. The Committee is concerned however about reports that persons living close to international borders often lack knowledge about what constitutes trafficking of children, that the field presence of the anti-trafficking secretariat is too limited and that the State party lacks a dedicated shelter for child victims of trafficking.

69. **The Committee recommends that the State party:**

**(a) Increase the field presence and resources of the anti-trafficking secretariat;**

**(b) Conduct awareness-raising activities among children and parents in border communities in order to make them aware of the dangers of trafficking;**

**(c) Provide child victims of trafficking with adequate assistance and protection, including the provision of specifically dedicated shelters and psychological, rehabilitation and social integration services.**

#### **Administration of child justice**

70. The Committee welcomes measures taken to strengthen the administration of child justice, such as the raising of the minimum age for criminal responsibility and alternatives to deprivation of liberty under the Children's Welfare and Protection Act. The Committee however remains seriously concerned about:

**(a) Reports of ill-treatment, including of girls, solitary confinement and overcrowding in the correctional facilities of Vulamasango School, Malkerns Young Person's Centre and Mawelawela Correctional Centre;**

**(b) Child justice courts not yet being fully operationalized and child justice committees, as provided for in the Children's Welfare and Protection Act, not being fully utilized;**

**(c) Reports of arbitrary arrest, detention and incarceration of children as well as their detention with adults, particularly in the context of the unrest of 29 June 2021;**

**(d) Stringent prison sentences for some first-time child offenders and the underutilization of alternatives to detention;**

**(e) Free legal aid not being available and the draft legal aid bill not being yet passed into law;**

**(f) Children from vulnerable groups, including children living in poverty and children with disabilities, facing additional challenges in accessing justice.**

71. **With reference to its general comment No. 24 (2019) on children's rights in the child justice system and the United Nations Global Study on Children Deprived of Liberty, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

**(a) Prohibit overcrowding and ill-treatment of children in correctional facilities and ensure that children are not confined together with adults; and amend the Prison Act to prohibit the placing of children in solitary confinement;**

(b) Ensure the independent monitoring of places where children are deprived of their liberty and establish child- and gender-sensitive complaint mechanisms regarding ill-treatment of children in custody and detention;

(c) Investigate and effectively address reports of arrest, ill-treatment and incarceration of children and their detention with adults in the context of the unrest of 29 June 2021;

(d) Expeditiously operationalize child justice courts, processes and procedures in accordance with section V of general comment No. 24 (2019) and provide them with adequate human, technical and financial resources, and in particular designate specialized child justice magistrates and ensure that they and other relevant professionals, such as social workers and probation officers, receive appropriate and adequate education and training;

(e) Provide the human, technical, financial and other support necessary to enable Umphakatsi Child Justice Committees to effectively fulfil and discharge their legal mandate;

(f) Promote non-judicial measures, such as diversion, mediation and counselling, and, wherever possible, the use of non-custodial sentences for children, such as probation and community services, particularly for first-time and young child offenders;

(g) Expeditiously adopt and implement the legal aid bill and ensure the provision of qualified and independent legal aid to children from an early stage of the procedure;

(h) Investigate and address ill-treatment of children in the child justice system, ensure that perpetrators are held accountable, and child victims are protected and adequately compensated, and eliminate disparities among all children in access to justice, especially vulnerable children and children with psychosocial and/or physical disabilities.

## **K. Ratification of the Optional Protocol on a communications procedure**

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Optional Protocol on a communications procedure.

## **L. Ratification of international human rights instruments**

73. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

(a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) International Convention for the Protection of All Persons from Enforced Disappearance;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

74. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, given that the related reports have been overdue since 24 October 2014.

## **M. Cooperation with regional bodies**

75. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

76. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

77. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 5 November 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>17</sup> and should not exceed 21,200 words.<sup>18</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

78. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>19</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>17</sup> [CRC/C/58/Rev.3](#).

<sup>18</sup> General Assembly resolution 68/268, para. 16.

<sup>19</sup> [HRI/GEN/2/Rev.6](#), chap. I.