



International Covenant on Civil and Political Rights

Distr.: General
18 July 2017

Original: English

Human Rights Committee 120th session

Summary record of the 3382nd meeting

Held at the Palais Wilson, Geneva, on Friday, 7 July 2017, at 3 p.m.

Chair: Mr. Iwasawa

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The meeting was called to order at 3.05 p.m.

Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure

Situation in Swaziland considered in the absence of a report (CCPR/C/SWZ/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Swaziland took places at the Committee table.*
2. **Mr. Hillary** (Swaziland) said that he regretted his country's past failure to meet its reporting obligations. The Government was, however, in the process of establishing a systematic reporting mechanism to replace the current arrangement of ad hoc committees, which posed numerous problems, primarily owing to the lack of institutional memory and dedicated focal persons. It had also identified deficiencies in its record keeping and data collection.
3. Swaziland had made significant progress on civil and political rights over the previous decade. The Constitution, adopted in 2005 following countrywide consultations, provided for the fundamental rights set out in the Covenant and established a protective mechanism for those rights, over which the High Court had original jurisdiction. Moreover, the Government was reviewing existing legislation to bring it into line with the international human rights instruments to which Swaziland was a party. It had noted the need for a law reform commission, with a view to updating family laws, labour laws and legislation on counter-terrorism and gender-related issues, but, owing to a lack of resources, such a commission had yet to be established. The pace of legislative review was therefore slower than desired.
4. The adoption of the Constitution had ushered in a culture of protection and promotion of the rights of vulnerable groups, such as women, children and persons with disabilities, and the Government had conducted various awareness-raising activities with the aim of instilling a human rights culture. In addition, a significant paradigm shift had occurred in male-female relations, with women now able to enjoy the same political, economic and social opportunities as men. The number of women in employment and in decision-making roles in the public and private sectors had risen; women now represented 25 per cent of cabinet ministers, 33 per cent of magistrates and 23 per cent of diplomats. Nonetheless, gender-based violence remained prevalent and efforts were being made to combat the problem.
5. In the sphere of education, he was happy to inform the Committee that free primary schooling was now provided in all Government schools.
6. The right to life in Swaziland was protected under the Constitution. Although capital punishment had not been abolished, a moratorium was in place. Accordingly, the death penalty had not been imposed since 1983. With regard to the health sector, efforts were being made to prevent teenage pregnancy and to reduce maternal mortality rates and HIV/AIDS mortality rates. The number of deaths related to HIV/AIDS had dropped significantly since 2005, from 8,751 in 2005 to 2,707 in 2017.
7. Swaziland had overcome the judicial crisis through which it had passed some years earlier. All higher court judges now enjoyed security of tenure, in accordance with the Constitution.
8. The Government remained committed to its obligations under the Covenant and acknowledged that work remained to be done in that regard. It also undertook to meet its reporting responsibilities in the future.
9. **Ms. Waterval** said that she welcomed the efforts made by Swaziland to engage in the reporting process. She congratulated the Government on the positive developments achieved in the area of human rights.
10. As the Government had not yet incorporated the provisions of the Covenant into domestic law, judges were not obliged to invoke them. She would welcome information on when the provisions would be so incorporated, what was being done to educate all

stakeholders about the provisions and what the relationship was between the Covenant, the Constitution of Swaziland, the country's common laws and its customary laws, in particular with regard to land disputes.

11. She asked whether a law had been adopted on the payment of compensation in cases of compulsory acquisition of property and whether there was a comprehensive policy on the acquisition of Swazi Nation land or remedies available in the event of misappropriation. According to reports, no claims for compensation or alternative accommodation lodged by evicted persons had been successful. She would therefore welcome information about the remedies provided to the persons evicted in the *Umbane Limited v. Sofi Dlamini and Three Others* case. She also asked whether the State had a time frame in place for acceding to the Optional Protocol to the Covenant.

12. It would be useful to receive information on the status of the Human Rights and Public Administration Commission bill, which had been drafted in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). She asked when the Government planned to establish a national mechanism for reporting to regional and international mechanisms and for following up on the recommendations issued by those mechanisms.

13. **Ms. Cleveland** said that the legal circumstances under which a state of emergency could be declared as set out in the Constitution did not comply fully with the specification in the Covenant that a public emergency must threaten the life of the nation before any derogation from obligations under the Covenant was permitted. Although the Constitution complied with article 4 of the Covenant in respect of non-derogation from articles 6, 7, 8 and 18 during a state of emergency, she would appreciate clarification on whether the rights provided for in articles 11, 15 and 16 of the Covenant were also non-derogable under the Constitution. It would be useful to know whether — and, if so, when — the state of emergency declared under the 1973 State of Emergency decree had ended and whether the decree continued to be abused by the law enforcement authorities and the monarchy, as claimed by civil society organizations.

14. She asked whether the Constitution prohibited discrimination on the grounds of sexual orientation and gender identity and, if not, whether any legislation had been adopted to that effect. Of the two cases involving the murder of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals since 2014, as reported by civil society organizations, a guilty verdict had been handed down in only one; it would therefore be interesting to know what the outcome had been in the case of the other victim, Themba Zwane. Drawing attention to the case of a gay detainee reportedly raped by a prison officer, she asked whether the Government had a mechanism for recording cases of violence against LGBTI persons, whether such crimes were prosecuted as ordinary crimes or hate crimes and whether the police received training on how to recognize such crimes.

15. She asked whether there was a legal basis for restricting the applicability of the common law offence of sodomy to persons under the age of 21 years or whether it was a matter of policy. Moreover, as the State party had said that legislation prohibiting same-sex relations would not be repealed until rape between men was criminalized under the Criminal Code, she asked whether the Government had any plans to adopt the relevant provisions on rape.

16. She commended the efforts made thus far to combat HIV/AIDS among all sectors of the population. It would, however, be useful to receive up-to-date statistics on the percentage of the population that had been tested. She asked whether Swaziland had legislation prohibiting workplace discrimination against persons with HIV/AIDS and, if not, whether the Government had taken any steps to adopt such legislation. She also enquired what was being done to combat the high level of HIV/AIDS-related stigma and discrimination among the general population. In addition, she asked what steps had been taken to create a register of persons with albinism.

17. With regard to abortion and maternal mortality, she asked why the number of maternal deaths had more than doubled since 2003 and whether the State could provide disaggregated data on such deaths, in particular those caused by unsafe abortions. She would also like to know what was being done to address the problem of maternal mortality

related to unsafe abortions. The Constitution allowed abortions to be performed on medical or therapeutic grounds and “where the pregnancy resulted from rape, incest or unlawful sexual intercourse with a mentally retarded female”; she asked how the definition of “medical or therapeutic grounds” was interpreted in practice, what procedural requirements were in place for providing access to legal abortions and what protocols had been adopted to provide guidance to service providers on the circumstances under which abortion was lawful, given that a 12-year-old girl raped by her father had been forced to carry the pregnancy to term because, although the court had approved it, medical providers had refused to perform an abortion. She asked what was being done to address conscientious objection on religious grounds and what the penalties were for unlawful abortion. In addition, she asked whether the Government planned to extend its pilot youth sex-education programmes to all areas of the country and whether adolescents had access to free contraceptives.

18. **Mr. Muhumuza** said that, despite the State Party’s accession to various international agreements enshrining gender equality, and despite the Constitution’s comparable provisions, reports of discrimination against married women persisted. The Marriage Act of 1964 gave men greater rights than women and a proposed amendment to it was reportedly stuck in the legislative pipeline. He would be interested to know what the exact status of the amending bill currently was, what was hampering its progress and what efforts were being made to align the Act with the provisions of the Covenant and the Convention on the Elimination of All Forms of Discrimination against Women.

19. Customary laws and practices reportedly fostered mistreatment of women, with regard to inheritance and property rights, for example, or forced and early marriages. He asked what was being done to align customary laws and practices with the Constitution and the Covenant. He would be glad to hear examples of cases where the constitutionality of such practices had been examined, how the resulting judgements had been enforced and how they had been used to reform policy.

20. He asked what was done to ensure that widows, orphans and others adversely affected by customary laws and practices were able to seek redress through the formal justice system and how the State party ensured that remedies were available to victims of unjust application of the process for administration of the estates of deceased persons.

21. Turning to the issue of violence against women, he said that the Girls’ and Women’s Protection Act (No. 39/1920) did not address the causes of such violence. For example, it did not treat marital rape as a crime. He would like evidence of legislation that afforded them more protection, including more progressive case law relating to gender-based violence.

22. While the sexual offences and domestic violence bill, which dated from 2006, contained a more progressive definition of rape, it appeared to be stalled. According to information available to the Committee, there was apprehension at top levels of the Government that, if enacted, the law would hinder well-established customs like stalking, marital rape and child marriage and he wondered what was being done to accelerate the bill’s progress and ensure that its key provisions remained intact. How inclusive was the process of shepherding it into law? He would be grateful for evidence of the participation of women and civil society in the bill’s development.

23. He would like detailed information on the implementation of the National Strategy and Action Plan to End Violence (2013-2018). He asked when it would be fully implemented and what was being done to speed up the process.

24. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) provided a sound framework for the protection of women from violence. Its articles 2 to 5, in particular, contained useful guidance for compliance with the Covenant. He would therefore like to know to what extent the State party had incorporated into its justice system the principles outlined in the Protocol.

25. **Mr. Fathalla**, referring to the statistics cited in paragraph 16 of the replies to the list of issues (CCPR/C/SWZ/Q/1/Add.1) about the representation of women in decision-making positions in the public sector, said that he would like to have statistics for the

private sector as well. He would also appreciate statistics supporting the statement in paragraph 18 of the replies that women outnumbered men in the informal sector. He asked what steps the State party was taking to promote equal representation of women in decision-making positions in both the public and private sectors.

26. Citing the statement in paragraph 19 of the replies that Swaziland was a party to various international instruments requiring women to receive equal pay for equal work, he asked how the State party implemented its obligations under those instruments and how it ensured gender sensitivity in recruitment processes.

27. Noting that customary laws hampered married women's ability to work, he said that he would be grateful for statistics concerning their employment. The Committee would, moreover, appreciate a reply to the question in paragraph 8 of the list of issues (CCPR/C/SWZ/Q/1) about the compatibility with the Covenant of the constitutional restrictions providing for different treatment between men and women regarding the acquisition and transfer of Swazi citizenship.

28. Referring to paragraph 23 of the replies, he asked whether the amendment of the Deeds Registry Act 37/1968 in 2012 had indeed made it possible for women married in what was known as "community of property" to own land. In that connection, he wished to know what the situation was with regard to land ownership by women not married in community of property and whether women who were divorced or had never married were able to inherit land. Lastly, he asked how the State party envisaged eliminating polygamy, which was illegal but nevertheless common.

29. **Mr. Koita** said that underlying all the issues that he would raise was the State party's dual legal system, in which customary law was often at odds with modern common law. On the subject of violence towards women, for example, he recalled that Swaziland had ratified without reservation the Convention on the Elimination of All Forms of Discrimination against Women and other instruments prohibiting direct and indirect discrimination on the basis of gender. Such discrimination was also prohibited by the Constitution, and the Government often organized awareness-raising campaigns aimed at traditional chiefs, law enforcement officials and the public at large. Yet violence against women remained a serious problem. According to surveys done in recent years, some three quarters of women suffered violence; nearly half suffered sexual violence; and a fifth were raped before they turned 18. Moreover, such pervasive sexual violence increased women's risk of being infected by HIV. He would like to know whether complaints had been lodged against perpetrators of such violence, investigations conducted, sentences handed down and reparations made.

30. He would like to know the current status of the National Strategy and Action Plan to End Violence (2013-2018) and the sexual offences and domestic violence bill, and what obstacles might be hindering their finalization. The bill, in particular, would become the cornerstone of efforts to root out violence against women.

31. He wished to know the delegation's views on the primacy of customary law over modern common law in Swaziland and its effect on respect for human rights in general and those of women and children in particular. What was the State party doing to eradicate traditional practices that harmed the health of mothers and children and that stigmatized orphans and led to their mistreatment? The delegation should tell the Committee whether there were any new initiatives to protect women, including training for persons tasked with the implementation of the law and raising their awareness of the issue.

32. He asked under what conditions law enforcement officials could use force and firearms, and what reforms were envisaged to prevent their disproportionate use and ensure that inappropriate use resulting in death or injury was duly investigated and, if necessary, prosecuted and punished. The Government should consider establishing an independent and impartial body to monitor and investigate allegations of human rights violations by law enforcement officials.

33. He wished to know to what extent the Game Act (No. 51), as amended in 1991, which gave rangers immunity from prosecution for killing suspected poachers, was aligned with the provisions of the Covenant and what the justification was for the Act. He also

wondered whether the State party had changed its stance with regard to the ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

34. According to several sources, at least 28 persons had died in pretrial detention under mysterious circumstances. He wished to know what had become of them and invited the delegation to provide statistical data on the number of deaths in pretrial detention, the number of such deaths investigated, the number of ensuing prosecutions and any reparations made to victims.

35. He would be grateful if the delegation could provide information on the investigation into the deaths in pretrial detention of Luciano Reginaldo Zavale on 12 June 2015 and of Siphio Jele in May 2010. He asked whether the perpetrators had been prosecuted and, if not, why not. In such situations States parties should conduct speedy, impartial and effective investigations.

36. He invited the delegation to provide information on the freedom of persons in pretrial detention to exercise their rights, including the right to communicate with a lawyer; on the juncture at which they were allowed to exercise that right; and on the maximum duration of such detention before a suspect was brought before a judge.

37. **Mr. Heyns** said that, like Ms. Cleveland, he would like to understand the status of the 1973 State of Emergency decree, mentioned in paragraph 6 of the replies to the list of issues, which had imposed a ban on political parties. He would like to know under what legal instrument it had been revoked.

38. The provisions of the Covenant relating to torture, other forms of ill treatment and deprivation of liberty were implemented inconsistently. Swaziland had been a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 2004 and yet torture was not explicitly criminalized in national law. He would like to know what progress the State party was making towards doing so. He wondered whether there were plans to establish an independent body to investigate complaints of torture and other ill treatment in the context of deprivation of liberty.

39. In paragraph 12 of the list of issues, the Committee had requested statistical data on, among other issues, the number of investigations conducted into deaths in police custody, prosecutions pursued, convictions secured, punishments imposed on offenders and reparations provided to victims. He would appreciate it if the delegation could give detailed replies.

40. Turning to the issue of prison conditions, he asked to what extent the relevant regulations had been updated to reflect the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and how implementation was monitored. In paragraph 42 of the replies to the list of issues, it was stated that independent monitoring groups had access to all prisons and detention centres, but some of the officials cited as examples, such as the Minister of Justice and Constitutional Affairs, were not independent entities.

41. The list of issues cited allegations that the president of the outlawed political party People's United Democratic Movement of Swaziland, Mario Masuku, had been denied access to adequate and independent medical care for complications relating to diabetes throughout the 14 months that he had spent in pretrial detention. Yet, according to paragraph 39 of the replies, Mr. Masuku had never been denied medical care while in detention. The case was an example of why an independent body should be established to oversee conditions of detention.

42. He invited the delegation to indicate what progress had been made with regard to the State party's accession to the Optional Protocol to the Convention against Torture, an objective that it had accepted as a recommendation in the context of the universal periodic review process in 2011, and noted that the appropriate technical assistance was available within the United Nations system. In the light of concerns that the counter-terrorism legislation currently in force could be used to suppress dissent, he would be grateful for an update on the 2016 bill amending the Suppression of Terrorism Act (No. 5/2008) to provide for a narrower definition of terrorism, including an indication of the likely date of its adoption.

43. **Mr. Shany** said that it was unclear whether a time frame had been set for the ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. He would appreciate an update on the situation of the prisoners currently on death row and wished to know whether courts could still hand down death sentences. With regard to customary practices, it would be helpful to learn how article 28 (3) of the Constitution, which stipulated that a woman “shall not be compelled to undergo or uphold any custom to which she is in conscience opposed”, applied in practice, whether women were able to gain access to courts to invoke that article and whether any legal proceedings had taken place in which women had been able to invoke it. In addition, clarification of the meaning of the word “compelled” in that context would be welcome.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

44. **Mr. Hillary** (Swaziland) said that he wished to apologize to the Committee for his country’s delay in taking action to meet its obligations under the Covenant.

45. Swaziland had a dual legal system in which common and customary law coexisted and efforts had always been made to ensure that enforcement of the law did not infringe the rights of citizens. Although the role of customary law was important, given that Swaziland remained a traditional country, common law was also respected. A bill establishing the right of all citizens, including women, to own land was ready for submission to Parliament.

46. The creation of the Commission on Human Rights and Public Administration had been a lengthy process, but, following the conclusion of consultations with civil society, the relevant bill was ready for submission to Parliament. The Commission’s secretariat had been set up and was fully functional.

47. A new marriage bill was being prepared for submission to Parliament. It established, a wife’s right to inherit from her husband, regardless of whether she had among other provisions, been married in a traditional or a Western ceremony. Anyone including orphans and widows, had the right to appear before a court of law. Moreover, customary law could be challenged in the High Court. Women and men received equal pay for equal work in both the public and the private sectors, and unmarried women were permitted to work.

48. Police officers in Swaziland were highly trained, but there had nevertheless been a few isolated cases in which officers had committed acts of violence against members of the public. All cases of death at the hands of the police had been investigated and the corresponding reports would be passed on to the Director of Public Prosecutions. If an element of criminality was identified, appropriate action would be taken against the officers responsible.

49. Like all detained persons, pretrial detainees were entitled to visits from relatives and to private meetings with legal counsel. There were political parties in Swaziland, but some had been banned on account of their involvement in terrorist activities. Detained persons had to be brought before a judge within 48 hours of their arrest.

50. He agreed that it would be advisable to set up an independent body to monitor police activities. A new police bill, which had benefited from the input of a range of bodies, including the International Labour Organization (ILO), was expected to be adopted soon. The police force already had internal units responsible for investigating allegations of criminality, and the new bill provided for the establishment of a commission to fulfil that task.

51. Prisoners were given three meals a day. Overcrowding was a problem, as indeed it was across the world, but prisoners in Swaziland each had their own bed. The members of the Committee were invited to visit the country to see for themselves the conditions in the country’s prisons. In addition, prisons were equipped with clinics staffed by medical professionals. Prison visits were conducted by the Chief Justice, regional magistrates and religious organizations. There had previously been three prisoners on death row, but two of them had had their death sentences commuted. The one remaining prisoner on death row was a serial killer who had murdered 39 women.

52. He did not accept that Mario Masuku had been denied access to medication during his detention. Prisoners in Swaziland had access to high-quality on-site medical care and could be transferred to an off-site State hospital if necessary.

53. **Ms. Nsibande** (Swaziland) said that her country was in the process of establishing the National Mechanism for Reporting and Follow-up on treaty obligations. The National Mechanism would take the form of an interministerial committee whose members would include representatives of all government ministries. It would become operational as soon as its terms of reference had been approved by the Cabinet.

54. Abortion had not been legalized in Swaziland; the procedure could be carried out only if a court order had been obtained. Contraceptives were available to all and efforts had been made to raise awareness of their availability. Moreover, sex education was provided for young people in all communities.

55. The Suppression of Terrorism Act (No. 5/2008) was currently under review, but the process of its amendment had been delayed by the need to incorporate recommendations made by ILO into the corresponding bill. Following their incorporation, the bill would be submitted to Parliament.

56. **Mr. Vilakati** (Swaziland) said that, while the Covenant had not been transposed into domestic law, many of the rights set forth therein already found expression in the Constitution. National courts could not invoke the Covenant directly, but they could refer to it and to the Committee's general comments to aid their interpretation of the rights set forth in the Constitution.

57. University-level legal education had been updated with a course on human rights, which included international human rights standards, and lawyers, judges and prosecutors had received ad hoc training from civil society organizations and from the Office of the United Nations High Commissioner for Human Rights. It was therefore expected that international human rights standards would be referred to more frequently in the future.

58. Both customary and common law were subject to the authority of the Constitution. In the event of a conflict between customary and common law in a particular case, the courts applied "choice of law" rules to determine which best gave effect to the rights set forth in the Constitution and should therefore prevail. Legislation had been enacted to give effect to section 19 (2) of the Constitution by establishing that persons whose property rights had been infringed by the State were entitled to compensation. The *Umbane Limited v. Sofi Dlamini and Three Others* case had been taken to the court of last resort, which had ruled that the occupation of the tract of land in question had been unlawful and that the persons whose eviction had been sought were therefore not entitled to compensation. Despite a subsequent attempt by the Commission on Human Rights and Public Administration to intervene on behalf of those persons, the court's decision had recently been upheld. No time frame had been set for accession to the Second Optional Protocol to the Covenant.

59. The use of force by law enforcement officials was governed by the Constitution and by the Criminal Procedure and Evidence Act. The use of force could be justified if it could be shown to be proportionate or to constitute a response to a threat to life. The existing case law on the use of force by law enforcement officials predated the entry into force of the Constitution.

60. **Mr. Muhumuza** said that the Committee would welcome details of the practical steps taken to prevent the recurrence of the judicial crisis, including any action taken to bring the Constitution and subordinate legislation into line with regional and international human rights law. It would be useful to hear what measures relating to the appointment and tenure of judges were being taken in order to ensure judicial independence. Specifically, it would be interesting to learn about the conditions governing the transfer, promotion, remuneration and dismissal of judges and the legislation on which they were based.

61. It would be helpful to hear about the status of the legal aid bill currently pending, about any obstacles to its enactment and about the steps being taken to overcome them. The Committee would also welcome an account of the legal services that the Government provided in cases of offences entailing a death sentence or life imprisonment and of the

measures in place to ensure the quality of legal representation in such cases. Lastly, it would be interesting to hear the delegation's comments on reports of lengthy pretrial detention, particularly in politically sensitive cases.

62. **Mr. Koita** said that it would be useful to hear whether the Government intended to revise legislation to punish human traffickers and to ensure that sufficient resources were allocated to better meet the needs of their victims. The Committee would appreciate the delegation's comments on allegations that chiefs, under the guise of acting in accordance with tradition, were recruiting adults and children into forced labour and that children, orphans in particular, were being forced into sex work and domestic servitude in, primarily, urban areas in Swaziland, South Africa and Mozambique. It would be useful to hear why the implementation of the victim-identification guidelines adopted in 2015 had been delayed and why the People Trafficking and People Smuggling (Prohibition) Act (No. 7/2009) was not being applied by the relevant authorities. Because the task force on the prevention of trafficking had apparently not provided the corresponding statistics in recent years, it had been difficult to follow up on such matters as investigations and sentencing. It would therefore be helpful if the Government could strengthen the task force by providing it with adequate resources, take steps to ensure that the relevant parties had access to information on human trafficking and adopt further measures to eliminate forced labour and child labour.

63. Although it was laudable that the corporal punishment of children was prohibited in certain contexts, it bore noting that in others it was not. The Committee would welcome information on measures taken to harmonize the relevant legislation so that such punishment was prohibited in all contexts, notably in the home and in educational settings.

64. It would be useful to know whether the Government planned to establish a judicial framework for minors, revise the age of criminal responsibility for children and prohibit the detention of adults and children on the same premises. The Committee would also appreciate an explanation of the high incidence of forced marriage, child marriage and abduction of girls in the name of tradition. It would welcome information on any complaints received with regard to such practices, on investigations and proceedings conducted, on punishment meted out to perpetrators and on compensation given to victims. It would also be helpful to hear information on the time frame for the enactment and implementation of draft legislation criminalizing child abduction and child marriage. Lastly, it would be useful to know whether the Government had plans to establish and adopt a clear definition of a "child," as set out in the Convention on the Rights of the Child, with a view to preventing and eliminating child marriage.

65. **Mr. Fathalla** said that the delegation should clarify how the restrictions on freedom of movement contained in section 26 (6) of the Constitution fell under the category of permissible cases as set out in article 12 (3) of the Covenant. It would also be interesting to hear the delegation's response to reports that traditional leaders limited access to their territories in a manner that restricted the activities of civil society and political groups.

66. The Committee would appreciate further details on how the regulations governing the operation of trade unions were applied in practice. It invited the delegation to comment on reports that, on specific occasions, trade union leaders had been detained for at least 24 hours in order to prevent them from engaging in any leadership activities. The Committee would also be interested to learn whether there had been any progress in respect of the public services bill. Lastly, he asked what percentage of the total workforce belonged to a trade union.

67. **Mr. Heyns** said that it would be helpful if the delegation could provide examples of non-State owned media. It would also be useful to learn about the status of the claims for compensation filed by Mr. Thulani Maseko and Mr. Bheki Makhubu for wrongful arrest.

68. It would be interesting to learn about the motivation behind the possible amendment of the Public Order Act, which would make it more difficult to participate in demonstrations. With regard to the use of force by the police, the Committee would like to know whether the Government had plans to align the Act, and other relevant legislation, more closely with article 15 of the Constitution, which made reference to proportionality and provided a proper framework for the matter.

69. **Ms. Waterval** said that, in 2014, the birth registration rate for children under the age of 5 years had been 54 per cent; it would be useful to know what the corresponding percentages had been in 2015 and 2016. On the subject of corporal punishment, the Committee would welcome the delegation's comments on a 2017 report according to which children had been beaten by their teacher for failing to bring empty milk cartons to school as part of a competition.

70. **Ms. Cleveland** said that, according to the Committee's understanding, neither the Supreme Court nor the High Court had jurisdiction over matters concerning the office of the King; such matters were governed according to custom and traditional law. She wondered whether that was an accurate representation of the situation. It would also be interesting to hear the delegation's comments on reports that a high proportion of senior government positions were held by people selected by or related to the King. In that connection, it would be helpful to hear an account of the measures being taken to devolve powers from the monarchy to the judiciary and the legislature.

71. The delegation should explain how the prohibition of political parties was consistent with obligations under the Covenant to protect freedom of expression, freedom of association and the right to participate in public life and what obstacles prevented the State party from allowing political parties to participate in the electoral process. In the light of findings that recent elections had failed to meet many of the standards for democratic elections, it would be interesting to hear what measures the Government intended to take in order to ensure greater compliance with international election standards in the future. It would also be useful to hear about the measures intended to guarantee the full participation of women and minorities in the electoral process.

72. Lastly, the Committee would welcome detailed information on how the independence and effectiveness of the Anti-Corruption Commission were ensured in the State party. In view of reports that complaints filed by members of the public were not investigated and that cases against prominent figures were not processed, it would be helpful to know how the Government planned to strengthen the effectiveness of the Commission and ensure the fair and efficient adjudication of corruption cases by the courts.

The meeting rose at 6.05 p.m.