



Human Rights Council, 33rd session

Agenda Item 6: Universal Periodic Review of Swaziland (22 September 2016)

Mr President,

The International Bar Association's Human Rights Institute, Lawyers for Lawyers, the Southern Africa Litigation Centre and Judges for Judges welcome the engagement of the government of the Kingdom of Swaziland in the UPR process. The organisations further applaud the recent decision by the High Court to strike down provisions of the Sedition and Subversive Activities and Suppression of Terrorism Act which infringed the right to freedom of expression, association and administrative justice.

Swaziland's UPR in 2011 occurred in the backdrop of a judicial crisis in the country. During the second cycle, another judicial crisis occurred. Recent announcements by the Law Society of Swaziland to boycott the Supreme Court till permanent judges are appointed raise concerns of yet another judicial crisis.¹ Swaziland accepted 5 recommendations to strengthen and safeguard the independence of the judiciary. It, however, did not accept a recommendation to amend laws and regulations governing the Judicial Service Commission which negatively impact on judicial independence.

Swaziland must effectively engage in the process of judicial reform, including by tackling underlying legal and policy factors which undermine the proper functioning of the judiciary. Only through this can it truly make progress towards ensuring protection of human rights for all.

The proper functioning of the legal profession, as set out in the Basic Principles on the Role of Lawyers, is also key to the protection of rights. The organisations call on Swaziland to ensure lawyers are not subjected to prosecution, sanctions or threats thereof for any action taken in accordance with recognized professional duties.

The organisations further urge Swaziland to seek technical assistance from the international community on methods for strengthening the independence of lawyers and the judiciary. All the organisations are willing to assist the government in this process.

Thank you, Mr President.

¹ "Lawyers to boycott Supreme Court", in Swazi Observer, 15 September 2016, <http://www.observer.org.sz/news/83064-lawyers-to-boycott-supreme-court.html>

The following organisations have endorsed this statement:

Statement of the International Bar Association's Human Rights Institute

Lawyers for Lawyers

The Southern Africa Litigation Centre

Judges for Judges

This statement was delivered by:

Dr Helene Ramos dos Santos, UN Liaison, International Bar Association Human Rights Institute

For further information, please contact Helene at : Helene.santos@int-bar.org