

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 25th Session

SWAZILAND

I. BACKGROUND INFORMATION

Swaziland acceded to the *1951 Convention relating to the Status of Refugees* in 2000 and to its *1967 Protocol* in 1969 (hereinafter jointly referred to as the *1951 Convention*). Swaziland acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) and to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*) in 1999. Swaziland is also party to the following international and regional human rights instruments that make reference to the right to nationality and the protection of the fundamental rights of stateless persons:

- a) *International Covenant on Civil and Political Rights (ICCPR)*;
- b) *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*;
- c) *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*;
- d) *Convention on the Rights of the Child (CRC)*;
- e) *African Charter on Human and Peoples' Rights (1998)*;
- f) *Convention on the Rights of Persons with Disabilities (CRPD)*;

Moreover, Swaziland has signed the *African Charter on the Rights and Welfare of the Child* (1990) on 29 June 1992.

The national legislative framework governing asylum in Swaziland consists of the *Refugee Control Order No 5* of 1978. The Government of Swaziland, through the Ministry of Home Affairs is responsible for the physical and legal protection of refugees. Implementation is administered through a tripartite agreement between the Government, UNHCR and the INGO

Caritas. A Political Asylum Committee is responsible for determining the refugee status of asylum-seekers and UNHCR is accorded observer status.¹

As of June 2015, Swaziland hosted some 539 refugees and 321 asylum-seekers.² In 2014, a total of 10 unaccompanied and separated children (UASC) from Burundi, DRC, Rwanda and Somalia were processed in the refugee status determination (RSD) procedure. The majority of the persons of concern in the country is locally integrated and live in urban areas. Education, health and other services are provided for the asylum-seekers and refugees who reside in the Malindza reception centre by the Swaziland Government, with complementary support of UNHCR through implementation partner, CARITAS.³

The national rules on the acquisition and retention of nationality are contained in the following national laws: the *2005 Constitution*, the *1992 Swaziland Citizenship Act No. 14*, the *2012 Children Protection and Welfare Act*, and the *1983 Birth, Marriage and Death Registration Act*.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

UNHCR welcomes the efforts the Government of Swaziland has undertaken in drafting the *Refugees Bill, 2015*. The *Refugees Bill, 2015* gives effect to the *1951 Convention* and its *1967 Protocol*, and to the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* (the *1969 OAU Convention*) by providing recognition and protection to refugees in Swaziland. The *Refugees Bill, 2015* is expected to be presented in Parliament in the near future, although an exact date has not yet been set.

UNHCR commends the Government of Swaziland for introducing a new refugee definition which is in line with both the *1951 Convention* and the *1969 OAU Convention* and for introducing new provisions on the rights and duties of refugees, including the right of a refugee not to be *refouled*, or expelled, to a country where he or she will be subjected to persecution in terms of the *Refugees Bill, 2015*.

UNHCR also welcomes the Government of Swaziland's efforts to improve the fairness and efficiency of asylum procedures by establishing a National Refugee Eligibility Committee and a National Refugee Appeals Board, which ensures the right to appeal a decision by the National Refugee Eligibility Committee to the National Refugee Appeals Board.

Furthermore, UNHCR welcomes the incorporation of the principle of the best interest of the child for unaccompanied and separated children in Article 17 of the *Refugees Bill, 2015* (see Issue 3 below for further information).

¹ Mpho Makhema, SP DISCUSSION PAPER, NO. 0906: Social Protection for Refugees and Asylum Seekers in the Southern Africa Development Community (SADC), April 2009, available at: <http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Labor-Market-DP/0906.pdf>.

² UNHCR statistics available at: <http://www.unhcr.org/pages/49e485b26.html>.

³ 2014 UNHCR regional operations profile - Southern Africa. <http://www.unhcr.org/pages/49e485b26.html#>.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: The right to freedom of movement

Article 15 of the *Refugees Bill, 2015* provides that the Minister may require a refugee to reside in a reception area or refugee settlement and require a refugee who is within a reception area or refugee settlement to move to some other place. UNHCR understands that, although this provision was already included in the *1978 Refugees Control Order*, it was rarely enforced. As a result, refugees and asylum-seekers in Swaziland have in general enjoyed freedom of movement and choice of residence as provided in Article 26 of the *1951 Convention*.

Article 15 of the *Refugees Bill, 2015* may result in refugees and asylum-seekers being arbitrarily deprived of the right to freedom of movement in breach of Article 26 of the *1951 Convention*. The fundamental rights to liberty and security and the right to freedom of movement are expressed in all major international and regional human rights instruments, and are essential components of legal systems built on the rule of law.⁴ These rights apply in principle to all human beings, regardless of their immigration, refugee or asylum-seeker or other status.⁵

Swaziland acceded to the *1951 Convention*, the *1967 Protocol* and the *1969 OAU Convention* without reservations. Article 26 of the *1951 Convention* provides for the freedom of movement and choice of residence for refugees lawfully in the territory.⁶ Article 26 of the *1951 Convention* establishes only one limitation to the right of choice of residence and freedom of movement – that it is subject only to such regulations as are applicable to aliens in general under the same circumstances. At a minimum, Article 26 guarantees that a Contracting State may not impose restrictions that are only applicable to refugees or stateless persons. Furthermore, Article 12(1) of the *International Covenant on Civil and Political Rights* guarantees freedom of movement for “everyone lawfully within the territory of a State.” The Human Rights Committee has stated that “once a person is lawfully within a State, any restrictions on his or her rights guaranteed by article 12, paragraphs 1 and 2, as well as any treatment different from that accorded to nationals, have to be justified under the rules provided for by article 12, paragraph 3.”⁷ Refugees in Swaziland’s territory are lawfully present and therefore should enjoy these protections of their right to freedom of movement.

Any such restrictions on choice of residence or freedom of movement must, then, conform with international law, and otherwise would be considered unlawful. The circumstances and criteria to require a refugee to reside within a reception area or refugee settlement are not mentioned in the *Refugees Bill, 2015*.

⁴ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, para. 12, available at: <http://www.refworld.org/docid/503489533b8.html>.

⁵ UN Human Rights Committee (HRC), *General Comment No. 18: Non-discrimination*, 10 November 1989, para. 1, available at: <http://www.unhcr.org/refworld/docid/453883fa8.html>; UN Human Rights Committee (HRC), *CCPR General Comment No. 15: The Position of Aliens Under the Covenant*, 11 April 1986, para. 8, available at: <http://www.refworld.org/docid/45139acfc.html>.

⁶ Article 26 of the *1951 Convention* provides that: “Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.”

⁷ UN Human Rights Committee (HRC), *General Comment No. 27: Article 12 (Freedom of Movement)*, 02 November 1999, CCPR/C/21/Rev.1/Add.9, para. 4, available at: <http://www.refworld.org/docid/45139c394.html>.

UNHCR considers that Article 15 of the *Refugees Bill, 2015* is not in conformity with the *1951 Convention*, its *1967 Protocol* and the *1969 OAU Convention*.

Recommendation:

UNHCR recommends that the Government of Swaziland:

- a. Allow asylum-seekers and refugees to continue enjoying freedom of movement and residence in the country in accordance with Swaziland’s international obligations.

Issue 2: Unaccompanied and separated children

While UNHCR welcomes the incorporation in Article 17 of the *Refugees Bill, 2015* concerning the principle of the best interest of the child, which provides that “the office of the Commissioner for Refugees shall ensure that the special needs of unaccompanied and separated children are taken into consideration and that proper safeguards are in place,” UNHCR finds it essential to incorporate the full wording of Article 3(1) of the UN *Convention on the Rights of the Child* (CRC) to which the Government of Swaziland is party. The latter provides that: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

The term “best interests” broadly describes the well-being of a child. Such well-being is determined by a variety of individual circumstances, such as the age, the level of maturity of the child, the presence or absence of parents, the child’s environment and experiences. Its interpretation and application must conform with the *CRC* and other international legal norms, as well as with the guidance provided by the Committee on the Rights of the Child in its 2005 *General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin*.⁸

Recommendations:

UNHCR recommends that the Government of Swaziland:

- a. Insert the principle of the best interest of the child as a horizontal provision in the *Refugees Bill, 2015* and incorporate the full wording of Article 3(1) of the *CRC*; and
- b. Give consideration to ensuring the application of the principle of the best interest of the child to all actions affecting children seeking asylum, irrespective of whether they are accompanied or not, especially, but not only, in relation to registration and processing of asylum applications and their care.

Issue 3: Appointment of an independent guardian and legal representative for unaccompanied or separated children

UNHCR would like to note that it is necessary to ensure that the process of submission and registration of an application for international protection by an unaccompanied or separated child is accompanied by a higher level of procedural safeguards. There are currently no safeguards or procedures in the RSD system for UASC, nor are they provided with

⁸ UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, available at: <http://www.unhcr.org/refworld/docid/42dd174b4.html>. See also, UN Committee on the Rights of the Child (CRC), *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, 29 May 2013, CRC/C/GC/14, available at: <http://www.refworld.org/docid/51a84b5e4.html>.

guardians or legal representatives. According to UNHCR's monitoring, UASC undergoing eligibility proceedings follow the same procedures as adult asylum-seekers.

As a minimum, a child would need legal advice; support from an independent representative or guardian; interpretation and the possibility to be heard; and safeguards to ensure that her/his views are given due weight in line with her/his age and maturity.

UNHCR is of the view that, in the context of asylum procedures, an independent and qualified guardian should be appointed immediately upon arrival of the child at the border.⁹ Because of their vulnerability, unaccompanied children seeking asylum should not be refused access to the territory and their claim should always be considered under the normal protection status determination procedure. Claims of children should preferably be prioritized over claims lodged by adults if this is in the best interests of the particular child, but not accelerated by applying shorter timelines between the making and the lodging of the application, so as to allow sufficient time for rest and preparation for the interview. Additionally, children who are the principal applicants in an asylum procedure should also be appointed a legal representative.¹⁰ Both the guardian and the legal representative should be properly trained on child protection, child care and child rights as well as child asylum claims and should support the child throughout the procedure.

General Comment No. 6 of the Committee on the Rights of the Child also requires guardians to have the necessary expertise and authority to take part in the asylum proceedings on behalf of the unaccompanied child, and identify durable solutions.¹¹ If, in some areas, the guardian does not have the necessary expertise, supplementary measures, including the appointment of an adviser or legal representative, should be secured.

Moreover, the Committee on the Rights of the Child requires that State parties have review mechanisms in place to monitor the quality of the guardians to ensure that the best interests of the child are being represented, and to prevent abuse.¹² UNHCR strongly supports these provisions as children, due to their young age, dependency and relative immaturity, should enjoy specific procedural and evidentiary safeguards to ensure that fair refugee status determination decisions are reached with respect to their claims.¹³

Recommendations:

UNHCR recommends that the Government of Swaziland:

- a. Introduce a provision in the *Refugees Bill, 2015* which ensures appointment of an independent representative for each unaccompanied or separated child "as soon as s/he is identified." The provision should also ensure that the interests of the appointed

⁹ CRC *General Comment No. 6 (2005)*, para. 33. See also UN High Commissioner for Refugees, *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*, (Guidelines on Refugee Children), February 1997, paras. 4.2 and 5.7, available at: <http://www.unhcr.org/refworld/docid/3ae6b3360.html>.

¹⁰ CRC *General Comment No. 6 (2005)*, para. 36.

¹¹ CRC *General Comment No. 6 (2005)*, para. 33.

¹² CRC *General Comment No. 6 (2005)*, para. 35. See also, UN Committee on the Rights of the Child, *General Comment No. 5 (2003) General Measures of Implementation*, 27 November 2003, CRC/GC/2003/5, available at: <http://www.refworld.org/docid/4538834f11.html>.

¹³ UN High Commissioner for Refugees, *UNHCR comments on the European Commission's Amended Proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) COM (2011) 319 final*, January 2012, ("UNHCR comments on the amended recast APD"), para 17, available at: <http://www.unhcr.org/refworld/docid/4f3281762.html>. See also UN High Commissioner for Refugees, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, para 65, available at: <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>.

representatives are not in conflict or potential conflict with those of the unaccompanied child; and

- b. Provide the unaccompanied or separated child with a qualified legal representative free of charge, who could be either a state legal aid provider or another person who has a higher education, the necessary skills to act as a legal representative and who has received appropriate training, including in the field of child rights and a child-sensitive interpretation of the refugee definition.

Issue 4: Statelessness

As regards the prevention and reduction of statelessness, the national legislation does not yet fully implement domestically Swaziland's international legal obligations, although Swaziland is party to the *1954* and the *1961 Statelessness Conventions*. Some of the national legal provisions on nationality do not fully comply with human rights treaties ratified by Swaziland or with the *Statelessness Conventions* and may under certain circumstances lead to statelessness. In particular, the national legislation:

- Does not contain a safeguard that any child born in the country who would otherwise be stateless is granted nationality;
- Does not grant women equal rights with men with respect to the nationality of their children; and
- Grants only to male nationals the right to confer their nationality on their spouses.

With regard to children's right to acquire a nationality as envisaged by Article 24 of the *ICCPR* and Article 7 of the *CRC*, the legal framework on nationality contains some legal safeguards against statelessness, for instance by providing for acquisition of Swazi nationality to foundlings (see Article 47 of the *2005 Constitution* and Article 17 of the *1992 Citizenship Act*). However, the *Constitution* and the law do not have a comprehensive guarantee that children born in the country who would otherwise be stateless shall be Swazi nationals as foreseen by the *1961 Convention*

Although Swaziland's *2005 Constitution* stipulates that any child born inside or outside of Swaziland prior to 2005 to at least one Swazi parent acquires Swazi nationality by descent, children born after 2005 only acquire Swazi nationality from their fathers, as Articles 43 and 44 of the *2005 Constitution* do not allow a Swazi woman to transfer her nationality to her children or foreign spouse on an equal basis with Swazi men. As noted by the Committee on the Elimination of Discrimination against Women in its *Concluding Observations* on Swaziland in 2014,¹⁴ these provisions are discriminatory because they are not applicable where Swazi men marry foreign women. This is contrary to Article 9 of the *CEDAW* and Article 3 of the *ICCPR*. The Committee recommended that Swaziland "ensure that Swazi women married to foreign men can transfer their nationality to their husbands and children on the same basis as Swazi men married to foreign women."¹⁵ UNHCR has observed cases of individuals born in Swaziland to a Swazi mother and a foreign father who are currently stateless as they were not able to obtain the nationality either of their father or of their Swazi mother.

¹⁴ Committee on the Elimination of Discrimination against Women, *Concluding Observations on Swaziland*, 58th session (24 July 2014) CEDAW/C/SWZ/CO/1-2, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSWZ%2fCO%2f1-2&Lang=en.

¹⁵ *Ibid.*, para. 29.

There are no official statistics on the number of stateless people in Swaziland currently available.

Recommendations:

UNHCR recommends that the Government of Swaziland:

- a. Amend the nationality law to include a safeguard to ensure that children born on the territory who would otherwise be stateless, automatically acquire Swazi nationality;
- b. Amend Articles 43 and 44 of its *Constitution* so that Swazi women can transfer nationality to their children and their foreign spouse on the same basis as men; and
- c. Consider undertaking a study or survey to identify the number of stateless people in the country.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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ANNEX

Excerpts of Recommendations from the 1st cycle Universal Periodic Review and Concluding Observations from UN Treaty Bodies

SWAZILAND

We would like to bring your attention to the following excerpts from the 1st cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to Swaziland.

I. Universal Periodic Review

Recommendation ¹⁶	Recommending State	Position ¹⁷
National human rights institution		
76.7. Consider aligning national laws, including customary laws with the protections outlines in the Constitution of the Kingdom of Swaziland, as well as with the provisions of International Human Rights Instruments to which Swaziland is a party	South Africa	Supported
76.9. Develop a National Human Rights Strategy and Action Plan, while also intensifying its public awareness campaign to the general public and other interested stakeholders	South Africa	Supported
76.12. Develop a national institution for human rights to bring it in full compliance with the Paris Principles, by adopting the necessary legislation	Spain	Supported
Sexual and Gender-Based Violence and Discrimination		
76.24. Adopt with the support of the international community, strategies aimed at eradicating any practice which violates the rights of women with particular emphasis on prevention, punishment and elimination of any forms of gender-based violence and increase the steps taken to ensure equality before the law of civil, political, economic and social rights for men and women	Argentina	Supported
76.27. Enact the necessary policies and actions to support in practice the implementation of the legislation on non-discrimination and legal equality of women	Mexico	Supported
76.23. Combat gender inequality and discriminatory practices and consider legislative reforms to ensure equality between men and women before the law	Brazil	Supported
Violence and discrimination based on SOGI		
77.47. Implement measures to prevent violence against the LGBT community, through training and advocacy campaigns	United States of America	Supported ¹⁸

¹⁶ All recommendations made to Swaziland during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review: Swaziland," A/HRC/19/6, 12 December 2011, available at: <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CSZSession12.aspx>.

¹⁷Swaziland's views and replies can be found in the Addendum, A/HRC/19/6/Add.1, 27 February 2012, available at: <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CSZSession12.aspx>.

¹⁸ Addendum: "Acceptable in so far as prevention of violence is concerned."

78.4. Take concrete measures to decriminalize same-sex relations and prevent discrimination based on marital status and sexual orientation	United States of America	Noted
78.5. Adopt the necessary political and legislative measures to establish a specific framework to protect against discrimination on the grounds of sexual orientation and repeal all laws which criminalize homosexual practice, and implement public awareness-raising campaign on this matter	Spain	Noted
78.6. Bring its legislation into conformity with its international human rights obligations by repealing provisions which may be used to criminalise same-sex activity between consenting adults , and take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity	Portugal	Noted ¹⁹
Protection of children		
76.26. Implement all necessary measures aimed to abolish discrimination against children belonging to most vulnerable groups, through a greater and more focused provision of social services, carrying out awareness-raising programmes on their particular needs and a greater access to education	Uruguay	Supported
Trafficking		
76.39. Increase emphasis on the protection and promotion of human rights, especially in the areas of apprehension and interrogation of suspects and investigating reports of trafficking in persons, as part of the training programs of the Umbutfo Swaziland Defense Force, the Royal Swaziland Police Service and His Majesty’s Correctional Services.	United States of America	Supported

II. Treaty Bodies

Committee on the Elimination of Discrimination against Women

Concluding Observations, 58th session (24 July 2014) [CEDAW/C/SWZ/CO/1-2](#)

Violence against women

20. While noting the efforts to enact the bill on sexual offences and domestic violence, which was passed by Parliament and the Senate, the Committee is deeply concerned that the bill lapsed because it did not receive royal assent. The Committee is also concerned that, according to the National Surveillance System on Violence, Abuse and Exploitation, the prevalence of violence against women and girls is high, as is the rate of abduction of young girls, often perpetrated by persons known to the victims. The Committee is also concerned at the low level of reporting of violence against women, owing to a culture of silence and impunity, and at the lack of data on the number of

¹⁹ Addendum: “The decriminalization of same-sex activity is not acceptable. Taking all necessary measures to ensure enjoyment of the right to the highest standard of health, without discrimination on the basis of sexual orientation or gender identity is acceptable.”

reported cases involving violence against women that have been investigated and prosecuted and on the nature of sanctions imposed on perpetrators. The Committee notes that, the State party's efforts to establish a one-stop centre in the capital city and other shelters notwithstanding, shelters remain inadequate for and inaccessible to women and girls in other regions of the State party.

21. Recalling its general recommendation No. 19 on violence against women, the Committee urges the State party:

- (a) To enact into law the bill on sexual offences and domestic violence without further delay and ensure that it is comprehensive, covering all forms of violence against women, especially marital rape and sexual harassment;**
- (b) To encourage reporting of domestic and sexual violence against women and girls, to ensure that complaints are effectively investigated and perpetrators punished with sanctions commensurate with the gravity of the offence and to address the culture of impunity;**
- (c) To develop a system for regular collection of statistical data on cases, focusing on all forms of violence against women, including domestic violence and abduction, which should be disaggregated by age, type of offence and relationship between perpetrator and victim;**
- (d) To decentralize one-stop centres and shelters to the four regions of the State party in order to ensure that women and girls who are victims of violence can gain access to them;**
- (e) To establish a national violence coordination mechanism with a mandate to tackle all forms of violence against women and girls and to coordinate national efforts to prevent and eliminate such violence.**

22. While noting the intention of the State party to establish a national register of persons with albinism, the Committee is deeply concerned at the gruesome murders of women and girls with albinism, whose body parts are harvested for rituals. The Committee is particularly concerned at reports that, in the past, perpetrators of such murders were prosecuted for less-serious crimes, such as causing grievous bodily harm, and therefore received lenient sentences upon conviction.

23. The Committee recommends that the State party urgently establish a national register of persons with albinism and provide protection to women and girls with albinism. The State party should ensure that all complaints relating to violence against women and girls with albinism are effectively investigated and perpetrators prosecuted and punished with appropriate sanctions upon conviction.

Trafficking in women and exploitation of prostitution

24. While welcoming the adoption of the People Trafficking and People Smuggling (Prohibition) Act in 2009, the Committee remains concerned that the State party is a country of origin, transit and destination for trafficked women and girls, mainly for sexual exploitation and domestic labour. The Committee is also concerned at the lack of data on the extent of trafficking in persons and at the absence of specific programmes to raise awareness of the existence of a national referral mechanism on human trafficking in the State party. It is further concerned that the prohibition of prostitution

under the Crimes Act does not criminalize the demand for prostitution. The Committee is also concerned at the lack of programmes aimed at addressing prostitution, including exit programmes to encourage women to leave prostitution.

25. The Committee recommends that the State party:

- (a) Intensify efforts to tackle the root causes of trafficking in women and girls and to ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance and alternative income-generating opportunities;**
- (b) Undertake a comprehensive study with a view to collecting data on the extent and forms of trafficking in women and girls, which should be disaggregated by age, region and country of origin;**
- (c) Increase awareness-raising efforts aimed at promoting reporting of trafficking crimes and early detection of women and girls who are victims of trafficking, in addition to their referral through the national referral mechanism;**
- (d) Step up efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, in particular with States members of the Southern African Development Community;**
- (e) Provide data in its next periodic report on existing programmes aimed at addressing prostitution, including by criminalizing demand and implementing exit programmes for women who wish to leave prostitution.**

Nationality

28. While noting the efforts of the State party to tackle challenges relating to its nationality legislation, the Committee is concerned that both the Constitution and the Citizenship Act contain provisions depriving children born to Swazi women and foreign husbands of nationality, hence increasing their risk of statelessness. The Committee notes that this is discriminatory because it is not applicable where Swazi men marry foreign women. The Committee is also concerned that, under the Constitution, Swazi women married to foreign men cannot transmit their citizenship to their husbands on an equal basis as Swazi men married to foreign women.

29. The Committee recommends that the State party repeal the discriminatory provisions in the Constitution and the Citizenship Act to ensure that Swazi women married to foreign men can transfer their nationality to their husbands and children on the same basis as Swazi men married to foreign women, in line with article 9 of the Convention. Furthermore, the Committee recommends that the State party undertake programmes aimed at ensuring that children born to Swazi women married to non-Swazi men are not rendered stateless and have equal access to education, health care and other basic services