

Wednesday, July 6, 2011



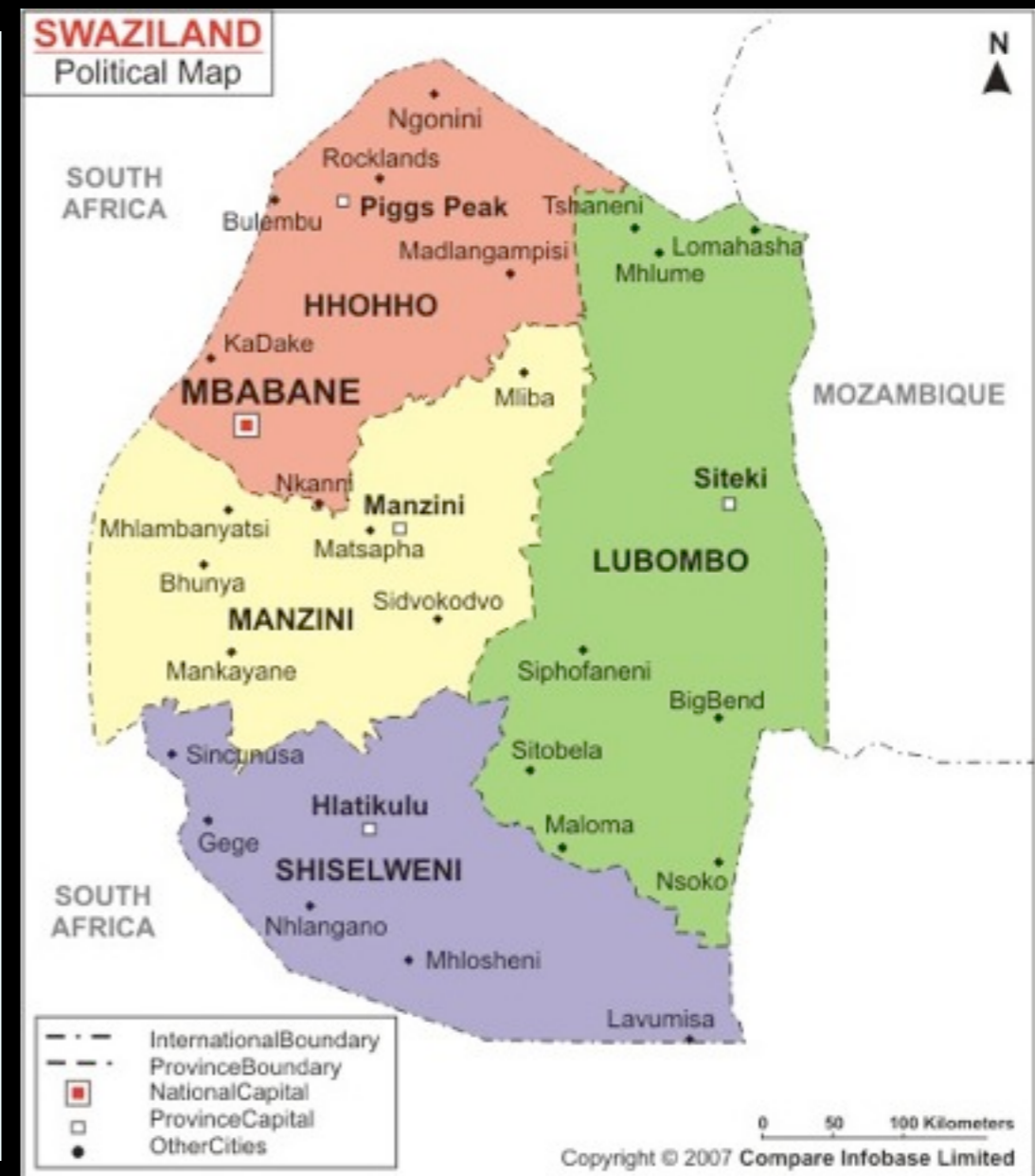
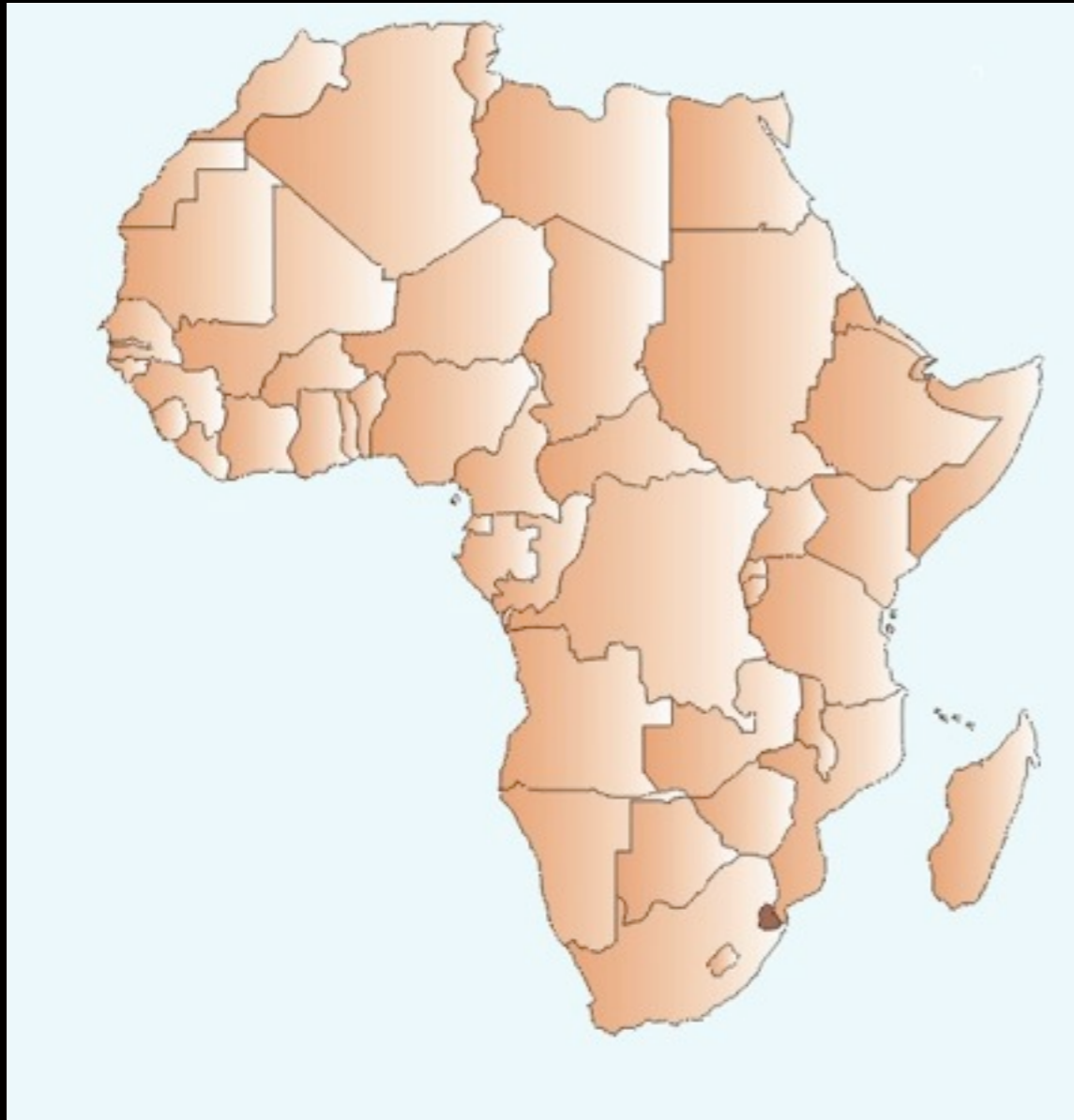
Building Bridges in Swaziland

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July 2011

Overview

- Background Swaziland
- Children's Rights
- High School Videotape
- Clinical Program
- Discussion

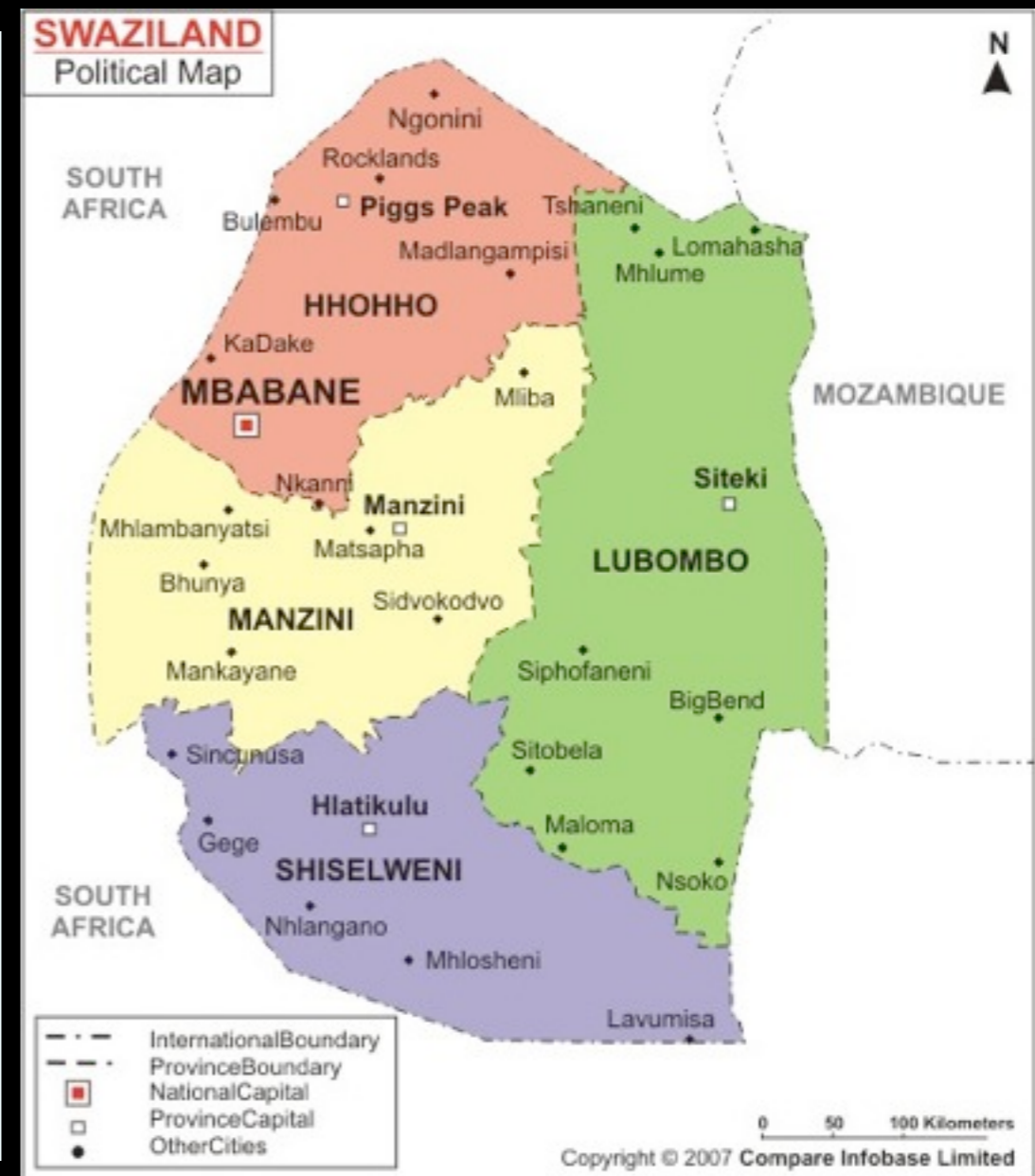
Swaziland



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- Size of Connecticut

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Form of Government

- Absolute Monarchy
- King Mswati III ruled for 25 years
- King holds power over executive, legislative and judicial branches.
- Recent protests

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– King has complete power to appoint the country's Prime Minister, members of the cabinet and judiciary but has outlawed the Swazi people's right to engage in governance or participate in any meaningful decision making. Citizens access to right to information and free press has been obliterated.

Country Conditions

- Life expectancy plummeted to age 32 in 2008 (according to some reports), and 26% of adults (up to 40% in other reports) are HIV-positive.
- 61% percent of all deaths could be attributed to HIV/AIDS.
- The pandemic has denuded society of a young adult workforce, and many households are orphaned and led by the oldest sibling.
- Very fragile economy.
- 80% of wealth controlled by 20% of the elite.
- Only 30% of Swaziland's population of around one million have access to more than \$1 in spending money per day.
- Root problem is corruption.



Child Abuse



- Government efforts to protect children's rights and welfare were inadequate, due in part to the growing number of orphans and vulnerable children (OVC), which made up an estimated 10 percent of the population.
- Child abuse, including rape of children and incest, was a serious problem, but the crime was rarely reported, the government seldom punished perpetrators of abuse, and penalties seldom matched the crime.
- Many children became HIV positive as a result of rape. A study released by the UN Children's Fund in 2008 that focused on girls between the ages of 13 and 24 found that one out of three girls and young women in the country suffered some form of sexual abuse as a child, and that one in four experienced physical violence; approximately three in ten had survived emotional abuse.
- Most sexual assaults of girls occurred at home, and fewer than half of sexual assaults were reported.
- Minors were reportedly victims of prostitution and trafficking. Children are victims of commercial sexual exploitation at truck stops, bars, and brothels.

US State Department Human Rights Report, 2010



Corporal Punishment

- Corporal punishment by teachers and principals is legal and routinely practiced. School regulations state a teacher can administer a maximum of four strokes with a stick on the buttocks to a student younger than 16 years old, and six strokes to students older than 16 years old; however, teachers often exceeded these limits with impunity.
- On April 6, in Ezulwini, a high school teacher whipped five pupils on their buttocks and hands for failing a Siswati test. The number of lashes was determined by how poorly they did on the exam; one of the students received 39 lashes.
- In March 2009 the Swazi Observer reported that a nine-year-old pupil of Kuhlankeni Primary School died as a result of a severe beating administered by a teacher. A commission of inquiry was established to investigate the case; however, no action had been taken against the teacher by year's end.

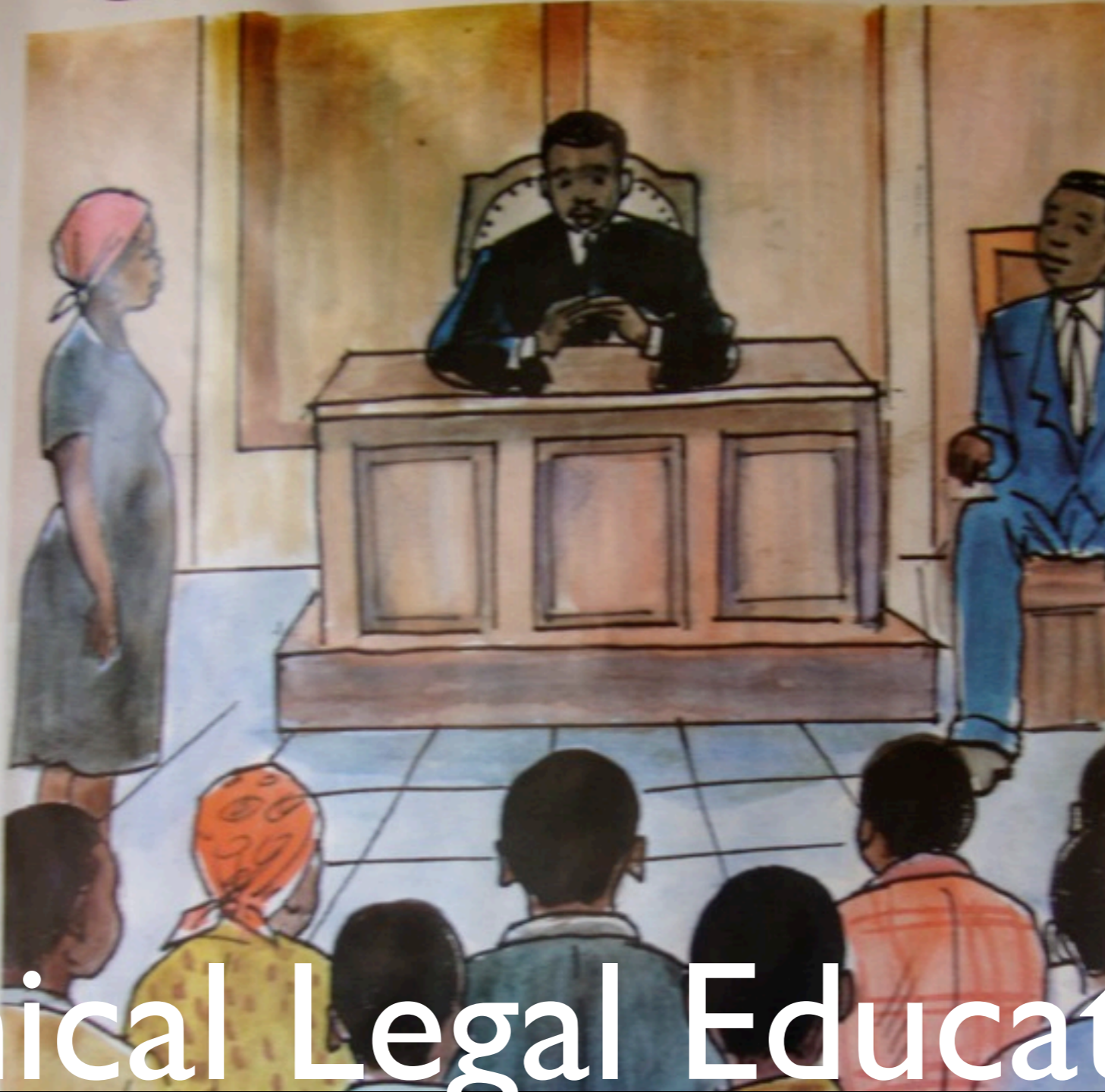
Visit to High School

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Questions to Answer

- Pick one of the student's human rights concerns.
- From your cultural perspective how can legal clinics within Swaziland seek to collaborate to address that particular concern?
- how appropriate is it, at all, to engage in activities where high school students being informed of their human rights may cause them to be subjected to more abuse in the school context?

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- Referral of cases from organizations like SWAGGA.

Impediments to Clinical Legal Education

- Local attorneys view clinic as competition.
- No training on clinical legal education.
- Funding issues.

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- promoting equal access to justice.

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*Peggy Maisel, Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa, 30 Fordham Int'l L.J. 374 (2006- 2007).

Human Rights

- Western Human Rights Norms
- Represents colonialization and subordination
- Human Rights Model that integrates non-European traditions of Asia, Africa, the Pacific and the Americas.
- The idea of human rights that crafts a universal bundle of attributes with which all societies must endow all human beings rights.

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