

Country File

SWAZILAND



Last updated: **December 2008**

Region	Africa
Legal system	Civil Law
UNCAT Ratification/ Accession (a)/ succession (d)	26 March 2004 (a)
Relevant Laws	<ul style="list-style-type: none">• Constitution of 2005 (Act No. 001/2005, 4 October 2004)
Relevant Articles	<ul style="list-style-type: none">• Prohibition of Torture: Articles 18, 29, 38 and 57 of the Constitution• Definition of Torture:• Penalties:• Others<ol style="list-style-type: none">1. Defences: Articles 38 and 57 of the Constitution2. Lawful Sanctions: Article 29 of the Constitution
Languages Available	<ul style="list-style-type: none">• English (official language)
Other Relevant Information	

Relevant Articles – SWAZILAND

ENGLISH

Constitution of 2005 (Act No. 001/2005, 4 October 2004)

Article 18 Protection from inhuman or degrading treatment

- (1) The dignity of every person is inviolable.
- (2) A person shall not be subjected to torture or to inhuman or degrading treatment or punishment.

Article 29 Rights of the child

- (1) ...
- (2) A child shall not be subjected to abuse or torture or other cruel inhuman and degrading treatment or punishment subject to lawful and moderate chastisement for purposes of correction.

Article 38 Prohibition of certain derogations

Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms -

- (a) ...
- (e) freedom from torture, cruel, inhuman or degrading treatment or punishment.

Article 57 Law enforcement objectives

- (1) ...
- (2) In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- (3) Law enforcement officials may not inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances as a justification of torture or other cruel, inhuman or degrading treatment or punishment.
- (4) ...