

SWAZILAND
Constitution of the Kingdom of Swaziland, 2005

Chapter III: Protection and Promotion of Fundamental Rights and Freedoms

Fundamental rights and freedoms of the individual

14. (1) The fundamental human rights and freedoms of the individual enshrined in this Chapter are hereby declared and guaranteed, namely –

- (a) respect for life, liberty, right to fair hearing, equality before the law and equal protection of the law;
- (b) freedom of conscience, of expression and of peaceful assembly and association and of movement; ...
- (f) respect for rights of the family, women, children, workers and persons with disabilities.

(2) The fundamental rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, the Legislature and the Judiciary and other organs or agencies of Government and, where applicable to them, by all natural and legal persons in Swaziland, and shall be enforceable by the courts as provided in this Constitution.

(3) A person of whatever gender, race, place of origin, political opinion, colour, religion, creed, age or disability shall be entitled to the fundamental rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.

Protection of right to life

15. (1) A person shall not be deprived of life intentionally save in the execution of the sentence of a court in respect of a criminal offence under the law of Swaziland of which that person has been convicted.

(2) The death penalty shall not be mandatory.

(5) Abortion is unlawful but may be allowed:

- (a) on medical or therapeutic grounds including where a doctor certifies that: †
 - (i) continued pregnancy will endanger the life or constitute a serious threat to the physical health of the woman;†
 - (ii) continued pregnancy will constitute a serious threat to the mental health of the woman;†
 - (iii) there is serious risk that the child will suffer from physical or mental defect of such a nature that the child will be irreparably seriously

handicapped.†

(b) where the pregnancy resulted from rape, incest or unlawful sexual intercourse with a mentally retarded female; or†

(c) on such other grounds as Parliament may prescribe. †