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Swaziland: King's government violates human rights

The government of King Mswati III urgently needs to resolve the constitutional and human rights crisis that has left the country without a Court of Appeal since 2002 and undermines the government's new international human rights obligations.

In a report published today, *Swaziland: Human rights at risk in a climate of political and legal uncertainty*, Amnesty International shows how the government's contempt for court rulings and judicial independence has denied people effective legal redress and has allowed impunity for perpetrators of human rights violations.

Despite Swaziland becoming a State Party to four key human rights treaties between April and June 2004, there is a wide gap between promises and practices in the southern African country.

"Swaziland must back up its recent commitments to international human rights standards by re-establishing the rule of law and confronting the systematic violation of civil, political, economic and social rights. These steps are also essential to addressing the country's profound humanitarian crisis", Amnesty International said.

The abuses of human rights documented in the report include:

- Failure to investigate and prosecute those responsible for torture and deaths in custody and abusive policing involving the use of excessive force;
- Denial of the rights of freedom of association and peaceful assembly to those perceived as government critics;
- Undermining of the role of courts in protecting the rights of women and girls against forced marriages, including by members of the Royal Family;
- Failure to protect women and girls against rape and other forms of sexual violence which has contributed to Swaziland having the highest HIV prevalence in the world;
- Politically-motivated forced evictions without the right to effective legal redress, resulting in violation of the victims' rights to livelihood, shelter, education and health.

"The people who were supposed to protect us came and broke down everything and took away everything...We were all driven away...The government uses nice words to describe what happened, they don't like to hear the word "eviction", but that is what it was, a forceful eviction".

An evictee from Macetjeni in the Lubombo region of Swaziland speaking to Amnesty International in July 2003.

"The Swaziland government must put an end to all human rights violations and ensure that the country's existing and new obligations under international human rights law are guaranteed by upholding the rule of law and entrenched in the new constitution," Amnesty International said.

Background

In 1996 King Mswati III appointed a Constitutional Review Commission (CRC) to draft a new constitution. In August 2001, after a much criticised process, the CRC presented a report which asserted that "the Swazi nation" preferred no change to the political and legal arrangements which had been in place since the suspension of the Constitution in 1973.

In 2002, the King appointed the Constitution Drafting Committee (CDC) to finish the CRC's work by actually drafting a new constitution. In May 2003 the King made public the CDC's draft constitution. The CDC subsequently led a public consultation process on the draft, which is still continuing. (Amnesty International's detailed analysis of the draft constitution is included in the report.)

On 26 April 2004, Swaziland became a State Party to the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On 26 June, Swaziland became a State Party to two other key human rights treaties: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

For a copy of the full report, *Swaziland: Human rights at risk in a climate of political and legal uncertainty*, please go to: <http://web.amnesty.org/library/index/engaf550042004>

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