



Swaziland – Researched and compiled by the Refugee Documentation Centre of Ireland on 3 June 2011

Information on the requirements for citizenship of Swaziland.

The 2010 *US Department of State* country report for Swaziland, in a section titled “Children”, states:

“Under the constitution, children derive citizenship from the father, unless the birth occurred outside marriage and the father does not claim the child, in which case the baby acquires the mother's citizenship.” (US Department of State (8 April 2011) *2010 Human Rights Report: Swaziland*)

The *Constitution of the Kingdom of Swaziland*, in a section titled “Citizenship by birth (Article 43, paragraph 2), states:

“A person born outside Swaziland after the commencement of this Constitution is a citizen of Swaziland if at the time of birth the father of that person was a citizen of Swaziland in terms of this Constitution.” (The King and the Parliament of Swaziland (2005) *Constitution of the Kingdom of Swaziland Act, Chapter IV Citizenship (excerpt)*)

A report submitted to the *UN Committee on the Rights of the Child*, in a section titled “Giving consent to change an identity, including name and adoption” (paragraph 86), states:

“The Births, Marriages, and Deaths Registration Act (1983) and the Swaziland Citizenship Act (1992) provide for a change in identity at the age of 21. According to the Swaziland Citizenship Act, an illegitimate child not claimed by the father in accordance with customary law but whose mother is a Swazi citizen becomes a citizen by birth. The Act further deems abandoned infants found in Swaziland to be citizens at birth. Ordinarily, the nationality of a child follows that of the father and birth certificates contain a description of the parents' nationality. The justification for this discrimination is the assumption that the child of a Swazi mother and foreign father, though resident, would automatically be entitled to the citizenship of his father's country.” (UN Committee on the Rights of the Child (16 February 2006) *Consideration Of Reports Submitted By States Parties Under Article 44 Of The Convention – Initial report of States parties due in 1997: Swaziland*, p.20)

In a section headed “Civil Rights And Freedoms” (paragraph 162) this report states:

“The Citizenship Order (1973), sections 3, 4 and 7 state that citizenship may be acquired by any person born in or out of Swaziland before, on or after the 12 April 1973, provided their father was a Swazi citizen. Section 6(1)(b) states that any child of at least one Swazi parent may apply for citizenship.” (ibid, p.31)

The entry for Swaziland in a compilation of citizenship laws published by the *US Office of Personnel Management* states:

“By Descent: Child, both of whose parents are citizens of Swaziland, regardless of the child’s country of birth.” (US Office of Personnel Management (March 2001) *Citizenship Laws of the World*, p.188)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

The King and the Parliament of Swaziland (2005) *Constitution of the Kingdom of Swaziland Act, Chapter IV Citizenship (excerpt)*
<http://www.unhcr.org/refworld/pdfid/4c598cc72.pdf>
(Accessed 3 June 2011)

UN Committee on the Rights of the Child (16 February 2006) *Consideration Of Reports Submitted By States Parties Under Article 44 Of The Convention – Initial report of States parties due in 1997: Swaziland*
<http://www.unhcr.org/refworld/pdfid/45377ec90.pdf>
(Accessed 3 June 2011)

US Department of State (8 April 2011) *2010 Human Rights Report: Swaziland*
<http://www.state.gov/g/drl/rls/hrrpt/2010/af/154372.htm>
(Accessed 3 June 2011)

US Office of Personnel Management (March 2001) *Citizenship Laws of the World*
<http://www.opm.gov/extra/investigate/IS-01.pdf>
(Accessed 3 June 2011)

Sources Consulted:

European Country of Origin Information Network
Google
Refugee Documentation Centre Query Database
UNHCR Refworld
US Department of State
US Office of Personnel Management