

## Women's Rights in Swaziland

Swaziland is a small, land-locked Southern African country of approximately 1.2 million people. It is Africa's only remaining absolute monarchy. According to the latest figures from the World Bank (2016), 63% of its population live below the poverty line (of less than US\$1.90 a day). At 27.7%, Swaziland has the highest percentage of adults<sup>1</sup> living with HIV/AIDS (UNAIDS, 2014) and the highest incidence per capita of TB in the world (WHO, 2013).



### LIFE AS A FEMALE IN SWAZILAND

**1 in 3** girls experience **sexual violence** before they reach the age of 18 (Amnesty International, 2010)

**31%** of women are **HIV-positive** (UNAIDS, 2014)

**70%** of female **sex workers** are **HIV-positive** (AVERT, 2015)

**Early and forced marriage is 'normal'** (Amnesty International, 2010)

**Marital rape is legal** (Amnesty International, 2010)

Out of 65 delegates in the House of Assembly, **only 4 are women (6%)** (Department of Gender and Family Affairs, 2014)

### THE SITUATION FOR WOMEN

Harmful political, economic and socio-cultural factors mean that women in Swaziland are vulnerable, denied rights, and suffer from discrimination, injustice and marginalisation. It is routinely noted, nationally and globally, that women in Swaziland are oppressed and marginalised in government and society. This section highlights what life is like for too many women in Swaziland.

**Intimate partner violence (IPV), including marital rape and other forms of gender-based violence (GBV), is rife.** Amnesty International (2010) estimates that, of women and girls surveyed aged 13 to 24, about a third (33%) experienced at least one incident of sexual violence before they reached 18 years of age.

#### Examples of violent cases against women and girls, reported in local newspapers since International Women's Day [8 March 2016]:

- A 22 year old student was stabbed 25 times and killed by her ex-boyfriend in front of their 4 year old child (8 March 2016)
- A 6 year old girl was raped by a 22 year old man in a forest near her school (11 March 2016)
- A 28 year old woman was assaulted by her 34 year old boyfriend (15 March 2016)
- A 5 year old girl was raped by a 31 year old pastor (16 March 2016)

**High incidence of HIV, with women disproportionately affected.** Women's inability to challenge cultural norms and prevailing sexual practices, including the low use of contraceptives, has contributed to approximately a third of women between the ages of 15 to 49 living with HIV (31%), as compared to a fifth of men (20%) (UNAIDS, 2014). Swaziland has the highest number of people living with HIV in the world.

<sup>1</sup> Defined as aged between 15 and 49.

**High levels of girls dropping out of school.** Cultural gender norms dictate that women and girls provide the bulk of household-related work, including physical and emotional care. As a result, girls are under pressure to drop out from school, especially where there are few adults available to care for children and the elderly, for example, in child-headed households.

**Women lack the legal rights to administer their own assets.** Most married women are denied equal status as legal adults: they cannot buy or sell property or land, sign contracts or conduct legal proceedings without the consent of their husbands. Many widows, denied the right to own land, are forced from their homes.

**Women have few formal employment opportunities and wages for women are low.** Swaziland has a Gender Inequality Index (GII)<sup>2</sup> of 0.557 and is ranked 150<sup>th</sup> out of 188 countries in the world, and is considered to have ‘low human development’ (UNDP, 2015). Men control household resources and thus women remain dependent. This often results in women seeking alternative avenues for income, including transactional and commercial sex.

**Lack of female representation in decision-making positions.** Women are under-represented in leadership and decision-making positions in the public and private sectors. Section 95 (2) of the Constitution (2006) states that nominated members of the House of Assembly shall be appointed by the King to ensure that ‘at least half of them are female’. In reality, only four (6%) of the 65 members are female, according to a survey conducted in 2014 (Department of Gender and Family Issues, 2014). Only one of these four women was elected; the other three were selected by the King.

## WHAT MUST BE ADDRESSED

The situation for women in Swaziland is inextricably linked to multiple issues, which need to be addressed with an organised and sustained response. Swaziland has a deeply patriarchal society, where polygamy and violence against women are normalised, deeply unequal cultural and religious norms, and a male monarch who is unwilling to make any change. All this contributes towards the daily discrimination faced by women.

*“When the Swazi constitution was passed as the highest law of land, we sang, danced and ululated [sic]... to us we saw a new horizon of hope and freedom. That joy was replaced by despair when reality told a different story about a Swazi woman... her rights, her privileges, her significance and her existence in a context that continued, as always, to disregard her presence or acknowledge her needs. The struggle for land, access to justice, and equality before law remains a daily struggle for Swazi women. The untold power of Swazi women has however emerged strongly as movements [sic] that recognize women’s abilities, educate and provide a sisters keeper [sic] kind of culture that allows women to live and survive strong despite their challenges.”- Hlobile Dlamini | Activist and Project Coordinator for the ‘Improving Women’s Rights Project’*

**King Mswati III is the last remaining absolute monarch in Africa.** All power is centralised in the monarch. Swaziland likes to claim it combines modernity and tradition. The reality is, despite pledges and commitments, women continue to suffer discrimination, are treated as inferior to men, and are denied rights. The King has demonstrated he is unwilling to change the status quo and promotes multiple aspects of the patriarchal society.

**Laws of the Constitution, which came into effect in 2006, are not followed.** The Constitution is recognised along with ‘Swazi law and custom’, passed down from generation to generation by oral tradition. This is not codified, leading to debate and inconsistencies within the already weak judicial system. Where ‘Swazi law and custom’ is incompatible with the Constitution, it should be deemed null and void. But in practice it continues to dictate the lives of women.

<sup>2</sup> “GII measures gender inequalities in three important aspects of human development—reproductive health, measured by maternal mortality ratio and adolescent birth rates; empowerment, measured by proportion of parliamentary seats occupied by females and proportion of adult females and males aged 25 years and older with at least some secondary education; and economic status, expressed as labour market participation and measured by labour force participation rate of female and male populations aged 15 years and older.” (UNDP, 2015)

**There are no laws criminalising domestic violence, forced marriage, early marriage or marital rape.** The Girls' and Women Protection Act, concerned with sexual abuse of girls under 16, specifically excludes marital rape. Yet girls as young as 13 may be married under customary law and forced marriages continue to be reported according to Amnesty International. Additionally, the United Nations Development System (UNDS) reported in 2014 that 10.9% of girls are married before the age of 18, compared with 1.7% of boys. The Government of Swaziland has failed to enact the Sexual Offences and Domestic Violence Bill that was developed in 2009, derailing positive steps towards protecting women.

**Swaziland continues to treat women as lower-class citizens both legally and culturally, despite government pledges on change.** The Swaziland Commission on Human Rights and Public Administration (SCHRPA) has been blasted as ineffective. In 2011 it was described as a 'sham', after women were denied access to its offices if they wore trousers or were in mourning.

**Regional partners have ignored Swaziland's failure to reach targets for gender equality.** In 2008, the Swaziland Government signed the Southern African Development Community (SADC) Gender and Development Protocol, which was ratified in 2012. To date, it has made little progress towards the specified targets for gender equality, which were due to be achieved by 2015, with little accountability or recourse.

**The international community has failed to hold Swaziland to account for its discrimination against women.** Swaziland has signed the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), committing itself to take steps to "respect, protect and fulfil" the equal rights of women. As a member of the Commonwealth (and so bound by the Commonwealth Charter), it is also obliged to recognise gender equality and women's empowerment as essential to human rights. Despite these commitments, Swaziland continues to seriously and persistently violate principles relating to the equal rights of women.

## THE WOMEN'S MOVEMENT IS GROWING

### **The publication and promotion of the Swaziland Progressive Women's Charter**

A consultative process to develop a charter reflecting the voice of rural women took place throughout 2015. Groups from across the four regions of Swaziland participated in the process, together with individual women. Over 350 women of all ages took part. The charter was publicly launched on International Women's Day, 8 March 2016, and is being disseminated across the country. Women in Law in Southern Africa (WLSA), Swaziland produced a Women's Charter in 2015. The WLSA charter is longer and more legalistic than the Progressive Women's Charter, which was specifically developed with and by rural women.

*"We the women of Swaziland realize the need for us to unite and build a strong advocacy voice to influence the Government of Swaziland and legal institutions to bring to an end the continuing oppression, inequalities, and marginalisation of women, being exacerbated by patriarchy, customs/traditions and religion." – an excerpt from the Swaziland Progressive Women's Charter, 2016*

The Progressive Women's Charter includes declarations relating to patriarchy, culture and religion; gender; land; food sovereignty and nutrition; marriages; governance; education; health; women with disabilities; and media. The charter was an element of the 'Improving Women's Rights in Swaziland' project. The 'Improving Women's Rights in Swaziland' project has been implemented through ACTSA, and the Foundation for Socio and Economic Justice with funding from the Big Lottery.

**The Swaziland Rural Women's Assembly (SRWA) is growing** – Since 2012, SRWA's membership has grown to over 4000 rural women. Additionally, through activities that are part of the 'Improving Women's Rights in Swaziland' project, it has mobilised over 20,000 women. Rural women have attended public meetings, lobbied MPs, participated in debates and civic education sessions covering a range of topics, including the Swazi Constitution, women's rights HIV/AIDS, and domestic violence.



**Swaziland Young Women's Network (SYWON) continues to campaign for female political participation** – young Swazi women are also ensuring their voices are heard through advocacy campaigns to ensure that there is adherence to the Constitution. In 2014, a politician was alleged to say that there were 'not enough chairs' for the four women (as stipulated by the Constitution) to be in the House of Assembly. Through mobilising dozens of women, SYWON marched to Parliament with four chairs to give to the Government.

### **Following discussions with civil society organisations in Swaziland, ACTSA SUPPORTS CALLS FOR:**

- The Government of Swaziland, civil society organisations and the private sector to raise awareness and encourage a change of attitude towards women and women's rights.
- The Government of Swaziland to fulfil its commitments on women's rights, including its commitment to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- The representation of women in Parliament and in Government to be increased, with the aim of reaching the target of 50% female MPs, as agreed by SADC. Civil society and private sector institutions should review women's representation at decision-making levels in their organisations.
- The Government of Swaziland to ensure compliance with laws and policies that protect women.
- The Government of Swaziland to enact the Sexual Offences and Domestic Violence Bill and ensure its compliance.
- Opportunities for female social and economic empowerment to be expanded, to reduce the feminisation of poverty.
- Girls to be encouraged and supported to stay in school until completion of secondary school as a minimum, for example by improving community-based care.
- A fairer distribution of national wealth through pro-poor policies, programmes and public expenditure.
- Support for women to organise themselves into groups, networks and associations.
- Programmes to involve men in reducing violence against women and to promote gender equality.

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