



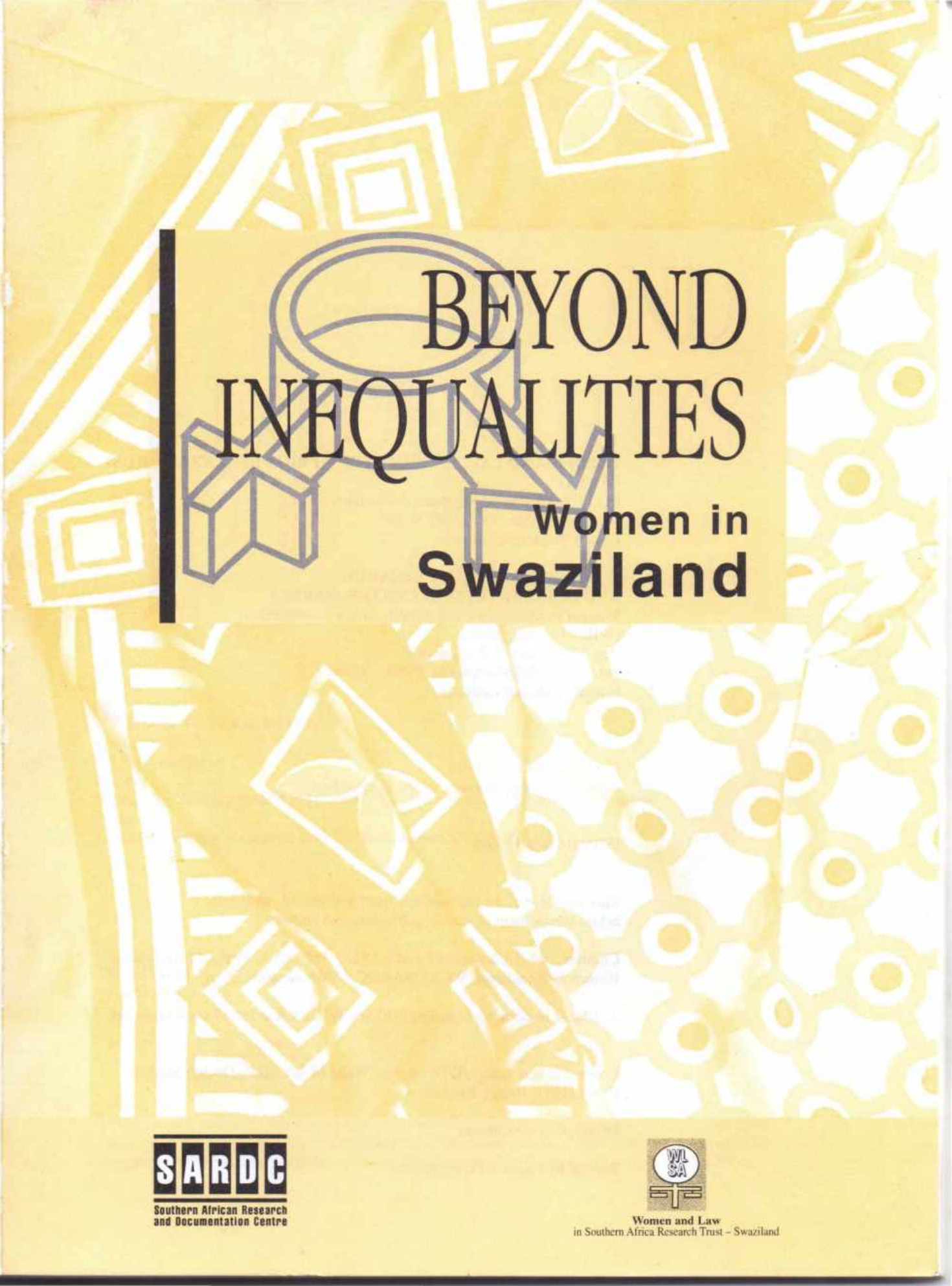
BEYOND INEQUALITIES

Women in
Swaziland



Women in
Development

Southern Africa Awareness



BEYOND INEQUALITIES

Women in
Swaziland



Southern African Research
and Documentation Centre



Women and Law
in Southern Africa Research Trust - Swaziland

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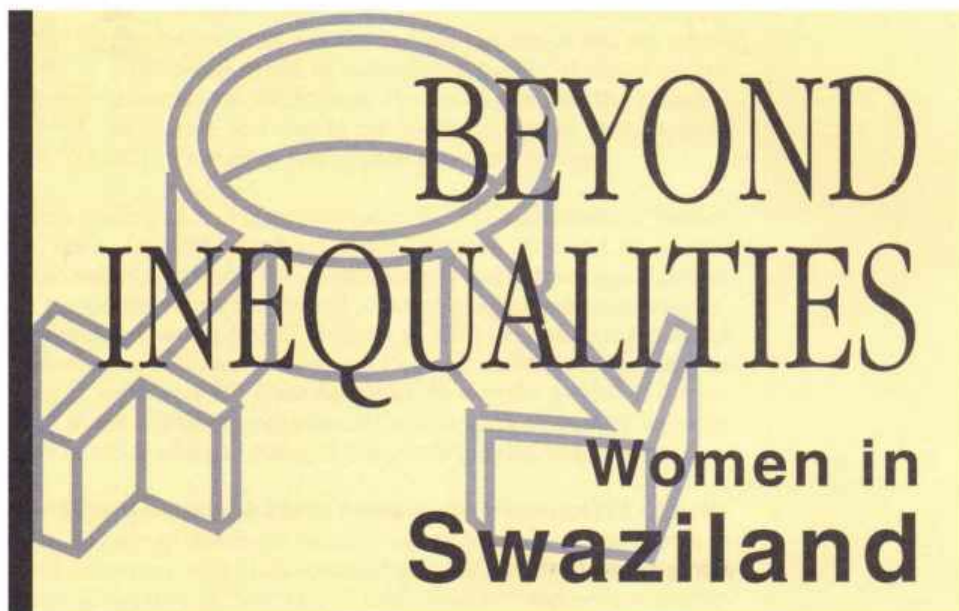
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and the
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of the
Southern African Research and Documentation Centre (SARDC)**

written by
Zakhe Hlanze
and Lolo Mkhabela

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Women In Development Southern Africa Awareness (WIDSAA)

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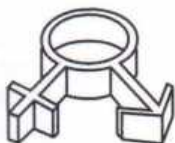
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PREFACE



Beyond Inequalities is a series of publications which profile the status of women in southern Africa and the initiatives being made to mainstream gender in development processes in the region. The series presents the situation of women and men in the Southern African Development Community (SADC) as a region, and in each member country.

In the process leading to, and after the Fourth World Conference on Women in Beijing, China in 1995, southern Africa has seen slow but noticeable change in the attitudes towards the integration and mainstreaming of gender issues and perspectives in national and regional programmes and policies. This has culminated in the SADC Council of Ministers adopting a set of recommendations in February 1997 and a Declaration of Heads of State or Government in September 1997 (see Appendix 3), to make gender an important element in the region's programme of action and community-building initiatives. The fruits of these policy declarations are still to be realised.

The reality of the women of southern Africa is that they remain a vulnerable, marginalised group that is yet to enjoy equality in status and access to services and resources with male counterparts. Women are found at the "bottom rung of poverty, of illiteracy, of landlessness";¹ and are concentrated in the rural areas where facilities and services are scarcest. Women are the most affected by negative impacts of economic adjustment programmes. Cuts in social expenditure such as in health and education mostly impact on women and girls, who are victims of the worst forms of violence.

While women are the daily managers and users of natural resources, largely for the benefit of others, we are not involved in the major decisions that affect these resources and the environment.

In politics and decision-making, women turn up in the largest numbers every election year as they constitute more than half the population of the different countries. Yet women are visibly absent in decision-making positions of government, of parastatal organisations, and of private companies. Women remain concentrated in the so-called "female professions" and at the very best are in the middle-management positions.

For strategies to be developed that address the subordination and vulnerability of women, it is important that the causes of this situation are identified. The series *Beyond Inequalities* reviews the roles and responsibilities, access to and control over resources, decision-making powers, needs and constraints of women *vis a vis* men.

The identification of the causes of these problems should lead to appropriate strategies to resolve them both at national and regional level.

The 12 country profiles in this series document and analyze information along themes drawn from the Critical Areas of Concern identified in the Beijing Platform for Action (PFA) and derived from what the countries of the region consider to be priorities. The profiles are therefore part of an initiative that seeks to bring to light gender issues as they relate to the devel-



WOMEN AND LAW IN SOUTHERN AFRICA (WLSA)

Women and Law in Southern Africa (WLSA) Research Trust is a research and educational programme with offices in Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe. WLSA Swaziland was a partner in this Profile. The WLSA project combines legal research with legal activism for women's rights. It carries out research in order to change women's lives in southern Africa. The project also aims to involve more women in research into women's legal rights, to improve research skills of socio-legal researchers, and to encourage the exchange of information by networking among women in the region on their legal rights. WLSA has produced a number of publications on the legal situation of women which are used as lobbying and advocacy tools.

SARDC

The Southern African Research and Documentation Centre (SARDC) is a regional resource centre covering the SADC region. Its objective is to improve the base of knowledge about regional, economic, political, cultural and social developments, and their implications, by making information accessible to policy makers, non-governmental organisations, the private sector, development agencies and the media in the region and internationally. SARDC's main programmes are on the environment and disaster management, gender, sustainable democracy and SADC information. SARDC has offices in Harare, Maputo and Dar es Salaam. Patron is Julius Nyerere.

opment process. In addition to providing information for planning and development purposes, the profiles indicate gaps for future research focus and will be updated at intervals.

These national profiles on the status of women in southern Africa are an achievement of Women in Development Southern Africa Awareness (WIDSAA), a regional networking information programme that covers the 12 member countries of the SADC region. WIDSAA is a programme of the Southern African Research and Documentation Centre (SARDC), in collaboration with a range of national partner organisations and supported by the Netherlands Government Directorate of International Cooperation (DGIS), through the Royal Netherlands Embassy regional WID programme.

The WIDSAA objective is to contribute to the improvement of the status and position of women in the SADC region through awareness-building; and to collect, document and disseminate relevant and accessible information based on national and regional perspectives. WIDSAA aims to collect and organize gender information in such a way that it is easily accessible for analysis and presentation toward the development of policy frameworks; and seeks to assist government, organisations and peoples of the region to move quickly and effectively towards the empowerment and involvement of women in development.

A workshop of WIDSAA national partners and local consultants reviewed the Terms of Reference and defined a framework for preparation of the profile series.

The WIDSAA partners consulted national stakeholders, interest groups and gender activists in the process of developing the national profiles.

A regional profile on Women in Southern Africa, mainly deriving from the 12 national ones, includes further contributions of more than 30 professionals from throughout the SADC region.² An advisory Gender Reference Group guided the process of organising and presenting information.

An Introduction to each profile gives the methodology and conceptual framework.

Part I gives the national perspective and context, including a historical summary, macroeconomic framework and demographic information. This is followed by a situation analysis of gender issues by theme, containing baseline data on women in society and how they fare relative to men.

Part II reviews the programmes and policies of government, non-governmental organizations (NGOs), donor and development agencies, community-based organizations (CBOs) and other stakeholders involved in mainstreaming gender into development, assessing the extent to which gender imbalances receive due attention.

Part III highlights the achievements and commitments in the context of the Beijing Platform for Action, as well as priorities for future action. This section seeks to establish links between the current situation and the future ideal, contrasting the situation of women with the policy intentions to address it.

Part IV contains a reference of materials used in compilation of the profile as well as a bibliography of country-specific WID documents and additional statistical tables.

The series title *Beyond Inequalities* is a forward-looking one, based on an assessment that inequalities are now generally acknowledged as an impediment to development and economic growth in most countries and regions of the world. The challenge, therefore, facing women and men is to look beyond inequalities to cooperation, peace, development and prosperity.

Critical Areas of Concern

Box 1

A review of progress since the Nairobi Conference highlights special concerns -- areas of particular urgency that stand out as priorities for action. All actors should focus action and resources on the strategic objectives relating to the critical areas of concern which are, necessarily, interrelated, interdependent and of high priority. There is a need for these actors to develop and implement mechanisms of accountability for all the areas of concern. To this end, governments, the international community and civil society, including non-governmental organizations and the private sector, are called upon to take strategic action in the following critical areas of concern:

- ◆ The persistent and increasing burden of poverty on women
- ◆ Inequalities and inadequacies in an unequal access to education and training
- ◆ Inequalities and inadequacies in and unequal access to health care and related services
- ◆ Violence against women
- ◆ The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- ◆ Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- ◆ Inequality between men and women in the sharing of power and decision-making at all levels
- ◆ Insufficient mechanisms at all levels to promote the advancement of women
- ◆ Lack of respect for and inadequate promotion and protection of the human rights of women
- ◆ Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
- ◆ Gender inequalities in the management of natural resources and in the safe guarding of the environment
- ◆ Persistent discrimination against and violation of the rights of the girl child.

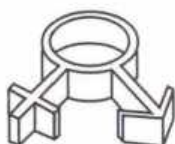
SOURCE: Platform for Action and the Beijing Declaration, United Nations Department of Public Information, New York, 1996.

Swaziland National Platform for Action

- ◆ Education and the girl child
- ◆ Employment and women's economic empowerment
- ◆ Power-sharing and decision-making
- ◆ Violence against women
- ◆ Women and health including women with disabilities.

SOURCE: WLSA, Swaziland, 1998.

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SARDC-WIDSAA would like to thank all of our national partners and members of the Gender Reference Group (GRG) for their active participation in a continuing process. We also want to thank national and regional readers and reviewers, who gave constructive comments on contents and presentation. Names of the individuals and organisations in each country are listed in Appendix 1 and 2. Very special mention must be made of Monique Calon, who was the regional WID Advisor at the Royal Netherlands Embassy in Lusaka, Zambia, during this process and was our partner in nurturing the programme from conception to maturity. Margaret Samuriwo who was instrumental in the conceptualisation of the programme is also acknowledged. To my other colleagues, the staff of WIDSAA listed in the frontpiece, who worked so hard in the early stages of production of these profiles, and the people in the other SARDC departments — R. Salimu, M. Sachikonye and their staff — who assisted in so many ways, goes the satisfaction of a job well done. Thanks to all of them, and to the SARDC Executive Director, Phyllis Johnson, who supported the process throughout, and to the Director of SARDC's environment resource centre, Munyaradzi Chenje, who shared his experience of the process of developing information tools for the SADC region. Most of all, recognition goes to the Women and Law in Southern Africa (WLSA), national partner for Swaziland, and to the Royal Netherlands Government Directorate of International Cooperation (DGIS) without whose financial support this mammoth task would not have been accomplished. All others who were involved with the process in any way, at any time, are gratefully acknowledged.

Bookie Monica Kethusegile, Head of Programme
SARDC-WIDSAA, Harare

We would like to acknowledge the Southern African Research And Documentation Centre (SARDC) for assisting in this research and Profile. It comes at a time when the situation of women in Swaziland needs to be documented in order for government and NGOs to identify appropriate steps which need to be taken in improving the status of women. A one-day seminar was held to introduce the study and the terms of reference for the profile. We would like to acknowledge the contributions of Makhosazana Mabuza, Phindi Riba, Lineo Vilakati, Sanele Nxumalo, Gladys Matsebula, Nonhlanhla Dlamini, Lindiwe Tsabedze, Nomaxhule Maphalala, Ellinah Wamukoya and all those who participated in the seminar.

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Zakhe Hlanze and Lolo Mkhabela, Authors

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SWAZILAND DEVELOPMENT INDICATORS

Official Name	Kingdom of Swaziland
Capital City	Mbabane
Independence Date	6 September 1968
Head of State	King Mswati III
Prime Minister	Dr. Barnabas Sibusiso Dlamini
Political System	Absolute Monarchy
Legislature	Parliament
Languages	SiSwati and English
Land Area	17,364 sq km

POPULATION (1995)

Total (estimate)		900 000
women	477 000	
men	423 000	
Estimate by the Year 2000		1.4 million
Annual Growth Rate		2.5%
Doubling Date at Current Rate		2020
Urban population % of total		31%
annual growth rate		4.7%

HEALTH (1995)

Life expectancy at birth		58.8 years
women	61.1	
men	56.5	
Crude Death Rate*		10.0
Crude Birth Rate**		37.8
Total Fertility Rate***		4.7
Infant Mortality rate		68/1000 live births
Maternal Mortality rate		110/100,000 live births*
Population with Access to Health Services to Safe Water		40%

EDUCATION (1995)

Adult Literacy Rate		76.7%
women	75.6%	
men	78.0%	
Primary, Secondary and Tertiary Enrolment Ratio (combined)		
women	70.0%	
men	74.0%	

ECONOMY (1995)

Gross National Product (GNP)	US\$1,1 billion
GNP per capita	US\$1,170
GNP annual growth rate	4.2%
Gross Domestic Product (GDP)	US\$2,821
Average annual rate of inflation	7.1%
Foreign Debt	US\$0.3 billion
Currency = Lilangeni, exchange	US\$1 = 6.78 Emalangeni (August 1998)

*Crude Death Rate: Annual number of death per 1,000 population.

**Crude Birth Rate: Annual number of births per 1,000 population.

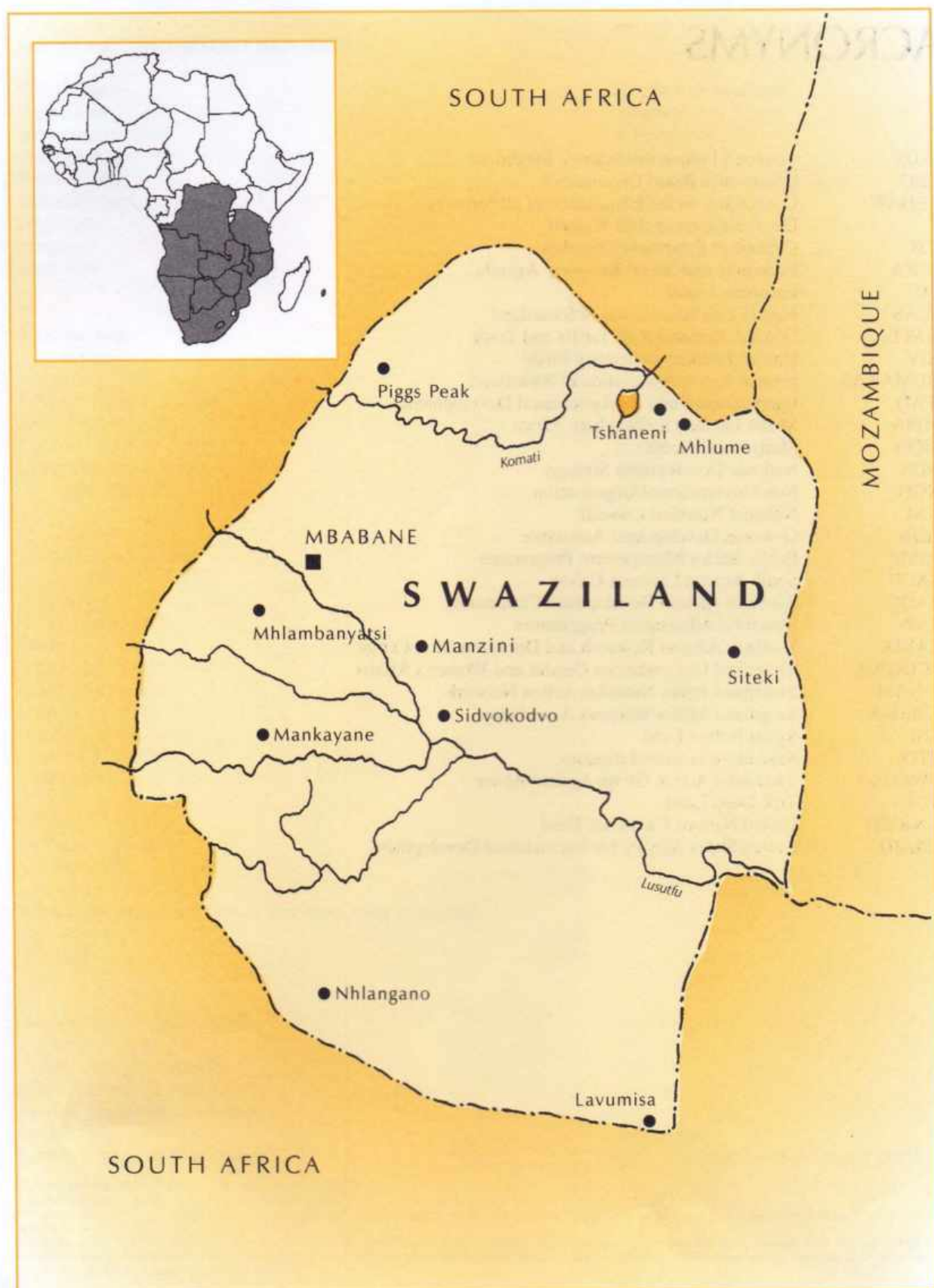
*** Total Fertility Rate: The number of children that would be born to a woman if she were to live to the end of her child-bearing years and bear children at each age in accordance with prevailing age-specific fertility rates.

SOURCES: UNDP Human Development Report, OUP, New York and Oxford, 1998; the World Bank Development Indicators, CD-ROM, February 1997 and the WIDSAA Information Briefs, SARDIC. Figures given here are taken from current international sources, often estimates, and may differ from national data contained in the text and tables. Most figures given are for 1994 except where indicated.

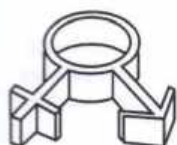
ACRONYMS

AIDS	Acquired Immuno-deficiency Syndrome
CBO	Community Based Organisation
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CSC	Council of Swaziland Churches
ESRA	Economic and Social Recovery Agenda
EU	European Union
FLAS	Family Life Association of Swaziland
GATT	General Agreement on Tariffs and Trade
HIV	Human Immuno-deficiency Virus
HUMARAS	Human Rights Association of Swaziland
IFAD	International Fund for Agricultural Development
MISA	Media Institute for Southern Africa
MOH	Ministry of Health
NDS	National Development Strategy
NGO	Non-Governmental Organisation
NNC	National Nutrition Council
ODA	Overseas Development Assistance
PSMP	Public Sector Management Programme
SACU	South African Customs Union
SADC	Southern African Development Community
SAPs	Structural Adjustment Programmes
SARDC	Southern African Research and Documentation Centre
SCOGWA	Swaziland Committee on Gender and Women's Affairs
SINAM	Swaziland Infant Nutrition Action Network
SMEWA	Swaziland Media Women's Association
SNL	Swazi Nation Land
STDs	Sexually-transmitted diseases
SWAGAA	Swaziland Action Group Against Abuse
TDL	Title Deed Land
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development





INTRODUCTION



Swaziland, like many other countries in Africa, is a patriarchal society where power is vested in men.

"Patriarchy in its wider definition means the institutionalisation of male dominance over women and children in the family and the extension of male dominance over women in society in general."³

Patriarchy as a framework will help us understand the gendered relations of power (in our society) that are played out in Swazi society where women are deprived of all the power to own property, to take decisions and access and control resources.⁴

Men hold power in all areas of life and women have very limited power. The king of Swaziland has executive powers and is in charge of the country. Some of his powers are delegated to chiefs who are all males. Women can only act as chiefs on behalf of their sons. Although the king is said to rule hand-in-hand with the *Indlovukati* (his mother, or senior wife) their powers are limited and not visible on a day-to-day basis.

In social, economic and political spheres, men dominate and women are either not there or, occasionally are there in insignificant numbers. There is a clear division between the domestic and the public domain. Women dominate numerically in the domestic domain which is accorded low status. The public domain is for men where the most important issues which relate to the way the country is run are discussed.

Through the process of socialisation, the girl child is taught to acquiesce to male authority and gender roles are rigidly maintained. Girls assist their mothers in the domestic sphere while boys are allowed into the public sphere.

Although programmes and policies have been initiated to help improve the status of women, in most cases they have not been very successful. Development projects have done little to improve the status of women and in many instances, particularly in the rural areas, have increased their workload. Most of the income-generating activities are low income and lack well developed markets.

Women still lag behind in education. Although the government is committed to the goal of education for all, there are still strong cultural practices which force the girl child to drop out. Concentration on the needs of the girl child are often met with criticism from men because they claim that all the children should receive the same attention.

However, the scales are still tipped in favour of the boy child and before they are balanced there can be no equality in the system. For example, when a girl becomes pregnant she is expelled from school which ends her educational future, but the boy who is responsible for impregnating her is allowed to continue with his education.

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Government is putting a lot of effort into improving the health status of the Swazi nation. There is a stated goal of health for all by the year 2000, by which time the government of Swaziland is considering the nation's physical well-being free from disease. However, women still die in from diseases related to poverty and malnutrition.

Purpose of the Profile

The purpose of the Swaziland Profile is to generate data on gender issues. This information can later be used for lobbying and advocacy and will also be used by governments, NGOs, CBOs, donor agencies and other stakeholders in the developmental process.

The profile could not have come at a more relevant time for women in Swaziland. Major economic and political initiatives are being pursued and these have a bearing on the lives of the populace. These include writing of the constitution and codification of customary law. For women in Swaziland, this is the long-awaited dawn. As the initiatives take form, it is even more urgent that women place the issues that affect them squarely on the public agenda. Women must ensure that the next millennium finds them in a position where they can claim to be significant and equal partners of men in the Swazi community.

Methodology

The profile used a number of sources:

- ◆ Desk research - review of literature;
- ◆ Workshop; and
- ◆ Interviews with key informants.

Secondary data sources

A number of studies, reports and articles were reviewed by the consultants in an effort to provide information that is both comprehensive and within the period from 1980 to the present.

One-day seminar

A seminar with some 20 people was held prior to starting the collection of data. This seminar served to notify stakeholders about the study and also discussed the sub-topics so that a clear understanding of the various issues was established. Stakeholders were identified from existing women's associations and groupings in the country.

Because of financial constraints the workshop could only afford to host a minimum number of these NGOs. As a means to further notify our stakeholders, letters were distributed to other members informing them of this study and inviting their comments and input.

Interviews with key informants

Whenever possible key informants in specialized areas were approached and information exchange took place. Although we acknowledge that it would have been desirable to conduct field surveys to substantiate our position, this activity would have been impossible within the time and budget allocated for this exercise. Gender issues need to be thoroughly investigated and disaggregation ensured.

Vision

At a women's meeting held at Simunye in 1996 a vision for the year 2020 and beyond was drawn up in the Gender and Women's Position Paper:

"Swaziland will be a nation where all persons will be considered and accepted as equal citizens in all spheres including legal, social, economic, environmental, cultural and political, so that both females and males can better their lives; a society where women and men will live equally; respect and value each other's roles, rights, values, responsibilities and contributions, free of all forms of gender violence; and have equal opportunities, access and benefit from all resources, taking into consideration the needs of special groups; a society that will have in-built mechanisms to address inequalities and gender disparities as they arise; where social justice and human rights, including women's rights will be respected and safeguarded."

COUNTRY PROFILE

History

Swaziland is a small kingdom in southern Africa which gained independence from Britain in 1968 under King Sobhuza II who died in 1982. Between 1875 and the beginning of World War I white settlers -- mostly Afrikaners and British -- started colonising the country. The Boers from Transvaal were interested in Swazi pastures and the British wanted the gold, tin and other minerals. The British never really came as protectors of Swazi interests from the Boers, as some history books suggest, but rather as prospectors of the abundant minerals. Only after the Anglo-Boer War, which ended in 1902, did the British begin treating Swaziland as a protectorate with the same status as Bechuanaland (Botswana) and Basutoland (Lesotho).

The settler process started in the 1880's when productive land was converted into big farms by colonizers while Swazis were pushed onto marginal unproductive land. By the late 1890s taxes were introduced to force able-bodied men in the mines to pay their taxes, although many Swazis still occupied productive land. It was only after the 1907 Partition Proclamation that all the Swazis were forced to move to what were called native lands or live as tenants on what became white lands and work as labourers. The high commissioner at the time wrote: "I want many of the Swazi...to stay on the farmers' land and work for them the way they do in the Transvaal."⁵ Swazis who refused to stay in settler farms were forcefully moved to the marginal lands.

Since 1986 the monarch has been King Mswati III who has continued ruling in much the same way as his father. He is an absolute monarch with all ruling powers vested in him. Although there is the Queen Mother ruling side-by-side with King Mswati, her powers are limited as long as he remains alive. Her powers are usually only recognised after the death of the king which is when she takes over administrative powers.

The population of Swaziland is estimated at close to one million people, 53 percent of whom are female and 47 percent male. However, the 53 percent are the most disadvantaged socially, economically and politically. The reason for this is patriarchy, which accords women a low status and excludes them from all significant areas of life.

A dualistic legislative arrangement exists in Swaziland with a traditional absolute monarchy operating with a modern Westminster type of government. At the top of this arrangement is the King who rules together with the Queen Mother (*Indlovukazi*). The King holds land in trust for the Swazi nation, especially Swazi Nation Land (SNL). Power-sharing between the King and Queen Mother is not clearly defined except that she only assumes full powers when the king dies. Authority to allocate land is conferred upon the chiefs who hold delegated power on appointment by the king. Only men can become chiefs.

Alongside this traditional authority is the legislature, executive (cabinet) and judiciary. These are dominated by men. There is very little female representation in most areas of government.

While the two systems may seem separate, they are, in fact, symbiotic with one feeding into another and ultimate power remaining with the monarchy. For instance, the appointment of the prime minister is always the exclusive prerogative of the king.

The kingdom of Swaziland, since independence in 1968, has tried various ways to improve the economic and social sectors of the country. Great strides in education, health and other social services have been achieved. Improvements have also been seen in the country's infrastructure and transportation systems.

However, most of these developments have empowered males with women left behind developmentally and their efforts unrecognised simply because they are women.

Gender And Development

Swaziland is still trying to address the issue of gender, but the road is slow because the country is just beginning to address equality in development and decision-making. Intensive lobbying by women and NGOs is trying to convince the government, both men and a few women, to assist in recognising gender imbalances and finding ways and means to address them. Swaziland has not yet signed or ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Once this has been done it may mark the beginning of a better future for women in terms of power-sharing.

The study assumes that at the core of Swazi gender problems, like most African countries, is the patriarchal system.

Macro-economic Structure

The land tenure system is usually defined by economists as the economic, legal and political arrangements regarding the ownership and management of agricultural land. For the purposes of this Profile, it will also include non-agricultural land.

There are basically two forms of land tenure in Swaziland: the traditional system of communal property rights on SNL and the individual or freehold on private land called Title Deed Land (TDL). There is also another form of tenure known as Crown Land.

Swazi Nation Land (SNL)

The SNL ownership is vested in the Ngwenyama (the king as head of state) who holds it in trust for the Swazi nation.⁶ There is no individual ownership. SNL is divided into small chiefdoms which have been delegated authority to allocate land to individuals for cultivation, residence and communal grazing. The chiefs may also evict those who fail to conform to set community laws and social obligations. This land is only accessible to men.

Due to the commercialisation of agriculture, chiefs may also set aside communal land for this purpose and it can be found in different parts of the country. Most chiefs who allocate land for commerce are considered progressive. There are some irrigation schemes on SNL which are funded by

*Swaziland has
not yet signed or
ratified(CEDAW)*

Existing Swazi Nation Land and Title Deed Holdings		Table 1
Category	Km ²	Percent
Swazi Nation Land Acquired before 1968		
i. controlled by Chiefs	8608	49.6%
ii. controlled by Tibiyo	78	0.5%
iii. controlled by National Trust Comm	4	0.0%
iv. eased to companies or individuals	142	0.8%
v. controlled by Ministry	20	0.1%
Subtotal		51.0%
Swazi Nation Land Purchased Since 1968		
vi. controlled by Chiefs	1014	5.8%
vii. controlled by Tibiyo	417	2.4%
viii. controlled by National Trust Comm	456	2.6%
ix. leased to companies or individuals	981	5.7%
ix. controlled by Ministry of Agriculture, in use	814	4.7%
x. controlled by Ministry of Agriculture, in reserve	339	2.0%
Subtotal		23.2%
Title Deed Land, rural areas	4326	24.9%
Title Deed Land, urban areas	125	0.7%
Dams	41	0.2%
Total	17366	100%

Source: Remmelzwaal, A: Land Use Planning for the Rational Utilization of Land and Water Resources, MOAC/TAO, December 1994.

the International Fund for Agricultural Development (IFAD). It is only in such schemes that women are allocated land in their own right.

Title Deed Land (TDL)

In the freehold system there is individual ownership, characterised by small to medium sized plots in the urban areas and large farms, averaging 800 hectares in rural areas. Anyone who is a Swazi national and has a registered company is allowed to purchase this kind of land whose use ranges from residential, business and commercial farming. On medium to large farms, cash-cropping includes sugar cane, cotton, citrus fruits and cattle production. Title to TDL owned by the King is held in his personal capacity.

Crown land

This land belongs to the monarchy. In the urban areas it can be sub-divided and sold to individuals at a reasonable price. Some Crown land is normally not surveyed but is allocated to individuals on a temporary basis to build housing structures, some of which have existed for years in "temporary" form and those who have been settled feel they own the plots. There is a World Bank development programme to upgrade the houses and infrastructure which might deprive those with no money access to their land by giving title to those who have money to purchase the developed plots.

Crown land is also found in the rural areas, mainly occupied by families displaced by government development projects. The same rules also apply which prohibit building permanent structures. In one farm for example, where families had to give way to a government cattle ranch at Lavumisa, they were instructed not to build permanent houses and not to plant trees, although many had been there for more than 10 years and some more than 20 years.

Economy

Swaziland's economy is dominated by a large well-developed foreign-owned private sector. The small and middle range business sector is also largely in the hands of foreign investors, with the small and informal sector remaining in the hands of indigenous people.

Agriculture continues to be the major sectoral activity in the country's economy. In 1987 manufacturing was the leading activity but this trend has declined as industries relocate in South Africa. The political and economic changes in South Africa and to a lesser degree, other countries in the region have eroded Swaziland's comparative advantage in attracting private investment. Services also make up for a large proportion of the GDP.

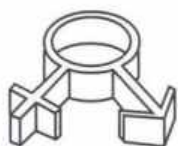
Imports and exports are almost equal in terms of expenditure and revenue. South Africa remains Swaziland's trading major partner. The Common Monetary Area is still in force and the Lilangeni is at par with the Rand. The Southern African Customs Union (SACU) has been the major revenue source for Swaziland and any change or adjustment would affect the Swazi economy negatively. The European Union (EU) is also an importer of Swazi products.

In 1991-92 real growth began to slacken because sanctions against South Africa were being lifted and some industries began relocating. The global recession also meant that there was a reduced demand for Swazi exports in external markets. In addition, the same period saw one of the severest droughts in the history of southern Africa which meant that Swaziland had to import agricultural products.

During the same period Swaziland began to experience slow growth and the strong economic position of the 1987-91 period has been eroded to a point where the budget is in deficit.

PART I

SITUATION ANALYSIS



ECONOMY Means of production

Land is the major means of production because, as an agricultural economy, Swaziland needs to produce its own food. However, it is difficult, almost impossible, for women to access this resource in their own right in the different tenures outlined above.

The customary land tenure system on SNL is based on the concept of *kukhonta* whereby subjects are given use of land by a chief and they in turn pay allegiance through certain obligations. A woman cannot obtain *khonta* in her own right without a man, either a husband or son, and in turn a man cannot get *khonta* without a wife. However the gender disparity is that a man will almost always have a wife, whereas a woman sometimes does not have a husband or may, if married, sometimes only have daughters, making her ineligible.

On title deed land a woman may acquire land through purchase or inheritance. However, it is not possible for women to register title because according to the Deeds Registry Act women married by civil rites in community of property cannot register title in their own names because such a marriage takes away her contractual capacity. Only single women and women married out of community of property can register title and own such land. The reality is that only a few women, less than 20 percent, are married out of community of property. In addition, many of these are not fully conversant with the procedures.

The vast majority of women do not have the economic means to pur-

chase land and build themselves houses. This is because of their lack of access to credit either because the woman has no legal standing and no contractual capacity or because of lack of collateral. Any Swazi citizen should be in a position to access land in their own right. The laws need to be revised in Swaziland to remove the discrimination and ensure equal access to resources for all citizens.

Between 1987 and 1991, economic conditions in Swaziland were favourable because sanctions against apartheid South Africa were stiff. This resulted in an increase in foreign investment and GDP grew by 7.2 percent over the period, well above the 3.4 percent population growth rate. Balance of payments remained strong and reserves were high. However unemployment increased due to increasing mechanization, especially in agriculture.

Employment

Formal employment has been a long-time preserve of men. During the colonial period men were forced into employment and when the mines opened in South Africa, men left their homes to go and work in the mines. The women left behind lived on the remittances and became *de facto* heads of family where they acquired some minor decision-making powers, normally the preserve of men. However, some men failed to make their remittances and families disintegrated. Some of these abandoned women went to the urban areas to look for employment. The women were burdened with the responsibility of taking care of their families' cash needs.

Steadily, as their burdens increased, more women moved to the urban

*Formal employment
has been a long-time
preserve of men.*

areas. However, they met with severe discrimination in the men's world such as being paid lower wages and being limited to sectors which always paid low wages.

Women constitute about 30 percent of the formal employment sector. Between 1986 and 1991 formal employment grew at the rate of 3.5 percent annually while unemployment averaged 10 percent. As a result, joblessness increased from 26,000 according to the 1986 Census to about 40,000 in 1991.⁷

Education plays a major role in formal employment. Illiteracy is higher among women, meaning that most women are unemployed. The level of education of the unemployed in urban areas is much higher than the rural unemployed. However, disaggregated information shows that a higher proportion of women with higher levels of education are found to be unemployed compared with their male counterparts.

The survey data however does not give an indication of the level of underemployment since the total number of unemployed (186,000) includes part-time and temporary employees. Employment numbers show the extent to which households are dependent on cash income generated by employment. Even poor households in rural areas are able to complement farming with income derived from employment.

Formal employment is governed by the Employment Act and allows no discrimination on the basis of gender:

"No employer shall in any contract of employment between himself and an employee discriminate against any person or between employees on grounds of race, colour, marital status, sex, national origin, tribal or clan extraction, political affiliation or social status."

However, women are not as protected and there are clear cases of discrimination on the basis of sex and marital status. For example, women are prohibited from working underground and job advertisements which clearly state that the incumbent should be male, are common.

Although the Employment Act also provides for equal pay for equal work, this is not always true. Women are sometimes given lower pay for the same work. Also, most of the jobs where the majority of women are found are in such low-paying sectors as crop production, manufacturing, garment-making, secretarial services, teaching, nursing and the clerical services.

Another issue of concern under the Employment Act is provision for maternity leave for female employees. Section 103 clearly states that maternity leave should not be less than 12 weeks, but most companies do not adhere to this provision because in the same act, section 107 provides that there is no obligation on the part of the employer to pay for the leave so what is offered is unpaid. Most women cannot afford the unpaid maternity leave, instead they must work until labour pains start and resume work as soon as they deliver, some less than a week after the infant's birth. As a result, maternal health is in grave danger. For the child, exclusive breast feeding is denied and in many cases infants contract diseases and die or their growth is stunted.

Recently, many migrant workers have been retrenched from the South African mines and other places of employment. This has not only affected the rural economy but family relations as well. Women's relation to land and the decision-making powers they had assumed in the absence of their husbands has marginalised them even further now that their husbands have returned.

*Most women
cannot afford the unpaid
maternity leave...*

Female-headed households are especially hard hit. Women are forced to take care of their families single-handedly. The increase of households headed by women could be a result of men abdicating their responsibilities of maintaining children which is a problem in the country.⁸

The fact that in Swaziland there are no unemployment benefits and social security services, most older and younger women are forced to move to other sectors to make a living. Some women have tried to start their own businesses and others have moved to the informal sector where they market small produce. In both these sectors women are discriminated against in terms of credit and other support services, and their businesses cannot prosper.

The few women who have ventured into business are to be found in small entrepreneurial areas such as hair salons, restaurant and dress-making activities. Their businesses operate under the constraints of low expertise and weak managerial skills. The attitude of financial institutions towards small female-owned businesses frustrates any desire to grow and excel. These attitudes are mainly caused by the fact that women assume a minority status before the law which means that they must have spousal consent before they can enter into any contract including getting loans from the banks. It is the same with customary law where marital power is vested in the husband and the spouse's in-laws.

The common areas in informal employment are fruit and vegetable vending, beer-brewing and hawking. Due to the very low incomes derived from these activities, money earned barely affords the most basic of needs. This is made worse by the fact that these businesses are not viewed as legitimate by the authorities. Women street vendors are continuously harassed by the police and

Women in small business initiatives

Box 2

A group of women who have become the answer to unemployed women's problems in Simunye, have dispelled the myth that if a group of women meet, all they do is gossip.

The Siyimphendvulo Women's Organisation which is based at the Lusoti Social Centre have proved that when a group of women put their minds to something, they all go out to achieve their goal.

The organisation started two years ago with a group of five women, now 10, despite the fact that a few women left because their husbands wanted them to sew at home.

The organisation has clinched yearly contracts with the Lusoti and Ngomane High Schools to provide school uniforms. They also made protective clothing for a harvesting company last year, a deal that saw them sewing over 1,600 uniforms.

The women, who are part of the Social Service's Self-Help project, have also supplied the Simunye Country Club with curtains for chalets.

Mrs Thoko Mabuza, who taught some of the women to sew, explained that after her class finished the one-year course, they decided to form the organisation and seek sewing contracts.

Mrs Mabuza said they encountered a few problems when they started because students would buy uniforms on credit and parents would not pay at the end of the month. They overcame this by insisting students either buy the uniforms cash or they use the lay-by method.

The women enter a one-year course at the Social Centre and join the organisation upon completion, if they wish. Those who join Siyimphendvulo – which works from 9 am until 4 pm – see to their household chores before and after sessions at the Social Centre.

The organisation has become a source of pride and much-needed income for the women.

"January is the best time of the year for us although it is the worst time for parents with school children. While parents are moaning and complaining about money in January, we are laughing all the way to the bank with the money we get from the sales of our wares, one is able to buy furniture for the house," Mrs Mabuza added.

Twini Nxumalo, Snewa Speaks, A Swaziland Media Women Association Newsletter, Volume 1 Number 1, 1997

civic authorities who regard their businesses as illegal.

There is also a large proportion of women who toil in their fields producing food for domestic consumption. They are considered unemployed because there is no take-home pay despite their workload.

Workload

In general, the multiple roles of Swazi women directly translate into

Gross Domestic Product by Sector, 1989/90-1994/95

Table 2

	GDP At Factor Cost in 1985 Prices [E Mi]						Average Share of GDP	Average Annual Growth
	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95		
Agriculture	144.8	138.6	149.2	116.6	109.5	121.3	11.6%	-3.5%
Crop Production on SNL	43.8	41.6	45.4	17.8	28.7	29.3	3.1%	7.7%
Crop Production on ITF	80.0	82.4	83.1	78.0	73.6	81.7	7.1%	0.4%
Other Agriculture	21.0	14.5	20.6	20.7	7.3	10.3	1.4%	-13.3%
Forestry	14.2	14.3	14.5	13.0	14.2	15.6	1.3%	1.8%
Mining	22.6	24.5	15.8	21.2	22.1	24.4	1.9%	1.5%
Manufacturing	331.7	396.9	404.5	415.4	419.3	439.0	35.8%	5.8%
Construction	26.1	25.0	22.9	30.6	37.9	23.4	2.5%	-2.2%
Wholesale, Retail, Hotels and Restaurants	95.8	95.6	94.2	91.3	99.9	106.7	8.7%	-
Transport and Communications	54.9	57.9	68.5	76.2	83.6	86.7	6.4%	-
Banking, Insurance, Real Estate etc.	67.5	76.9	73.3	76.6	80.4	84.2	6.8%	4.5%
Owner – occupied dwellings	30.4	30.0	30.6	30.9	31.1	31.4	2.7%	0.6%
Government Services	164.5	181.3	194.2	205.6	219.8	226.7	17.7%	6.6%
Other**	46.3	48.5	50.1	53.7	56.0	57.8	4.6%	4.6%
Total GDP at Factor Cost	998.8	1089.4	117.8	1131.0	1173.7	1217.2	100.0%	4.0%
Annual GDP Growth Rate								
Indirect Taxes Less Subsidies	203.6	216.0	221.7	227.9	237.4	245.3	n/a	3.8%
Total GDP at Market Prices	1202.4	1305.4	1339.5	1358.9	1411.1	1462.5	n/a	4.0%

SOURCE: Central Statistical Office

Note: * Preliminary

** Imputed bank service charge is weighted and distributed in all the sectors instead of taking it out under the item >order=.

The working day of a market woman

Box 3

For the majority of households in peri-urban communities, informal vending activities by women are an essential source of income, often leaving little time for childcare functions. One woman, for example, selling roasted green mealies during the summer months, described her working day as follows:

- 3 a.m. Wake up to travel to purchase green mealies in bulk
- 8 a.m. Return home, cook mealies and get ready for market
- 9 a.m. Leave for the market
- 10 a.m. Market
- 6 p.m. Arrive back home, cook, eat and sleep

Her children take care of each other and sometimes they come to the market after school to help.

Source: Extract from Swaziland: Poverty Assessment by the Poor, Report on Participatory Poverty Assessment in Swaziland, (draft) February 1997.

heavier workloads than men. Whether or not she holds a full-time job in the formal or informal sector, the role of wife, mother, homemaker, caretaker, comforter and food producer remains the woman's job. Before arriving at work, the home front must have been taken care of and by evening, she is transformed into a cook, mother, nurse with all

sorts of tasks to be performed before sleeping. One cannot over-emphasize the stress these roles exert on the lives of women.

In the rural areas, more and more women have had to take up male-related activities – ie looking after livestock and ploughing the fields – because of the migration of the male members of the family. As a result, more than one third of the rural households are headed by women. The workload is even more onerous because of the lack of services such as potable water and the drudgery of farm work.

For women residing in towns, the task of keeping their families fed and clean forms their major focus, in addition to formal and informal employment, with men playing a minor role in housework before or after hours.

The outbreak of the HIV/AIDS pandemic has worsened the posi-

tion of women who have to care for the sick and the orphans. Because of the high rate of promiscuity among men, the virus affects women who die in large numbers, leaving the children to the care of older women.

Agriculture and Food Security

The agricultural sector plays a vital role in the Swazi economy and forms the second largest sector in the GDP after manufacturing (Table 2). A significant proportion of agricultural output is also used in manufacturing.

Agricultural activity is divided along the two types of land tenure. On TDL, crops grown are mainly sugar cane, cotton and citrus and are export-oriented. On SNL crops are mainly cotton for manufacturing and maize for domestic consumption and commercial purposes.

Crop production on SNL is mainly carried out by women because it is culturally female work and also because of a shortage of young males who are away working in the mines and other areas of employment. SNL yields continue to decline because of low investment, low productivity and unfavourable climate. This negatively influences nutrition levels of the communities who cannot supplement their crops with food purchases. Food self-sufficiency in terms of maize production is unattainable.

Concluding that food self-sufficiency was unattainable, government had to shift its policy to food security. Food security attempts to include food availability, access and nutrition.

Prostitution and Sex Workers

There is no denying that prostitution exists in Swaziland. However, it is perceived as the exclusive domain of women. Prostitution is more prevalent in urban than rural areas due to numbers of clients and higher incomes in towns and cities.

Total Donor Recorded Annual Disbursements

Table 3

TYPE OF FLOW	1988	1992	1993	% CHANGE
Grants	77096	158138	184192	+139%
Loans	44723	32566	21397	-52%
Gross Disbursements	121819	190704	205589	-68%

SOURCE: UNDP Development Co-operation Report 1992-1993

Sectoral Distribution of ODA

Table 4

Donor recorded expenditures 1991-93 (E=000)							
Sector	1991	%	1992	%	1993	%	Change
Economic management	3883	2	1808	1	1315	1	- 66
Development admin	9214	5	7520	4	6060	3	- 34
Natural resources	1352	0	3256	2	4857	2	+ 214
Human resources dev.	543593	13	1231	16	29648	14	- 45
Agric forestry fish	33510	19	35915	19	38512	19	+ 14
Area development	5829	3	4524	2	4134	2	- 29
Industry	3721	2	5838	3	9123	4	+ 145
Energy	3808	2	725	0	1177	1	- 69
Trade	3186	2	1198	1	435	0	- 86
Transport	7232	4	38455	20	28588	14	+ 295
Communications	16139	9	716	0	14534	7	- 9
Social Development	7187	4	6118	3	6390	3	- 11
Health	14394	8	14669	8	14179	7	- 1
Humanitarian aid Relief	10609	6	38732	20	46627	23	+ 17
TOTAL	174434		190708		205596*		+ 17

*Donor disbursements increased by 21.3 percent in US\$ terms and 60 percent in Lilangeni terms between 1988-93 (Development Plan 1996/97 - 1997/98). The figures illustrated in the above table are likely to reflect an under-estimated contribution because some assistance from some donors has not been included.

Source: UNDP Development Report 1992-1993.

Clients are both foreigners and Swazis with money.

Societal perceptions are that prostitution is degrading, immoral and associated with the urban woman. The state has always viewed it as an illegal activity to be controlled at all costs, if not eliminated altogether. In the past unescorted women out at night would be arrested for loitering but this attitude has changed and police harassment has been reduced.

Because of its nature and legal position, it is difficult to find out the extent of prostitution and the incomes it derives. It has also become difficult to distinguish prostitutes from those who are not. During apartheid, cross-border

It is hoped that small business, where the majority of women entrepreneurs are located, will improve.

prostitution was a common phenomenon where white South African weekend tourists included a proportion of men whose main interest was to have sex with local women. Much of this ended with South Africa's repeal of the Immorality Act.

Prostitution has become somewhat sophisticated and organised, so that it is no longer common to see sex-workers hanging around the streets waiting to be picked up.

The issue of boy sex workers has not been examined although homosexuality and abuse of boys has been the subject of media attention.

Aid and Relief

Aid can be classified as grants and soft loans channelled through the Ministry of Economic Planning and Development. Table 3 outlines the type, source and sectoral allocation of external assistance to Swaziland.

On the whole, the 1993 ODA disbursements reflect approximately 5.7 percent of GDP and 19 percent of government's total expenditure.⁹ A great proportion of the ODA recorded is not always available to government for development programs as this aid is disbursed directly to NGOs.

In general, there has been a shift in the sources of ODA as the traditional donor priority is now Eastern Europe and South Africa. A great reduction in activities has been experienced in USAID programmes resulting in their Swaziland operations closing. The same holds true of assistance from the United Kingdom and Germany. Humanitarian aid and emergency relief grew significantly in 1993, due to food aid following the 1992 drought. Another reason for this high growth rate in food aid has been the refugee community which ODA has been supporting (Table 4). The refugees were mainly from Mozambique although others came

from Ethiopia, Somalia and Angola. Food aid has subsequently been reduced with the repatriation of the Mozambicans in 1995.

Recently, areas that seem to be attracting donor interest are democratisation initiatives such as the Constitutional Review Commission which will lead to the drafting of a new constitution. Protection of the environment is another area of significant support.

Macro Policies

The size of the economy and the government's market-oriented policies leaves Swaziland vulnerable to a number of factors: world growth trends, commodity prices, capital and aid flows. South Africa is also the largest source of investment which adds to economic volatility caused by market shocks and trade policies initiated by Swaziland's big neighbour. The rand-lilangeni link and SACU are critical areas of concern.

Swaziland has taken policy initiatives to reform its economic activities. The new South Africa has said that neighbouring countries such as Swaziland must review their economic situation as quickly as possible to ensure that economic growth occurs. The SACU agreement which links Botswana, Lesotho and Swaziland with South Africa is being renegotiated.

Swaziland's immediate concern is the small business sector. A 44 million-lilangeni loan fund has recently been created to facilitate access by small entrepreneurs. It is hoped that small business, where the majority of women entrepreneurs are located, will improve.

Other policy initiatives are the Economic and Social Recovery Agenda (ESRA), the Public Sector Management Programme (PSMP) and the National Development Strategy (NDS). The main objective of ESRA is to revitalise the

economy and improve the social sectors in the country. PSMP focuses on reviewing the performance of the public sector in view of the high cost of its maintenance. The large size of the public service has become a high priority of the NDS and the possibility of undertaking internally-driven SAPs cannot be ruled out. NDS aims at producing a 25-year plan whose formulation will affect broad-based participation in the development process.

Although it is too early to predict the impact of these initiatives, it is feared that many lower level civil servants may be retrenched, where the majority of women are employed. The implications will be felt most severely at the household level.

POLITICS AND POWER

Law and Legal Reform

Swaziland, like most countries with a colonial past, is governed by a plurality of laws. There is common law, based on Roman-Dutch law administered by magistrates and higher courts. There is also Swazi customary law which, although unwritten, is provided for in the Swazi Courts Act and is enforced. People's living practices which operate through a semi-autonomous social field, sometimes outside the formal legal structures but with the capacity to formulate rules and regulations and to ensure compliance from its members.¹⁰

Swaziland does not have a constitution because the 1968 independence constitution was repealed in 1973 and a decree promulgated giving the king authority to issue decrees that carry the force of law. The king rules according to unwritten Swazi Law and Custom (there is an ongoing exercise to record these laws and customs) in conjunction with an elected Parliament, a structure of published law (Roman Dutch Common Law and Statutes) and an independent judiciary. Political power rests

Legal barriers derail promotion of social justice and equity

Box 4

Contrary to global trends and universal pronouncements, women in Swaziland continue to remain legal minors.

This inferior status has pervasive impact, on women's access to family and community resources, such as land, and inhibits their capacity to enter business contracts. This legal inequality also affects women's standing in marriage and access to children. The legal barriers to women's majority status as adults and to their economic and social advancement have serious medical and demographic consequences.

According to Christine Oppong, the International Labour Organisation (ILO) Advisor on Gender, Population and Development issues in Swaziland, women depend for crucial elements of their livelihoods on sexual relationships (including marriage) and kinship ties.

"Such legal, sexual and economic dependency constitutes a potential threat to reproductive health - affecting reproductive rights and choices, and forms a potentially powerful pressure for continuing high fertility," Oppong says.

Source: Barbara Lopi, SARDC, May 1997

largely with the king and his circle of traditional advisors. In May 1996, the King formally announced the establishment of a constitutional review commission to draft a new constitution. There are 31 members and only four are women.

Discontent has been widely expressed over the makeup of the commission which does not represent any civic formations. Some political groups have been demanding that the commission be suspended so they can nominate their own representatives. Another area of controversy concerns the terms of reference which require submissions to be made individually and not as representatives of the various social, political and civic formations which are recognized in the country. The commission was to complete its work in two years but is encountering serious problems and three of its members have already resigned.

In light of the constitutional reform, various NGOs, particularly the Council of Swaziland Churches (CSC) have held workshops to inform women on what a constitution is, how it would affect them and what are the pertinent issues

Swazi law and custom puts women at disadvantage

Box 5

Swazi law and custom has been severely criticised by women for placing them in a disadvantageous position because they were not consulted about it from the initial stages.

This criticism was made recently during the launching of a report on inheritance in Swaziland held at the Malkerns Research Station.

In the forefront of the criticism was director of Women Resources Centre, Iris Dlamini.

"Customary law seriously places women at a disadvantage. It was not created in consultation with women. Its custodians are chiefs and other traditional leaders who are mainly men.

"Customary law dictates mainly to women what they should do, how they should conduct themselves in relation to their marriage and that they never own anything," she stated.

She said the issue of maintenance and inheritance, the common approach in both instances begins with blaming the woman for having fallen pregnant and in the case of death of the husband, the wife's innocence is uncertain.

She said a wife is suspected of having illicit affairs that may have had to do with the death. And where the relationship was believed to be smooth between the two, then the wife is suspected of having put "love potions" in her husband's food which eventually caused diseases, or the wife wanted him dead so that she could inherit the state.

Source: Nkhluleko Dhlamini, Swazi News, December 12, 1995

that should underpin constitutional reform.

Swazi customary law is not codified and there are different interpretations between one place and another. The question of whose customary law is paramount becomes difficult since customary law is dynamic and changes with all the social, economic and political movements that are taking place.

There are several family laws in Swaziland which contribute to the discrimination and marginalisation of women. Most of the legal difficulties suffered by women stem from marriage in general and the African concept of marriage in particular.¹¹

Marriage in community of property gives the husband marital power which means he becomes overall administrator of the joint estate. This affects the woman because she

does not have any decision-making powers. There are many instances where men have taken decisions without the consent of their wives.

Another area of the law which presents problems for Swazi women and their children is the area of succession which is governed by the Intestate Succession Act and the Wills Act.¹² According to the Wills Act, women are entitled to make valid wills but few do so, because they do not register property in their own right in the belief that property is owned by men. In the past Swazi men also rarely made wills but this seems to be changing, particularly in urban areas, due to situations where families dispossess women and children of all property after the death of the husband.

The two Acts, however, are more effective for women married by civil rites in community of property because the law clearly stipulates that the joint estate be divided equally between the two spouses. The surviving spouse gets half the estate and the remainder is divided among all legitimate children.

This legislation is protective and non-discriminatory with all children, irrespective of gender, inheriting equally from their parents. However, family members often find ways of avoiding the law especially during the first month of the mourning period. During this period, a widow is confined to her home, barred from public places because she represents bad luck. This is contrary to the requirements of the judicial system which may require her to visit the court and, as a result, decisions may be taken in her absence which may work against her interests. In addition not all women are comfortable instituting legal action against their in-laws because they wish to keep cordial relations with the late husband's family.

The customary law is different. In the majority of cases the concept of

a man indicating to the family during his life-time how he wants his estate to be divided is not recognized. The family council will always meet to decide who the heir is going to be, usually ignoring the deceased's wishes. This usually happens if the wishes of the deceased are contrary to the customary position on who can inherit from the deceased such as when a man makes an oral will where he allocates property to female children.

Succession, according to customary law, is uncompromisingly patrilineal¹³ and a male heir, even if the deceased had no son, will always have to be identified among other family members no matter how distant the relationship. The widow and her female children cannot inherit. However, following wide dissemination of information on inheritance by WLSA, women married by customary rites are now taking their husbands' estates to the Master of the High Court who deals with estates on the basis of common law and statute. If there are, for example, three wives they all receive equal shares and in turn take care of their children.

The duty to maintain children falls on both parents under the Maintenance Act (1970) as well as customary law. Despite the law, however, maintenance remains one of the most serious problems for Swazi women especially those who have children out of wedlock. These problems result from conflict between common law and customary law. On the one hand, the Maintenance Act stipulates that every father has a duty to support his children whether born in or out of wedlock.

On the other hand, under customary law, men are allowed to 'buy' their children from the mother which is one of the major defences used by men who do not want to maintain their children. Buying' a child refers to the transfer of the rights of

custody and guardianship from the maternal grandfather of a child born out of wedlock to the father and/or his family. Such rights are transferred when the father or his family pays one cow for a boy and two for a girl. The children can be bought at any age for the same amount and the maternal grandfather has no right to refuse the transfer. Most mothers opt not to demand maintenance from the fathers for fear of losing their children.¹⁴ This conflict renders the Maintenance Act ineffective and leaves most women with the responsibilities of maintaining their children single-handedly.

There is a serious need to review most of the laws affecting gender in Swaziland as they do not offer much protection to women.

Participation in Decision-making
Women's roles in society have historically been confined to areas which have limited their full participation in all aspects of the development process. As a result very little progress has been realised in women's advancement.¹⁵ Women have always been identified with the private sphere and men with the public, resulting in discrimination. Women are expected and conditioned to uphold the very traditions and cultural life that perpetuates this discrimination. They are at the centre of social and cultural life that revolves around families, the local community and the socialization of children.¹⁶

Few Swazi women occupy political and decision-making positions despite making up 53 percent of the population. The Swaziland government must be made to realise the importance of reducing the disparities that currently exist between women and men in politics and decision-making since it endorsed the Beijing Declaration.

These disparities are largely influenced by the prevailing legal sys-

*There is a serious
need to review most of
the laws affecting gender
in Swaziland...*

Women and Men in Parliament			Table 5
Women in Parliament	Women	Men	Total
Assembly	2	63	65
Senate	6	24	30
TOTAL	8	87	95

Source: Report of a seminar. A strategy for the Implementation of the Beijing Platform for Action within the Constitutional Process in Swaziland, Mbabane, October, 1996.

Women in Local Government as Councillors			Table 6
Town	Women	Men	Total
Manzini	1	12	13
Mbabane	1	15	16
Nhlangano	0	8	8
Piggs Peak	1	6	7
Siteki	0	8	8
Mankayane	0	5	5
Ezulwini	1	4	5
Hlathikhulu	1	4	5
Lavumisa	0	5	5

Source: WLSA, 1997.

Women in Public Sector Decision-making, 1997			Table 7
POSTS	Women	Men	Total
Ministers	0	17	17
Principal Sec	4	14	18
Under Sec	-	-	-
Directors	-	-	-

Source: Government of Swaziland, 1997.

tem where women are perpetually under the guardianship of either father or husband after marriage under both common and customary law. This exists despite the Age of Majority Act (1953) which grants every citizen full legal capacity at 21. A woman who marries after attaining the age of majority reverts to a legal minor with her husband becoming her guardian.

This situation has seriously affected the participation of women in political decision-making which is seen as the preserve of men as heads of families. Women who are heads of households, although enjoying some measure of decision-making

power, still have to consult male family members about major decisions. Some scholars argue that in African societies men are regarded as heads of families, while women are regarded as heads of households, which indicates clearly the gender-biased status of female-headed families.¹⁷

Women are also discouraged from participating in public life because of cultural attitudes and practices -- women in the private sphere and men in the public. This has seriously affected the attitudes of women themselves, who will not present themselves for public life despite their capabilities.

The unequal division of labour and responsibilities within households limits women's potential to find the time and develop the skills required for participation in decision-making. A more equal sharing of responsibilities between women and men would enhance opportunities to shape and design public policy so that women's interests are recognised and addressed.

Policies that reflect and address women's gender-specific concerns are decided by men who make decisions on issues that only women can understand. However, most Swazi women quietly watch their interests being misrepresented because they are outside the political arena.

The participation of women in the legislature has been very low since Independence. During the last elections, only two women were elected as members of the House of Assembly. In the Senate there are six women, two nominated by the House of Assembly and four by the king (Table 5).

At the local government level, few women run for elective office and those who do are never elected. Those who do serve on the local authority are there because they

were appointed by the Minister of Local Government.

This is an unfortunate situation because local government could be the launching pad for national leadership and an indicator of political participation by women. Even at the regional and local levels where women dominate in terms of development, their representation remains pathetically low.

Although women form the majority of voters, they seldom vote for other women because of socialisation that public offices are for men. Because of the sensitisation work done by various women's groups, these attitudes are slowly beginning to change as a few more women are now holding public positions.

Judiciary

Tremendous strides have been made in the training of women lawyers in Swaziland, but the representation of women in the judiciary does not match this progress. Swaziland has never had a female high court judge and there are only two female magistrates out of 14, none of whom is a senior magistrate. In 1996 in the Ministry of Justice, out of 48 senior positions only 15 were female, most falling under the Registration of birth, death and marriage offices. There are no women at the policy level within the director of prosecution's office and there has never been a woman in the position of Attorney General.

Public Service

Women's participation in government service, although still small has increased in recent years. However, women still continue to occupy the lower echelons with very few in decision-making positions (Table 7).

The first and only female minister was appointed in 1988 in a one term office and it was not until 1993 that the first female principal secretary

Board of Directors

Table 8

Institution	Women	Men	Total
Barclays Bank	1	8	9
Central Bank	2	6	8
Post & Telecommunications	1	6	7
Standard Chartered Bank	2	9	11
Swazi Bank	1	9	10
Swaziland Building Society	1	9	10
Swaziland National Provident Fund	1	11	12
Swaziland Railway	1	6	7
Swaziland Royal Insurance Corporation	3	11	14

SOURCE: WLSA, 1997.

Women don't support each other – minister

Box 6

Acting Minister of Broadcasting, Information and Tourism, Senator Arthur Khoza has blamed inadequate presentation of women in parliament to the lack of support by women for each other.

He said women should ask themselves "who votes and for whom?"

"During election time we do not lock our women away. They go to vote and vote us in," he said. Khoza was speaking during an official opening of a three-day workshop on gender issues Wednesday.

The workshop was organised by Swaziland Media Women's Association (SMEWA) and funded by the United Nations Fund for Population Activities (UNPFA).

Khoza said that gender is not exclusively directed at, or descriptive of, women. "For sex refers to the biological differences, which are universal and unchanging, whereas gender is a socio-economic variable to analyse roles, responsibilities, constraints and opportunities of the people involved - both men and women".

He said that sensitization of media personnel should help change people's attitude towards gender sensitisation.

"As people involved in the dissemination of news and information generally, it is part of your duty to portray both sexes equally and not to encourage the discrimination of one sex against the other."

Cynthia Simelane, Swazi News, 16 December 1995

in the ministry of Economic Planning and Development, a non traditional area, was appointed. In 1994 two more women were appointed principal secretaries in the Ministries of Finance and Commerce and Industry. By 1997, there were four female principal secretaries but no women ministers.

Private Sector

The private sector is also dominated by men, with fewer women in

management positions than in the public sector. This situation is due to a lack of technical expertise. Improved education streams could assist women in advancing to senior management positions. Fewer women still, are nominated to Boards of Directors (Table 7).

Voting

Despite the fact that women can, and do vote in parliamentary elections, few are candidates and even fewer are supported at the ballot box by women who form the majority of the voters. Stereotypes that women cannot be in decision-making positions mean women vote for men instead of voting for other women.

SOCIAL STRUCTURES

Swaziland is a society where traditional values are strongly entrenched in the rural areas, while in the urban areas, although practised, there has been some change.

There is no distinct line between the rural, where people migrate from, and the urban, where they migrate to. Most people do not view the urban areas as a home but as a temporary place to make money for their real homes in the rural areas. As a result, they visit the rural areas regularly and when they retire, they return to their real homes.

"Rapid postwar industrialisation and urbanisation have not altered the fact that the principal Swazi social unit remains the homestead. Its structure continues much according to tradition. Men dominate, whether as headmen of a large, multi-unit homestead or as fathers of single (perhaps polygamous) families."¹⁸

Swazi social structures include kinship systems, culture, sexuality, marriage and access to children, religion and the situation of women. Most of these concerns are looked at in relation to traditionalism while the modern sector is seen

as a vehicle for change and an improvement in the situation of women.

Kinship

In most southern African societies, ties of kinship are considered extremely important. These are traced either through blood (consanguinity) or marriage (affinity):

"...these are of fundamental importance to the individual since they have a moral, religious and often jurial, content which cannot be lightly ignored. The social recognition of these linkages provides the individual with major criteria upon which to categorize his fellows and a corresponding set of rules to guide interaction with them."¹⁹

In the case of Swaziland, a patriarchal society, emphasis is placed on patrilineal descent which recognises a fundamental bond for males through blood:

"Blood, and blood relationships, are very important in Swazi society. Blood relationships extend far beyond the biological family (established by marriage) that is the heart of each homestead. The blood group embraces the classificatory kinship system, coursing through both maternal and paternal groups, the largest extension of which is the patrilineal clan. Each of them is commonly named after its original founder (a man and never a woman) or with a praise name. The child inherits the clan name of its father; a woman, upon marriage, retains her clan name."²⁰

In the case of maternal groupings it is also the uncle who is important. A child may be brought up by the mother's kin and the responsibility falls on the child's uncle, the mother's brother:

"...the warmth of the relationship with the mother's brother is well established and there is frequent contact with the mother's kin."²¹

*...women vote for men
instead of voting for
other women.*

However, even with maternal kin, it is males that are important and not females. Even if the females take responsibility, the credit will go to the uncles because they are expected to have taken that responsibility. Emphasis on blood and clan name as determinant factors of belonging, excludes and discriminates against women. Married women, for example, are the only ones who do not have the blood relationship and they have a different clan name. In this way they are outsiders in their marital homes even though they are brought in through marriage.

As outsiders they cannot participate in major talks and most rituals except as providers of food. They cannot access and control resources in their own right. In the ultimate exclusion, they lose control over their own children as they inherit their father's clan name.

Culture

In Swaziland when a boy is born there is jubilation that the lineage shall continue and if that child is the first-born, he is immediately assumed to be the one to build upon, and continue the father's name and is earmarked for inheritance. Even in the naming it is common to find names such as *Vusumuzi* (rebuilder of the home), *Bhekumuzi* (minder of his father's home) and many others.

However, when a girl is born it is as if a foreigner had been born. In a way a girl-child is a foreigner in her natal home because it is expected that she will move away and find another home. For a baby girl there is not much jubilation and, in some cases, parents have expressed this in the naming; it is common to find names such as *Jabhisile* (disappointment).

The only positive thing about a baby girl is that, through lobola (bride price), the father is going to get cattle, a valued asset in Swazi

society and the mother has found a potential helper and friend. For this reason some girls are named *Jabulile* and *Thokozile* which means happiness.

A boy-child is brought up to be accustomed to the public domain and is usually verbally chastised if he likes to be around his mother and the kitchen. He will be asked what kind of a man he is going to become if he stays indoors. Whenever he commits acts like fighting and defeating his peers he is encouraged and praised. He is expected to be adventurous in order to make a place for himself in the public domain in the future. He is socialised to think that crying and showing emotions are for girls. A man never cries.

A girl-child is expected to help her mother in the domestic sphere and is encouraged and taught to participate in household chores so that she can grow up to be a good wife. A good wife in the Swazi culture is one who works hard to feed her in-laws. Any acts of assertive or aggressive behaviour are discouraged and she is told that such actions are for boys. She is socialised to show her emotions and encouraged to cry when she feels like it.

Swazi culture and tradition gives males absolute power of control over the family:

"...male power is embedded in the maintenance of patriarchal social relations and institutions which are underpinned by an ideology which defines the adult male as the ultimate decision maker, controller of material resources and controller/user of women and children's productive and reproductive capacities."²²

Women in Swazi tradition, even in adulthood are considered minors. As minors, women are denied access to resources in their own

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Widow Fights Against Discrimination

Box 7

A widow encountered problems in fulfilling her mourning obligations at her workplace because as a nurse, she could not work in her black garments. Because of the inconvenience of changing twice in the morning the widow decided to come to work dressed in her uniform and only change into mourning garments when she arrived home at the end of the day. This, however, did not solve all her problems because she worked in a clinic where her work entailed addressing community leaders which for a widow is contrary to custom. As a result, she was transferred to a hospital where she was expected to work night duty. She requested a transfer to a Public Health Unit where there is no night duty but was refused. She threatened to resign and eventually was allowed to work day shifts at the hospital.

SOURCE: Extract from WLSA, *Inheritance in Swaziland: Law and Practice*, 1994.

right except through fathers, husband, brothers, sons and other male relatives.

"Women gain access to land on the basis of patronage and the largesse of their husbands, fathers and other patriarchs."²³

What does this say to women who, for any reason, choose not to marry or have children or do not have male children? Is there any choice for them? It is a fact that most of them have married and, in the process, have worsened their situation because the ritual of marriage itself marginalises women. Some women have chosen to have children outside marriage and have managed to get land through their male children. However, this can also cause problems because, as their sons come of age, they deprive their mothers of the land because it belongs to them anyway.

There are a number of cultural practices meant to please men and which are degrading to women. Most of these practices are related to marriage, and they include *kutekwa* and *kwendziswa*, both of which have elements of forced marriage, *inhlanti*, *kungenwa* (inheritance) and *kuzila* (widowhood).

Kutekwa is a traditional system of marriage whereby the woman is smeared with red ochre which is acceptable if the woman is informed prior to the ritual. However, there are numerous cases whereby the women are not informed and it just happens. This ritual clearly indicates that women's right of choice on whom to marry or even if they wish to marry at all is violated. In fact, the custom verifies that women do not have decision-making powers even over matters which affect their lives.

Kwendziswa is another form of forced marriage because it is the father of the girl who chooses a husband, looking for qualities such

as wealth of the potential husband or his family. The father negotiates on behalf of his daughter and if she is accepted she is married off without her opinion being sought. Most girls who are married this way are very young and are still minors, under 16. They are usually married off to older men as second or third wives or to widowers.

Inhlanti which literally means fish, refers to a woman who is taken as a substitute to bear children for a barren aunt or sister. The children which she bears are said to belong to her aunt and she has no rights to them. This is a common practice among the Swazi particularly in situations of barrenness where *lobolo* has been paid. This ensures that the *lobolo* cattle are not returned because barrenness is a reason for their return. This is degrading for both the *inhlanti* and the aunt or sister because to be replaced means a woman is a failure in her reproductive functions. All of this is done for the benefit of the male who is not under pressure if the infertility is his. Even in cases where there is evidence that he is infertile, a secret arrangement with the wife is made so that a brother can conceive children for him. Unlike the case of the substitute woman which is public, the male situation is secret.

Not only does the barren woman lose dignity, but so does the substitute. She is degraded in such a way that *emabolo* is not even paid for her. The children she bears do not belong to her.

Kuzila (mourning rites) dictates that a bereaved woman must wear a black gown for a period of two to three years. Wearing the gown is not so much the problem as the belief that a widow has bad luck and she is prohibited from doing certain things. Her movements are constrained but at the same time she is expected to do everything as a mother and father of the children. She has to assume a certain posture

when walking, she has to be behind everyone else, she should not mix with others, especially men and she should not pass in between cattle. In a WLSA study, widows tell various stories about their mourning. Some had been sacked from their jobs because they were in mourning while others were transferred and made to leave their homes.

After the death of a husband a "ghost marriage" is conducted with a brother of the late husband which is known as levirate *kungenwa*. This is usually decided after a cleansing period when the family council sits and decides who should "marry" the widow who is not consulted in most cases.²⁴

"This is the most extreme expression of the absence of a concept of respect for the personhood of the female in our societies."²⁵

Why do women go through all these degrading rituals? The answer lies in their low status and total lack of negotiating power. For some it is a question of where they will go if they refuse because they cannot access resources in their own right and the patriarchal system has no place for them in their natal homes. One woman who refused to *kungenwa* said:

"I liked my children very much and I did not believe that the *umngeni* would love them. I also reasoned that if I had children with this man there would be problems between my children and our children and I did not want rifts in my family."²⁶

Most women who manage to defy the system successfully are those who have an alternative like a job or neutral place to stay in urban areas.

Men are not required to go through similar rituals and practices. When a man's wife dies, Swazi culture allows his in-laws to give him, as a substitute, a young unmarried girl

who is expected to take care of the children and the husband as well. However, the man has a choice; if he does not want the substitute he says so.

The elderly

Age plays an important part in Swazi society: "The Swazi have great respect for age. Children are taught to honour their elders, for the aged are the repositories of experience and wisdom. It is the old men and women to whom people turn for advice and guidance in times of doubt and difficulty."²⁷

Also, the political system is characterised by age regiments for both men and women. However, the women's regiments are usually not functional except for the young who are expected to participate in the annual reed dance; and also *lut-sango*, which is composed of relatively older women in the rural areas who are expected to work with the Queen Mother. This usually excludes middle-aged women who do not feature as a group in separate annual events.

Great respect is accorded the mother of the head of a homestead. A grandmother's hut, *indlu yakagogo*, known as an ancestral hut, is usually constructed when a homestead is built. It is a communal hut where all the members are free to visit and where they can go and get good luck when there are problems. Even if the biological mother of the homestead head is dead, a symbolic hut is built. Even where a modern house is built, a thatched hut for the grandmother is built as a communal place for important meetings and ceremonies. It is a sacred place.

Although there is a great respect for the mother of the head of the homestead in Swazi society, it reinforces and legitimizes the patriarchal values.

"The importance of the mother in all homestead affairs, as in national

politics, is central. She represents the link between the head-of-homestead and his lineage, which gives him standing."²⁸

As in most areas of life, the ageing process is gendered and affects men and women differently. Male ageing is always perceived as a perpetually-delayed process. Ageing for women is characterised by shame because, as soon as she stops reproduction, she ceases to exist. Even if her husband dies, her sexuality is not feared and she is usually allowed to live with her in-laws because she is no longer a "danger" and her sexuality does not need to be controlled.

"The high moral ground shifts with time, guided by the ticking away of the reproductive clock.... Just as women's sexuality is conflated into their reproductive functions and capacities as young women, as older women, the concept of "good woman" is determined by asexuality. And older women who exhibit a sexuality are publicly called an auntie (someone who pretends to be young) and an older woman who shows "decorum" in her behaviour is addressed as *mbhuya* which means grandmother."²⁹

Sexuality

In order to understand sexuality the issue of gender relations must be observed and closely analysed. In Swaziland women are unable to exert control over their sexuality and the male is given ultimate decision-making power. Boys' sexuality is usually enhanced and they are encouraged to look out for girls in order to form a family of their own. They are encouraged to have as many lovers as possible in order to make a choice of one with whom to settle and raise a family.

"Males are encouraged to experience their sexuality prior to marriage, only with the rider that 'you don't bring me any grandchildren before you are properly married' or,

'just remember to use that condom, we want you around for a long time, we want you to bring us a wife'."³⁰

A young man who has only one lover is often ridiculed while the one who has many lovers is praised. However, a young woman who has more than one lover is condemned and called a prostitute even though there is no money involved. Even where a boy has impregnated a girl, his family usually pays a fine, but there are no sanctions imposed.

Married men, particularly those living under customary law, are also encouraged to find lovers whom they can eventually marry as second and third wives because marriage does not mean control of male sexuality in any way.

"For most males, being in a socially-sanctioned family unit does not make any difference to their freedom to be sexually promiscuous, and marriage does not curb the sexual mobility of most African males."³¹

In Swazi culture, women are expected to suppress their sexuality which is also sanctioned in religious and national ceremonies and rituals. Female sexuality is associated with all sorts of evils. For example, it is taboo for menstruating women to enter cattle pens because it is said that the cows that are in calf would dry up. If a menstruating woman walks over pumpkin leaves there would be no pumpkins. A woman who has just given birth is secluded from men because she is considered unclean.

Widowhood is also associated with evil. A widow is supposed to suppress her sexuality for the entire mourning period. This does not apply to widowed men who are encouraged to find a woman to take care of the children.

Young girls are socialised to suppress their sexuality in many ways.

Any form of sexuality outside marriage is discouraged because sexuality is something to be kept for a husband because it is women's role to bear children and not enjoy sex. This has created a lot of social pressure on young women to get married in order to realise their sexuality.

Young women are taught to keep themselves pure in order to protect their fathers' kraal because through the daughter's virginity a father can get a lot of cattle from *lobolo*. When a girl becomes pregnant before marriage, the male responsible is expected to pay a fine to the girl's father because "he has opened the father's kraal without his permission." This means that the cows that he was going to receive as *emalobolo* will be reduced. By making the girl pregnant, he has not violated the girl but her father.

Young women are also taught to be passive in issues of sexuality. They are taught that a man will come and profess to love her, but under no circumstances is she allowed to propose love to a man. Even in cases where she may initiate a relationship, she must go through a friend or the man's sister and not directly. A woman is *uyatsatfwa* which literally means she is taken. The man is *uyamtsatsa* which means he takes her.

In the case of a married woman she is officially handed over to her husband by her father, along with control of her sexuality which gives him control of her productive and reproductive capacity. She is warned and cautioned that she should be loyal to her husband, especially because of *emalobolo*.

Although marriage is described as an exchange of relationships between two families, a closer analysis of the practice of *kulobola* indicates that it is really the exchange of a woman's productive and reproductive capacity.

"Children are born for men, and even the language speaks to this patriarchal fact, even in matrilineal lineage systems, because the men of the lineage are the final decision-makers."³²

A Swazi woman is often reminded that she was taken for the purpose of producing children. If she wishes to practice family-planning she needs permission from her husband. With growing awareness of HIV/AIDS and STDs and male refusal to use condoms, women have suffered.

"In matters of sexual negotiation, communication between partners is severely limited by their social positions and roles as well by environmental factors thereby restricting the potential of partners, especially women for any negotiation".³³

Because married women surrender their sexuality this often becomes the cause of marital rape. There is a Swazi saying, *yewela make* which literally means 'come over my wife'. This implies that a wife is not consulted about sexual matters nor is any foreplay expected. Even the church emphasises that a good woman is one who obeys her husband.

The relative inability of women to control their sexual lives clearly increases their vulnerability to disease and unwanted pregnancy. However, within cultures, control over sexual activities, reproductive ideologies and notions of appropriate sexual behaviour are dynamic. They change continually in response to education, introduction of new contraceptive techniques, political and policy initiatives and, more recently, the HIV/AIDS epidemic.

However, female culture in Swaziland is relatively frozen. Modern lifestyles, are questioned and labelled 'un-Swazi'. There are

Gender expert calls for legal definitions of marital status

Box 8

In view of the dual marriage laws existing in Swaziland, women need to be educated on the implications of the various contracts to enable them make informed choices without duress.

In her report on Gender and Population Issues in Swaziland, Christine Oppong, ILO advisor on Gender, Population and Development Issues, says women should be educated on the implications of the existing marriage laws and calls for the introduction of a standard legal form of marriage to be used in all instances.

"There is evidence of significant confusion as to the exact nature of customary marriage rites and subsequent confusion as to whether or not individuals are married," the report states.

The report which was prepared for the Ministry of Economic Planning and Development with the support of the UNFPA and ILO for use during the process of designing a National Development Strategy, suggests that as wives, "women should be given equality within the marriage contract and the ability to end the marriage satisfactorily if necessary."

The report also calls for the re-examination of polygamy. "...polygamy is thought to contribute to co-wife rivalry regarding the birth of children. Its implications need to be examined more carefully".

Source: Barbara Lopi, SARDC, May 1997

reprisals against women who perm and relax their hair, wear pants, and mini-skirts. Due to male control over female sexuality, women have to be dressed in unattractive clothing so that they are no danger to men. They have to hide their hair with a headscarf and are not allowed into some public offices such as Parliament and courthouses if their heads are not covered.

Controlling women's sexuality is a national issue. There are ceremonies such as *umhlanga* (reed dance) and *umcwasho* (strings made of wool tied over a girl's head to signify purity) which signify virginity. Girls who are sexually involved or have had children are not allowed to participate in the reed dance irrespective of age. In order for a girl to wear *umcwasho* she must refrain from any form of sexual activity, even courtship. Parents of girls found to be breaking this taboo must pay heavy fines. Men or boys found having any relationship with such girls are fined, as well as their parents. Girls who become pregnant when they are wearing *umcwasho* are ostracised and their parents fined heavily.

Marriage and Access to Children
In Swaziland, under family law, marriage is governed by both customary law and Roman Dutch common law. Neither gives women the same status as men.

Both civil and customary marriages are covered by the Marriage Act of 1964. Civil marriage is monogamous and must be performed by a marriage officer. Boys 18, and girls 16, may marry with parental permission. However, regardless of age, when women marry their majority status ceases and the husband becomes their guardian.

Civil marriage gives husbands marital power and community of property unless a couple decides to exclude both elements through an

ante-nuptial contract, in which case the marriage will be out of community of property and without the husband's marital power. This however, rarely happens. Marital power gives male spouses the automatic right to administer the joint estate including all property a woman may have acquired prior to marriage. It also gives husbands the right to represent their wives in all civil matters.

Customary marriages are potentially polygamous. Because customary law is not written, there are no age restrictions except that the girl has to have reached puberty. Customary marriages are subject to different interpretations and are open to abuse by males.

Female consent is not an issue in customary marriages and many women have been forcibly married. Customary marriages come with vast and wide-ranging marital powers for men. Husbands have the power to control their wives and any property that women acquire of their own industry, as well as the cattle given according to custom.

In Swazi society men are the link between women and land and access for women is, to a large extent, determined by marital status. The rights to land are given to men on the assumption that they head families and will take care of women. Access to land has to be analysed within the context of the pluralistic legal system. On one hand common law regulates who can register land, but on the other, customary law rules how women and men access land.

Marriage is the way a young man obtains independent status. He has formed his own family and will have decision-making powers free from his parents, particularly his father. Marriage also provides him with extra hands because he acquires the bride's productive capacity and her reproductive capa-

bilities her children. Through marriage the children become his.

"Children are born for men, and even the language speaks to this patriarchal fact, even in matrilineal lineage systems because the men of the lineage are the final decision-makers."³⁴

For women, marriage is a way of finding themselves because when they are born they are told that they are transient.

However, what women are not told is the consequences of marriage which includes the loss of their personhood, the children that they bear and that marital power belongs solely to their husbands. For example, a bride is expected to join the groom in marriage and it is her father who gives her to her in-laws. *Emaobolo* are usually paid by the groom and his relatives which signifies she has been transferred along with her productive and reproductive capacities.

She has to work hard to prove her worth and bear children for her new marital home. If she is perceived to be lazy or barren, the *emalobolo* have to be sent back. In order to prevent that, under customary law, the woman's younger sister or paternal niece is given to the husband by the woman's family. Sometimes when the wife dies the woman's parents provide their son-in-law with one of their younger daughters to continue the relationship.

When a husband dies, the in-laws give the widow one of the younger sons to inherit her and continue to bear children for the dead brother. The difference in the two customs is that a widower is given a younger single daughter to be his wife, while a widow is given a son who is already married. His job is simply for procreation and not a permanent relationship.

Because a child born out of wedlock, in both customary and gener-

al law, belongs to the mother's family, the parents must have a civil marriage for the children to take on the father's name. If not, they remain with the mother's family and cannot inherit from the father. They are however, entitled to maintenance from the father until they reach 21. However, a child born out of wedlock can obtain the father's name, even if the parents do not marry. He does this by purchasing the child or children with cattle. These children then belong to their father's family.

Self Image

In all aspects of life women are deprived of their personhood and their self-esteem is low. From birth women are socialised to confine themselves to the private sphere.

The concept of belonging is central to the issue of female self-esteem. A girl-child is said to be transient in her natal family because she is marriage-bound. One young man told researchers in 1995 "*batikhulu eceleni kwemgwaco*", which translated means they are "chiefs by the roadside".³⁵ Girls are in the middle of nowhere in terms of belonging.

"Even though women marry into families, they remain 'foreigners' to those family lineages, at the same time they are unable to access their natal family lineages. What it really means is that the entire ritual is a farce for women because, while their productive and reproductive abilities and capabilities serve to 'cement' two male-headed family systems, they remain trapped in a social space between these two families."³⁶

Women are socialised to believe that their value is dependent on the men around them, their fathers, husbands, brothers and sons. As a result, their own self-esteem is linked to the ability to satisfy their needs and wants and view themselves as inadequate if men

Number of Primary Schools, Pupils and Teachers, 1984-95				Table 9
YEAR	No. of Schools	No. of Pupils	No. of Teachers	
1984	467	134 528	4 039	
1985	466	139 345	4 107	
1986	471	142 206	4 290	
1987	477	147 743	4 462	
1988	481	152 895	4 665	
1989	489	155 410	4 921	
1990	497	166 454	5 083	
1991	514	172 908	5 347	
1992	515	180 285	5 504	
1993	520	186 271	5 696	
1994	521	192 599	5 887	
1995	529	201 307	5 917	

SOURCE: CSO, 1995

express displeasure with their abilities.

"...women's lack of self-esteem and established social roles, may prevail upon them to avoid [sexual] negotiation or to believe they are not capable of it."³⁷

More recently, gender violence has come to the forefront of issues in Swaziland. It is now common to hear how women are beaten up in relationships and that women are often raped in marriages. For a woman who is violated in this way, her initial reaction is shock, anxiety and loss of self-esteem. Often this forces them to withdraw from society.³⁸

Religion

Religion has been called the "opiate of the masses" and in Swaziland it affects women differently from men. Religion works hand-in-glove with culture in shaping value systems and norms. It is also anchored in the institution of the family and regulates its behaviour. Just as culture views the husband as head of a family, the church also views men as leaders. In religion, as in culture, women are usually seen in a secondary position to men. Most of the missionaries who came from abroad discriminated against women and reinforced the subordinate position of women.³⁹

In Swaziland there are different religions, including traditional religion and most of the other world religions – Christianity, Islam and Buddhism – all of which reinforce the subordinate position of women.

Traditional religions believe in ancestral worship, especially the spirits of male ancestors who are supposed to help the living in coping with life's problems. It is the male head of household who is responsible for dealing with ancestors and women are not allowed to take part in this process, except where cooking and caring of the lineage is involved.⁴⁰

Number of Junior and Secondary Pupils and Teachers, 1984-95									Table 10
YEAR	JC Schools	High Schools	Total	JC Schools	High Schools	Total	JC Schools	High Schools	Total
1984	48	41a	89	11 862	16 971	28 833	604	965	1 569
1985	49	41	90	12 758	17 156	29 914	612	949	1 561
1986	53	47	100	11 835	18 654	30 489	576	1 041	1 617
1987	63	50	113	12 381	20 561	32 942	661	1 099	1 760
1988	65	60	125	11 984	23 294	35 278	620	1 286	1 906
1989	63	71	134	10 853	28 029	38 882	580	1 543	2 123
1990	56	79	135	10 006	31 122	41 128	533	1 680	2 213
1991	63	87	150	10 352	33 733	44 085	552	1 878	2 430
1992	62	94	156	10 352	40 269	51 514	577	2 126	2 703
1993	59	105	164	8 325	41 979	50 304	580	2 214	2 794
1994	56	109	165	8 469	44 102	52 571	442	2 430	2 872
1995	55	114	169	11 061	57 948	69 009	436	2 497	2 933

SOURCE: CSO, 1995

Most Swazi belong to some form of Christianity which teaches that a man is the head of the family as Christ is head of the church. Swazi churches keep shackles on women by emphasising the Biblical verse:

"Women are to remain silent in the church, since they have no permission to speak, they must keep in the background as the law itself lays down. If they have any questions, they should ask their husbands at home".⁴¹

EDUCATION AND MEDIA

Education is said to be the premier instrument of liberating human beings and in most societies education is a priority to which most governments are committed.

Swaziland, too, places strong emphasis on education and its literacy rate is comparatively high at 75,2 %. The overall goal of government is to provide education to all Swazi citizens appropriate to their needs and abilities, while conforming to the country's developmental needs. A particular concern is the eradication of illiteracy.

Government has increased the number of schools, pupils and teachers between 1984 and 1995. Primary schools increased from 467 in 1984 to 529 in 1995 with an increase of pupils and teachers from 134,528 in 1984 to 201,307 in 1995 and 4,309 to 5,917 respectively (Table 8). Junior secondary and high schools have also increased from 1984 to 1995 from 48 to 55 and 41 to 114 respectively (Table 9). The number of students and teachers also increased significantly, however, there was a drop in the number of junior secondary pupils in 1993 and of teachers in 1995. High schools recorded an increase in the number of pupils and teachers from 16,971 to 57,948 and 965 to 2,497 respectively (Table 9).

Education is quite difficult to come by for some, particularly women. There are powerful and deep rooted

Primary School Enrolment by Gender and Type of School

Table 11

Type of School	No. of Schools	Boys (enrolment)	Girls (enrolment)	Total
Government	70	17 963	17 653	35 616
Aided	424	80 707	77 563	158 270
Private	35	3 823	3 598	7 421
TOTAL	529	102 493	98 814	201 307

SOURCE: CSO 1995.

Secondary School Enrolment by Gender and Type of School

Table 12

Type of School	No. of Schools	Boys	Girls	Total
Junior Govt	7	677	775	1 452
Junior Aided	48	4 877	4 732	4 732
Total	55	5 554	5 507	11 061
High School	62	17 019	16 408	33 427
Government				
High Aided	52	11 672	12 849	24 521
Total	114	28 691	29 257	57 948
TOTAL	169	34 245	34 764	69 009

SOURCE: CSO, 1995

Swaziland seeks solutions to girls' educational advancement

Box 9

Lack of technical training and the high dropout rate of girls from school are among the major problems that require urgent attention in Swaziland's education sector.

"Teenage pregnancy is a major cause of girls dropping out of school" outlines a report prepared by Christine Oppong, ILO Advisor on Gender, Population and Development issues, for the Swaziland government.

The report adds that "stopping this will require awareness-raising campaigns among all the categories of people concerned. It will require major programmes of action by the Family Life Association (FLAS) and the Ministries of Education and Health."

The report proposes that programmes on career guidance and affirmative action be introduced to eradicate the "unfortunate bias against technical and scientific training by girls as well as suitable apprenticeship courses and aptitude testing."

To further break sex stereotypes, the report suggests that boys develop their home-making skills. "Such programmes will need to be taken up by the Ministry of Education and the Employers Federation Representatives."

Source: Barbara Lopi, SARDC, May 1997

cultural forces and discriminatory socialisation processes that obstruct the access of women to education and knowledge (Tables 10 and 11). Illiteracy is much higher among women than men because historically women have had less oppor-

With stiff resistance

Box 10

The Swazi Observer and the Weekend Observer reporting on a WLSA action in Swaziland, September 1994:

The adoption of equal rights for men and women was met with stiff resistance from Parliamentarians at a meeting yesterday.

Discussing the status of women in Swaziland was Ms Doo Aphane from the Women and Law In Southern Africa (WLSA). After she had made her presentation on the issue, the Parliamentarians disagreed with her.

The first MP said: "My lady, I do not even know what you are talking about. I am happily married with a polygamous family!"

Other MPs wanted to know that if by granting equal rights women would be free to have as many husbands as men can have wives.

One MP said: "By this so called equal rights between the sexes do you mean that if I have five wives they are also free to go out and secure themselves five husbands?"

"No," Aphane answered, "equal rights means one spouse per person".

One MP said: "The mere fact that a man pays *emalobolo* to the parents of the girl indisputably makes him both a father and a husband to his wife."

Another MP found that Swaziland did not need the International UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). He said: "If the Bible states clearly what a man's rights are and what a woman's rights are, then we must not dare mislead ourselves about these new concepts of rights".

A senator supported this submission by quoting from the Bible that Sarah had called Abraham "her King".

SOURCE: Holm, Gretelise, "Women and Law in Southern Africa", Department of Information, Ministry of Foreign Affairs, Copenhagen, Denmark, 1995, p50

tunity to attend school. Girls were thought to be transient and not worth educating because they would leave and get married.

However, women need education in order to improve their social status and future opportunities. The bias against women's education has created problems for women because education is the most important measure to ensure fuller integration of women in development. Education can also delay early marriages and childbirth and reduce acceptance of traditional practices which are harmful to women.

Although there have been significant improvements there are still considerable differences between

men and women. Primary school enrolments are a commendable 48:50, but four percent of women in the country are still excluded.

The curriculum also reflects male bias with girls being offered a restricted course of study, emphasising non-technical and non-scientific subjects. If females do manage to get to university, they take short diploma courses so they can more quickly fulfil their expected duty of becoming wives.

Girls also drop out of school because of teenage pregnancy, early marriage, financial considerations which sacrifice girl's education and pressures for a girl to assist with work in the home.

The University of Swaziland recorded gendered enrolment statistics for 1996 by faculty. Out of 343 students in the degree course 157 were female and 186 male. In the science subjects, which include a Bachelor of Science degree in agriculture and agricultural education, 42 males and 28 females passed.

Access to and Control Over Media

In Swaziland the media serve the interests of men and fail dismally to strike a gender balance, neglecting important contributions made by women. An example is the struggle for independence in which the media ignored, and still ignores, the role played by women, which was vital and led to the granting of independence in 1968.

Decision-making positions in the Swazi media are male-dominated with editing, managing and other senior positions held by men. The majority of women employed in the media industry are in reporting and junior administrative positions who rarely are promoted.

Male control results in an insensitive portrayal of women as objects for the pleasure of men, rather than

as individuals in almost all the media, including television, radio, newspapers and magazines. Recently established "women's columns" have also fallen into the trap of portraying women as sex objects, helping to perpetuate the negative image of women.

Unpopular and anti-women programming continues on radio and television, despite protests from activists that they portray women negatively. One such example is *Khala mdumbadumbane* which purports to be a problem-solving programme dealing with personal issues such as love and male-female relations. Women are often portrayed as stupid and insignificant in family life. If a wife complains that her husband is having extra-marital affairs, she is usually chastised for being jealous and told to wait her turn. Such a response does not help women who are greatly concerned about the increase in STDs and HIV/AIDS.

Women's professional status is often undermined by media when, during interviews, prominence is given to their husbands and the women are referred to as "so-and-so's wife even in cases where the husband's name is not necessary.

Women's access to media is limited, especially in the rural areas. If women's many roles were reported perhaps governments and decision-makers might respond by changing policies in order to ease women's heavy burden.

There are presently no magazines published in Swaziland that report positively on women's issues in order to sensitise the population. The only women's magazine, *Dzadze*, was discontinued because there was not sufficient financial support.

ENVIRONMENT

Natural Resource Management

Swaziland has experienced high rates of population growth for

many years. The most recent average growth figures are estimated at 3.4 percent. For a small country with very few resources, this growth is unsustainable and needs urgent reduction. Combined with the country's youthful population, this age group places more pressures on scant resources for health and education, leaving very little for economic development programmes.

Swaziland's total land mass is 17,364 sq km, only a small proportion of which is arable. The population of about 900,000 and the total rate is 4.7, one of the highest in the world. As the population grows, the need to provide shelter, and food from the land exposes this resource to various forms of degradation ranging from overgrazing, soil erosion, and pollution.

Swazis are an agricultural people with an emphasis on livestock. Cattle play an important role socially as well as culturally. Cattle are viewed as a source of income and security instead of conventional bank accounts and investments. Because of the large number of cattle, Swaziland is experiencing serious problems with soil erosion. As a result, grazing and croplands are continuously losing topsoil and nutrients. Soil erosion is serious and costly, both on the economy and the lives of the people. It causes reduced food production which undermines households' ability to feed themselves, perpetuating dependency on basic food supplements which must be purchased.

Women have little control over land and its use, and become mere bystanders on issues that directly affect them such as soil erosion and its impact on domestic food production.

The high levels of erosion means that the rivers and water sources to the majority of rural communities

are polluted. Another consequence of erosion is siltation which reduces reservoir capacities to a point where costly dredging exercises must be undertaken. All these costs impinge on the overall performance of the economy, leaving less money to be invested in social development.

Another environmental problem caused by high population growth is clearing indigenous forests for human settlement and fields which exposes marginal lands to greater pressure and land degradation. Clearing forests also has a negative impact on women because they must travel further to collect fuelwood, in some cases more than 10 km.

The fuelwood problem has become so severe in some areas that households are forced to change their diets from traditional foods such as porridge and pulses to bread and tea.

Access to Water

Within urban areas the Water Service Corporation (WSC) seeks to provide water and sewerage services to the public in a cost-effective manner which will ensure profit. This means that in economically-depressed areas, clean water will not be provided in sufficient quantities, or in some peri-urban areas, not at all. Of the estimated population of 240,000 people who live in towns only 192,000 (80 percent) have access to clean water.

Outside the towns, the Rural Water Supply Board is responsible for providing water and sanitation. The operations of the board are linked to the National Health Policy whose goals are to improve the health of Swazis by providing preventive, promotive, rehabilitative and curative health services which are relevant and accessible to all. However, only about 30 percent of the rural population has access to safe, clean water.

Because of the Board's inability to reach more than half the rural population, a substantial number of women spend hours daily walking long distances to fetch water. In some areas cleanliness and hygiene are compromised.

Sanitation facilities are available to most people in urban areas. However, in the rest of the country sanitation is poor. There are some peri-urban areas for example in the Manzini- Mbabane corridor where less than 20 percent are connected to a sewage network. Improper disposal of waste results in the spread of disease, with pregnant women and young children being the most vulnerable. Swaziland's last census, in 1986, indicated that 46.2 percent

Health Facilities by Region and Management, 1993-1994 Table 13

	Hhohho	Manzini	Shiselweni	Lubombo	Total
GENERAL HOSPITALS					
Government	2	1	1	0	4
Mission	0	1	0	1	2
SPECIALTY HOSPITALS					
Government	0	1	0	1	2
HEALTH CENTRES					
Government	1	0	2	2	5
Mission	1	0	0	1	2
Industry	1	1	0	3	5
PUBLIC HEALTH UNITS					
Government	3	2	2	1	8
CLINICS					
Mission	8	10	3	8	29
Private	14	22	0	2	38
Industry	2	9	0	10	21
NGOs	1	3	0	2	6
Government	10	10	16	12	48
TOTAL CLINICS	35	54	21	32	142
OUTREACH CLINICS					
Mission	10	12	1	24	47
Private	0	11	0	1	12
Industry	0	9	0	1	10
Government	21	33	23	16	93
TOTAL OUTREACH	31	65	24	42	162

SOURCE: Ministry of Health, 1995.

Urban and Rural In-patient Beds by Region, 1993

Table 14

Region	beds	Med/officers	Nurses	Pop.	Beds/pop.	Medics/pop	Nurses/pop
Urban							
Hhohho	536	18	185	51049	95	2836	276
Manzini	507	28	204	54857	108	1959	269
Shiselweni	192	9	90	44437	231	4937	494
Lubombo	196	12	56	43799	223	3650	782
total	1431	67	535	194142	136	2898	363
Rural							
Hhohho	57	2	15	172851	3032	86425	11523
Manzini	0	0	0	185743	0	0	0
Shiselweni	36	1	6	150463	4180	150463	25077
Lubombo	16	1	9	148301	9269	148301	16478
total	109	4	30	657358	16481	385189	53078

SOURCE: Ministry of Health, 1994.

of the population had no sanitation facilities.

As a result, Swaziland has an unacceptably high infant mortality rate of 72 children per 1,000 live births. The causes of these deaths are diarrhoea, malnutrition and infectious diseases linked to lack of potable water supply, sanitary facilities and poor hygiene.

Access to Transport

Travel by road is the primary mode of transport in Swaziland. While the past decade has seen vast investment in infrastructure development, some areas remain inaccessible to public transport. This is due to the condition of most of the rural roads which are not tarred or maintained by the government roads department. This seriously affects women, children and the elderly who mainly reside in the rural areas. Lack of public transport affects their well-being and health. Women have been known to die in labour due to complications because there was no transport available for them to be taken to a health facility on time.

Environmental Security

Environmental degradation is a slow process whose cumulative effect normally takes years before it is realised as a problem so that many

Swazi have a sense of false security about environmental threats. Soil erosion will only capture the attention of people when food shortages are explained in those terms.

Air pollution is not yet a problem, but cross-boundary air pollution is likely to be a regional challenge from the developing eastern areas of South Africa.

Water pollution is an increasing cause for concern as more chemicals and other waste are dumped into the river systems.

HEALTH

Swaziland has adopted a strategy of "Health for All by the Year 2000". In order for this to be achieved issues of nutrition, clean water, sanitation, access to maternal care and family planning, prevention of infections, immunization and the availability of essential drugs must be addressed.

In Swaziland, there are general hospitals, specialty hospitals, health centres, public health units and outreach clinics (Table 13). Communities, especially in rural areas where health facilities are not easily accessible, are also serviced through health education and rural health promoters. These people are the main agents for promoting the

behavioural changes necessary to improve health. Health promoters are local people who are trained by the ministry of health to educate communities on health matters.

Access to Health Services

The government has accomplished a great deal since independence to improve health facilities. However, there is much more to be done, particularly in rural and peri-urban areas. In these sub-sectors, many people do not have easy access to health facilities because of distance. Most health centres are found in the cities, Mbabane and Manzini, which makes it difficult for the rest of the population to access. Most rural clinics do not have adequate facilities or even an ambulance to convey critical patients to hospitals (Table 14).

Although women are affected by many of the same health conditions as men, they experience them differently. There are 214 maternal deaths per 100,000 which is high by international standards. Each year an average of 92 mothers and 870 new-borns die as a result of complications in pregnancy and childbirth. MOH records indicate that nearly 3,680 mothers develop long-lasting disabilities following labour and delivery, most of which are preventable and curable if patients had access to a health centre or were educated on health matters.

Economic status also plays a role since rural and peri-urban areas are characterised by poverty which affects a high percentage of women who cannot obtain access to clinics and hospitals without money.

Nutrition

The nutrition situation, based on the findings of the 1983-84 National Nutrition Survey indicates problems of chronic and acute malnutrition and kwashiorkor. Chronic malnutrition, characterised by stunting, affects 30 percent of the children in rural areas and 23 percent in urban areas. Kwashiorkor is common, particularly in dry parts of the country where there are food scarcities. Many cases of kwashiorkor are reported to hospitals and studies indicate a high number of cases around the country. A study (deVletter 1983) indicates that about 50 percent of nutrition-related hospital and clinical admissions for kwashiorkor. There is also concern about micro-nutrient malnutrition such as insufficient iodine, manifested by an increase in goitre. The International Baby Food Network (IBFAN) has launched a campaign for the use of iodised salt.

While it is clear that Swaziland still suffers from nutritional problems which need immediate attention and, although the causes are well-known and documented, not enough is being done to improve food, water and sanitation in rural and peri-urban areas.

The health of women and girls suffers disproportionately because of gender discrimination. Males, both adult and child, get more food and more nutrition through differential feeding, than females' and girl children. Poverty also affects women more than men. Female-headed households are more affected by poverty than male-headed households. Women cannot afford to provide food for their families. These problems are made worse by the cultural practices whereby women

Reported AIDS Cases, 1987-96				Table 15
Age group	Males	Females	Unspecified	Total
0-4	60	51	1	112
5-14	3	1	0	4
15-19	8	51	0	59
20-29	114	209	0	323
30-39	106	120	0	226
40-49	65	29	1	95
50-59	19	5	0	24
60+	6	0	0	6
Unspecified	4	19	21	86
TOTAL	427	485	23	935

AIDS cases=935
SOURCE: National AIDS Programme, 1997.

are denied access to certain types of food including meat and milk products. For example, women usually cook the family food but tend to eat last. As a result, women often eat after the protein-rich foods have been finished. Another practice common to patrilineal homesteads is to bar new wives from drinking milk, an important source of calcium, vitamins and minerals. The length of this prohibition is at the discretion of the husband's parents.

HIV/AIDS

In Swaziland the first case of HIV was reported in 1986 and since then 935 AIDS cases had been reported by the end of 1996. Statistics from the National Aids Programme indicate that in 1995 out of 686 reported cases of AIDS, 372 were females and 310 were males. Most of those infected are young, between 20 and 29. Of 323 cases reported, 209 were female and 114 male.

The increase in the number of HIV/AIDS cases affects more women than men. That Swazi women generally have little control over their sexual lives clearly increases their vulnerability to disease including HIV/AIDS.⁴² A 1994 survey found that 16.1 percent of women who attended antenatal care were HIV positive and in 1995 the figure had risen to 18 percent. In addition women bear the greatest burden of healthcare for victims and orphan care.

Reproductive Health

In Swaziland reproductive health is characterised by high maternal mortality and morbidity. Although most women visit ante-natal clinics during pregnancy (96 percent) only 56 percent go regularly. Lack of money and long distances which women must walk to a clinic in the rural areas are the main reasons for lack of attention. Some clinics lack facilities such as maternity units for dealing with high risk cases who are referred to far away hospitals to which most women cannot afford

to go. Many women must deliver at home without any trained health workers and most high risk pregnancies result in death.

The prevalence of chronic diseases and malnutrition leave many women unable to cope with the demands of pregnancy. Most health related problems are complicated by unwanted pregnancies, high fertility rates, lack of reproductive choice for women particularly those who are married and limited access to family planning.

The high fertility rate is a major determinant in child morbidity and maternal mortality.⁴³ Closely-spaced children put a lot of pressure on the mother in terms of weaning and breastfeeding. Where children are not well-spaced malnutrition is prevalent. Poor spacing also affects the mother's health because she cannot recover from one pregnancy before another has started.

Back-street abortions are common in Swaziland where abortion is illegal and many women have died as a result. Statistics indicate 20 percent of maternal deaths are caused by illegal abortions. There are many reasons why women have abortions, including economic situations, teenage pregnancies, illegitimacy being culturally unacceptable and often a woman simply having too many children. Because abortion is illegal, medical personnel usually refuse to help those who are victims of a botched abortion, even when they arrive at a hospital in bad condition.

Abortion is legal in South Africa, Swaziland's main neighbour, making it a topic of discussion in media and medical circles. The question is what the people want, even though it will now be easier to have an abortion in South Africa, and for those who can afford it, private medical practitioners will also perform abortions. The government must eventually make the decision

Breaking the silence on violence against women

Box 11

Many Swazi women live in fear of rape and physical assault. In a country where Western (Roman Law) and traditional legal systems co-exist, the latter can often be used to justify the physical abuse of women.

In July 1996 the Swaziland Action Group Against Abuse (SWAGAA) launched the results of a study on domestic violence, "Conflict and Conflict Resolution in the Home," which noted the high levels of violence against women.

"A total of 80 rape cases were reported in two months while 898 domestic-related assault cases were reported in 1993", says the report.

SWAGAA aims to provide support to abused persons, and create awareness about abuse and its damaging effects on women and children. SWAGAA also works with other groups to campaign for legal reform in Swaziland in order to ensure that abuse is not condoned, but is properly addressed.

SOURCE: SMEWA Speaks, A Swaziland Media Women Association Newsletter, 1997

Reported Rape Cases, January-September, 1996 Table 16

AGE	NUMBER
0-7	11
8-14	81
15-16	49
17 and above	214
Not Specified	3
TOTAL	358

Source: Royal Swaziland Police

to allow women a choice so that abortion can be accessible to those who need it irrespective of their economic status.

Adolescent pregnancy and child-bearing involve considerable health risks to both mother and child. It is common to hear of pregnant 12-year-olds who face serious health risks, yet 27 percent of all deliveries at health facilities are by teenagers.⁴⁴

There is a severe shortage of health facilities in peri-urban and rural areas. The government's own Development Plan indicates that over the past decade many rural clinics have lacked basic maintenance and their condition has deteriorated, requiring major rehabilitation. Some centres are in such bad condition that they constitute a health hazard, lacking such basic amenities as water, electricity and sanitation. Since more than 70 percent of women live in rural areas, these clinics cannot handle such delicate health issues as delivery and maternal care.

There is also a critical shortage of nurses and doctors (Table 14). For example, Manzini rural area, with a population of 185,743, in 1993 had no medical officers.

In order to meet their health needs most people, especially in rural areas, consult local medicine women and men who are highly respected in Swazi society. They are believed to get their healing powers from the ancestors who also lead them to herbs and other traditional medicines. Recently, traditional healers have formed an association which has called for a closer relationship with the Ministry of Health.

Elderly

Although the elderly are traditionally highly valued, Swaziland is not a welfare state and there is mounting evidence that the aged face

many problems which include poverty, lack of basic facilities and ill-health. It is widely believed that children will take care of their parents and grandparents. However, unemployment, retrenchments and low wages put unprecedented pressures on extended family traditions. There is little health care for the aged, especially older women whose illnesses are mainly related to reproduction and menopause.

VIOLENCE AGAINST WOMEN

Violence against women has become so much a part of women's lives in Swaziland that it is rarely reported. Society tolerates men who beat their wives to discipline them. Violence against women has become virtually invisible, unrecognized and trivialized. Few statistics are available on different types of violence, enabling the government to deny its seriousness and its responsibility in dealing with it.

Women have been socialized to silently accept male violence and, because they are always blamed for having provoked the violence, they avoid reporting the matter as they do not want to be seen to have failed in their marriages.

Little research has been done on the various kinds of violence against women. The Swaziland Action Group Against Abuse (SWAGAA) has done one study on domestic violence. A few studies have been done about rape by students of the University of Swaziland and UNICEF is financing a current study.

A study on Incest and the Girl Child is also currently being done focusing on the responsiveness of formal structures dealing with this abuse. No studies are available on defilement except in relation to teenage pregnancies which, however, are not linked to defilement as a crime. There have been numerous reports of sexual harassment in workplaces but no study has been undertaken.

Rape

Rape has become one of the worst nightmares for every Swazi woman because it happens in all sectors. Some women have been raped in their own homes by criminals intent on robbery who then proceed to rape their victims. Some women are waylaid on their way to or from home and others, especially young children, are raped within their homes by family members.

The total number of rapes reported to the Royal Swaziland Police (RSP) between January and September 1996 was 358 which is quite high for the female population of Swaziland. The youngest victim was three, the eldest 69. A disturbing trend is the age distribution as younger children seem to be also victims of this crime (Table 16).

Swazi law does not offer much protection to women who have been raped. Many rapists get away with the crime because of the kind of evidence required. The burden of proof lies with the woman or child who has been raped to prove beyond a reasonable doubt that the accused man raped her. The courts seem to start from the premise that a woman's evidence is suspect because women fantasize and lie about sexual assaults. The evidence of a child or woman is not considered sufficient but must also be corroborated by medical evidence which is sometimes difficult to get as the report may not be made immediately. The sentences given to convicted rapists are too light and are not considered a deterrent.

Child Abuse

There are various forms of child abuse, including physical, psychological, sexual, neglect, labour and drug abuse, most of which occur within the family.

The abuse is sometimes accepted, and even condoned, by Swazi society. An example is child-beating which is culturally an acceptable

form of punishment in Swaziland. Many parents still believe that if a child misbehaves, it should be beaten in order to learn that their behaviour is wrong. Psychological and verbal abuse is also common.

According to press reports, sexual abuse of children is prevalent and seems to be increasing in Swaziland, perpetrated by both strangers and family members. Unfortunately most of the sexual abuse in families is not reported because other family members are either unaware or feel it is too embarrassing to be brought out in the open. For these reasons child sexual abuse remains a hidden problem.

Child labour is common in Swaziland where children work to earn money for their own and their family's survival. Many children work the streets selling various wares either for the family or other people to earn money for the family. Some young girls are sent by their families to work as domestics for relatives and as a result cannot go to school.

Swaziland has an increasing number of street children many of whom run away from home because of abuse. However, the streets are dangerous places for children as they become even more vulnerable to all sorts of abuse by adults. Street children are also exposed to crime in order to survive.

Swaziland ratified the Convention on the Rights of the Child in 1995 as an indication of its commitment to protecting children from all forms of abuse. It is time Swaziland began the process of reviewing and enforcing the laws in compliance with the Convention.

Domestic Violence

Even though the statistical extent of domestic violence is unknown in Swaziland, there are numerous indicators that it is prevalent.

By its nature it takes place behind closed doors and is only known to the immediate family. Women are the majority of victims, an indication of the gendered nature of the problem.

Various studies indicate that the lack of statistics is compounded by the fact that police records often fail to separate domestic violence from other forms of assault and do not indicate the relationship of the victim and the offender.⁴⁵ Lack of data makes domestic violence invisible, limiting government's willingness to address the problem seriously.

In what studies have been done, one of most serious problems is women not reporting incidents of domestic violence because police are reluctant to intervene in what they consider a private matter.

Femicide

Femicide is the most severe form of violence against women. It is the death of a woman from gender violence. The Women in Law and Development in Africa (WILDAF) Southern Africa Region undertook a femicide project as part of the preparations for the 1995 Beijing Conference to collect statistics on women and girls who had died as a result of male violence and compile these in a register as well as to produce a quilt with the names of some of the victims.

Swaziland took part in the project and the results indicated the seriousness of violence against women since most deaths occurred in the home between family members. Of the 205 reported cases of femicide between 1985 and 1995, 70 involved

a husband, 52 a lover and 12 a son. The study also found that 143 cases of femicide were reported in the rural areas as compared to 56 in the urban areas, indicating that violence against women is deeply embedded in traditional and cultural beliefs in the unequal power of men and women. Women were killed over the slightest misunderstandings which include coming home late, refusal to have sex or cook dinner or complaints of neglecting children.

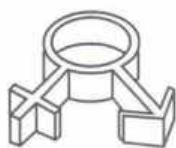
Of major concern was the extremely light sentences given to offenders by the courts, indicating that the law does not view these deaths seriously. The study by WILDAF found that the most common sentences were suspended sentences and fines of between E100 and E2,000. Most sentences were below 10 years. This is because judges often found mitigating factors based on their own personal belief that men have the right to inflict physical punishment on women.

While criminal law is generally gender-neutral, its application is gender-specific because it is applied in a context where the equality of men and women is not an issue. It is imperative for the state to establish mechanisms which will offer more protection to women, especially in their homes.

The Kingdom of Swaziland, through the public and the private sector, has certain policies which are aimed at making improvements in the lives of the Swazi. The work of government is complemented by NGOs who have done considerable development work particularly in the rural areas, the neglected sector of the economy.

PART II

POLICIES AND PROGRAMMES



The Kingdom of Swaziland, through the public and the private sector, has certain policies

which are aimed at making improvements in the lives of the Swazi. The work of government is complemented by NGOs who have done considerable development work particularly in the rural areas, the neglected sector of the economy.

Economy

Government's guiding economic principle is the promotion of private sector investment. This policy is achieved through creating a favourable investment climate, granting favourable "tax holidays" for foreign investors. Infrastructure development has been undertaken throughout the country to improve economic prospects for investors and social aspects of communities.

Indigenous small business has been another focus of government policy. More serviced land is being made available to small business since the 1995-96 budget. Before that, credit guarantee schemes for small enterprises were made available.

The informal sector has also begun to benefit although clear policy is still lacking for credit and training facilities. A Trade Promotion Unit within the Ministry of Commerce, Industry and Tourism has been established since 1988. Its main responsibility is to market exports and advise exporters on developing and marketing their products.

In the agricultural sector attention is being paid to improving production particularly on Swazi Nation Land. There has been an increase in extension services and in some

areas irrigation schemes have been established with funds from the International Fund for Agricultural Development (IFAD). Dam construction has also begun in the lowveld (the other parts of the country).

However, in all Swaziland's economic policy and programme initiatives none has any gender approach. It is assumed in the agricultural sector, that women will be the major stakeholders since they are the de facto farmers. However, if the policy is to be successful, there needs to be recognition that women must be consulted and a number of decisions will have to be made by them since many women are heads of households.

The informal sector policy, which would directly affect women as they are the majority in this sector, is not yet well defined. However, a positive step in the urban areas is the recognition of street-vending as a legitimate activity. The 1996-97 budget allocated close to a million emalangeni to construct shelters for vendors. For women, it is a beginning and an indication that government does realize street vending has a role to play in the economy.

Small and medium-range business also benefitted substantially with the creation of a E44million fund which will assist this sector in developing.

Politics

Access to power has been limited for women in Swaziland, however in areas of community development, NGOs and informal organisations their participation has shown considerable improvement. The few women who have been given



an opportunity in public life have been able to highlight women's concerns, interests and problems and have brought these issues to the attention of government.

However, despite some notable achievements, the socialisation and negative stereotyping of women, particularly at national levels, reaffirms the attitudes of unequal power relations between women and men.

Main-streaming gender issues through all sectors of government and development policies in Swaziland is slowly gaining momentum in both government and NGOs but there is still no official gender policy to ensure that these concerns are taken into consideration in development planning.

Government has taken some initiative in the National Development Strategy (NDS) to facilitate the national planning process on a long-term socio-economic development basis. Planning projections over 25 years have been developed through various committees. One of these is the Governance and Public Sector Management Committee which set as one of its priorities the need to ensure equal opportunity and legislation for the employment of women in all sectors of government.

There is also the Swaziland Committee on Gender and Women's Affairs (SCOGWA) whose membership comprises government, NGOs, the private sector and civil society. SCOGWA is the main coordinating structure for the development of the gender programme.

These programmes will go a long way in addressing the problems affecting women in terms of the law and their participation in decision-making and ensuring gender equality in all spheres of life.

Social Structures

Although many changes have taken place in social structures there is still great resistance in the changes that are brought about by women. There are no progressive policies and programmes which can help ease problems that impact negatively on women. Instead, there are repeated calls to do more to preserve the Swazi culture as if it were not dynamic.

Several NGOs have ventured into this field, attempting to question cultural practices which impact negatively on women. These NGOs include: Women And Law In Southern Africa Research Trust (WLSA), Swaziland Action Group Against Abuse (SWAGAA) and Women in Law and Development (WILDAF). Because of their work, some changes have been realised, although slowly. One important result of their work is the government's move to codify customary law.

Education

Government education policy is to provide education for all Swazi citizens appropriate to their needs. Of particular concern is the eradication of illiteracy throughout the country.

The achievement of these goals demands major improvements in the education delivery system, including: development of the curriculum to include practical subjects both at primary and secondary levels; students' talents; substitution of examinations with continuous assessment; introduction of pre-vocational streams at higher levels; improvement of teacher training and; a general improvement in the system's internal and external efficiency.

Programmes

- ◆ Nine-year basic education programme
- ◆ Diversification of curriculum
- ◆ Pre-vocational education

- ◆ Strengthening of education testing, guidance and psychological services
- ◆ Provision of educational equipment to needy schools
- ◆ Upgrading and provision of teacher's accommodation

Since the Beijing Conference, there has been increased interest in the improved welfare of the girl-child who is so often discriminated against. Workshops and seminars have been organised by NGOs and other concerned organisations to create awareness about the plight of the girl child. These workshops have resulted in the launching of a magazine known as *Bodzadze Asibambisane* which literally means "let us work together girls". It has been recognised that there is a lack of sex education in schools which might be one of the major causes of teenage pregnancy and the increase in STDs and HIV/AIDS. Some NGOs, such as SHAPE and the Family Life Association of Swaziland (FLAS) are conducting vigorous educational campaigns on sexual education in schools.

Environment

The Swaziland Environmental Authority was established in 1992 by parliament. Its responsibility is to co ordinate, set standards and monitor the environment of Swaziland. By its very nature, environment permeates all sectors of the country's activities and policy initiatives have to be spearheaded by the various sectors.

The Environmental Authority has established pollution regulations and set in place environmental impact assessments as a mitigation measure in the planning process for major projects.

The National Environmental Action Plan (NEAP) holds great promise in accommodating women's issues. The process of drawing up this plan is consultative and participatory

and women's groups are hopeful that NEAP will highlight the plight of women and their lack of involvement in environmental and natural resource decision-making.

As these activities are fairly new and on-going, it would be very difficult to say with certainty what the achievements have been. Nonetheless the beginning in solving any problem is acknowledging that it exists, so the fact that women are now being acknowledged as de facto managers of the environment is an indication that they must be accorded the authority to deal with these problems.

Health

The MOH policy stated in the National Development Strategy is to improve the health status of the Swazi people by providing preventive, promotive, rehabilitative, and curative health services which are relevant and accessible to all citizens.

Programmes

- ◆ Water and sanitation
- ◆ Immunisation
- ◆ Promotion of child-feeding and growth monitoring
- ◆ Control of diarrhoeal diseases
- ◆ Acute respiratory infection control
- ◆ Maternal health and family planning
- ◆ Communicable disease control
- ◆ HIV/AIDS prevention and control

In addition to government programmes, NGOs and churches are involved in improving health in Swaziland through mission schools and clinics for the local communities. There is a need for better coordination between health care organisations and government in order to improve overall health conditions. Among these are:

- ◆ Ministry of Agriculture and Cooperatives through their extension services focusing on produc-

TASC promotes safe sex in the home

Box 12

The Aids Information and Support Centre (TASC) in Swaziland has begun pilot activities to educate couples about HIV/AIDS.

Previously, several NGOs including TASC, targetted mainly rural women in education campaigns. However, because polygamy is still practised in Swaziland and women are disempowered socially, economically and politically, such education campaigns have had little impact.

Rural women learn about safer sex but find themselves powerless; they have no control over the extra-marital affairs of their husbands, no right to refuse sex and no power to demand use of a condom.

TASC's new approach to training involves both the husband and wife. Workshop sessions vary from the conventional workshop which stress methods of HIV/AIDS transmission.

tion of nutritious foods and nutrition education;

- ◆ Ministry of Education through home economics cooking programmes, agriculture curricula and Zondle School Feeding Scheme. Sports in schools also promotes students' health;

- ◆ COSAD (alcohol and drug abuse) by promoting public awareness on smoking, alcohol and drug-related problems;

- ◆ Family Life Association of Swaziland (FLAS) offers family planning services and advice on family planning methods and counselling for women and men;

- ◆ Swaziland Infant Nutrition Action Network (SINAN) promotes exclusive breastfeeding and nutritious weaning foods.

- ◆ National Nutrition Council (NNC) coordinates nutrition pro-

grammes implemented by UNICEF, the Swaziland Nutrition Council and Zondle.

Violence and Conflict

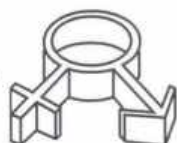
Various NGOs have been established, mostly by women, to address violence against women. They have begun to challenge gendered power relations and are calling for correction of the gender imbalances in society.

Success is difficult to measure but the women's movement is gaining momentum and pressuring government to support the struggle to end violence against women. Various campaigns and demonstrations have been held to raise public awareness.

The Swaziland Committee on Gender and Women's Affairs (SCOGWA) has established a sub-committee on violence against women which is mandated to organise and coordinate activities aimed at eradicating all forms of abuse.

PART III

THE WAY FORWARD



The situation of women in Swaziland is not an enviable one.

In all the spheres of life, socially, culturally, economically and politically, they are discriminated against. Traditions and customs have not changed much for women in a country which still upholds traditional values. There are some examples in urban areas of families being formed in which women have some control.

Economy

If Swaziland's economic outlook is to improve significantly, comprehensive and strategic policy initiatives must be undertaken. They should address such pertinent issues such as land tenure, land security, financial availability, trade and investment and infrastructure development. An Economic Review Commission set up by the King solicited a variety of views on how the economy of the country should be managed.

Recently appointed Prime Minister Sibusiso, Barnabas Dlamini has put in place an Economic and Social Recovery Agenda (ESRA), a programme whose main objective is to place the economy as the highest priority for the country. This will be accomplished, according to the ESRA document by:

1. Promoting sound macro-economic management;
2. Improving the efficiency of the public sector by;
 - ◆ reforming the civil service
 - ◆ reforming public enterprises
 - ◆ improving delivery of infrastructural services and
 - ◆ improving administrative procedures;

3. Enhancing external and domestic competitiveness through;

- ◆ tax reform
- ◆ market liberalisation
- ◆ investment incentives
- ◆ creating a business-friendly environment;

4. Addressing the social aspects of development through consensus-building and achieving a common vision on development goals through the NDS; and

5. Encouraging private sector participation.

ESRA also addresses gender issues. Government committed itself to the establishment for a coordinating mechanism in to produce a draft policy on gender by the end of March 1998 and prepare legislation by late 1998. A task force will develop a programme to tackle gender issues. All these policy studies, papers and policies for gender change and improvement should involve full women's participation.

Credit facilities should be made easily accessible to women entrepreneurs and the barriers to credit should be removed. Women's credit institutions and the NGOs who run them should be strengthened because they have opened a channel for women to access credit directly which will benefit the economy.

Women need access to land in their own right in order to take independent decisions about agricultural production. This would help increase farming on SNL where production is in the hands of women who do not own the land. The gender task force should recommend that women should also be able to *Khonta* (obtain rights to land from a chief) because they need land to produce food. This is



Winds of change blow over Swaziland

Box 13

Women in Swaziland are taking advantage of the winds of change to put their rights on the national agenda.

In July 1996, King Mswati appointed a constitutional review commission to canvass the people for their views and subsequently draft proposals for a new constitution.

"A time comes when things change, and this is the time for Swaziland," said the principal secretary in the Ministry of Home Affairs, M. Mkonta.

"Swazi women are very powerful as was shown by their strong participation in the strikes," he added. The national machinery for women is housed within the Ministry of Home Affairs.

At the forefront of the move for women's participation in national development is the Swaziland Committee on Gender and Women's Affairs (SCOG-WA), which serves as the coordinating machinery.

The national machinery is working towards a vision of Swaziland as "a nation where all persons will be considered and accepted as equal citizens in all spheres, including legal, social, economic, environment, cultural and political, so that both females and males can better their lives."

Due to a strong patriarchal system, Swaziland has no policy to ensure that women's concerns are integrated into overall policy formulation and planning. Early this year, the government started to take corrective steps to put gender on the national development agenda.

The government launched the Economic and Social Reform Agenda which, according to Mkonta, "has received lots of support from the people...." This document also has incorporated a strong gender component.

The women are also pressuring the government to sign and ratify CEDAW before the end of 1997. Swaziland is the only country in SADC which has not signed this convention.

A female lawyer in the country noted that while the country may sign CEDAW, many of the customs that hinder women's full participation in society will only be removed through consultation and feedback between the people and the government.

"A widow, for instance, is not supposed to sit in front of people. It is assumed that by sitting in front of people and giving them her back, she will transfer the bad luck on to them," she said, adding that a widow cannot mix with people, especially men, while she is in mourning.

"Women must continue the fight to have such discriminatory practices changed," she said.

Source: Grace Kwinjeh, SARDC, April 1997

important because of the increasing number of female-headed households where women are not only supplementing the husband's income, but are in fact, the family breadwinners

Efforts should also be made to ease women's workload. Household chores should be shared among all

family members. If women continue with their heavy workload they will continue to suffer poor health and a high mortality rate.

There is a need for household labour-saving technology particularly in the rural areas where women rely heavily on traditional methods of food processing. There is also need for tap water closer to homes so that women do not have to walk long distances to fetch water. Planting woodlots would give women more time for other activities than spending so much time in the forest looking for, and collecting, firewood.

Improving agriculture and food security, particularly household food security, is essential if Swaziland is to deal with the feminisation of poverty where women and children suffer most when there is no food in the home. Strategies include:

- ◆ improvement in food production through better access to the means of production, including allocation of land to women;
- ◆ promotion and reorientation of agricultural policies towards household food security;
- ◆ access to food for all households through production or purchasing;
- ◆ increase purchasing power of women, particularly in the rural areas, by creating employment opportunities;
- ◆ address specific problems of single women and female-headed households;
- ◆ promote labour saving techniques;
- ◆ establish household food security and nutrition information;
- ◆ design and implement emergency preparedness programmes; and
- ◆ improve water management systems.

Politics

Government established in 1996, for the first time, a Gender Desk

Officer within the Ministry of Interior and Immigration to facilitate coordination of all gender concerns and issues between government and NGOs.

One of the sub-committees of the National Development Strategy on Gender Issues and Women's Affairs is to identify issues and develop gender strategies in all sectors of development. It is hoped that its contributions will be taken into account in formulating policies and plans for the development of Swaziland in the next 25 years.

Women are also taking advantage of the constitutional review process to discuss and map out strategies on how women's concerns can be incorporated and protected within the constitution.

Government is faced now, more than ever before, with the responsibility of eradicating gender imbalances within all spheres of public life and encouraging equal participation of women in the law and in political activities so their concerns can be addressed.

Even though few tangible results has been achieved so far, Swazi women are confident that the current dialogue will yield positive gains. Government must also support efforts begun by NGOs in addressing the low participation of women in decision-making roles and create mechanisms for monitoring improved access to such positions. One way is to include more women in senior positions who will give inside information on the many problems faced by women. Even at the local government level, where women do not feature at all, efforts should be made to include women. Perhaps one day a woman will be installed as a chief?

Social Structures

Women, especially in the urban areas, have begun to challenge

degrading cultural practices through human rights organizations struggling for gender equality and against discrimination. These include WLSA, WILDAF, HUMARAS and CSC.

Awareness must be created among Swazi women and men about the negative impacts of some cultural practices through education and show how their discontinuation can bring positive results.

Customary law needs to be codified because it is open to many different interpretations which can impact negatively on women. In most cases custom and the Bible are used to oppress women because both are open to interpretation.

Education

Although there has been considerable improvements in education, it does not yet address gender issues and there is discrimination against the girl child. Gender education needs to be incorporated into the curriculum and discrimination in any form against the girl child in schools must be eliminated. Girl children should be encouraged to study science subjects and encouraged, through affirmative action, to seek high-paying jobs which can help improve their economic status.

The Ministry of Education should forbid expulsion of pregnant girl children in schools or ensure that they can return after the birth of the babies, because presently schools do as they please.

Environment

Swaziland must ensure that NEAP is implemented with specific deadlines and is enforceable. At the same time the country should sign and ratify relevant environmental conventions particularly that on desertification.

Pollution standards and regulations need to be in place, particularly those relating to water pollution.

Swaziland must promulgate a national land policy which will address access, ownership and the responsibility to protect this resource.

Health

Although there are some programmes which address maternal health, most other gender problems such as ageism and the feminisation of poverty remain unanswered. Swaziland should develop a social security system to deal with the aged and socially deprived children in the country by the year 2000. Most health facilities in the country are not accessible to rural communities. In order to achieve health for all by the year 2000 serious efforts are needed to upgrade as well as opening up new clinics by governments and NGOs.

Serious attention should be given to the health and nutrition of women and children in order to decrease maternal deaths and nutritional related diseases. Family planning needs to be encouraged among Swazi men not only for population control but also to help improve the health of the women.

Violence

Swaziland has mapped out a number of strategies to address all forms of violence against women, some of which are to mobilize women and men in common opposition. This will be done through information campaigns, workshops,

posters and pamphlets to raise public consciousness about violence against women and how it can be prevented:

- ◆ Provide counselling, guidance and rehabilitation for abused women and their children, as well as perpetrators to prevent the recurrence of violence.
- ◆ Encourage people to report violence in the home as a societal problem presently covered by a veil of secrecy and denial, not as an isolated personal or domestic problem that women accept and internalise;
- ◆ Challenge values and beliefs that reinforce male violence in an effort to effect changed attitudes;
- ◆ Review and analyse current laws to eliminate loopholes and suggest new legislation to change the laws to protect those subjected to violence;
- ◆ Conduct workshops for the judiciary and police to ensure fair and serious treatment of women victims of violence because law enforcement today seem to condone domestic violence as being no different from other forms of violence;
- ◆ Develop a network of lawyers, para-legals, medical practitioners and counsellors where women can obtain assistance, support, consultation and representation;
- ◆ Train health professionals to be agents of change by recognising the signs and symptoms of abused women or children and treating both physical and emotional trauma.

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Appendix 3

GENDER AND DEVELOPMENT

A Declaration by Heads of State or Government of the Southern African Development Community (SADC)

PREAMBLE

WE, the Heads of State or Government of the Southern African Development Community,

A. NOTING THAT:

- i) Member States undertook in the SADC Treaty and in the Declaration to the Treaty, and in the Protocol on Immunities and Privileges, SADC not to discriminate against any person on the grounds of gender, among others;
- ii) All SADC member states have signed and ratified or acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), or are in the final stages of doing so.

B. CONVINCED THAT:

- i) Gender equality is a fundamental human right;
- ii) Gender is an area in which considerable agreement already exists and where there are substantial benefits to be gained from closer regional co-operation and collective action;
- iii) The integration and mainstreaming of gender issues into the SADC Programme of Action and Community Building Initiative is key to the sustainable development of the SADC region.

C. DEEPLY CONCERNED THAT:

- i) While some SADC member states have made some progress towards gender equality and gender mainstreaming, disparities between women and men still exist in the areas of legal rights, power-sharing and decision-making, access to and control over productive resources, education and health among others;
- ii) Women constitute the majority of the poor;
- iii) Efforts to integrate gender considerations in SADC sectoral programmes and projects have not sufficiently mainstreamed gender in a co-ordinated and comprehensive manner.

D. RECOGNISING THAT:

- i) The SADC Council of Ministers in 1990 mandated the SADC Secretariat to explore the best ways to incorporate gender issues in the SADC Programme of Work, and approved in 1996 gender issues at the regional level to be co-ordinated by the Secretariat;
- ii) In execution of this mandate, the SADC Secretariat has developed and maintained working relations with key stakeholders in the area of gender, which resulted in the approval and adoption of the SADC Gender Programme by the SADC Council of Ministers in February 1997.

WE THEREFORE:

E. REAFFIRM our commitment to the Nairobi Forward Looking Strategies, the Africa Platform of Action and the Beijing Declaration and Platform for Action.

F. ENDORSE the decision of Council on:

- i) The establishment of a policy framework for mainstreaming gender in all SADC activities, and in strengthening the efforts by member countries to achieve gender equality;

- ii) Putting into place an institutional framework for advancing gender equality consistent with that established for other areas of co-operation, but which ensures that gender is routinely taken into account in all sectors;
- iii) The establishment of a Standing Committee of Ministers responsible for Gender Affairs in the region;
- iv) The adoption of the existing Advisory Committee consisting of one representative from Government and one member from the Non-Governmental Organisations in each member state whose task is to advise the Standing Committee of Ministers and other Sectoral Committees of Ministers on gender issues;
- v) The establishment of Gender Focal points whose task would be to ensure that gender is taken into account in all sectoral initiatives, and is placed on the agenda of all ministerial meetings;
- vi) The establishment of a Gender Unit in the SADC Secretariat consisting of at least two officers at a senior level.

G. RESOLVE THAT:

As leaders, we should spearhead the implementation of these undertakings and ensure the eradication of all gender inequalities in the region;

AND

H. COMMIT ourselves and our respective countries to, inter alia,

- i) Placing gender firmly on the agenda of the SADC Programme of Action and Community Building Initiative;
- ii) Ensuring the equal representation of women and men in the decision-making of member states and SADC structures at all levels, and the achievement of at least 30 percent target of women in political and decision-making structures by year 2005;
- iii) Promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women;
- iv) Repealing and reforming all laws, amending constitutions and changing social practices which still subject women to discrimination, and enacting empowering gender-sensitive laws;
- v) Enhancing access to quality education by women and men, and removing gender stereotyping in the curriculum, career choices and professions;
- vi) Making quality reproductive and other health services more accessible to women and men;
- vii) Protecting and promoting the human rights of women and children;
- viii) Recognising, protecting and promoting the reproductive and sexual rights of women and the girl child;
- ix) Taking urgent measures to prevent and deal with the increasing levels of violence against women and children;
- x) Encouraging the mass media to disseminate information and materials in respect of the human rights of women and children.

IN WITNESS WHEREOF, We, the Heads of State or Government of the Southern African Development Community, HAVE SIGNED THIS DECLARATION.

DONE at Blantyre on this 8th day of September 1997, in two original texts, in the English and Portuguese languages, both texts being equally authentic.

Republic of Angola
Republic of Botswana
Kingdom of Lesotho
Republic of Malawi
Republic of Mauritius
Republic of Mozambique
Republic of Namibia
Republic of South Africa
Kingdom of Swaziland
United Republic of Tanzania
Republic of Zambia
Republic of Zimbabwe

Appendix 4

Fourth World Conference on Women
Beijing, China, 4-15 September 1995

BEIJING DECLARATION

1. We, the Governments participating in the Fourth World Conference on Women,
2. Gathered here in Beijing in September 1995, the year of the fiftieth anniversary of the founding of the United Nations,
3. Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity,
4. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth,
5. Recognize that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people,
6. Also recognise that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains,
7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and carry us forward into the next century.

We reaffirm our commitment to:

8. The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;
9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;
10. Build on consensus and progress made at previous United Nations conferences and summits — on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objective of achieving equality, development and peace;
11. Achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women;
12. The empowerment and advancement of

women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.

We are convinced that:

13. Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace;
14. Women's rights are human rights;
15. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;
16. Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;
17. The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment;
18. Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels;
19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;
20. The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organisations and community-based organisations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action;
21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.

We are determined to:

22. Intensify efforts and actions to achieve the goals of the Nairobi Forward-looking Strategies for the Advancement of Women by the end of this century;
23. Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms;
24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;
25. Encourage men to participate fully in all actions towards equality;
26. Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;
27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, lifelong education, literacy and training, and primary health care for girls and women;
28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
29. Prevent and eliminate all forms of violence against women and girls;
30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;
31. Promote and protect all human rights of women and girls;
32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;
33. Ensure respect for interactional law, including humanitarian law, in order to protect women and girls in particular;
34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

We are determined to:

35. Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, *inter alia*, by means of international cooperation;
36. Ensure the success of the Platform for Action, which will require a strong commitment on the part of Governments, international organisations and institutions at all levels. We are deeply convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognises empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable development. We also recognize that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. The success of the Platform for Action will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, subregional, regional and international institutions, a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women;
37. Ensure also the success of the Platform for Action in countries with economies in transition, which will require continued international cooperation and assistance;
38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organisations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action.

SOURCE: United Nations, *Platform for Action and the Beijing Declaration*, UN Department of Public Information, New York, 1996

Appendix 5

Fourth World Conference on Women
Beijing, China, 4-15 September 1995

PLATFORM FOR ACTION: MISSION STATEMENT

1. The Platform for Action is an agenda for women's empowerment. It aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and in the wider national and international communities. Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century.

2. The Platform for Action reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. As an agenda for action, the Platform seeks to promote and protect the full enjoyment of all human rights and the fundamental freedoms of all women throughout their life cycle.

3. The Platform for Action emphasizes that women share common concerns that can be

addressed only by working together and in partnership with men towards the common goal of gender equality around the world. It respects and values the full diversity of women's situations and conditions and recognises that some women face particular barriers to their empowerment.

4. The Platform for Action requires immediate and concerted action by all to create a peaceful, just and humane world based on human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life, and to this end, recognizes that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice.

5. The success of the Platform for Action will require a strong commitment on the part of Governments, international organisations and institutions at all levels. It will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, sub-regional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels of accountability to the world's women.

SOURCE: United Nations, *Platform for Action and the Beijing Declaration*, UN Department of Public Information, New York, 1996

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