

SWAZILAND'S RESPONSE TO ECA (DAW) QUESTIONNAIRE

On Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)

**For preparation of regional review and
appraisals
in the context of the 15th anniversary of
the adoption of the Beijing Declaration and
Platform for Action in 2010**

PART ONE

a). Swaziland currently has a draft gender policy that is awaiting cabinet's approval. There is also a National Gender Plan of Action that lays out strategies to implement the ten critical areas of concern outlined in the policy. A monitoring and Evaluation tool with baseline data and targets was developed alongside the National Plan of Action. The Gender Coordination Unit at the Deputy Prime Minister's Office is the national coordination mechanism responsible for ensuring that gender is mainstreamed in all sectors.

b). The European Commission and UNDP are supporting a three year programme on CEDAW domestication and implementation whose overall objective is to address the inequalities that exists between women and men in Swazi Society by implementation and domestication of the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW).

PROJECT PURPOSE

1. To promote and protect the rights of women by implementing and domesticating the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through a multi- sectoral and integrated approach.
2. To build capacity of non state actors in eliminating gender discrimination and end violence against women with special emphasis on ensuring HIV mainstreaming.

MAIN ACTIVITIES

1. Awareness raising, sensitization on gender, human rights and CEDAW for Policy/Decision makers, Traditional authorities and Parliamentarians.
2. Technical assistance to the Gender Unit and Non State Actors with CEDAW monitoring and reporting
3. Legal Audit for gender sensitivity and compliance with CEDAW and assistance to the Ministry of Justice and Constitutional Affairs with legal drafters to undertake the law reform process.

4. A Swaziland Advocacy programme developed, launched and implemented.
5. Capacity building for women parliamentarians.
6. Building capacity for the establishment of structures for the economic empowerment of women.
7. Undertaking CEDAW training and national advocacy campaigns.

c). Main legislative and policy- making achievements

Nationally, the Constitution 2005, National Development Strategy (NDS) 2022, Poverty Reduction Strategy and Action Plan (PRSAP) 2006 and a number of other sectoral policies such as the National Multi-sectoral Policy on HIV/ AIDS, National Population Policy Framework for Swaziland and National Youth Policy all recognise the problems associated with discrimination against women and the need to address the existing disparities. There are also a Draft National Gender Policy and a Draft National Land Policy that are awaiting adoption by Government. These collectively demonstrate Government's commitment to gender equality and will collectively strengthen the nation's efforts at attaining it. On 25th July 2005, Swaziland adopted a new national Constitution. The Constitution is a progressive step in the development of the country in that the enforcement of its provisions is expected to introduce positive change in many areas, including that of the promotion and protection of women's rights and gender equality in all spheres of life. In this regard, the Constitution has entrenched the principles of equality before the law and non-discrimination as well as specifically recognising the rights and freedoms of women. The National Vision 2022 articulated in NDS spells out a number of strategies aimed at eliminating development and gender gaps. It also offers equal opportunity strategies to all citizens irrespective of their sex. The NDS also emphasises the adoption of a gender balanced approach to development in all national development plans, policies and projects.

In particular, the Constitution's entrenchment of provisions pertaining to equality, non-discrimination and the rights and freedoms of women can be

viewed as being part of the implementation of measures aimed at domesticating CEDAW and a further confirmation of Swaziland's commitment to the principles of equality and non-discrimination espoused and promoted by the Convention.

- d). Swaziland views gender responsive budgeting as a long term goal that will need to be gradually introduced at sector level. As such nothing much has been done to initiate this process.
- e). Different sectors use MDGs that are relevant to their sectors for planning and programming. Efforts are made to mainstream goal three into all sectoral policies and programmes even though a lot of institutional strengthening has to be done.
- f). There has been ongoing lobbying by different stakeholders to move the gender unit from the Ministry of Home Affairs to a higher office. The Gender Unit has since been moved from the Ministry of Home Affairs to the Deputy Prime Minister's Office. This will enhance the coordinatory role of the Gender Unit.
- g). Not relevant to Swaziland**
- h). The general lack of markets has worsened with globalization as local women, due to limited funding fail to compete effectively to secure international markets.
- i). In developing the PRSAP, Government has also taken into account women's lower economic status and gender issues are mainstreamed into the strategies and action plan for reducing poverty in the country. The PRSAP contains strategies for achieving gender equality which are both general and specific to women's economic situation.

The Marriage Act of 1964 is being reviewed and this process will identify and address the gaps that were inherent including the age differential in marriageable age of boys versus girls and the marital power that currently rests wholly on men. The issue of inheritance laws and women's access to land rights needs to be addressed as well and the review of the Administration of Estates Bill will ensure that this is done.

The National Constitution has provided for the prevention of society from ‘*compelling a woman undergo or uphold any custom to which she is in conscience opposed*’. It can be inferred from this clause that even the wearing of mourning gowns can now be challenged with the strength of this general clause. In addition, according to subsection 23(1) of the National Constitution entitles ‘all persons to a right to freedom of thought, conscience or religion’ which can imply that even a woman regardless of their marital status can follow a religion of her own.

- j. The national gender machinery established by Government to spearhead the implementation of the country’s development agenda in a gender-sensitive and transformative manner commenced with the launch of the Swaziland Committee on Gender and Women’s Affairs (SCOGWA) within the Ministry of Home Affairs in March 1994 ‘to serve as the main coordinating body for the development of a gender programme.’ This was followed, pursuant to the country’s participation in the Beijing Women’s Conference in 1995, by the establishment of a Gender Coordination Unit (GCU) within the Ministry of Home Affairs in 1996 which is charged with providing leadership and oversight in the implementation of the envisaged gender programme. As part of fulfilling its mandate, the Unit initiated the establishment of Gender Focal Points (GFPs) in every government ministry as a way of promoting gender mainstreaming in all sectors of national development. In 2001 as part of an initiative to assist in the formulation of a national Gender Policy, the World Bank, UNDP, UNESCO, and UNIFEM created “An Integrated Approach to Gender Equality in Swaziland.” A Draft Gender Policy has since been produced and is currently awaiting adoption by Government.

Lutsango Lwaka Ngwane, the traditional women’s regiment that was established by King Sobhuza II in 1975 is also charged with ensuring women’s welfare and promoting women’s participation in all spheres of life for the nation’s development.

The work of Government through the GCU is complemented by the work of a number of NGOs that deal with gender issues. In this regard, the Coordinating Assembly of Non-governmental Organisations (CANGO) has

within its structures, a Gender Consortium comprising of a number of NGOs with an interest in promoting gender equality namely, the CSC, Family Life Association of Swaziland (FLAS); Federation of the Disabled in Swaziland (FODSWA), Gender and Media in Swaziland (GEMSWA), *Imbita* Women's Finance Trust, Red Cross Society of Swaziland, Save the Children Swaziland (SCS), SWAGAA, Swaziland Conference of Churches, WLSA, World University Services (WUS) Swaziland.

In addition, a Women's Coalition was established in 2007 which is aimed at dealing with the issues affecting women and girls in the context of the country's challenge with HIV and AIDS. In addition to CSC, FLAS, *mbita* and WLSA, the Women's Coalition membership also includes the International Community of Women Living with HIV and AIDS (ICW), MICAAL, the Swaziland Network of People Living with HIV and AIDS (SWANNEPHA); Swaziland Positive Living (SWAPOL) and Women Together. Further, Skill share International (Swaziland Country Office) has been implementing a programme during the past year on empowering women with knowledge of their rights as contained in CEDAW and the Constitution.

The size, mandates, programmes and extend of these organizations vary but they have in common the promotion of gender equality and women's rights whether through strategies such as action-research, advocacy, awareness-raising, education and training, counseling, legal advice and assistance, or promotion of income generation and women's entrepreneurship.

k). The Swaziland Action Group Against Abuse (SWAGAA), an NGO responsible for combating gender based violence in the country has formed men's networks country wide and they promote the concept of "Zero Tolerance" through dialogues around the whole country.

l). Women are the ones who are expected to put food on the table by society no matter what the situation is. With the scarcity of food, women are burdened with providing for their families. A number of government and non governmental organization work in the area of women's economic empowerment to reduce their vulnerability mainly caused by their strong dependency on men.

m). Financing for gender equality is often categorized as a social issue, therefore the first to suffer cuts during budgetary cuts to sectors. Continuous awareness raising on the relationship between gender equality and sustainable development may lead to attitudinal changes.

PART TWO

GENDER HUMAN RIGHTS AND THE LAW

A) INTERNATIONAL LEGAL INSTRUMENTS ON HUMAN RIGHTS

The following are International articles, conventions and instruments signed and ratified by Swaziland:

1. Convention Eradicating all forms of Discrimination) Against Women (CEDAW)
2. Convention on the Nationality of Married Women
3. Convention Against Torture, Inhuman or Degrading Treatment or Punishment (CAT)
4. Convention on Worse forms of Child Labour (CWCL)
5. SADC Declaration on Gender Development
6. Beijing Declaration and Platform for Action
7. Millennium Development Goals
8. International Convention on Population and Development
9. COMESA Gender Policy
10. Declaration on Human Rights
11. Abuja Declaration
12. 1951 Convention and Protocol relating to the Status of Refugees
13. Organisation of African Unity Governing the Specific Aspects of Refugee Problems in Africa -1969
14. Immigration
15. International covenant on civil and political rights.
16. International covenant on Economic, Social and Cultural rights.
17. Convention on political rights of Women

- 18.SADC Protocol on Gender and Development
19. International Humanitarian Law
- 20.International Human Rights Law

THE FOLLOWING WERE SIGNED BUT NOT RATIFIED BY SWAZILAND. MANY OF THESE ARE BEING DEBATED IN PARLIAMENT AND IN OTHER FORUMS

1. African Charter on Human And people's rights(1995)
2. African Charter on the Rights and Welfare of the Child(1992)
3. United Nations Convention on Disability
4. Solemn Declaration on Human Rights
5. Optional protocol to the convention on the rights of the child, on the Sale of Children, child prostitution and child pornography.
6. Optional protocol to the convention on the rights of the child on the involvement of children in armed conflict.
7. Optional protocol to the international covenant on civil and political rights.
8. Protocol to the African Charter on human and people's rights in Africa
9. Protocol to CEDAW
- 10.Human Trafficking/Trafficking of Girls and Women

NATIONAL LEGAL INSTRUMENTS ON HUMAN RIGHTS

1. The Constitution of The Kingdom of Swaziland Act 1/2005
2. Criminal Procedure and Evidence Act 67/1938 as amended
3. National Development Strategy
4. Juvenile Act
5. Girls and Women's Protection act of 1920 as amended
6. Child care order
7. Adoption Act of 1962
8. Maintenance Act
9. Child Labour Policy
10. Kings Order in Council to establish better Control of Refugees entering Swaziland 1978
11. Land policy

12. Population Policy
13. HIV and AIDS Policy
14. Youth Policy
15. Poverty Reduction Strategic Plan and its implementation plan
16. Transport Policy (gender is mainstreamed in it)
17. Energy Policy (gender is mainstreamed in this policy)
18. ITC Policy
19. Small and Medium Enterprise Policy
19. Education Policy
20. Decentralization Policy
21. Disaster management Policy

NATIONAL ARTICLES IN PROGRESS

1. Children's Bill
2. Sexual Offences and Domestic Violence Act
3. Marriage Act
4. Administration of Estate Act
5. Deeds Registry Bill
6. Refugee Bill

NATIONAL POLICIES IN PROGRESS

1. National Gender policy
2. Children's Policy
3. Media Policy
4. Health Policy
5. Labour inspection Policy
6. Social Welfare Policy

NATIONAL COMMITMENTS

1. Establishment of the Gender Coordination Unit within the Ministry of Home Affairs and its recent elevation (2009) to the Deputy Prime Minister's Office.
2. Establishment of the Human Rights Commission in Swaziland
3. Incorporation of the rights of the child and women into the constitution of Swaziland. The national constitution of the kingdom of Swaziland explicitly states the rights of women as equal to that of men.
4. Establishment of the Domestic Violence and Child Protection Units in the police force and the training of police officers to manage this unit. These units afford survivors the dignity, safety and privacy they desperately require in their circumstances.
5. Establishment of Child friendly corners in police stations and private interviewing rooms for survivors of Human Rights and assault violations
6. Establishment of a Children's Court in the High Court of Swaziland.
7. The use of intermediaries in courts.
8. Establishment of the Royal Swaziland Police Gender Network in the Police Force
9. Establishment of male involvement initiatives on gender based issues by civil society and government. Swaziland Action Group Against Abuse (SWAGAA) has launched a programme which celebrates good men.
10. Inclusion of Human Rights into the Royal Swaziland Police training curriculum as a stand alone subject and in the Women in Development national training curriculum. This has enhanced the understanding of law enforcement agents and agencies on the rights of people in their care.
11. Establishment of Community Action against Child Rights Abuse (CACRA).
12. Establishment of African Ministers and Women's Parliamentary Network. The Network comprises the former and current Women Ministers and Members of Parliament
13. Establishment of National network to cater for orphaned and Vulnerable children

ACHIEVEMENTS ON GENDER HUMAN RIGHTS AND LAW

14. The training of legal practitioners on Gender and Human Rights. This training was attended by judges, magistrates, prosecutors and lawyers.

15. National sensitization on the on ILO programmes on the Eradication of Child Labour
16. Research conducted on worst forms of child labour.
17. Sensitizing communities on Human Rights as enshrined in the Constitution of Swaziland.
18. Swaziland's active participation during the preparation of the SADC Protocol on Gender and Development.
19. Training of teachers and students on the Rights of the Child in primary and secondary level.
20. Sensitizing workers on workers rights.
21. Capacity building on Women Parliamentary Caucus (WPC) on regional and international Human Rights instruments. This training has equipped the women parliamentarians with knowledge and skills to make informed inputs in parliament.
22. Drafting of a strategic action plan for the Women's Parliamentary Caucus.
23. Establishment of African Ministers and Women's Parliamentary Network. The Network comprises the former and current Women Ministers and Members of Parliament
24. Establishment of National network to cater for orphaned and Vulnerable children
25. Gender based violence study conducted. The studies gave organizations the data necessary to put programmes in place that will address the root causes of GBV.
26. Establishment of male involvement initiatives on gender based issues by civil society and government. Swaziland Action Group Against Abuse (SWAGAA) has launched a programme which celebrates good men.
27. Conducted regional dialogues on GBV. All these programmes are done in conjunction with the Gender Consortium of Swaziland.
28. Annual observation of the 16 Days of Non Violence against Women and Children. In 2006 there was a march around the city of Manzini which has seen terrible incidences of GBV in the 'Take Back the Night' campaign. Hundreds of women, men, civil society, law enforcement agencies and other organizations walked around the city raising awareness on GBV nationwide.
29. Development of a 365 days campaign and its strategy against Gender Based Violence in Swaziland

CHALLENGES ON GENDER, HUMAN RIGHTS AND LAW

1. Domestication of international instruments.
2. The judiciary system needs to be overhauled to be able to deter would be offenders.

A) LEGISLATIVE CHANGE GENDER AND HIV& AIDS

Swaziland has gone on record as the leading country in terms of HIV prevalence with the highest statistics of pregnant women between 15 and 49 being 42.6% in data received in the 2004 sentinel surveillance. Much work has been done in prevention, impact mitigation and care and support within the reporting period. The 2006 prevalence data shows a slight decline, recording a 39.2% statistic.

The following are International articles, conventions and instruments signed and ratified by Swaziland:

INTERNATIONAL INSTRUMENTS RATIFIED BY SWAZILAND

1. International Convention on population and development (ICPD)
2. United Nations Development Assistance Framework (UNDAF)
3. Millennium and Development Goals (MDGs)
4. Conventions of elimination of all form of discrimination against Women (CEDAW)
5. Abuja declaration
6. New Partnership for Africa's Development (NEPAD)
7. Maputo declaration – 2006 (Universal Access to comprehensive SRH Services in Africa) AU
8. Maseru Declaration
9. United Nations General Assembly Special Session (UNGASS)

NATIONAL HIV AND AIDS INSTRUMENTS

1. National HIV and AIDS policy
2. Population Policy
3. National Youth Policy
4. National Strategic plan on HIV &AIDS (NSP) Health sector response Plan (HSRP)

NATIONAL INSTRUMENTS IN PROGRESS

1. National Health Policy
2. Social Welfare Policy
3. Sexual and reproductive Health (SRH) Policy and Strategic Plan of Action

INITIATIVES IN GENDER AND HIV AND AIDS

Programmes and projects

1. Sexual and Reproductive Health (SRH)
 1. Strengthening and decentralization of the Prevention of Mother To Child Transmission of HIV programme (PMTCT)
 2. Upgrading of Youth Friendly Corners within Health Facilities towards provision of youth friendly Health services
 3. Establishing and construction of youth centers Ministry of Regional Development and Youth Affairs (MORDAYA)
2. Training of Women's Parliamentary Caucus on Roles of Sexual Reproductive Health in the fight against HIV and AIDS
3. Capacity building on gender issues to Gender practitioners
4. Establishment of youth committees at constituency and Chiefdom level which are Gender sensitive.
5. Trainings on Service provision on Youth Friendly Services, HIV & AIDS, Counseling and PMTCT
6. Procurement and distribution of female Condoms (FC) find the proper name care
7. Promotions to market the Female Condoms conducted
8. The month of May, 2007 was declared as a month of condom use

SWAZILAND NATIONAL AIDS PROGRAMME

1. Integration of Voluntary Counseling and Testing in Health facilities especially the clinics
2. Establishment of linkages and collaboration between SWANNEPHA (an NGO for people who are affected and infected by HIV and AIDS) and the Health Sector response

3. Deployment of Home Based Care and Rural Health Motivators

NATIONAL EMERGENCY RESPONSE TO HIV AND AIDS (NERCHA)

1. Mobilized resources necessary in the fight against HIV and AIDS
2. Establishment and operationalization of the multi-sectoral national strategic plan on HIV & AIDS for 2006-2008
3. Conducted national Behavioral Change Campaigns on HIV & AIDS
4. Mainstreaming of HIV in non-Health sectors
5. In providing ARVs to people who need them, as a country we were able to meet the WHO set target of 2005 (3x5)
6. Integration of SRH and HIV & AIDS by MOHSW, PSI & FLAS
7. Development of IEC materials targeting Gender and HIV & AIDS issues
8. Formulation of sexual harassment policy at the work place
9. Sensitization of regional development team in all the regions on decentralization on Gender and HIV and AIDS.

CIVIL SOCIETY

1. Formation of NGOs for women by women to fight HIV and AIDS
2. Community based women regiment “Lutsango Lwaka Ngwane” mitigating the impact of HIV and AIDS to Orphaned and Vulnerable Children and Neighborhood Care Givers for the Orphaned and Vulnerable Children (OVC).
3. World AIDS campaign on HIV and AIDS specific funding by Lutsango Lwaka Ngwane.
4. Sensitization and mobilization of men to support women in the fight against HIV & AIDS and Gender Based Violence
5. Training of Scouts on gender sensitive issues
6. Training of wellness co-coordinators and gender focal points in different government ministries on Gender HIV and AIDS.
7. Building of structures for child headed Families
8. Establishment of Neighborhood Care Points
9. Establishment of HIV positive support group

10. Addressing of social needs for orphans and vulnerable children (Education, Health)
11. Conducted a pilot project focusing on Gender Based vulnerabilities to HIV and AIDS

FAITH BASED ORGANIZATIONS

1. Psycho-social and spiritual counseling for women who bear the biggest burden of HIV and AIDS.
2. Special services for women on Gender and HIV & AIDS
3. Train Church representatives on HIV & AIDS

In addition, Civil Society Organisations have launched a campaign on HIV and AIDS Against multiple partners called Makhwapheni.

Civil Society organization have also launched a campaign on male involvement in the fight against HIV and AIDS called “Kudliwa Inhloko Maja” meaning men come lets eat a cows’ head. A cows’ head is men’s delicacy in Swaziland so the National EmergencyNERCHA used a local group of artist “Siphila nje Drama Society” to perform the gender and HIV and AIDS issues while the head of cattle is boiling so that men will have discussions over the head of cattle. This was used as bases for male involvement in the fight against HIV and AIDS in Swaziland. This campaign was received with enthusiasm and it encouraged a lot of men to go for HIV testing and communities now are aware that being HIV positive does not mean death you can still live with it provided you take precautions and treat yourself. Communities are able to advice each other that everybody should know their status in order to be assisted accordingly.

CHALLENGES

1. Inadequate outreach SRH/HIV services to reach people in most rural areas

2. Most Development Partners (Donors) focus on HIV and AIDS and undermining SRH and gender interventions where most of Behaviour Change Communication initiatives are found.
3. Inadequate mainstreaming of Gender in HIV and AIDS programmes
4. Need for a vigorous promotion of femadom/female condom
5. Raise funding for research on why the female condom is not used as much as the male one
6. Lack of vapacity building for male involvement in accessing SRH/HIV related services to support their partners
7. Lack of a finalized National Health Policy and a National SRH Policy
8. Need to capacitate the young girls & women on their SRH rights
9. Biased Socialization process between the boy and girl child.
- 10.Lack of interventions specifically targeting people living with disabilities, especially women.
- 11.Minimal National Budget towards MOHSW undermines interventions on SRH and HIV & AIDS. (Lack of government commitment to allocate 15% of the national budget to the MoHSW as per the Abuja declaration of which Swaziland is signatory.
- 12.Misconception on gender issues and socio-cultural norms and practices that impact negatively on gender equality efforts in the country

13.High HIV prevalence in the country that stand at 39.2% ,2006 statistics

14.Effecting positive Behavioural Change in Society

15.Reducing of Stigma and discrimination against people living with HIV or AIDS especially women.

16.Impact of HIV & AIDS such as OVC, Poverty

RECOMMENDATIONS

1. Need to capacitate the young girls & women on their Sexual Reproductive Health Rights
2. Socialize the boy and girl child to a gender balanced up- bringing.
3. Conduction of study on the used of femidom
4. Formulation of an HIV and AIDS disability policy
5. Putting an addendum in the Girls and women Protection act to cover offense against physical and mentally challenged incorporating both gender.
6. Amending the Girls and women protection act to cover offences against males below the age of 16years and physically and mentally challenged man above 16 years.
7. A need to formulate a prototype National policy on HIV and AIDS in the work place led by the Ministry of Enterprise and Employment.
8. Amendment of the Employment Act in regards with sexual harassment within the work place

9. Capacity building of social workers on Pre and post abortion issues on HIV and AIDS counseling.

10. Need to capacitate the young girls & women on their Sexual Reproductive Health rights

GENDER POVERTY ERADICATION AND ECONOMIC EMPOWERMENT

International Declarations

1. SADC Transport Protocol (Expand)
2. Bilateral Agreements
3. Southern African CU Memorandum of Understanding
4. World Trade Organization
5. COMESA
6. Regional Tourism of Southern Africa (RETOSA)
7. Millennium Development Goals (MDGs)
8. CEDAW

National Declarations Policies and Legislation

1. National SME Policy
2. NDS (National Development Strategy)
3. Transport Policy

4. Transport Act
5. Transport Traffic Act
6. National Transport and Constitution
7. Competition bill
8. Anti-Corruption Act
9. Poverty Alleviation Strategy
10. National Youth Policy
11. Decentralization Policy
12. National Constitution

INITIATIVES ON POVERTY ERADICATION AND ECONOMIC EMPOWERMENT AND ACHIEVEMENTS

1. Job Creation Summit: E1.6 billion (US\$ 112,000,000) was pledged by the private sector and developmental partners for the purpose of reviving the economy by creating financing for businesses that lack capital to commence operations.
2. The creation of a USAID sponsored business plan competition geared at funding innovative business ideas and funding start ups that in this competition to the tune of about US\$ 25,000.
3. The founding of the Entrepreneur of the Year Award; an award given to the entrepreneur who was most impressive for the year. Criteria for selection include but are not limited to having a business that generates US\$ 1 million during the year of award. It is open to both men and women entrepreneurs and in 2006 a woman won the award.
4. The launching of the Woman Farmer of the Year Awards. This award is given to the top female farmer for the year in Swaziland.
5. Establishment of the Business Woman of the Year Awards. Nedbank Swaziland has initiated this award in order to promote women entrepreneurs in the country. This award goes to businesswomen in the entrepreneurial and corporate business sectors. This award has tended to provide sponsorships to business women.

6. Establishment of Child and Elderly citizens' grants. The advent of HIV and AIDS has placed the burden of care on women, particularly elderly women who care for the grandchildren of their deceased offspring. The grants allow them to purchase commodities needed to care for the basic needs of the children while attending to their own needs with the elderly grant.
7. Establishment of a community network to cater for orphaned and vulnerable children. The network comprises of Neighbourhood Care Points, *Kagogo* centers (grandmother's house), Lihlombe lekukhalela (shoulder to cry on), Rural Health Motivators and Community Police. These are OVC centres where orphaned and vulnerable children are fed and taught basic life skills and are offered protection from pedophiles and other types of abusers and abuse.
8. The constitution of Swaziland has in it enshrined the ability for women to independently apply for loans without their husband's consent. Previously women had to co sign with their husbands on bank loans.
9. A Regional Development Fund has been set up by the government to look at specific developmental needs of the four regions of the country.
10. Adoption of MDGs by government to guide planning and implementation in order to reduce poverty and hunger by 2015.
11. Training of Members of Parliament on gender sensitive budgeting.

ACHIEVEMENTS

1. Establishment of the elderly grants in the social welfare system. Elderly people who qualify for the grant receive E 240.00 (US\$ 35) a month

2. Disability grant which includes provision of artificial limbs and other devices
3. Child welfare (school fees, foster care, institution support)
4. Public Assistance (Assisting destitute)
5. Organizations continue to training & support women income generation activities
7. Establishment of Loan Guarantee Schemes
 - Certain businesses are reserved for local entrepreneurs.
 - Establishment of an incentive scheme training with the aid of EU (Formation of Task Teams (Goat production and vegetable production, packing and processing)
 - Establishment of quality standards authority
 - SME Directory that is a marketing tool for SME
8. Establishment of OVC structures like Neighborhood Care Points (NCPs), Kagogo Centers.
9. Establishment of an OVC grant
10. Construction of bridges in the communities
11. Construction of decent homes for vulnerable children
12. Fencing for gardening projects and schools
13. Provision of clean water to communities (boreholes and piped water)
14. Goats rearing project for child headed families
15. Provision of finance for Small and Medium Businesses (SME)
16. Provision of transport to rural areas by issuing more transport permits and rural road upgrading.
17. Development of transport action plan policy integrating the transport policy poverty eradicating strategy and MDGs
18. Establishment of fire and natural disaster fund
19. Accumulated Savings and Credit Association
20. Ensuring food security by providing food hampers
21. Funding of some NGOs
22. Training of Caregivers on managing their savings and credit fund

CHALLENGES

1. Lack of a scholarship policy for tertiary scholarship awards to ensure deserving students who cannot afford tuition are prioritized. This further burdens the mothers who are often the ones who pay for tuition.

2. Lack of Small Medium Enterprise (SME) Bank to assist women in accessing loans
3. Continuous corruption and mismanagement of public funds)
4. Marginalizing of women in accessing funds from financial institutions
5. Lack of a finance policy to regulate the interest charged when women seek loans for starting or financing their businesses from institutions that are not commercial bank.
6. Lack of clear Orphaned and Vulnerable Children's policy
7. No provision for physically challenged in the public transport sector
8. Lack of a Disability Act
9. Short staffing in the department of Social Welfare
10. Absence of a women empowerment charter
11. Concentration on the same business initiative during capacity building training

GENDER, PEACE AND CONFLICT

The following are International articles, conventions and instruments signed and rectified by Swaziland:

INTERNATIONAL RATIFIED ARTICLES

1. None identified

NATIONAL ARTICLES

1. National constitution

2. Terrorism and Subversive Act
3. Anti- corruption Act
4. Money laundering (prevention) Act 201

NATIONAL ARTICLES IN PROGRESS

1. Money laundering (prevention) bill 2007

COMMITMENTS

Establishment of the Anticorruption Commission

WOMEN IN POLITICS AND DECISION MAKING

International Ratified Articles

CEDAW

Achievements on Women in Politics and Decision Making

23. Production of modules that seek to interpret the constitution of Swaziland through case law and Sensitizing Law enforcement officials on pertinent issues on the Constitution.
24. Establishment of a task team to oversee the implementation of the constitution.
25. Allocation of budget to support the implementation of the constitution.
26. Civic education to communities on the constitution.
27. Lobbying national leadership and Parliament for the addressing of Gender and Human Rights matters in Parliament
28. Election and appointment of women in decision making positions in government, the legislature and judiciary.
29. The election of a local Member of Parliament as a chairperson of the Gender, Democracy and Conflict Resolution Committee under the SADC parliamentary forum.
30. Gender analysis initiative by Government, non-governmental organizations (NGOs), Faith Based Organizations (FBOs), Community Based Organizations (CBOs) and the private sector in support of the Constitution.

31. Election observation in the SADC region by members of parliament to ensure that gender balance and observation of Human Rights are followed.
32. Establishment of the council of chiefs in parliament as per provisions of the constitution.

CHALLENGES ON WOMEN IN POLITICS AND DECISION MAKING

- Representation of women in Parliament in the previous parliament stood at 19% women, but the country at present stands at 21% of women in parliament, still short of the stipulated 30% quota.
- Sensitizing the nation and women on the right to be elected to parliament to fulfill the required representation of women in parliament.
- Capacity in terms of numbers of human resource in terms of capacity and skills of the facilitators and participants to be educated on Human Rights and law.
- During the community sensitization sessions on the national constitution, community members aren't always able to engage in the discussions comprehensively due to inability to read the constitution before hand or their levels of literacy. Other community members who relocate to the cities for employment are unable to return to their places of birth to be part of these discussions
- Our national elections are yet to be observed by SADC election observatory mission.

B) CAMPAIGNS

The Government of Swaziland in collaboration with NGOs, Civil Society, Lutsango LwakaNgwane (Women's Regiment) and with the support from the United Nation's Family launched a Campaign on “

Vote and Vote for a Woman” in order to increase Women's Participation in Politics and Decision Making Positions. Immediately after the launch we had regional consultative meetings with the Chiefs to introduce the campaign and solicit their advice and support as we were going to conduct community sensitization in their respective areas. Most of the communities

we visited were invited by Chiefs to come and sensitise their communities on Vote and Vote for a Woman. The campaign was a success because everybody was talking about women's participation in politics and women's empowerment in general. Each time there was a media programme a lot of people would phone in either for or against women's participation and that showed the wide coverage and sensitization on the campaign. The first one was launched in 2003 in preparation for the 30% target by 2005.

The 2008 Campaign also advocated for the participation of People with Disability in Parliament we had a poster that says Disability does not mean inability hence a representative from People with Disability in Parliament. This Honorable member is visually impaired. Through his participation in politics we are looking forward to a number of improvements in terms of legislation pertaining to People with Disability, improvement of structures to accommodate them, sign language, translation of all documents to Braille language for easy access to information by all.

B) OBSTACLES, GAPS AND CHALLENGES IN IMPLEMENTATION.

- The misconception on gender equality issues is still an obstacle during implementation.
- Lack of resources (human, financial and material)

C) LESSON LEARNED WOMEN IN POLITICS AND DECISION MAKING

The moment we launched the Vote and Vote for a Woman Campaign, men in Swaziland were threatened and there after reinforced their campaigning strategy. They even threatened that the Gender Coordination Unit is there to destroy culture only to find that we had backing from His Majesty the King who made statement even before elections that women should remember to honour the countries commitments in terms of women's participation in Parliament and even in other structures. Women should stand up for elections and support each other.

REPRODUCTIVE HEALTH RIGHTS AND HIV AND AIDS

In all developmental interventions it is always good to identify the right target for that particular intervention. The male involvement aspect encouraged most men to encourage their families, relatives', neighbors, church members and even community meeting members to go for HIV testing sot that everybody knows hi/her status to avoid wrong treatment in time of sickness.

POVERTY AND ECONOMIC EMPOWERMENT OF WOMEN

BUSINESS WOMAN OF THE YEAR COMPETITION

This initiative has enlarged the competition ground because it is either you compete for the Business Woman of the Year or You compete for the Sponsorship now the scope is wide. It has availed other opportunities for women's advancement. The 2009 sponsorship has been won by a young Lady who will be pursuing her Masters' Degree in Business Studies in London.

AGRICULTURE

This initiative encourages women farmers who did not win to keep on trying until they win. To the winners, it promotes the spirit of continuity even when the farmer decides to quit it may not be that easy because she has once served as a role model and should like to keep that legacy.

PART THREE

a). At the level of Government, the National Gender Machinery consists of The Gender Coordination Unit established in 1997 for purposes mainly of mainstreaming gender into all national laws, policies and programmes towards the achievement of gender equality in Swaziland. Since inception, the Unit was located in the Ministry of Home Affairs however following the re alignment of government portfolios in 2008 Parliamentary elections, the Unit has been elevated to the office of the Deputy Prime Minister and now falls under the Portfolio of Gender and Family Issues.

The Gender Coordination Unit, in its function of coordinating all gender related activities in the country, works with various other institutions and organisations working in the area. These include Lutsango LwaKaNgwane, a national women's regiment, the Gender Consortium under the auspices of the Coordinating Assembly of Non Governmental Organisations – about fourteen in number, and International Development Agencies including the United Nations Development Programme (UNDP), United Nations Fund for Women (UNIFEM) and United Nations Population Fund (UNFPA) – which also form part of the Expanded UN Gender Theme Group co-chaired by the Gender Coordination Unit.

The Gender Coordination Unit works closely with the Women's Parliamentary Caucus (WPC) and the newly established Network of Women Parliamentarians and Ministers on various initiatives including increasing women's participation

in decision-making. The close relations allow the Unit to influence political decisions – mainly legislation and policy – related to the promotion and protection of the rights of women. Other activities of collaboration include capacity building, training and sensitisation all directed towards creating a Parliament that understands the need to promote the rights of women and what the various obligations Swaziland is party to mean in this regard including the BPFA, CEDAW, the SADC Gender and Development Protocol and others.

The Gender Coordination Unit is from time to time invited by various Ministries to make critical inputs in policies and programmes being developed such as the PRSP. This participation allows the Unit to influence directly the decision-making that happens at this level and ensure that the policies and programmes are indeed gender sensitive, aware and responsive. The challenge encountered by the Unit in this regard is the limited staff complement of the Unit. Currently there are only four members of full-time staff – the Director, Senior Gender Analyst, Administrative Secretary and the Driver. This therefore means not all meetings can be attended therefore no input made on issues relating to gender mainstreaming.

b). At inception, the Gender Coordination Unit sought to establish Gender Focal Points within all government Ministries to ensure that issues of Gender are mainstreamed in all functions of the different Ministries including policy making. It was anticipated that this would be a separate officer focusing mainly on these issues however due to financial and other human resource constraints, existing officers, mostly female were charged with this additional responsibility. Some of the challenges that have been associated with the ineffectiveness of this institution include the movement of officers through promotions and transfers to other Ministries where they are removed from work related to gender. Other officers simply leave the employ of the government thus creating gaps. Whilst the Gender Coordination Unit continues to provide training and other capacity building for Gender Focal Person's, the efforts are undermined by the above-named challenges. At present, the Unit is developing strategies to revive and improve this institution by using various methods such

as lobbying government for the formalisation of the Gender Focal Point position.

c). Monitoring of implementation has been noted as a key challenge by the Gender Coordination Unit. It is for this reason that in 2008 the Unit sought to establish a Monitoring and Reporting Committee comprised of key Ministries of government concerned with implementation of the rights of women. These include the Ministry of Justice and Constitutional Affairs (attorney General and Director of Public Prosecutions), Ministry of Foreign Affairs, Ministry of Agriculture, Tinkhundla and Regional Administration (Women in Development Department), Ministry of Economic Planning and Development, The Central Statistics Office, Ministry of Enterprise (Small, Medium Enterprises Unit), Department of Social Welfare and the Ministry of Home Affairs. This group is complemented by a number of Non-Governmental Organisations working in issues of gender including Women and Law (WLSA) Swaziland, The Council of Swaziland Churches (CSC), the Coordinating Assembly of NGO's (CANGO), Swaziland Action Group Against Abuse (SWAGAA) and others. There is also collaboration at this level with the Women's Parliamentary Caucus (WPC), the UNDP, UNICEF and UNFPA offices. Presently this group was focusing on the monitoring and reporting on the CEDAW instrument however it is anticipated that focus will be expanded to the BPFA and other instruments related to gender on which our country must report.

In 2008 the Gender Coordination Unit also commissioned a mapping exercise to determine all the key stakeholders in issues of gender. This stakeholder scoping was for purposes of establishing a National Consultative Forum on Gender (NCFG). To date the NCFG has met twice and shared information regarding issues of gender on which each stakeholder is working. This has strengthened the coordination role of the Unit as well as monitoring the level of implementation of key women's rights instruments including the BPFA and CEDAW. The membership of the NCFG includes NGO's, government ministries, church organisations, community based organisations, organisations working on issues of HIV and AIDS, organizations working with people living with disability, Parliament, the national women's regiment (Lutsango LwakaNgwane) and development partners including UNDP and UNFPA.

d). At present the Gender Coordination Unit is implementing a three year project funded by the UNDP and EU offices on the implementation of CEDAW in Swaziland. As part of the activities of this project there is an aspect of capacity building for various targets on gender mainstreaming including Parliamentarians, government planners, officers of the central statistics Unit, existing gender focal points and civil society organisations. Some trainings have been conducted in previous years on issues relating even to gender budgeting for the targets already mentioned above. There are various challenges that exist at this level particularly where government planners and gender focal persons are concerned. It is well understood that capacity building is not the end but a means to the end and that to make a positive impact it should be done over time. Staff migration between Ministries is therefore a major threat to the efforts directed towards building a concrete knowledge base on gender mainstreaming which will in turn translate to gender sensitive policies and programmes at Ministerial level. This is therefore part of the reasons why the Unit is lobbying for the recruitment of full-time gender specialists for the Ministries to avoid this recurring problem.

e).

The role of coordination of gender related issues rests squarely with the Gender Coordination Unit however it is appreciated and understood that monitoring of implementation cannot be done exclusively by this small Unit. It is therefore the reason for the establishment of a monitoring and reporting committee to assist in this regard. Indicators of implementation have been set and at present, under the UNDP/EU project, a manual on monitoring and reporting on gender related instruments is being developed. It is anticipated that indicators will be clearly set out in this document. In compiling reports on various instruments including the BPFA and CEDAW, there has been a realisation and concern around the lack of gender/sex – disaggregated data. This therefore limits the ability to effectively plan and target interventions meant to promote and protect the rights of women. The Gender Coordination Unit conducted a training in late 2008 for the Central Statistics Office – another sparsely staffed Unit – on gender and statistics related issues. At present, within the current fiscal year, the Unit has requested funding to establish a fully-fledged Gender and Statistics Desk to address all these issues. It is anticipated that this Desk will work in collaboration with the anticipated Research Office. The government year begins in April of each year, the Unit is therefore awaiting feedback as regards the approval of this desk and recruitment of an officer to run it.

f). The Gender Coordination Unit works closely with Parliament as already articulated above. At present the Gender Coordination Unit is working towards building new relationships with the incoming members who got into office in September 2008. There are various capacity building initiatives that have been planned to target the new members of the House. These include training on Gender, CEDAW and Human Rights, ICT as well as on the role of Parliament in the adoption, implementation and monitoring of human rights instruments related to the promotion and protection of the rights of women.

The role of NGO's is more visible in joint activities relating to gender such as the recent "Vote for a Woman Campaign" which sought to encourage women to participate in the 2008 Parliamentary Elections. NGO's also participate in the recently established Monitoring and Reporting Committee on Gender Related Instruments. The participation of NGO's also extends to the development of the Draft Gender Policy, the National Consultative Forum on Gender (NCFG) as well as regional, sub-regional and international meetings related to Gender. NGO's take part in the development of joint programmes such as the 365 Days Against Gender Based Violence Campaign and its Action Plan. Different NGO's lead the different activities articulated under the plan of action; however all are coordinated by the Gender Coordination Unit.

The Gender Coordination Unit is also involved in some of the initiatives of NGO's including the on-going Gender Consortium (CANGO) project concerned with the re-invigorating the women's movement. This project focuses mainly in tracing the steps between the 1995 Beijing meeting to present looking at what the achievements in the women's movement have been, challenges and recommendations on the way forward. Sharing of information on this project allows the Unit to conduct some monitoring on how far the BPFA has been implemented by NGO's and what issues are there for government to work on towards the full implementation of this instrument.

PART FOUR

a). There are various activities that the government anticipates in this regard, however the immediate future plans are below-listed;

- Increasing staffing of the Unit to fulfill its objectives efficiently by covering more ground
- Establishment of a Gender and Statistics Desk
- Establishment of a Research Desk
- Expanding the Monitoring and Reporting Committee to cover the BPFA
- Capacity building for key stakeholders on gender including Parliamentarians and Senior Officials of Government including Traditional Authorities
- Adoption of the Draft Gender Policy
- Ratification of key regional, sub-regional and international human rights instruments that complement the BPFA including the SADC Gender and Development Protocol, the Optional Protocol to the African Charter on the Rights of Women in Africa and the Optional Protocol to the UN Transnational and Organised Crime on Trafficking in Women
- Enactment of legislation protecting women from sexual abuse and gender based violence i.e the Sexual Offences and Domestic Violence Bill.

i. **b). Law Reform**

Key pieces of legislation have been identified for reform to eliminate discrimination against women. These include the laws relating to marriage (the Marriage Act of 1964), inheritance and property rights (Administration of Deceased's Estates Act (1902) as well as registration of property (Deeds Registry Act). Also targeted is legislation relating to the protection of women from sexual abuse and gender based violence i.e the Sexual Violence and Domestic Violence Bill.

ii. **Institutional Strengthening**

Strengthening of the Gender Machinery is key for increased implementation, coordination and monitoring of the BPFA in the next five years. As already articulated, the Unit requires an increase in the

staff complement and the establishment of critical offices required for effective implementation.

c).

MEASURES	TIME FRAME
Enactment of Marriage Act	2010
Enactment of Deeds Registry Act	2010
Enactment of Administration of Estate Act	2010
Enactment of Sexual Violence and Domestic Violence Bill	2010
Full staff complement of the Gender Coordination Unit	2013

d). Gradually introducing the concept of Gender Based Budgeting targeting key sectors at first, and eventually covering all sectors by 2013.

