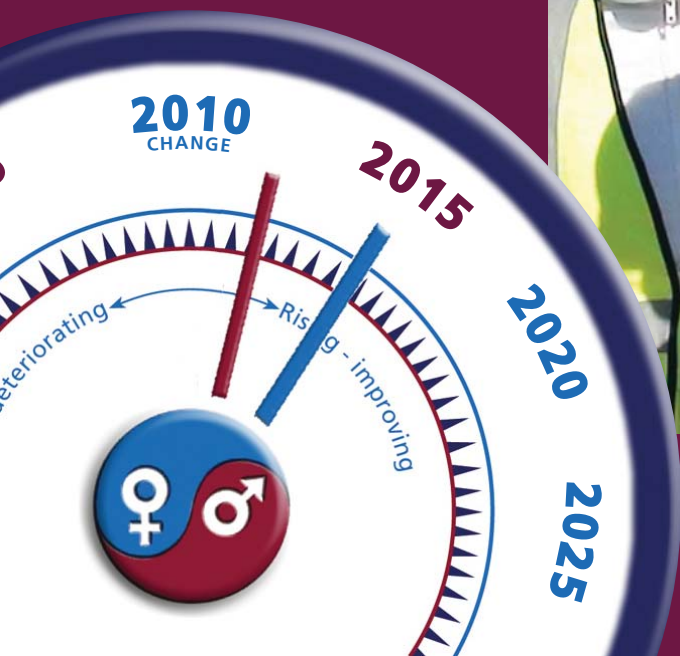


SADC GENDER PROTOCOL **2012**

BAROMETER

SWAZILAND



Written by Zakhe E. Hlanze and Doo Aphane
Edited by Ruth Ayisi, Loveness Jambaya Nyakujarah and
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Men's groups

Sonke Gender Justice

The Southern African Gender Protocol Alliance vision is of a region in which women and men are equal in all spheres. The Alliance promotes and facilitates the creation of gender equity and equality through lobbying and advocacy towards the achievement of the 28 targets of the SADC Protocol on Gender and Development by 2015. Gender Links coordinates the work of the Alliance.

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Barometer - Swaziland

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Contents

Acronyms		2
List of tables and figures		3
Acknowledgements		4
Executive summary		5
Country context		8
CHAPTER 1	CONSTITUTIONAL AND LEGAL RIGHTS <i>Articles 4-11</i>	11
CHAPTER 2	GENDER AND GOVERNANCE <i>Articles 12-13</i>	23
CHAPTER 3	EDUCATION AND TRAINING <i>Article 14</i>	31
CHAPTER 4	ECONOMIC JUSTICE <i>Articles 15-19</i>	39
CHAPTER 5	GENDER BASED VIOLENCE <i>Articles 20-25</i>	47
CHAPTER 6	HEALTH <i>Article 26</i>	53
CHAPTER 7	HIV AND AIDS <i>Article 27</i>	59
CHAPTER 8	PEACE BUILDING AND CONFLICT RESOLUTION <i>Article 28</i>	65
CHAPTER 9	MEDIA, INFORMATION AND COMMUNICATION <i>Articles 29-31</i>	69
CHAPTER 10	IMPLEMENTATION <i>Article 32-36</i>	79

Acronyms

AIDS	Acquired Immune Deficiency Syndrome
AMMICAL	Alliance of Mayors Initiative for Community Action on AIDS
ANC	African National Congress
ART	Antiretroviral Therapy
CANGO	Coordinating Assembly for Non -Governmental Organisations
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CSO	Central Statistics Office
DHS	Demographic health Survey
DPM	Deputy Prime Minister
EMIS	Educational management and Information systems
GFIU	Gender and Family Issues Unit
GIME	Gender in Media Education in Southern Africa
GMBS	Gender and Media Baseline Study
GMPS	Gender and Media Progress Study
HIV	Human Immunodeficiency Virus
MICS	Multiple Indicator Cluster Survey
MOHSW	Ministry of Health and Social Welfare
MTCT	Mother to Child Transmission
NERCHA	National Emergency Response Council on HIV and AIDS
PMTCT	Prevention of Mother to Child Transmission
RSPS	The Royal Swaziland Police Service
SNAT	Swaziland National Association of Teachers
SNL	Swaziland National Land
SNL	Swazi Nation Land
SWAGAA	Swaziland Action Group Against Abuse
SWAGGA	Swaziland Action Group
TDL	Title Deed Land
TIP	Trafficking in persons
TSA	Teaching Service Act
TSC	Teaching Service Commission
UNDP	United Nation Development Programme
UNISWA	University of Swaziland
WLSA	Women and Law in South Africa
WV	World Vision

Tables

I	Key indicators of the status of women in SADC	
Chapter 1		
1.1	Women's and men's perceptions of constitutional and legal rights	
1.2	Analysis of gender equality clauses in Constitution	
1.3	Remaining discriminatory legislation	
1.4	Access to justice	
1.5	Marriage and family laws in Swaziland	
Chapter 2		
2.1	SGDI and CSC score for governance sector	
Chapter 3		
3.1	SGDI and CSC on education	
3.2	Access and enrolment in the Education sector	
3.3	OVC grant recipients	
3.4	Pass rates	
3.5	Gender disaggregated data on school administration	
3.6	Women and men in university faculties	
Chapter 4		
4.1	Productive resources and employment, economic empowerment	
4.2	Women and men in economic decision-making	
4.3	Women and men in employment	
4.4	Employment levels of women and men across key occupations	
4.5	Conditions of employment	
Chapter 5		
5.1	CSC scores on gender based violence	
5.2	GBV response and support	
Chapter 6		
6.1	CSC scores on Health	
6.2	Key sexual, reproductive and health indicators	
6.3	Contraceptive usage in Southern Africa	
Chapter 7		
7.1	HIV and AIDS SGDI and CSC scores	
7.2	Key Gender, HIV and AIDS Indicators	
7.3	Progress in addressing care work in Swaziland	
Chapter 8		
8.1	Women and men's perception of the peace building and conflict resolution sector	
Chapter 9		
9.1	Media, Information and communications SGDI and CSC scores	
9.2	Number of staff and students at UNISWA	
9.3	Percentage of employees in Swaziland by sex	
9.4	Summary of key findings	
Chapter 10		
10.1	National gender machinery and processes	

Figures

7	I	Comparison of the SGDI and CSC by country for 2012	5
	Chapter 2		
11	2.1	Women in political decision-making	25
12	2.2	Women in parliament, cabinet and local government	25
15	2.3	Women in parliament in SADC -2005 to 2012	25
16	2.4	Proportion of women and men in local government	26
17	2.5	Women in cabinet in SADC: 2009-2012	28
	Chapter 3		
24	3.1	Literacy levels of women and men	33
	3.2	Proportion of girls and boys in primary schools	34
32	3.3	Proportion of girls and boys in secondary school	34
33	3.4	Proportion of women and men in tertiary education	34
35	Chapter 4		
35	4.1	Women in economic decision-making in SADC	40
36	4.2	Women in decision-making in SADC countries -2009-2012	41
36	Chapter 6		
	6.1	Contraceptive usage	56
40	Chapter 7		
40	7.1	Percentage population infected with HIV	60
44	7.2	Percentage of pregnant women living with HIV on PMTC	61
44	Chapter 9		
45	9.1	Entry points for gender in the media	70
	Chapter 10		
47	10.1	Costing model developed by Gender Links	82
48			
54			
54	ANNEX A: COMPARATIVE ANALYSIS OF THE CSC AGAINST THE SGDI		86
55	ANNEX B: BACKGROUND NOTE ON GENDER AND RELATED INDICATORS		89
60			
60			
63	BIBLIOGRAPHY		94

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Catch them young. Children look through gender publications and 2011 Barometer at a Gender Links exhibition on Mbabane Family Day - August 2012.
Photo: Thandokuhle Dlamini

Executive summary



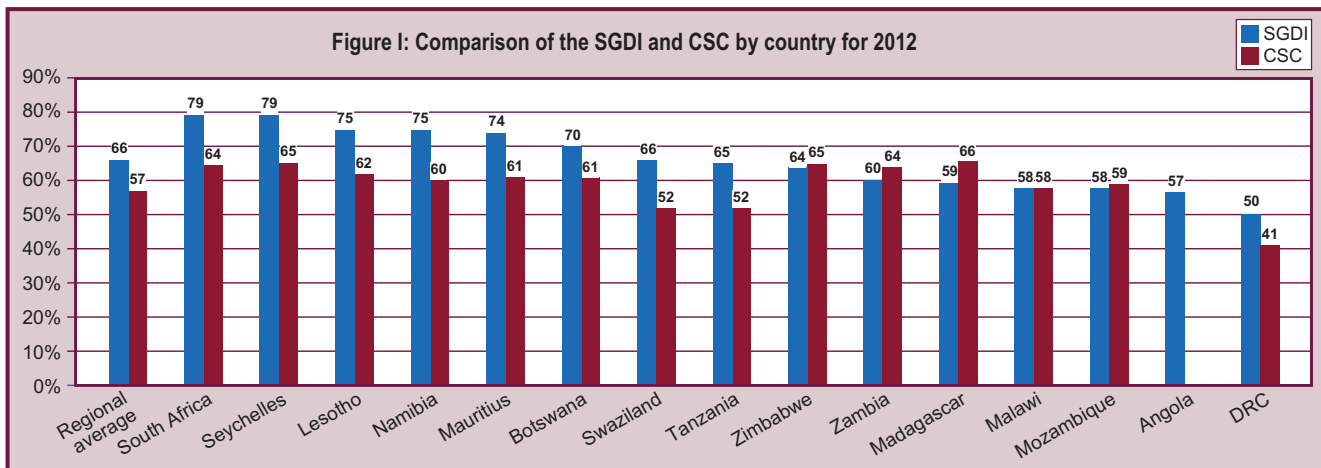
Geared for implementation of the Protocol. Nonhlanhla Dlamini, Permanent Secretary for Gender and Family Issues Unit in the Deputy Prime Minister's Office.
Photo: Nomthandazo Mankazana

This is the fourth annual tracking report of Swaziland's performance against the 28 targets of the Southern African Development Community (SADC) Protocol on Gender and Development set for 2015.

Swaziland signed the SADC Gender Protocol in 2008. In September 2012 the country ratified and was the eight SADC country to deposit its instruments of ratification with the SADC Secretariat.

The Southern African Gender Protocol Alliance tracks the country's progress using two measures: the SADC Gender and Development Index (SGDI), introduced in 2011, and the complementary Citizen Score Card (CSC) that has been running for four years. Both measures are important; while the SGDI is an empirical measure, the CSC is a qualitative measure that gauges citizens' perceptions of the country's achievements against the 28 targets.

The SGDI is an empirical measure based on 23 indicators for the six sectors that have accurate data in the 15 countries (see Annex C for details on the SGDI gender and related indicators). These are: Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). To create the composite index, each category was given equal weight by calculating the average score across the indicators in that category. **Table I** at the end of the chapter provides a summary of key indicators for women in SADC. **Annex A** at the end of the report explains how the SGDI works in detail as well as compares this with other gender related indicators.



Source: 2012 SADC Gender Protocol Barometer.

Figure I shows that Swaziland achieved an overall SGDI score of 66%, placing the country at number seven out of the 15 SADC countries. Citizens were however more critical and gave their country an overall score of 52%, ranking the country 13th.

According to the SGDI, Swaziland's biggest challenge is women's poor participation in governance. Swaziland scores 43% on the SGDI and only slightly higher on the CSC with 47%, with a ranking of ninth in the region on

both scores. Women are grossly under-represented in political decision-making positions at all levels -- in local government, parliament and cabinet. There are no legislated quotas in place to increase women's representation and few parties have voluntary quotas. Moreover, there is no intention to review the electoral system despite advocacy by civil society and a few parties.

Gender-based violence (GBV) is another major problem. With a CSC score of 44%, citizens view that the country

has much more work to do if it is to halve GBV levels by 2015. Swaziland ranks bottom in the region on this indicator. The country lacks comprehensive legislation that addresses all forms of GBV. For example, parliament has not yet passed the 2005 Sexual Offences and Domestic Violence Bill. Moreover, the bill ignores marital rape and sexual harassment.

Constitutional and legal rights also receive a low CSC rating of 47%, with a country ranking of 14th in the SADC region. A dual justice system is in place, which takes into account both customary laws and the Roman Dutch Law. Women still hold minority status and widows are particularly vulnerable under customary laws.

Although the Birth, Marriages and Death Act No5/1983 Act provides for registration of both civil and customary marriages, there is no provision enforcing the registration of customary marriages. Under customary laws, in-laws have disinherited some women following the death of their husbands, claiming that they were not married. Widows who were married by customary rites do not automatically become the custodian or guardians of their children. Moreover, widows in mourning, cannot access certain public areas such as schools and stadiums, chiefs' kraals and they can be subjected to discriminatory treatment in public.

The economy ratings are slightly higher with a SGDI score of 59% and CSC at 53%. However, women dominate the informal sectors where most of their activities are deemed illegal. Therefore, women are left vulnerable to police harassment, imprisonment and loss of livelihood. Women also lack equal control and access to land and other resources. Only single women and those married out of community of property without the husband's marital power, with an ante-nuptial contract, have access to credit and productive resources, such as to land title deeds, on almost an equal footing with men.

According to the 2005 Swaziland constitution, some customary practices are allowed unless they conflict with constitutional clauses

A major concern has been the minimum age for marriage under customary laws which was associated with puberty and has often resulted in girls dropping out of school but lawmakers have since put in place legislation to deter would be perpetrators and to sanction those practicing the illegal issue. Known in SiSwati as 'kwendizisa', the marriage of an adult man to an underage girl, society considered this a legal "grey area" prior to the promulgation of the Children's Protection and Welfare Act of 2012.

Swaziland receives one of its highest ratings for its response to the devastating HIV and AIDS epidemic.

The country's response is particularly commendable because Swaziland's HIV and AIDS prevalence rate at 26% is the world's highest. The 67% SGDI score ranks Swaziland fifth and the citizens score of just a little lower at 61%, ranks the country fourth. This is a vote of confidence for the efforts made by the government and NGOs.

Swaziland has made notable achievements in education and has an SGDI score of 99%. The country is likely to achieve gender parity at primary, secondary and tertiary levels before the 2015 deadline. However, the CSC score is much lower at 55% possibly because citizens expected free education to be rolled out at a faster rate than it has been. They probably also considered other qualitative aspects; for example, cultural and social influences that still affect girls' access to disciplines traditionally studied by boys.

Girls are more likely to drop out of school, mostly due to pregnancies, early marriages and to care for sick family members. According to the educational policy, a female pupil is suspended from school if she becomes pregnant. Gender violence in schools is prevalent, especially male teachers sexually abusing female pupils. Swaziland National Association of Teachers (SNAT) has developed a code of ethics for teachers, which bans improper relationships with students, and makes it a dismissal offence. Another concern is that Swaziland has the lowest percentage of female teachers in the region; women only make up 16% of all teachers in the country.

In health, the SGDI score of 63% and the CSC score of 57% are encouraging and reflect the government's efforts to improve the health of mothers, young children and adolescents. Some initiatives have begun to target men too. Also, citizens possibly appreciated the new health guidelines that stipulate that 85% of the population should not live further than eight kilometres from the nearest health facility. However the maternal mortality rate of 420 out 100,000 live births is high.

The SGDI score of 64% for the media indicators is relatively high as compared to some of the other sectors although women are still missing as news sources. Gender violence receives more coverage than gender equality; coverage still tends to be sensational, with little information on advocacy campaigns and where to go for help.

With two years to go before the 2015 deadline pressure for implementation should increase to if the country is going to meet the targets because these are legally binding. Because the Protocol is like a detailed roadmap for the achievement of the Millennium Development Goal (MDG) Three on gender equality, it will assist the country to make headway towards monitoring progress on MDG3 by 2015.

Table I: KEY INDICATORS OF THE STATUS OF WOMEN IN SADC COUNTRIES

% WOMEN	ANGOLA	BOTSWANA	DRC	LESOTHO	MADAGASCAR	MALAWI	MAURITIUS	MOZAMBIQUE	NAMIBIA	SEYCHELLES	SOUTH AFRICA	SWAZILAND	TANZANIA	ZAMBIA	ZIMBABWE
GOVERNANCE															
Parliament	39	8	10	26	14	22	19	39	25	45	43	22	31	12	16
Local government	na	19	2	49	6	na	12	36	42	na	38	18	34	6	19
Cabinet	26	21	17	22	27	23	12	32	20	17	42	25	20	14	16
EDUCATION															
Primary School	46	50	46	51	49	50	49	47	49	50	49	48	50	49	49
Secondary School	44	52	36	56	49	45	52	44	53	49	55	50	44	45	48
Tertiary level	40	53	na	na	49	39	61	38	59	na	53	51	32	52	na
ECONOMY															
Economic decision making	29	38	30	33	10	27	33	18	21	33	22	30	25	9	26
Labour force participation - Women	na	72	70	59	84	na	41	na	50	na	49	53	na	60	83
Labour force participation - Men	77	82	72	73	89	81	76	83	62	na	60	71	90	86	90
Unemployment - Women	na	20	36	23	5	10	13	na	58	5	28	na	6	11	57
Unemployment - Men	na	15	na	23	2	5	5	na	44	na	22	na	4	14	30.7
Women in non-agricultural paid labour (% of labour force)	24	43	26	63	38	11	37	11	41	49	45	32	31	22	22
Length of maternity leave (weeks)	12	12	12	12	14	8	12	8.5	12	14	16	12	12	12	14
Maternity leave benefits (% of wages paid)	100	25	na	0	100	100	100	100	100	na	60	0	100	100	100
SEXUAL AND REPRODUCTIVE HEALTH															
Maternal mortality rate (out of 100,000)	593	na	549	970	498	675	28	550	449	132	176	736	449	630	960
Using contraception	6	44	5	56	32	36	76	44	46	41	60	51	34	41	59
Births attended by skilled personnel	47	99	74	62	44	71	100	53.3	81	99	91	74	51	47	66
HIV and AIDS															
Comprehensive knowledge on HIV and AIDS women	21	na	54	85	67	41	80	25	83	67	27	89	68	71	72
Living with HIV as proportion of total	61	57	58	58	61	52	19	63	59	42.3	59	57	55	57	54
HIV positive pregnant women receiving PMTCT	14	95	4	72	3	14	68	28	90	100	83	69	68	61	98
MEDIA															
Overall	na	46	22	73	33	23	33	27	40	na	50	40	36	33	13
Board of directors	na	24	18	47	10	27	36	25	39	na	38	33	22	27	38
Management	na	37	10	52	19	24	23	32	37	na	34	29	27	28	11
Female staff in institutions of higher learning	na	37	18	67	44	29	79	28	47	na	50	33	28	29	25
Proportion of students in institutions of higher learning	na	54	77	73	71	50	82	26	60	na	64	37	60	61	57
News sources	na	20	19	32	23	20	19	14	20	31	20	19	21	14	16

Source: SADC Gender Protocol Barometer 2012.

na = not available

Country context



The Kingdom of Swaziland is the smallest Southern African nation and is one of the world's few absolute monarchs. The country is about 200 kilometres north to south and 130 kilometres east to west. It is landlocked surrounded almost entirely by South Africa with Mozambique encircling the eastern border.

The people, known as the Swazi, are almost homogenous with no distinct ethnic groups. They have two official languages: English and siSwati. Women outnumber men, 53% and 47% respectively. The population is young with 44% under 15 years and less than 4% over 64 years. The high mortality rate for both females and males between 20 and 45 years is mostly due to the HIV and AIDS epidemic. The current HIV prevalence rate among 15-49-year-olds is 26%, the world's highest. AIDS has robbed families of the main breadwinner and left many children without parents.

Under the leadership of the previous monarch King Sobhuza II, Swaziland gained independence in 1968 from British rule. Since 1986, King Mswati III has ruled, holding executive powers. In 2005, the King signed the

country's Constitution, confirming the monarchy's executive powers.

Swaziland is a non-party state. The King appoints the head chief of each inkhundla (constituency) who manages day-to-day affairs and is responsible for justice in chiefdoms. The parliament is made up of a House of Assembly and a Senate. Citizens can elect up to 60 members to the House of Assembly via tinkhundla elections and the King may nominate up to ten members. The Attorney General serves as an ex-officio member. House of Assembly members elect ten members to the Senate (half of whom must be women) and the King appoints the remaining 28 senators. A dual justice system is in place, which takes into account both customary laws and the Roman Dutch Law. According to the new Constitution, women's representation should be at least 30% in parliament, which falls short of the 50% advocated in the SADC Gender Protocol.

The agricultural-based economy has diversified into manufacturing industries which include sugar processing, wood pulp production and food canning. However, the economy has stagnated over the past five years, with an average annual growth rate of only about 2% (World Bank 2011). An estimated 28% of the population is unemployed. Wealth distribution is unevenly distributed with the poorest quintile controlling only 4.3% of the wealth in contrast to the top quintile controlling 56.4%.

Tenured Swazi land is divided into three categories: communal property on Swazi Nation Land (SNL), freehold rights on private land known as Title Deed Land (TDL) and Crown Land. The King owns the title to SNL, TDL and Crown Land. The King may divide the land amongst chiefdoms for allocation to individuals for cultivation, residence and communal grazing, but not for ownership.

The land tenure structure can result in women lacking equal access to land. The SNL is allocated through the kukhonta tradition whereby men pledge allegiance to chiefdoms in exchange for land rights. Since women are barred from performing kukhonta, they are only permitted such rights through special allocation programmes which grant land access for commercial use. Some women have formed co-operatives to take advantage of such programmes. Individual ownership of TDL is permitted for residential, business and commercial agricultural use if the buyer has a registered

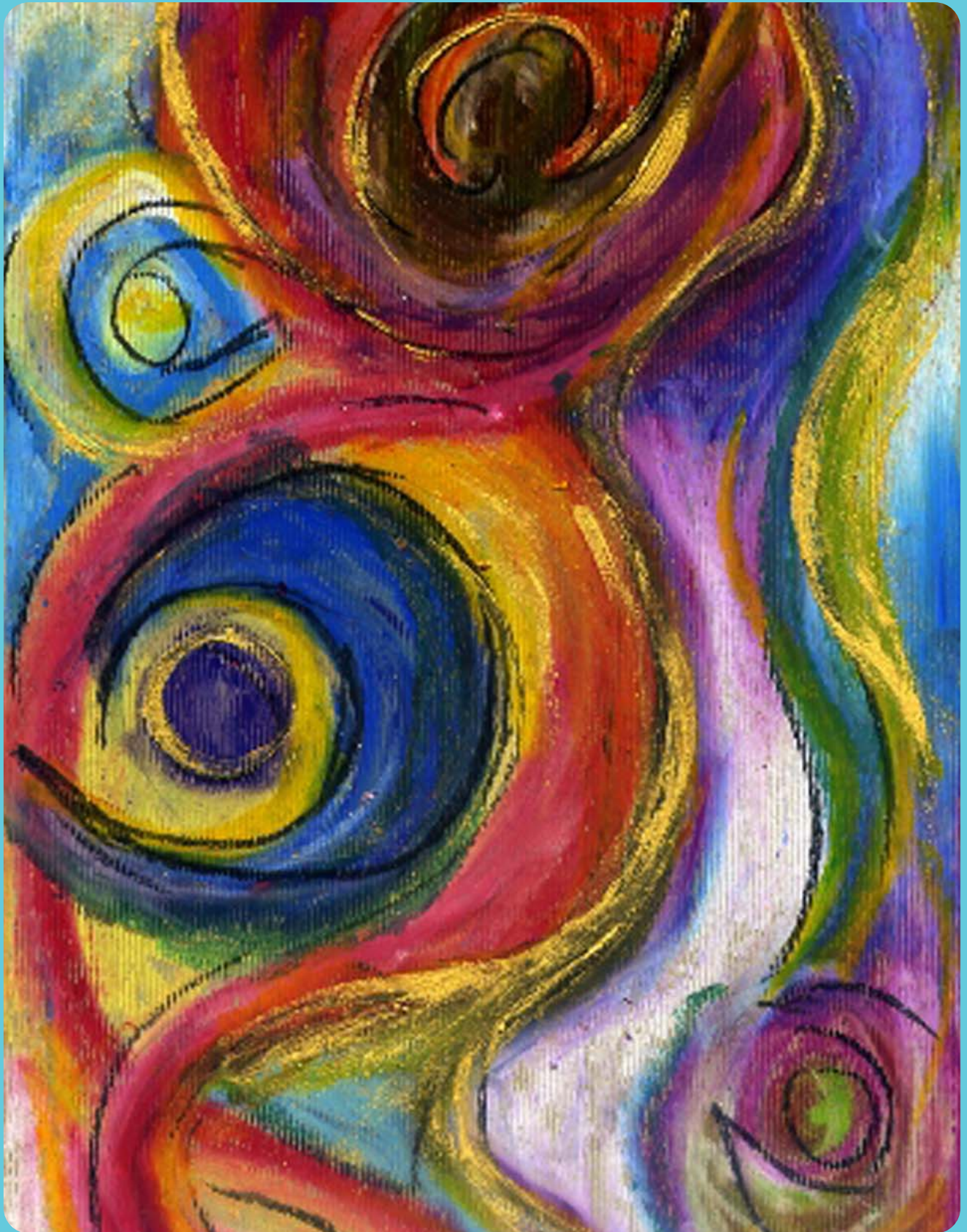
company. While single women can own and register businesses in their own names, married women cannot own land or secure loans, making them reliant on their husband's signatures. This leaves a woman's enterprise vulnerable because her husband can sell his wife's

business or his family can claim the enterprise upon his death. Crown Land can also be sold to individuals; some has been allocated to individuals on a "temporary" basis for many years but without any formal rights over it.



Women of Lutsango delivering reeds in Swaziland.

Photo: Colleen Lowe Morna



A question of culture

Anushka Virahsawmy



CHAPTER 1

Constitutional and legal rights

Articles 4-11



Women are making inroads in the legal sector. Gelani Zwane, Senate President of Swaziland.

Photo: Simon Shabangu

KEY POINTS

- Citizens rated Swaziland's performance at 47% against the targets on Constitutional and Legal rights to be achieved by 2015 placing the country at number 14 out of the 15 SADC countries.
- This may be because women still hold minority status in Swaziland.
- Women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.
- A dual justice system is in place, which takes into account both customary laws and the Roman Dutch Law.
- Section 28(3) guarantees that a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed though in practice women remain vulnerable under customary laws, particularly widows.
- The Sexual Offences and Domestic Violence Act 2005 criminalises certain harmful cultural practices but does not include marital rape or sexual harassment.

Table 1.1: SGDI and CSC scores on constitutional and legal rights

	SGDI	CSC
Score	N/A	47%
Rank	N/A	14

Table 1.1 shows that based on the citizen score of 47% Swaziland ranks low at number 14 out of the 15 countries in the SADC region in terms

of progress towards achieving targets related to Constitutional and legal rights contained in the SADC Protocol on Gender and Development.

Women were more critical rating the country 45% compared to men at 50%. This is probably due to women's minority status and dual existence of Roman Dutch Law and customary laws.

Constitutional and affirmative action provisions



The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices. State parties are to implement legislative and other measures that eliminate all practices which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.

A Constitution is the fundamental and supreme law of the land, from which all other laws and sector policies derive their legitimacy, and must comply with its basic principles. It is therefore critical that Constitutions are true reflections of generally accepted principles of equality and democracy. Gender equality should thus be a fundamental value of any Constitution.

Democratic societies therefore emphasise the principle that all people are equal; have equal opportunities and are not discriminated against on the basis of race, political affiliation, religious orientation, ethnic group, caste, gender or sexual preference or orientation. Individuals and groups have the right to have different

Swaziland adopted its Constitution in July 2005 and came into force in February 2006. The Constitution (Article 20) provides for non-discrimination based on gender and allows Parliament to pass laws that are "necessary for implementing policies and programmes aimed at redressing social, economic or educational or other imbalances in society". Table 1.2 provides an analysis of gender equality clauses.



Principal Magistrate Nondumiso Simelane; Swaziland.

Photo: Swazi Observer

Table 1.2: Analysis of gender equality clauses in the Constitution

Provides for non-discrimination generally	YES	Section 20 (1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.
Provides for non-discrimination based on sex specifically	YES	(2) For the avoidance of any doubt, a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability.
Provides for non-discrimination on the basis of sex and others e.g. marital status, pregnancy	NO	
Provides for the promotion of gender equality	YES	Section 28 (1) Women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.
Has other provisions that relate to gender	YES	Section 28(3) A woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed.
Has claw back clause	YES	After the founding equality clause in Section 20, the rest do not specifically state equality on cultural grounds, yet it is one of the sources of discrimination e.g. Section 28(1).
Addresses contradictions between the Constitution, law and practices	YES	Section 2 (1) This Constitution is the supreme law of Swaziland and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void. Section 20 (4) Subject to the provisions of subsection (5) Parliament shall not be competent to enact a law that is discriminatory either of itself or in its effect.
Provides for affirmative action	YES	Section 20 (5) Nothing in this section shall prevent Parliament from enacting laws that are necessary for implementing policies and programmes aimed at redressing social, economic or educational or other imbalances in society. Also section 86 on representation of women in parliament.

Source: 2005 Constitution of Swaziland.

Affirmative action¹



State parties are to implement legislative and other measures that eliminate all practices, which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.

The Constitution (2005, Article 84) lays down the principle that the people of the Kingdom have the right to be heard and represented through freely chosen representatives, but says also "Without derogating from the generality of the foregoing subsection, the women of Swaziland and other marginalised groups have a right to equitable representation in Parliament and other public structures". In accordance with this, special measures are taken to ensure the representation of women in both houses of Parliament.

As far as the Senate is concerned, half the 10 members elected by the House of Assembly must be women, while at least eight of the 20 members appointed by the King must be women (Constitution 2005, Article 94). Thus, at least 50% of the indirectly elected Senators and 43% of all Senators must be women. The provisions for the House of Assembly are complex (Constitution 2005, Article 95). There are no quotas for the 55 members that are directly elected through the Tinkhundla system.²

Half of the 10 members nominated by the King must be women (Article 95(1) (b), (2) (a)). Should women form less than 30% of the members of Parliament then an additional four women, one each from each of country's regions, are indirectly elected by the House of Assembly from a list of between 12 and 20 candidates



Participants at the launch of the 50/50 campaign launch - Mbabane, October 2012.
Photo: Thandokuhle Dlamini

compiled by the Chair of the Elections and Boundaries Commission (Article 86, 95(1)(c), (3)).

Since political parties are not permitted in Swaziland (Political Parties, the advancement of women's representation through voluntary quotas has not been possible. In 2008, only seven women won seats in the House of Assembly, but with the four indirectly elected members, the number of the elected women in the House of Assembly would be 11 of 59 members, or 18.6%. However, by December 2009, more than a year after the 2008 elections, the regional elections for the four additional women members had still not been conducted (Magagula 2009).

Discriminatory legislation



The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women.

The Ministry of Justice and Constitutional Affairs, with the support of the European Union (EU) and United Nations Development Agency (UNDP), carried out a review of all legislation to align it with the provisions of the Constitution and the Convention on Elimination

of All Forms of Discrimination Against Women (CEDAW). The final report is not yet available to the public and so far laws still need to be repealed or amended as a result of the review. Women still hold minority status.

¹ The Law and Legal Research in Swaziland, Dube B. and Magagula, A. June 2012.

² <http://www.eisa.org.za/WEP/swaquotas.htm>

Citizenship³

Citizenship is the state of belonging. Citizenship guarantees rights of nationality and all other rights flowing from being a national of a particular country. Amongst other inherent rights is the ability to pass on to natural and adopted children since they cannot obtain their independent citizenship at that stage. This chapter talks about acquisition and loss of acquisition. Citizenship in Swaziland can be by way of descent, operation of law or birth, marriage or by registration.

Laws pertaining to passing on of citizenship are generally discriminatory against women. Most notable is the fact that it is only the father who can confer citizenship on his children (section 43(1)). A Swazi mother cannot confer citizenship on her children unless a Swazi citizen (section 43(4)) fathers them.

As a result, women have problems regarding passing on of their citizenship to their children born in or out of marriage with foreign men. Swazi women and their children born in or outside marriage with foreign men experience much frustration in accessing certain state resources and rights, which are meant for all citizens. These include but are not limited to: access to travel documents and international passports, access to government scholarships for higher education and representing the country abroad. Swazi women are also unable to pass their citizenship to their foreign husbands who are given the same status as any other foreigner.

Despite Section 28(1) read together with section 14(f), which prohibits discrimination on the grounds of sex and gender in the political, economic, and social spheres and create legal equality for the first time between men and women, section 44 restricts the right to claim citizenship by birth to a child whose father is not a citizen of Swaziland. It makes no reference to the status

of the mother, except in subsection four where her Swazi citizenship only becomes relevant to the child should the unmarried father fail to adopt or claim the child under Swazi law and custom.

Section 53 provides for the establishment of the citizenship board, whose chairperson interestingly announced the Board's stance towards foreign spouses upon his assumption of office. Only women can in terms of the Constitution and the Citizenship Act benefit from marriage to Swazi nationals as regards citizenship. In terms of section, 44 of the Constitution such a woman must lodge a declaration with the minister responsible for citizenship accepting Swaziland citizenship, and shall become a citizen as from the date of lodgement.

Section 53(1) (a) and (b) confer exclusive authority on the Board to grant or cancel citizenship by registration, and investigate, and where appropriate revoke the citizenship of any person under section 49. While the person concerned has the right to be heard and to be represented at the hearing of their case by the board, there is no provision for review of the decision taken by a higher or independent tribunal or court. This safeguard should be included to protect against possible abuse of the boards powers.

Practices that discriminate against women

Section 19(1) of the Sexual Offences and Domestic Violence Act 2005 criminalises the following cultural practices without consent:

- a) kungenwa - levirate union.
- b) kwendziswa - arranged marriage.
- c) kutekwa - marriage in accordance with Swazi Law and custom.
- d) kuzila -wearing of mourning weeds.
- e) kuhlanta - the marrying of a girl to her sister's or aunt's husband. Where children are born in such a union they are regarded as sisters or aunts.
 - f) kulamuta - a man having sexual relations with a younger sister or paternal niece of his wife.
 - g) virginity testing.
 - h) female genital mutilation.

Bride wealth (*emalobolo*), however has not been criminalised although many gender activists argue that the practice discriminates against women. *Emalobolo* is where the man's family makes a payment in the form of cattle to the family of the woman who he wishes to marry. Once the man pays *emalobolo*, the woman's decision-making power is transferred to the husband's family in all matters including how many children his wife should have and about the work she should do. She is considered the property of her husband and in-laws. A woman could even be expected to hand over her pay cheque to her husband.



Demanding gender equality. Bonsile Ntuli doing cultural performance at the Gender Justice and Local Government Summit - Johannesburg, March 2011. Photo: Trevor Davies

³ The Law and Legal Research in Swaziland, Dube B. and Magagula, A. June 2012.

Table 1.3: Remaining discriminatory legislations

Discriminatory legislations	Action being taken	Comments
Section 16 of the Deeds Registry Act precludes women married in community of property from being able to register title deeds for land use.	Deeds Registry Act Bill/2006.	To date the Bill has not been enacted into law; women married by civil rights in community of property still cannot register title deeds to use land. However in the case of Mary-Joyce Doo Aphane v The Registrar of Deeds, Minister of Justice and Constitutional Affairs and Attorney General, Parliament was given up to the 28th May 2011 to remove this discriminatory provision. Parliament has not yet complied with the court order with some Parliamentarians stating that they are yet to consult people in their respective constituencies on the proposed changes. Again this reflects little political will on the part of Parliament to improve the position of women in Swaziland. The Times of Swaziland 14th June, 2011 reported that the Minister Princess Tsandzile suggested that the Deeds Registry (Amendment) Bill 2011 be amended urgently to comply with the Constitution. The Attorney General is also quoted to have said that it was important to have this law quickly amended particularly in compliance with the court ruling.
Marriage Act No47/1964	Marriage Act Bill 2006. It seeks to remove marital power of the husband to enable women to contract and sue and be sued without their husband's assistance.	The Bill was taken to stakeholders in 2006 for comments but has not been tabled before Parliament.
Passing of citizenship to children is still the prerogative of Swazi males. When women do so, it is exceptional cases and only when children are born outside of marriage.	No action has been taken yet.	Travel documents are undergoing a change to a new format which is aligned with the national identity register and is exposing the problems with this constitutional provision. Women who are married to foreign men and those whose children are fathered by foreign men have problems accessing their rights, such as scholarships.

Table 1.3 shows there has been little progress since 2011 and that laws still exist that discriminate against women. Women are particularly vulnerable under customary laws.

Access to justice



The Protocol provides for:

- *Equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts and national reconciliation processes.*
- *Equal legal status and capacity in civil and customary law.*
- *The encouragement of all public and private institutions to enable women to exercise their legal capacity.*
- *Positive and practical measures to ensure equality for women in complainants in the criminal justice system.*
- *The provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal systems.*
- *Equal representation by women on and in the courts, including traditional courts, alternative dispute resolution mechanisms and local community courts.*
- *Accessible and affordable legal services for women.*

Access to justice means that when people's rights are violated and they need help, there are effective solutions available. All people have a right to go about their lives in peace, free to make the most of their opportunities. They can only

do so if institutions of justice as law and order protect them in their daily lives. Justice systems, which are remote, unaffordable, delayed, and incomprehensible to ordinary people effectively, deny them legal protection.

Women and children's access to justice remains a challenge in Swaziland. The country has a children's

court that deals with child protection cases; however, the researchers did not have access to the children's court budget. There is no separate court for family law issues, such as divorce, and no information about any plans to establish one. On analysis of the 2011 national budget there is no specific budget for gender training of the judiciary apart from an allocation for professional and special services.

Swaziland Action Group Against Abuse contribute to women's access to justice

Government does not provide a lot of resources to ensure that women have access to justice. NGOs such as Swaziland Action Group Against Abuse supplement government's efforts to provide legal aid. SWAGAA's Access to Justice Department provides basic legal advice to survivors of abuse unaware of their rights or how to approach the legal system in Swaziland.

This is because the court procedure for applying for a peace binding order or an interdict is of-ten difficult for clients to understand because of legal jargon. Court processes can often be tedious and another reason why survivors may be hesitant to seek justice. Lawyers within NGOs are not currently permitted by Legislation to represent clients in court and unfortunately private

lawyers are not accessible to clients as they are expensive to engage. As such, it is extremely difficult for many women to obtain civil protection against domestic violence.⁴

The Access to Justice Department provides within their reach for clients unable to pay for a lawyer. Each year SWAGAA selects a limited number of cases that are assessed as a top priority and provides these clients with financial assistance to take their cases to court, obtain restraining orders and/or other legal assistance. Unfortunately the demand for this service is extremely high and due to a lack of funding so the organisation is unable to provide financial support to every client.

Table 1.4 provides citizen's rating of women's access to justice based on their perceptions during a reference group meeting.

Access to justice provision	On a scale of 1-10 with 1 very low and 10 very high how would you score your country	Explanation
Equality of treatment of women in judicial and quasi judicial proceedings	4	The government has put in place mechanisms to ensure equal treatment of women and men in judicial proceedings.
Equal contractual rights	3	Women are generally treated as minors, hence are not capable of entering into contacts without the consent of their husbands, especially those who are married in community of property.
The right to acquire and hold rights to property	4	The type of marriage determines access and control of property for those that are married. Control and access to SNL is largely dependent on the benevolence of male relatives.
Encouraging women to exercise their legal capacity	4	There have been no awareness campaigns to educate women about their legal proceedings.
Ensuring equality of women complainants in the criminal justice system	4	Women remain largely ignorant of the structures in place. Sometimes the authorities reflect the patriarchal attitudes of society which makes it harder for women to take up their complaints.
Equal representation in the courts, including traditional courts	2	Traditional leadership continues to be the domain of men, women are not represented in traditional courts.
Accessible and affordable legal services for women	1	Legal experts' services are expensive. Mechanisms to ensure accessible legal service to women have not been put in place.

⁴ http://www.swagaa.org.sz/?page_id=28

Marriage and family laws; widows and widowers; the girl and boy child



The Protocol requires that State Parties enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage. Existing legislation on marriage shall therefore ensure:

- *No person under the age of 18 shall marry;*
- *Every marriage takes place with free and full consent of both parties;*
- *Every marriage to be registered;*
- *Reciprocal rights and duties towards the children of the family with the best interests of the children always being paramount; and*
- *An equitable share of property acquired during their relationship.*

State Parties must also put in place laws and other measures to ensure that parents fulfil their duties of care towards their children, and enforce maintenance orders. Married women and men should have the right to choose whether to retain their nationality or acquire their spouse's nationality through legal provisions. However, there is no period within which these measures should be achieved.

The most significant area for legal reform are the current contradictions between formal and customary laws that occur across the SADC region; as marriages are governed by parallel legal systems of statutory, customary and in some cases religious law. Women suffer discrimination due to non-uniform marriage and divorce laws, the

application of customary property laws that still favour men's ownership of land, discriminatory and harmful cultural practices, violence against women and lack of equal access to education. Table 1.5 summarises marriage and family laws in Swaziland.

Table 1.5: Marriage and family laws in Swaziland

Provision	Yes/No	Explanation
Marriage		
No person under the age of 18 shall marry.	No	Marriageable age for non-customary marriages is still 16 years for females, with parental or guardian consent if she is under 21 years. There is no minimum marriageable age for customary marriages. Marriageable age is associated with puberty.
Every marriage takes place with the full consent of both parties.	No	Whilst civil rites marriages occur with the consent of both parties, customary marriages do not. Studies, media and various public forums have reported forced customary marriages as a result of girls or women visiting their boyfriends' overnight. According to custom, if a girl/woman visits her boyfriend three times, the assumption is that she has consented to marriage.
Every marriage including civil, religious, traditional or customary is registered.	No	Although the Birth, Marriages and Death Act No5/1983 Act provides for registration of both civil and customary marriages, there is no provision enforcing the registration of customary marriages. In-laws have disinherited some women following the death of their husbands, claiming they were never married.
Parties have reciprocal rights and duties towards their children including when spouses separate, divorce or have marriages annulled.	No	Married women and men do not have the same rights and duties towards their children. Guardianship primarily is with the child's father. Even when the marriage has ended in divorce, the mother may be granted custody but guardianship remains with the father. Children assume their father's (not mother's) or joint last names.
Maintenance orders are enforced.	Yes	Maintenance orders are more successfully enforced when the party asking for maintenance ensures direct payment from her husband's employer.

Provision	Yes/No	Explanation
Marriage		
Married women and men have the right to decide whether to retain their nationality or acquire spouses' nationality.	Yes	Marriage does not result in loss of citizenship. However, Section 50 of the Constitution has introduced a provision which undermines the security of a Swazi women's marriage citizenship by including renunciation of citizenship on the grounds of marriage. It states that: "If a citizen of Swaziland who has attained the age of majority, or being a woman is or is about to be married, is or is about to become a citizen of another country and for that reason desires to renounce his or her citizenship of Swaziland, that citizen may do so by lodging with the Board a declaration of renunciation of that citizenship and, upon lodgement of the declaration or, if not then a citizen of that other country, upon becoming that citizen, he or she shall cease to be a citizen of Swaziland". This provision is in place despite the fact that Swaziland is signatory to the Convention on Nationality of Married Women.
Widows and widowers		
Widows are not subjected to inhuman, humiliating or degrading treatment.	No	Widows continue to be subjected to inhuman, degrading treatment. This is the case notwithstanding Section 28(3) of the Constitution - 'A woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed'. Widows in mourning, that is 'in their weeds' cannot access certain national areas such as national schools and stadiums, chief's kraals and are subjected to certain treatment in public.
A widow automatically becomes guardian or custodian of her children, unless otherwise determined by a court of law.	No	Widows who were married by customary rites do not necessarily become the custodian or guardians of their children.
A widow shall have the right to live in the matrimonial house after her husband's death.	No	The matrimonial house forms part of the husband's estate where the marriage was out of community of property. Where the marriage was in community of property, the surviving widow and her children are entitled to the property. Some are forced to sell to pay out the other heirs whether testate or intestate.
A widow shall have access to employment and other opportunities.	Yes	The Employment Act provides for equality in employment opportunities. However, widows often suffer either covert or overt discrimination while wearing mourning clothes. Even widows in the informal sector can be shunned by the public, who they depend on for their livelihood.
Widows shall have the right to an equitable share in the inheritance of their husbands' property.	No	This depends on whether a will existed. Currently, the Wills Act No12/1955 gives unfettered freedom of testation to property owners. If the deceased died intestate, the widow receives an equitable share of the inheritance if the estate is reported to the office of the Master of the High Court. The type of assets involved also determines the level of automatic protection by the law, with immovable property on title deed land more amenable to protection by the law than movables, especially livestock. Section 34 (1) of the Constitution says that a surviving spouse is entitled to a reasonable provision out of the estate of the other spouse whether the other spouse died having made a valid will or not and whether the spouses were married by civil or customary rites.
Widows shall have the right to remarry any person of their choice.	No	A widow who married under customary laws has no right to remarry a man of her choice. A customary marriage is said to be a union beyond the life of the contracting parties. Rather, the in laws may provide an (umngeni) levirate husband. If a widow insists on choosing a new partner, she could lose custody and guardianship of her children and the matrimonial assets.
Widows shall be protected from all forms of violence and discrimination.	No	Widows are not protected from all forms of violence and discrimination, especially emotional and economic kinds.
Girl and boy child		
Eliminating all forms of discrimination against the girl child.	No	Education rules say that pregnant girls must be suspended from school. It is not clear if the girl can return to the same school after giving birth. Typically girls go to another school after delivery.

Provision	Yes/No	Explanation
Girls have the same rights as boys and are protected from harmful cultural attitudes.	No	Girls continue to be forced into marriage. Marriageable age is still lower for girls than boys. Girls are left to fend for themselves in ensuring that cultural practices, such as being <i>inhlanti</i> (surrogate wife), are not practiced on them.
Girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse.	No	Swaziland has legislation against trafficking, but not comprehensive legislation against gender violence and sexual abuse.
Girl children have access to information, education, services and facilities on sexual and reproductive health and rights.	Yes	Pupils' access reproduction education through health clubs run by an NGO called Schools HIV and AIDS Program (SHAPE).

Source: Gender Links 2012.

Table 1.5 shows that customary laws in particular can discriminate against girls and women. Widows are particularly vulnerable.

Child marriages banned, Children's Protection and Welfare Act of 2012



Banning of child marriages will go a long way in protecting the rights of the girl child. Photo: UNDP

Lawmakers in Swaziland recently declared illegal the practice of men marrying underage girls - which has been an accepted social norm for centuries. This has however been linked to the spread of HIV in recent years.

Known in SiSwati as 'kwendizisa', the marriage of an adult man to an underage girl, society considered this a legal "grey area" prior to the promulgation of the Children's Protection and Welfare Act of 2012. According to the 2005 Swaziland constitution, some customary practices are allowed unless they conflict with constitutional clauses.

"Swazi men marrying girls once the girls enter puberty is not a customary law. It is not mandatory. It is tolerated

because it has always been done. But times are changing, and Swaziland has the highest HIV prevalence rate in the world. This practice has added to the spread of HIV. It is a great victory for public health and for the rights of girl children that this outmoded practice must now end," AIDS activist Sandra Kunene told IRIN/PlusNews.

Married adolescents are at greater risk of HIV infection because many of them are in polygamous unions, face sexual violence or are unable to negotiate safe sex. The girls also tend to have little contact with their peers, restricted social mobility, low levels of education and limited access to media and health messages.

Enforcing the new law

Early September 2012, the Deputy Prime Minister Themba Masuku announced the government's intention to enforce the Child Protection and Welfare Act by prosecuting men who marry underage girls.

Sexual activity with underage girls was previously prosecuted as statutory rape - but only if it occurred outside the bounds of marriage. Girls aged 15 and older were legally permitted to marry in accordance with the 1920 Girl's Protection Act, and underage sexual activity within marriage was considered acceptable.

Today, perpetrators face statutory rape charges, and they are additionally fined R20,000 (\$2,400) by the child welfare law. The new law also penalises parents and guardians who collude with adult men to orchestrate a child marriage. Offenders face prison terms of up to 20 years.

At a press conference, Masuku described the marriage of girls under the age of consent as "child abuse" and said the fine should be raised to R100,000 (\$12,000). "This would send a message," Masuku said.

Traditions linked to epidemic

Other sexual practices that have been permitted because they are rooted in traditional Swazi life have also been linked to the country's high HIV rates.

"One of these is the practice of having the widow, after the funeral of her husband, be 'claimed' by her husband's brother. She must go to his home and be his wife because polygamy is also permitted in Swaziland," said Agnes Simelane, a child welfare officer and counsellor of abused children.

"If the husband died of AIDS and he infected his wife with HIV, the virus could be passed on to the new household. Or if the husband's brother is HIV-positive, he could infect the widow. Either way, by custom the woman has no say in the matter," she said.

"Traditionally, marriages were arranged between families," said Thomas Graham, a local historian. "When the Swazi population numbered in the tens of thousands

in the 19th century and life expectancy was 35 years old for a Swazi, it made sense to marry young and have multiple wives... to keep the family and Swazi nation existent."

The new prohibition against child marriage, he said, "throws Swazi custom on its ear, and it is a landmark step in the tug of war between traditional and modern life".

Nthando Dlamini, an HIV testing and counselling officer in Manzini, welcomed the announcement. "Many men still believe that if they have sex with a virgin this will cure them of AIDS and rid them of HIV. Since AIDS has become widespread in Swaziland, we fear that one motivation for marrying underage girls was that some men desired such 'protection'. That way has now been shut off for them," he told IRIN/PlusNews.

Source: Article from by IRIN Plus News Service
<http://www.irinnews.org/Report/96347/SWAZILAND-Child-marriages-banned>

Widow and widower rights



The Protocol requires that Member States enforce legislation to protect widows from being subjected to inhuman, humiliating or degrading treatment. A widow will also automatically become the guardian and custodian of her children after the death of her husband; she will also continue living in the matrimonial home. She will exercise her rights to access employment and other opportunities to enable her make meaningful contribution to society.

A widow will also be protected against all forms of violence and discrimination based on her status while having the right to an equitable share in the inheritance of the property of her late husband. She will also have the right to remarry a person of her choice. States will also put in place legislative measures that will ensure that widowers enjoy the same rights as widows.

Section 34 of the Constitution provides that a surviving spouse is entitled to a reasonable provision out of the estate of the other spouse whether the spouse died having made a valid will or not and whether the spouses were married by civil or customary rites.⁵ Despite this legal protection, the Centre for Housing Rights and Evictions reports that 'property grabbing' from widows is common, citing a study that found that 41 percent

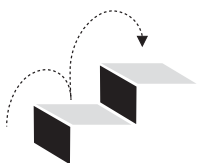
of widows had their property unlawfully seized by in-laws.⁶ Further, widows are often forced to marry another male in their deceased husband's family, which results in the loss of the guardianship of their children and right to their husband's immovable property.⁷

Girls cannot inherit property from their parents.

⁵ Aphane, D. (2009) p.28

⁶ Centre on Housing Rights and Evictions (2004) p.133

⁷ Aphane, D. (2009) p.29



Next steps

- Step up advocacy efforts to unify formal and customary laws.
- Discriminatory laws need to be amended such as those governing citizenship.
- Engaging traditional leaders in ending all forms of harmful traditional practices.
- Finalise costing of implementation of laws, policies and programmes that advance gender equality and equity.



Swazi children - the country's future.

Photo: Trevor Davies



Forgotten by families

Anushka Virahsawmy



CHAPTER 2

Governance

Articles 12-13



Faith Manana and Gabsile Siyaya-Mamba attending the 50/50 Campaign launch. The two contested in the November 2012 local government election - Mbabane, October 2012. Photo: Thandokuhle Dlamini

KEY POINTS

- Swaziland's SGDI score for governance is 43% based on women's representation in local government, parliament and cabinet. The new SGDI is yet to be calculated to include the results of the just ended local government elections.
- The citizen's score is slightly higher at 47% based on their perceptions on the country's progress towards meeting the governance related provisions to be achieved by 2015. Women were more critical (45%) compared to men at 47%.
- Following the 3 November 2012 polls where the electorate voted for councillors for urban local government authorities a mere 10 women (14%) compared to 59 men (86%) made it.
- At the time of writing, gender activists were lobbying for the Minister of Housing and Urban Development to use her prerogative to nominate five additional councillors to appoint all women, which would raise the proportion of women councillors from 14% to 20%.
- Representation of women in local government stood at 25% before the November elections.
- Women make up only 25% of the cabinet ministers and 22% of parliamentarians.
- This is despite that the Swaziland Constitution provides for affirmative action with a target of 30% women in decision-making.
- Swaziland's political parties do not contest seats in Parliament, but MPs are elected on the basis of "merit" directly to parliament through the tinkhundla system and by the King's appointment.
- Most parties have quotas for women's representation set at 30%; only one had 40%, but most had not implemented them.
- The Constitution has a provision to be implemented if women form less than 30% at the first seating of the house of Assembly. All parties have a women's wing.
- Special measures have to be put in place if there is going to be an increase in women's representation at the national level and in rural councils during the 2013 elections.
- Civil society in collaboration with government departments, UN agencies and other stakeholders launched a 50/50 campaign with the hope that all stakeholders will maintain momentum until the 2013 elections if the country is going to meet the 50/50 by 2015 target.

Table 2.1: SGDI and CSC score for governance

	SGDI	CSC
Score	43%	47%
Rank	9	9

Table 2.1 shows that with an SGDI score of 43%, Swaziland is below the halfway mark of where it needs to be by 2015. The citizen score is slightly higher (47%) but also shows that the country needs to accelerate efforts if it is going to achieve the 50/50 by 2015 target.

Background

Achieving gender equality requires women's active participation and involvement in decision-making at all

levels, starting in the home and extending to the highest levels of government.¹

Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity. The Protocol thus demands equal representation of women and men in all decision-making positions by 2015.

Article 5 of the SADC Gender Protocol calls for a strategy of affirmative action. This has been crucial to the rapid increase in women's political participation where there has been implementation. Gender activists in many countries are calling for deliberate measures, such as legislated quotas, to increase women's representation in decision-making positions.



Thembi Shongwe and Thembi Cebe strategise at a women in politics strategic communications workshop in the run up to the November local elections - Swaziland.

Photo: Thandokuhle Dlamini

Swaziland's constitution provides for affirmative action with a 30% quota for women in all levels of decision-making - however, in practice women are still far from reaching that threshold let alone the SADC Gender Protocol 50/50 target.

Swaziland missed the opportunity to increase women's representation in urban councils at the ended November elections. This is in spite of a 50/50 campaign launch. It is anticipated that the momentum will remain until the national and rural council elections are held in 2013.

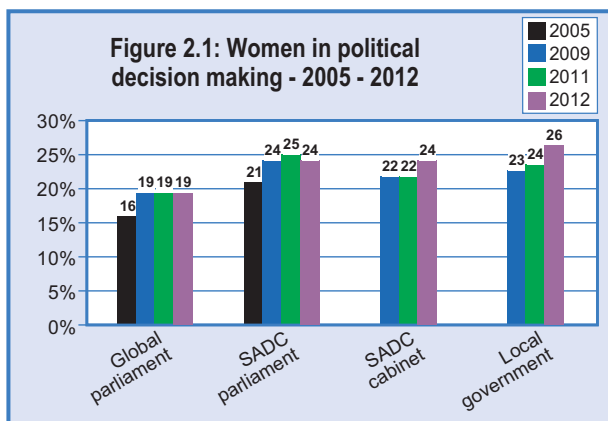
Representation



The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.

It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.

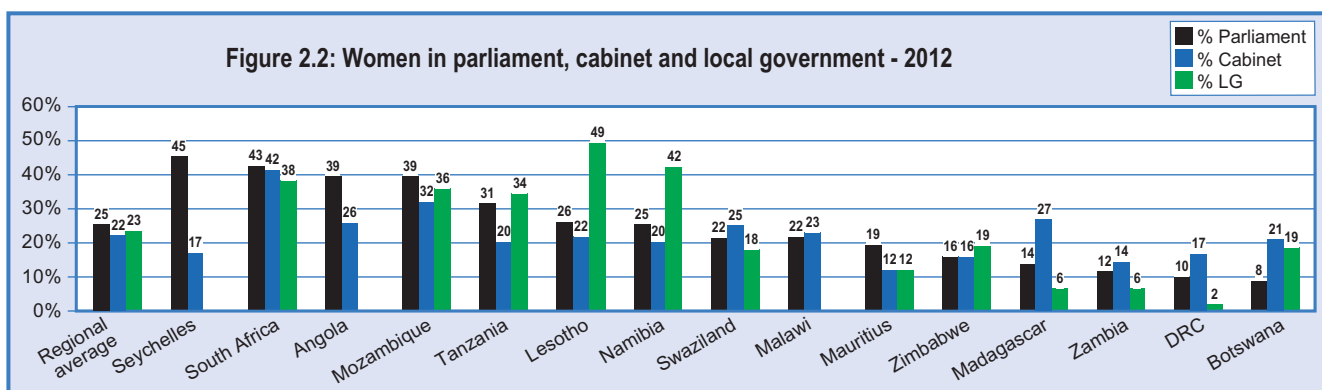
¹ 2011-2012 Progress of the world's women: In Pursuit of Justice, UN Women 2011.



Source: Gender Links 2012 SADC Gender Protocol Barometer.

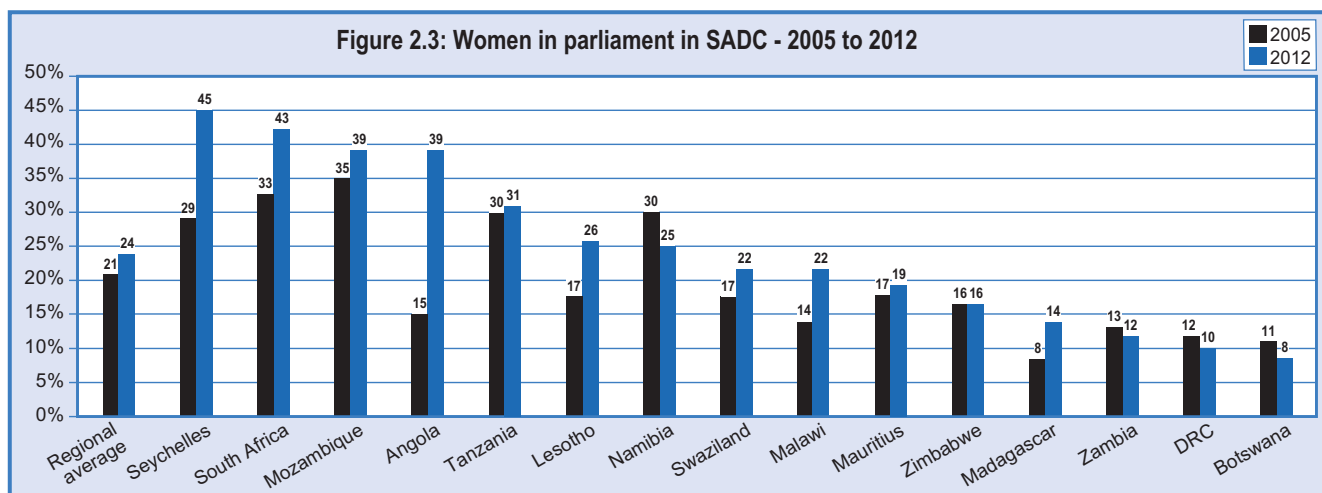
Figure 2.1 shows that in SADC overall women's representation in parliament and in local government dropped one percentage point from 2011.

Figure 2.2 shows that Swaziland continues to perform poorly in women's representation in political decision-making at all levels - local government, parliament and cabinet as it remains far below the 50% target.



Source: Gender Links 2012 SADC Gender Protocol Barometer.

Parliament

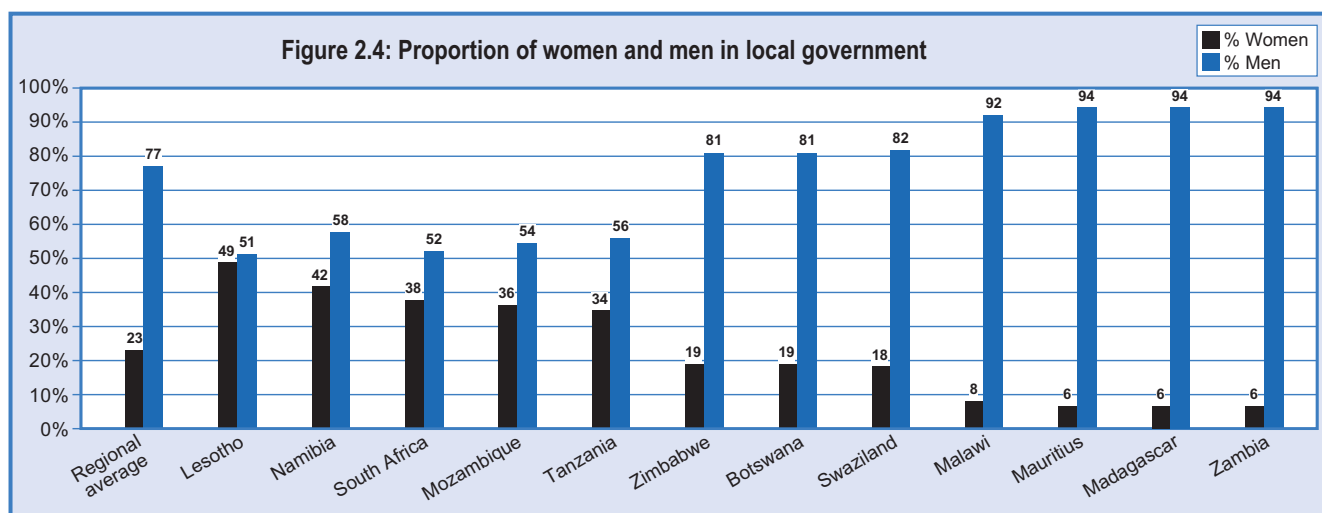


Source: Gender Links 2012 SADC Gender Protocol Barometer.

Figure 2.3 shows that Swaziland is among the ten countries in the region which are yet to reach 30% female representation threshold. There is one more opportunity to surpass the target if special measures

are implemented and the country's constitutional provision to achieve 30% women representation in all decision making positions is upheld.

Local government



Source: 2012 SADC Gender Protocol barometer.

Figure 2.4 shows that before the November 2012 urban councils elections, women representation stood at 18% of local councillors. However, following the elections women's representation in urban councils stands at 14% only before the Minister of Housing and Urban

Development uses her prerogative to nominate five additional councillors. Activists have pressed her to nominate all women, which would bring representation to 20%. Rural council elections will take place at the same time as the Presidential elections.

Urgent action needed to boost women in decision-making

Gender Links (GL) is calling on the Government of Swaziland to institute a legislated quota to increase the representation of women in all areas of politics and decision-making following the just-ended urban local elections. GL has further called on the Minister of Housing and Urban Development to use her prerogative to nominate five additional councillors to appoint all women, which would raise the proportion of women councillors from 14% to 20%.

The Swaziland Constitution has a target of 30% women in decision-making, while the SADC Protocol on Gender and Development that the country ratified in September 2012 stipulates a target of 50% by 2015. GL coordinates the Southern African Gender Protocol Alliance that campaigned for the SADC Gender Protocol and now works to ensure its implementation (see www.sadcgenderprotocol.org)

Swazi's went to the polls on 3 November 2012 to vote for councillors in urban local government authorities. The results show a mere 10 women (14%) compared to 59 men (86%). The Minister nominates an additional five councillors, bringing the total number of councillors to 74. If all the nominated councillors are women, this would bring the total number of women to 15 out of



Benedict Dlamini, Mayor of Ngwenya town board (left) and Ncane Maziya, Gender Links' country manager for Swaziland after signing statement of commitment as part of Centres of Excellence for Gender Mainstreaming on behalf of their institutions, May 2012.

Photo: Thandokuhle Dlamini

74 (that is 20%). Women constituted 18.8% of urban councillors in the 2008 elections. Rural local elections and national elections will be held at the same time in 2013.

Melusi Hlanze, the Local Government Electoral Officer in the Ministry of Housing and Urban Development has expressed disappointment at the result but said that

hope is not lost, as the country will have national elections in 2013. He added that there is need to identify key indicators why women are failing to participate in political decision-making.

Sixty-nine wards of municipal councils, town boards and town councils participated in the elections. The two municipal councils are Manzini and Mbabane; Matsapha, Ezulwini, Nhlangano, Siteki and Piggs Peak are town councils; and Hlathikulu, Ngwenya, Lavumisa and Mankayane are town boards.

Ezulwini Municipality achieved gender parity with three women- Gwen Hadfield, Bongiwe Mbigo and Nokuthula Mthembu and three men, Mmeli Mabuza, George Falcomer and Hlengizwe Ndzabakelwako. Men won all the seats in Lavumisa, Mankayane, Mbabane, Pigg's Peak and Siteki local authorities.

Makhosazane Shongwe is the only woman who secured a seat in the four-person Ngwenya Town Board. "I will represent Enkulu at the town board. It is a semi-urban dwelling area lagging behind in development. The major challenge is housing, I have to work with the board to ensure that decent houses are built, the lives of people are improved and women have access to the houses," said Shongwe.

Commenting on her re-election, Shongwe expressed gratitude for the support all female candidates received from the 50/50 campaign. "I attended the women in politics training in Manzini. I acquired skills on how to campaign in my ward. I became very confident to speak to both women and men and convince them to vote for me", she added.

GL Swaziland, the Deputy Prime Minister's (DPM) Gender and Family Issues Unit (GFIU), the Ministry of Housing and Urban Development, the Swaziland Local Government Association (SWALGA) and the Alliance of Mayors Initiative for Community Action on AIDS at the Local Level (AMICAALL) formed a partnership to launch the campaign.

The campaign aimed at increasing the percentage of women in local government and build momentum towards the national elections. As part of the campaign,

GL trained women candidates on how to relate with the media, come up with campaign messages and general assertiveness in communication.

"It is sad that women lost in the election, further reducing the percentage of women in urban local government. The percentage is way below the target in the SADC Gender Protocol," commented Nonhlanhla Dlamini, the Director of GFIU in the DPM's office.

Dlamini attributed this failure to patriarchy. "Our society still views women as minors and incapable to lead. Women have to work extra hard to prove that they can be leaders," said Dlamini.

Nontobeko Dlamini, the youngest female candidate (26 years) to stand in this election for Ward Three in Siteki lost to Mvila Dlamini. "Voter apathy in my ward affected my chance to unseat my opponent who has been in council since 1992," she said.

According to the Ministry of Housing and Urban Development, 19 800 Swazis registered to vote, 11 792 (60%) men and 8008 (40%) women.

The SADC Gender Protocol Barometer 2012 states that Lesotho has the highest representation of women in local government at 49%, followed by Namibia at 42% and South Africa at 38%. Lesotho and Namibia have legislated quotas for women in local government and the ruling African National Congress (ANC) in South Africa has a voluntary 50% quota for women in political decision-making.

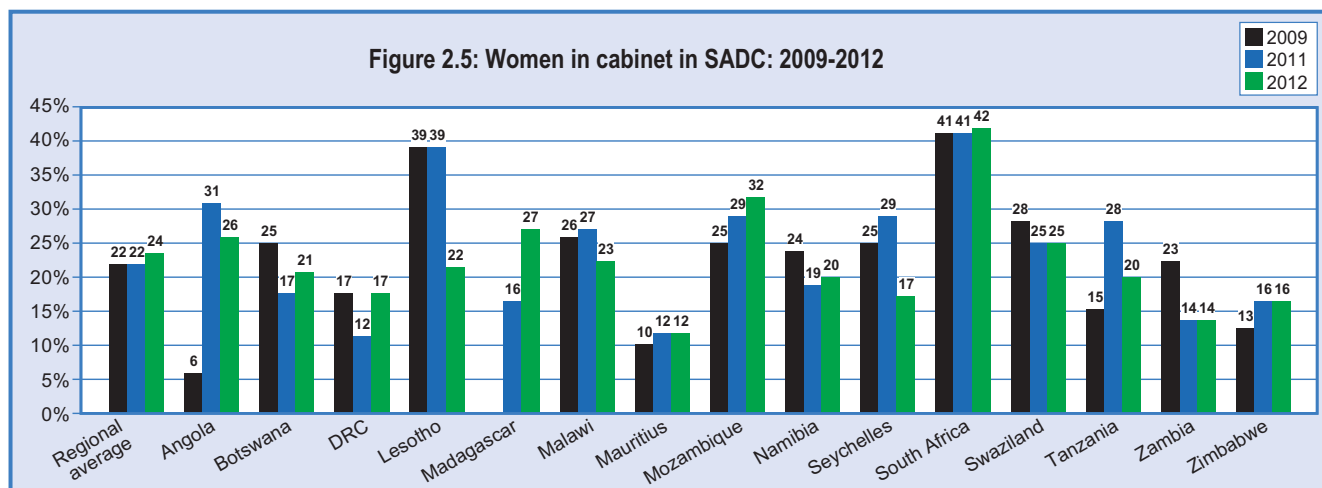
Mauritius will go to local government elections on 2 and 9 December 2012. With only 6% women in local government, Mauritius has amended its Constitution and introduced a legislated quota at the local level.

The partners involved in the 50/ 50 campaign in Swaziland have pledged to intensify the campaign ahead of the 2013 elections. Evidence from the region demonstrates the key importance of quotas in increasing women's representation in political decision-making. This underpins GL's urgent call for use of affirmative action in the appointment of councilors now, and legislated quotas in the future.

Figure 2.5 overleaf shows Swaziland is one of the six countries in the region, which has been on a downward trend for the past four years in terms of women representation in cabinet - from 28% in 2009 to 25%

by 2012. Yet this is one sphere of governance, which is theoretically relatively easy to "ring up the changes" because leaders have the leeway to appoint their inner team.

Figure 2.5: Women in cabinet in SADC: 2009-2012



Source: 2012 SADC Gender Protocol Barometer.

Gender and political parties

Swaziland's political parties do not contest seats in Parliament. (See Section 79 of the Constitution.) The system of governance is tinkhundla-based which emphasises devolution of state power from central government to tinkhundla areas. Individual merit is the basis for election or appointment to public office.

Although most parties have quotas for women's representation set at 30% and one had 40%, most parties had not implemented the quota system. Only one party was able to implement its policy of 30%. They view the quota system as a temporary measure. One party said that it selects candidates according to their willingness, popularity in the party and merit, and then supports them through the tinkhundla system.

Out of five political parties' constitutions and manifestos that the researchers had access to, not one listed gender as a criterion for the selection of candidates.

However, all parties have a women's wing, which are meant to ensure that women play a full role in the party. The women's wing is an autonomous body within the overall structure of the party. It has its own constitution, rules and regulations, provided that these do not conflict with the party's constitution and policies.

Gender and voters

Statistics from the electoral commission show the total number on the voters' roll and how many voted in the last two elections. It is disaggregated by age, but not by gender: youth between 18 and 30 years made up 40% of the voters (2008 National Elections Report p30).

Gender in electoral processes

Women face barriers both regarding voting and in the selection process for candidates to stand for parliament.

The electoral law prescribes that voters need to register at their inkhundla (constituency) in order to vote and/or be voted into parliament. However, once married, women move to their in-laws' constituency where they may not be well known. Moreover, the electoral law does not have gender-specific provisions.

In an attempt to sensitise voters, the Gender Unit along with civil society organisations launched "a vote for a woman campaign". However, the campaign, which started less than a year before the 2008 elections, was not well received in some constituencies, even by women themselves and lacked support at chieftaincy level. The voter education programme by the Elections and Boundaries Commission was gender neutral; it used banners, posters, and distributed brochures, pamphlets and stickers. A sample of the messages read: "Shape your community and your Life... Because Your Country needs your vote"; "Smart people Vote... Be wise Cast Your Vote... You have a right to vote"

A UNDP study shows that the 2008 elections excluded most women in the electoral process because women did not fully understand the law and some were unaware that they had the same rights as men. Voter education was poor, particularly about the new electoral process. Newspapers are mainly in English and many women do not read English. The study also found that some women lacked access to the polling structures such as umphakatsi (chiefdom) and the inkhundla.

Women have to respect a dress code. For example, their head must be covered and widows in mourning are not allowed to enter public structures, such as inkhundla and umphakatsi, and so were therefore were not able to vote. Moreover, the electoral law stipulates that secondary elections should be held at the Inkhundla centre, which comprises of several chiefdoms and can

cover large distances. Women often lack money for transport for themselves and resources to assist their voters to travel to the nearest polling station. These barriers could explain why female candidates lost in the secondary elections.

Electoral systems and quotas

The constitution has a provision to be implemented if women form less than 30% at the first seating of the house of Assembly:

Article 86 (1) Where at the first meeting of the House after any general election it appears that female members of Parliament will not constitute at least 30% of the total membership of Parliament, then, and only then, the provisions of this section shall apply. (2) For the purposes of this section, the House shall form itself into an electoral college and elect not more than four women on a regional basis to the House in accordance with the provisions of section 95(3).

Additionally Section 95(2) provides that half of the ten nominees by the King to the House of Assembly shall be female. Senate appointment 94. (2) Ten Senators, at least half of whom shall be female, shall be elected by the members of the House in such manner as may be prescribed by or under any law at their first meeting to represent a cross-section of the Swazi society. (3) Twenty Senators, at least eight of whom shall be female, shall be appointed by the King acting in his discretion after consultation with such bodies as the King may deem appropriate.

The quota issue is emotive. Some people believe it is the only way to achieve gender parity whereas others argue that it undermines the electorate, putting people in parliament who were not elected by the electorate.

Section 86(1) and (2) together with Section 95(c) have not been implemented to elect four women from the regions to Parliament. His Majesty's appointments of women in both houses fell short of the constitutional stipulation.

There are five commissioners, including the chairperson who is male. Two out of the five commissioners are female.

Public service



The SADC Protocol provides that member states should endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measure.

The researcher did not have access to sex disaggregated data for the public service.

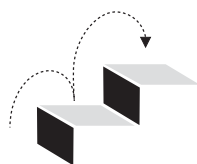
Costing

Women in parliament

There is no dedicated line item of funding in the Gender Unit for training of parliamentarians. The Gender Unit sometimes uses the line item Professional Special Services to conduct gender sensitisation workshops for parliamentarians. However, the budget line has been reduced due to the 20% cuts imposed on all ministerial budgets despite the fact that the Gender Unit was already under-budgeted.

Local government

There is no specific budget for local government. Gender Links has been working with the Gender Unit on costing implementation of the SADC Gender Protocol and the process has emphasised the need for capacity building on gender budgeting at local government and other levels of governance.



Next steps

- Sustaining the momentum for 50/50 representation of women in political decision-making positions until the 2013 national and rural council elections are held.
- To address customs and traditions which influence the negative perceptions about women's participation in politics. This could be carried out through citizen civic education, targeting voters in communities.
- More involvement with the media such as television, radio as well as social media such as cellphones, internet and websites as platforms to lobby for increasing the number of women in decision-making.
- Use the Constitution provision on 30% quota to mobilise more women to enter into politics.
- Sustain training and empowerment programmes for potential candidates who come forward to enhance their chances of being elected.
- Obtain sex disaggregated data of employees in the public service in order to make a gender analysis of the sector.
- Involve other stakeholders such as the private sector in the 50/50 campaign to encourage management to ensure that the target is integrated in all spheres and not just political decision-making bodies.



"Sarah"

Anushka Virahsawmy



CHAPTER 3

Education and training

Article 14



Swaziland's Constitution provides for free primary education.
Photo: Trevor Davies

KEY POINTS

- With an SGD score of 99% Swaziland is almost reaching full marks in the education sector based on empirical data.
- However, at 55% citizens are more critical in terms of their perceptions of the country's performance against targets contained in the SADC

Gender Protocol. For example, issues such as gender violence in schools, quality of education, gender stereotypes and other factors may have influenced the score.

- The Constitution states that all children are entitled to free primary school education.
- Swaziland has reached gender parity at secondary school before the 2015 deadline; the gender gap is narrowing in primary schools, but boys still outnumber girls slightly.
- Overall, while girls seem to perform slightly better academically in secondary schools; boys fared much better in the sought after subjects like mathematics, science and information technology.
- If a pupil becomes pregnant, the school head is allowed to suspend the girl from school.
- Swaziland has surpassed the 50% target in tertiary education with women outnumbering men.
- Men hold 84% of teaching positions compared to only 16% for women; the lowest percentage of female teachers in the region.

Table 3.1: SGDI and CSC on education

	SGDI	CSC
Score	99%	55%
Rank	6	5

Table 3.1 shows that Swaziland has made remarkable achievements in education with an SGDI score of 99%. The country is likely to achieve gender parity at primary, secondary and tertiary levels before the 2015 deadline.

However, the CSC score is much lower at 55% possibly because citizens expected free education to be rolled out at a faster rate than it has been. They probably also considered other qualitative aspects; for example, cultural and social influences that still affect girls' access to disciplines traditionally studied by boys. In addition they considered how girls are more likely to drop out of school, mostly due to pregnancies, early marriages and to care for sick family members.

Background

Gender parity in education is a human right, a foundation for equal opportunity and a source of economic growth, employment creation and productivity.

With only two and half years to go before the 2015 deadline for realising the 28 targets of the SADC Gender Protocol and the MDGs, achieving gender parity in education is one of the goals that Swaziland will likely meet.

Attention needs to shift to ensure retention and improved quality of education as you move to higher levels of education and ensuring adequate resources to maintain gains made in the sector thus far. For girls, staying in school is not just about good grades.

Early marriage and family responsibilities can take girls out of school early, especially because of the burden of care exacted by HIV and AIDS. Some families still do not see the value in educating girls. Poor infrastructure, such as lack of water and sanitation facilities, exacerbates the situation. Sexual harassment, by both peers and teachers, can make girl learners unsafe. All of this can undermine girls' education.

Swaziland has a policy on free education at primary school from the first grade in public schools though in practice not everyone manages to access this facility.



Swaziland is likely to achieve gender parity at all levels of education before the 2015 SADC Gender Protocol deadline - School children brave the cold in Manzini, June 2012 .

Photo: Thandokuhle Dlamini

Enrolment and retention



The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education.

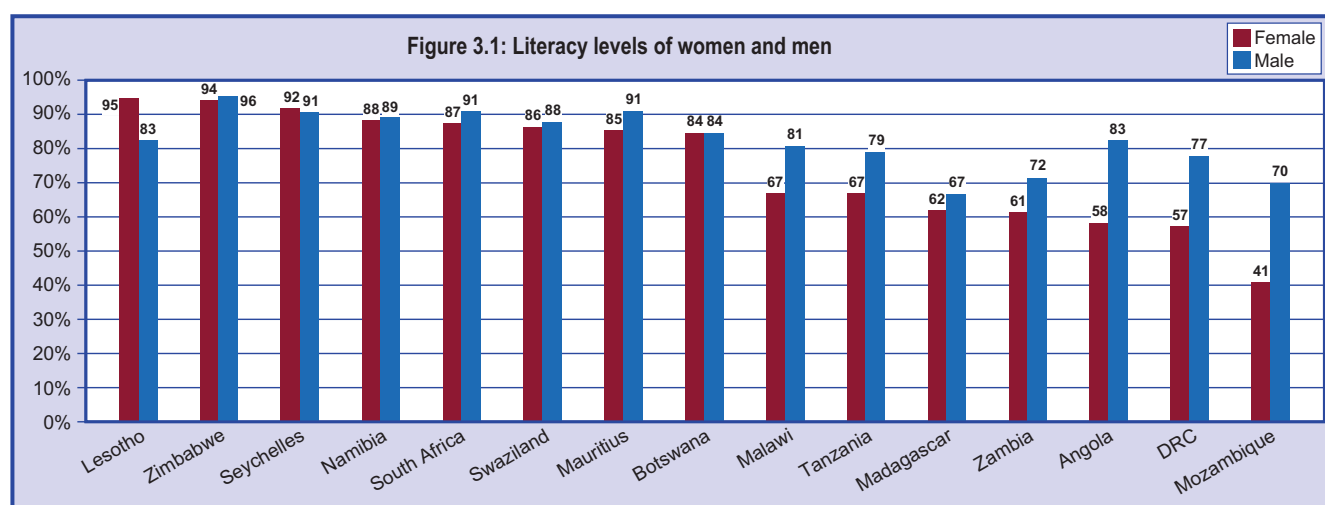
Table 3.2: Access and enrolment in education sector / 2011

Type of data	% women/girls	% men/boys
Literacy		
Enrolment		
Primary School	48	52
Secondary School	50	50
University of Swaziland	51	49
Vocational	54	46
Drop out		
Primary school	35	46
Secondary level	62	48

Source: UNICEF Education Specialist Desk for primary school statistics and Report of the Vice Chancellor UNISWA 2009-2010.

Table 3.2 shows that there is almost gender parity at all levels. However, at secondary school more girls drop out than boys.

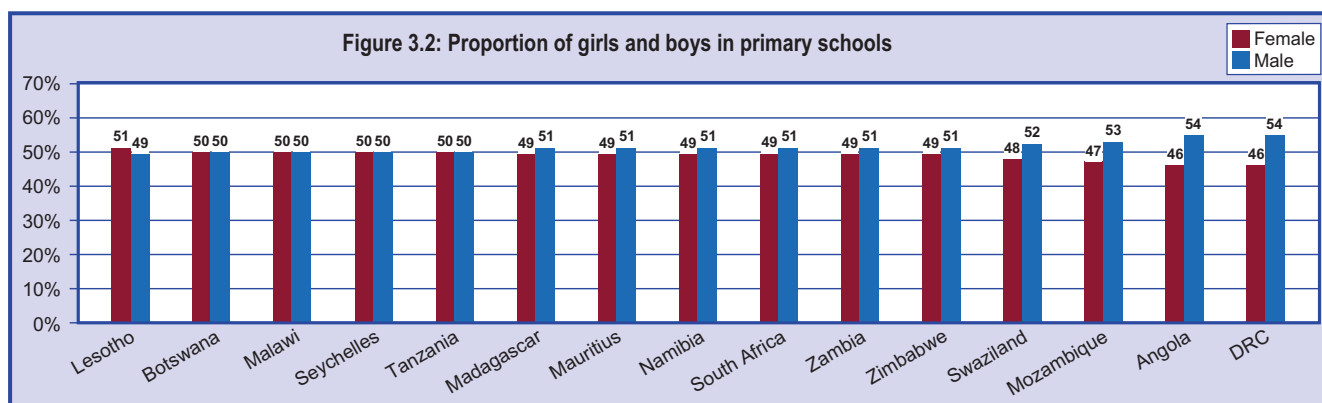
Literacy



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.1 shows that men in Swaziland slightly outnumber women by only two percentage points in terms of literacy at 88% compared to 86% respectively. Overall, there are lower literacy levels for women in all SADC countries except Seychelles and Botswana where women and men are at par.

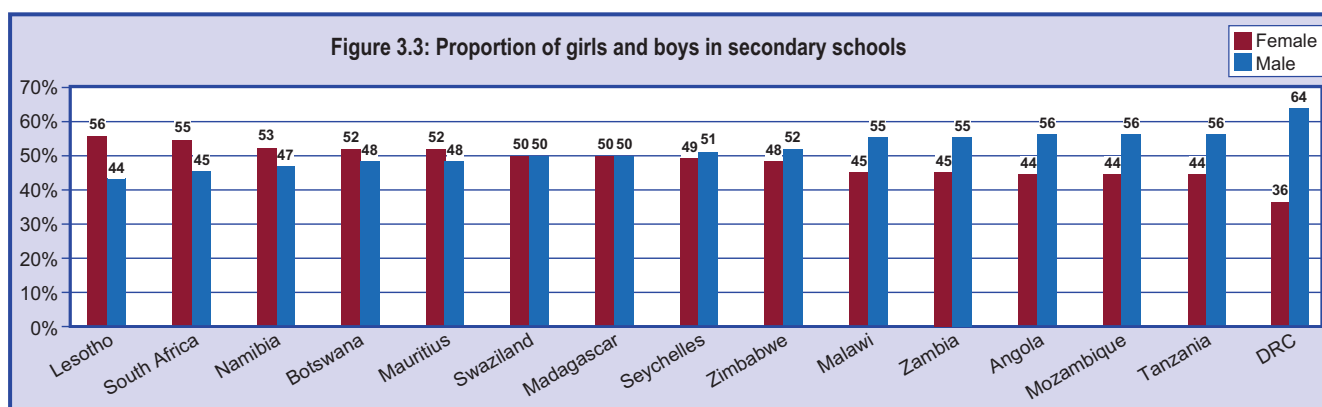
Primary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.2 shows that at 48%, when compared with other countries in the SADC region, Swaziland ranks lower than most other SADC countries on the indicator measuring girls' participation in primary education.

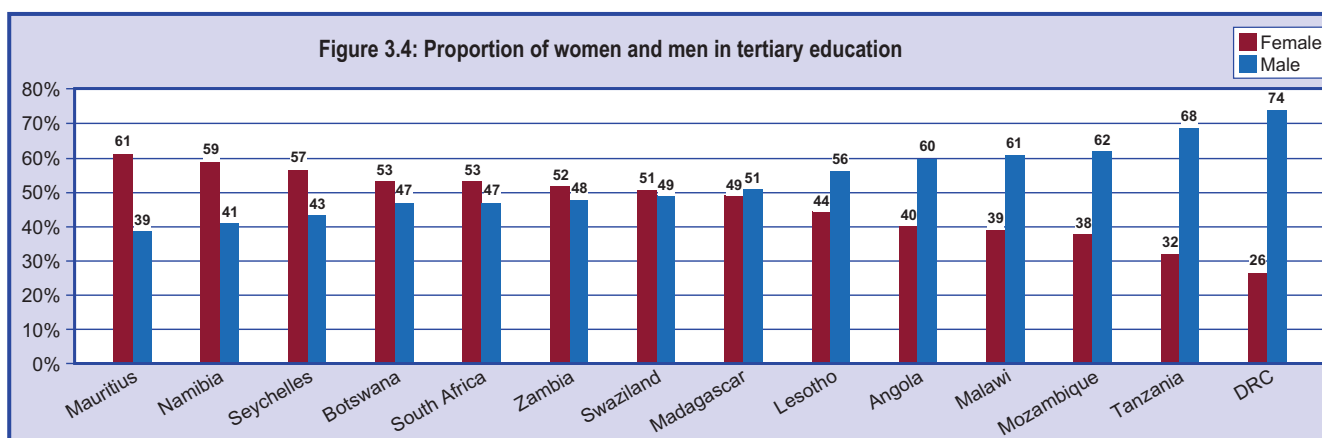
Secondary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.3 shows that SADC countries differ from most other countries in Africa in that gender gap in secondary schools is rapidly narrowing. Swaziland has reached gender parity at secondary school level before the 2015 deadline.

Tertiary education



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.4 shows that at 52%, Swaziland does relatively well when compared to other countries in the region regarding female representation in tertiary education.

Along with other five other SADC countries, Swaziland now has more women than men studying in tertiary education.

Student funding mechanisms



Mater Dorołosa High school students; Mbabane; Swaziland.

Photo: Thandokuhle Dlamini

The Constitution adopted in 2005, section 29 (6) reads *“Every Swazi child shall within three years of the commencement of the Constitution have the right to free education in public schools at least up to the end of primary, beginning with first grade.”*

By early 2009, the government had still not introduced free education, so civic groups took the government to court. The groups won the court application and as a result the government introduced free primary education by rolling it out first to grades one and two in 2010. The government proposed an additional grade each year. By 2015 primary education should be free for all.

However, some older children will have lost the opportunity of free primary education. Although orphaned and vulnerable (OVC) grants at primary and high school are available for pupils most in need, the grants are only a part payment. If the children do not have anyone to assist them with the top-up fee, they may miss out on an education altogether or at least have to drop out when they reach the higher grades.

Table 3.3: OVC grant recipients

Region	Primary	High
Hhohho	4 145	9 693
Manzini	14 986	9 750
Shiselweni	13 059	12 411
Lubombo	10 372	8 696
Sub-total	42 562	40 550

NB: Numbers could be slightly higher since more children were given grants as the year progressed.
Source: UNICEF: Education Specialist Desk, 2009.

Policy on teenage pregnancy

The policy does not provide for reintegration of a girl pupil who falls pregnant. The Education Rule section 10 (5) reads, *‘in the event of a pupil being convicted of an offence of the kind referred to in paragraph (4) or in the event of a pupil falling pregnant with a child, the head may forthwith suspend such pupil from attending the school and forthwith report such suspension to the Director, who may take steps in regards thereto as he thinks fit’*. This rule places the immediate discipline of a pregnant child on the head teacher by permitting the head teacher to suspend the girl from attending school.

Performance

Table 3.4: Pass rates

	% boys/men	% girls/women
Primary	87.8	87.4
Secondary	32	33.5
University	Not available	
Vocational	Not available	

Source: Exams Council 2008.

Table 3.4 shows that at the primary school level there seems to be no difference between the performance of boys and girls. In 2008, a total of 164,835 pupils took the Swaziland Primary Certificate, girls accounting for 50% of the total candidates.

According to 2008 results, 67,544 pupils took ‘O’ levels, with girls accounting for 48%. Overall, girls seem to

perform slightly better achieving 33.7% aggregate of C and or higher, compared to 32.04% of boys. However, when disaggregated by subject, boys fared much better in sought after subjects like mathematics, science and information technology.

A major concern is that men dominate the teaching profession in Swaziland. Men hold 84% of teaching positions compared to only 16% for women, making Swaziland the worst performer in the region on this indicator. Mauritius, Namibia and Lesotho have considerably more women than men in the teaching profession.

Challenging stereotypes



The Protocol requires that by 2015 state parties adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence.

Gender balance in school administrations

Table 3.5: Gender disaggregated data on school administration

Staff category	% women	% men
Primary school	33	67
Secondary school	16	84
UNISWA	49.3	50.7

Source: Teaching Service Commission 2009. University of Swaziland.

Table 3. 5 shows a gross gender disparity in school administration. The Teaching Service Commission (TSC)

report of 2009 says it is a result of the 'low self-esteem' of female teachers; they note that there are no disparities in qualifications.

The TSC, in its development plan of 2007-2011 has mainstreamed gender, noting the few women in administrative positions. They have set a target of increasing female representation by 5% at the end of the planning period. In 2009 the target was surpassed, reaching 33% female representation.

Table 3.6: Women and men in university faculties

Faculty	No of women	No of men	Total	% women	% men
Agriculture	419	530	949	44.15	55.85
Commerce	269	271	540	49.81	50.19
Health Sciences	237	188	425	55.76	44.24
Science	101	262	363	27.82	72.18
Social Science	259	314	573	45.20	54.80

Source: Report of Vice Chancellor 2009-2010.

The table 3.6 indicates gender stereotypes in choice of subject still exist, particularly for science with only 28% female students studying science compared to 72% male students. Women tend to opt for the traditionally female disciplines, such as health sciences where they comprise 55.8% of the students.

The education policy has no specific gender component. The main provisions are:

Article 3: Access to Universal Basic Education:

- 3.1 The Ministry of Education shall provide a 10-year universal basic education to all children of school-age.

- 3.4 The Ministry shall develop an integrated system of education that provides equal opportunities to all irrespective of sex, religion, geographical location, special needs political or other factors.

Article 10: Goals on Vocational Education and Training:

- * Development of a functional gender-sensitive, affordable and efficient VET-system of sufficient capacity according to the needs of the economy, the society and the individual.

There have been no studies on gender and the curriculum. However, the national curriculum centre introduced

the continuous assessment programme in the early 1990s. The slogan was "Every child is a successful learner." During the programme implementation UNICEF and partners trained teaching staff on how to incorporate the girl child training programme into education.

In addition, a panel of experts assisted with the development of new text books using a checklist for the content. Gender sensitivity was one of the indicators that the panel checked, as well as abuse, disability and life skills.

Gender violence in schools

Schools are no longer safe places. Many teachers have been disciplined for having sexual relationships with pupils; mostly male teachers have sexual relationships with girl pupils although there have also been a few cases of female teachers abusing male pupils. In those cases, the teachers have not been disciplined because the boys have not cooperated with investigations.

The abuse is so prevalent that it is operating in an organised way. Teachers are known to arrange girlfriends for each other, and have tried to protect their colleagues from being detected, according to the 2007 TSC report. For the first time, the TSC report included numbers of teachers dismissed for sexual abuse of their pupils. It stated that the teachers coerced pupils not to report them and teachers ganged up to intimidate abused pupils.

The Ministry of Education study in 2003 to find out the extent and type of abuse in and outside of school revealed that sexual abuse is widespread. The perpetrators in schools are mainly male teachers towards girls and outside school it is mainly uncles towards their nieces. Teachers who knew about the abuse kept silent saying they feared upsetting relationships with their colleagues.



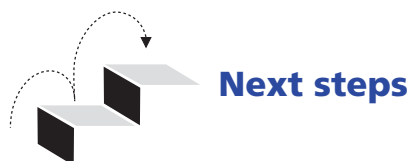
Sporting activities provide safe spaces for children after school.

Photo: Trevor Davies

The study found that physical and emotional abuse are also common. Wounds were often visible from teachers' beatings. Emotional abuse is the most common in the homes. The perpetrators are mostly female, such as mothers, step-mothers and grandmothers who are bringing up children without support. As a result of this study, a toll-free phone line has been established so that children and other people can anonymously report abuse cases.

In addition, the Swaziland National Association of Teachers (SNAT) has developed a code of ethics for teachers. In this code of standards, section 8 (a) bans improper relationships with students under their care. There are also plans to establish a tribunal to manage child abuse cases and the Teaching Service Act (TSA) is currently being revised to take into account GBV in the schools.

When cases are reported to the ministry investigation office, specially trained officers are sent to the school to investigate. If a teacher is found guilty, they are dismissed from service. The 2006 TSC report showed an increase in the number of dismissals of teachers found guilty of having sexual relationships with students. This type of abuse is dismissible in line with School Guide regulation procedures section 20 (F).



Next steps

- Step up advocacy efforts to review the pregnancy policy, so that girls are allowed to continue their studies while pregnant and after giving birth.
- Special measures need to be put in place to attract girls to opt for Science subjects.
- Research is needed to establish why more women do not teach. Measures need to be put in place to encourage women to enter the teaching profession.
- All children must access free primary school education - especially orphans and vulnerable children.
- Revising text books and school curriculum to remove gender stereotypes.
- Sustained allocation of resources to the education sector that is used in a gender responsive manner.



"Ntkozo"

Anushka Virahsawmy



CHAPTER 4

Productive resources and employment, economic empowerment

Articles 15-19



Women now found in employment positions traditionally dominated by men. Municipal workers in Swaziland. *Photo: Trevor Davies*

KEY POINTS

- With an SGDI score of 55%, Swaziland is just over half way of where it needs to be by 2015 in terms of promoting gender equality in the economic sector. This places the country at fourth position out of the SADC countries.
- Citizen's rate country progress at 53%, a mark close to the SGDI, based on their perceptions of country progress putting the country in 12th place out of the 15 countries.
- Women occupy 30% of key economic decision making positions.
- Women outnumber men in the informal sector at the ratio of 2:1.
- A large proportion of the women's economic ventures is not recognised by local municipal authorities and are deemed to be engaging in illegal activities.
- Only single women, and those married out of community of property without the husband's marital power that is, with an ante-nuptial contract, have access to credit and productive resources, such as the titles to land, on almost an equal footing with their male counterparts.
- The Ministry of Agriculture developed the Food Security Policy, which is one of the few agriculture policies that consider gender.
- Women are primarily responsible for childcare and there is no provision for paternity leave.
- A woman can have 12 weeks maternity leave, but she is only entitled to two weeks full pay.
- The Employment Act does not deal with sexual harassment.

Table 4.1: SGDI and CSC scores for productive resources and employment, economic empowerment

	SGDI	CSC
Score	55%	53%
Rank	14	12

Table 4.1 shows that the country's SGDI score is 55% ranking the country number 14 out of the 15 SADC countries. The CSC score is close at 53% based on citizen's perceptions of country progress towards meeting the 2015 targets relating to the economy putting the country in 12th place out of the 15 countries.

The SGDI score is calculated based on empirical data including: Female share of economic decision-making:

- The number of women occupying high-level economic

decision-making positions expressed as a percentage of all such positions in the country.

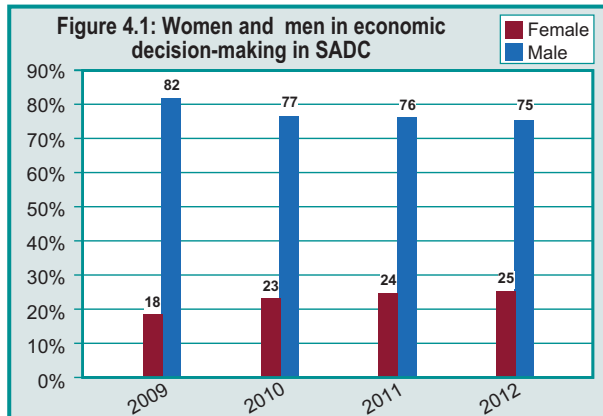
- Female LFP/ Male LFP. The Labour Force Participation rate of women expressed as a percentage of the labour force participation of men. The labour force participation rate is calculated as the (number of women/men of working age (usually 15+ or 15-64) who are either employed or looking for work) divided by the total number of women/men of working age.
- Female/male unemployment rate. The unemployment rate of women expressed as a percentage of the unemployment rate of men. The unemployment rate is calculated as the (number of women/men who are looking for work) divided by the (number of women/men who are either employed or looking for work).
- Female share of non-agricultural paid labour. The number of women employed in paid work outside of agriculture expressed as a percentage of all people employed in paid work outside of agriculture.

Women and men in economic decision-making



The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.

Figure 4.1: Women and men in economic decision-making in SADC



Source: 2012 SADC Gender Protocol Barometer 2012.

Overall, there is a steady but slow increase in women's participation in economic decision making in the SADC region. Figure 4.1 shows that since the Barometer began tracking this indicator in 2009, women's participation in economic decision-making (minister and deputy minister, permanent secretaries in finance, economic planning, trade and governors of the reserve bank, the proportion has gone up by 5% (from 18% to 26%). There is steady, albeit slow progress towards achieving 50% of women's representation in this sector by 2015.

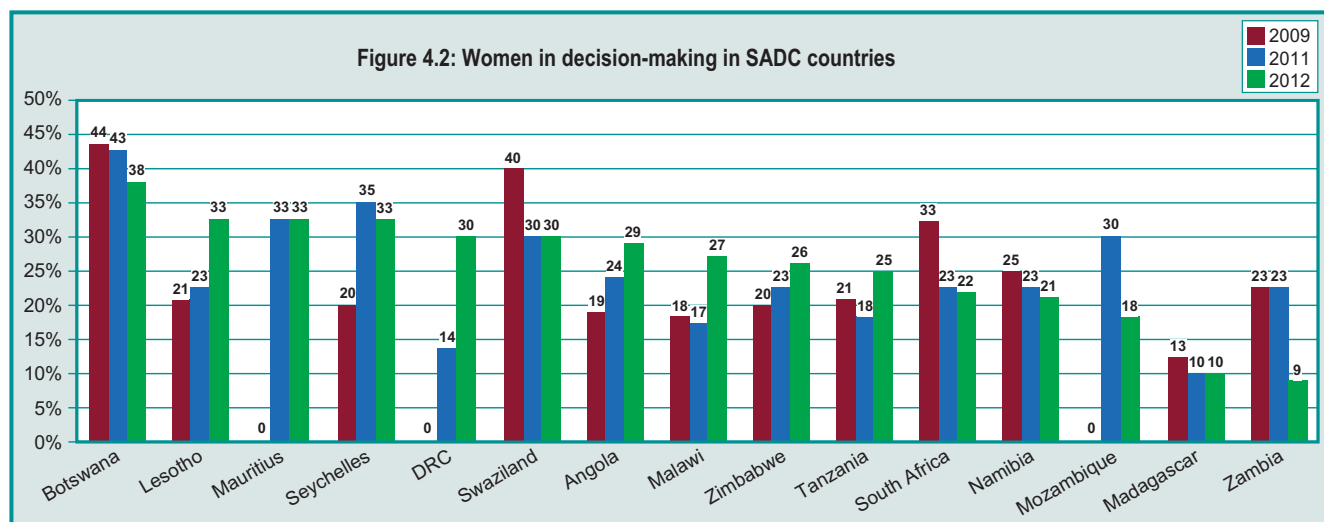
Table 4.2: Women and men in economic decision-making

	Name	Male	Female
Minister of Finance	Majozi Sithole	X	
Principal Secretary	Ms. Khabonina Mabuza		X
Swaziland Revenue Authority	Dumisane Masilela	X	
Minister of Economic Planning	Prince Sihlangusephi Dlamini	X	
Permanent Secretary	Bertram Stewart	X	
Minister of Commerce, Industry and Trade	Jabulile Mashwama		X
Permanent secretary	Cyril Kunene	X	
Governor of the Central Bank	Martin Dlamini	X	
Deputy governor of the Central Bank	Sibongile Mdluli		X
Swaziland Investment Promotion Authority - Chief Executive Officer	Phiwa Ginindza	X	
TOTAL		7	3
PERCENTAGE		70%	30%

Source: Swaziland Government Diary Year 2011.

Table 4.2 shows that while men predominate in economic decision-making positions Swaziland has reached the 30% threshold enshrined in the constitution. There is need for sustained efforts to progress towards achieving the 50/50 by 2015 target.

Comparison with the SADC region



Source: Gender Links Regional Barometer Report, 2012.

Figure 4.2 regionally, Swaziland scores well and ranks number six with a proportion of 30% women in economic decision making.

Gender budgeting



The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking, monitoring and evaluation.

Line ministries and NGOs had received intermittent training on gender budgeting, concept that has been in its infancy. The overall government's programme of action plan of 2008 to 2013 is viewed as gender blind therefore it is likely that budgetary allocations are gender blind. Gender Consortium had conducted gender budgeting workshops for its members who are expected to provide input from a gender perspective during analysis of the national budget workshops hosted by the Coordinating Assembly of NGOs (CANGO).

The initiatives gained momentum in September 2012 when the Gender and Family Affairs Unit under the Prime Minister's Office with backing from UN agencies and the SADC Gender Unit received technical support from Gender Links to develop a costed gender action plan aligned to the SADC Gender Protocol's 28 targets.



Women form the majority of those in the informal sector - women at the market in Mbabane, May 2012.
Photo: Thandokuhle Dlamini

The process including capacity building for line ministries to conduct gender budgeting as well as costing.

The Gender Unit has since drafted the gender action plan in consultation with all ministries and finalising the costing aspects. The Gender Unit will also use the opportunity to align the current gender policy to the 28 targets. Read Chapter 10 on implementation for more details on implementation.

Time use



The Protocol provides that, by 2025, state parties shall conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.

Researchers did not identify any relevant time-use studies in Swaziland. No policy frameworks exist to address women's multiple roles.

Economic empowerment



The Protocol provides that state parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.



Basket weaving in Swaziland.

Photo: Trevor Davies

Trade and entrepreneurship

The Ministry of Justice and Constitutional Affairs are in the process of auditing and aligning trade legislation with the Constitution and CEDAW. Women constitute 71% of people in small business and self-employment.

Economic empowerment

The government has initiated two capital projects, namely Msahweni Project, a road tarring project, and the LUSIP Dam Project. A gender analysis will be conducted to assess who and how people are benefitting from these projects. Authorities will use this exercise as a model for mainstreaming gender considerations when undertaking such projects.

Overall, women outnumber men in the informal sector at the ratio of 2:1.¹ As most ventures by women are not recognised by local municipal governments, they are deemed illegal. Women are therefore vulnerable to police harassment, imprisonment and loss of all their goods. There is no policy dealing specifically with the informal sector.

¹ The Swaziland Integrated Labour Force Survey, (2007-2008).

Procurement

The Procurement Bill is gender-neutral. There are currently no affirmative interventions to ensure that women benefit equally from economic opportunities although the Constitution advocates for affirmative action in the economic sector. Section 28 (1) says that

women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. Article 20 stipulates that Parliament can enact laws to redress past inequalities including in the economic sector.

Property and resources



The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.

Although the draft land policy recognises the need for a more equitable policy on land and resource allocation for women, after a decade the policy remains in draft form.

Section 211 of the national Constitution' states Save as may be required by the exigencies of any particular situation, a citizen of Swaziland, without regard to gender, shall have equal access to land for normal domestic purposes'.

The 2006 Marriage Bill addresses difficulties women face when trying to access credit, but it has not yet been passed through Parliament. The current law requires that if a couple is married in community of property, the husband automatically administers the joint estate and has to be the one to request credit. Collateral is an obstacle for women, as property under these circumstances is always in the man's name.

If a woman is married based on customary rites, banks and other financial credit institutions are not supposed

to demand consent from their husbands, but in reality many do. Collateral is a huge problem for women because even the few that have it, it is often registered in their husband's name. Women's weaker status in society leaves them susceptible to malpractice. Furthermore, some assets, such as livestock, are dealt with under customary laws, which align property with a male head of households even if it does not belong to him.

Only single women, and those married out of community of property without the husband's marital power, that is with an ante-nuptial contract, have access to credit and productive resources, such as the title deed land, on almost an equal footing with their male counterparts.

Doo Aphane won a landmark case in 2010 where she contested that women married under community of property should be able to register immovable property, bonds and other forms of investment in their name.

Victory for Swaziland women

For the first time in the history of Swaziland, women married under community of property will now be able to have "immovable property, bonds, and other real rights" registered in their name.

The historical judgment was handed today (23 February 2010) by Justice Qinisile. M. Mabuza in a case of Mary Joyce Doo Aphane vs the state in which she contested the denial by Section 16 (3) of the Deeds Registry Act 37/1968 of women married in community of property to register title in their own names. The judgement effectively redresses 42 years of injustice and subordination of women married in community of property. It also weakens all laws that still regard women as minors.



Doo Aphane.

Photo: Mantoe Phakathi/IPS

Ms Aphane's battle began on 24 November 2008, when she and her husband entered into a deed of sale to buy title deed land in Mbabane, Swaziland and wanted both their names as purchasers registered. The

application was not allowed as it contravened some provision found in the Deeds Registry Act.

Aphane fought the act on the basis of the Constitution of the Kingdom of Swaziland 101/2005 Section 20 and 28 which secures the equality of all in the eyes of the law. This is the first case in Swaziland which tested the effectiveness of the constitution in protecting women's rights.

Following the judgement, Ms Aphane said: "This case was not just about me. It was about all the women of Swaziland. Women who are married in community of property will now be able to stand on their own. My husband was very supportive and he understood the importance of this battle."

Aphane called on women in Swaziland to use this judgement to their advantage and work to remove all laws that are discriminatory to women.

Source: <http://lwinafrica.org/2010/03/victory-for-swaziland-women/> last accessed 30 September 2012.

Employment



The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work, eradication of occupational segregation and maternity and paternity benefits.

Table 4.3 : Women and men in employment

	No of women	No of men	Total	% women	% men
Employed	143,049	167,401	310,450	46	54
Unemployed	173,573	115,506	289,079	60	40

Source: Swaziland Labour Force Survey 2008.

Table 4.3 shows that more men than women are in waged employment and women make up most of the unemployed sector. The 2008 labour force survey points out that women's representation in employment is often underestimated because women themselves as well as other people do not consider their work as "employment".

In the past, women experienced more difficulty in finding work in the formal sector because their skills did not match those that were in demand. However, in recent years, there has been a high demand for low-skilled labour, especially in the textile industry, which employs more women than men. However, women are limited by domestic responsibilities; caring for children, the elderly and the sick.

Table 4.4.: Employment levels of women and men across key occupations

Sector	% of men	% of women	Total
Education	5.6	9.8	7.5
Agriculture, Forestry and Fishing	11.4	6	9.1
Mining and Quarrying	4	0.2	2.4
Manufacturing	18.3	21.5	19.7
Electricity, Gas and Water	1.4	0.2	0.9
Construction	9.3	0.6	5.5
Wholesale and Retail Trade	11.1	20.8	15.3
Transport Storage and Communications	10	1.3	6.2
Financial Intermediation	8.6	2.7	6.1
Community and Social Services	6.4	18.5	11.7

Sector	% of men	% of women	Total
Real Estate, Renting and Business Activities	7.1	8.9	7.9
Hotels and Restaurants	1.1	3.5	2.2
Health and Social Work	2.6	4.3	3.3
Extra territorial organisations and bodies	0.1	0.1	0.1
Public Administration and Defence	3	1.5	2.3
Total	100	100	100

Source: Swaziland Labour Force Survey 2008.

Table 4.4 shows that in the formal sector, women are predominately in the trade and manufacturing sector. They work in the textile industry sewing clothes. Women are also mainly represented in the community and social services sector. This sector constitutes government

employment, for example, teachers and nurses, which are traditionally regarded as women's work. Since 2008, there has not been another labour force survey and no current information from the Central Statistics Office was available.

Table 4.5: Conditions of employment

Provision	Yes/No	Provisions
Maternity leave	Yes	Employment Act section 102 provides that every female employee, whether married or unmarried, who has been in continuous employment of her employer for 12 months or more shall be entitled to maternity leave of at least two weeks full pay.
Paternity leave	No	No paternity leave is given and there is no debate yet about providing it. Certain customs dictate that men are not supposed to be in close contact with newly born babies.
Sexual harassment	No	The Employment Act is silent on this issue
Night work	Yes	Section 101 of the Employment Act subsection (1) No employer shall employ any female in any industrial undertaking between the hours of 10.00 p.m. of one day to 6.00 a.m. of the following day unless he [sic] obtains a certificate from the Labour Commissioner authorising him to do so.
Same retirement age and benefits for women and men	Yes	-

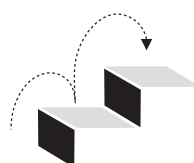
Source: Employment Act Year 1980.

Table 4.5 shows that overall employment conditions lack gender sensitivity. For example, although a woman can have 12 weeks maternity leave, she is only entitled to two weeks full pay. This can force women to cut short their entitled leave so that they can provide for their family. The Protocol says that State parties should provide protection and benefits for women during maternity leave. However, in practice government employees receive three months maternity pay and other employers often opt to pay for six weeks. As it is not legally binding, the law leaves women vulnerable.

The Act also does not address paternity leave, and so implies that it is the sole duty of women to take care of their new-born babies while men continue to enjoy the benefits of productive employment. This contributes to continued gender-stereotyping in the country.

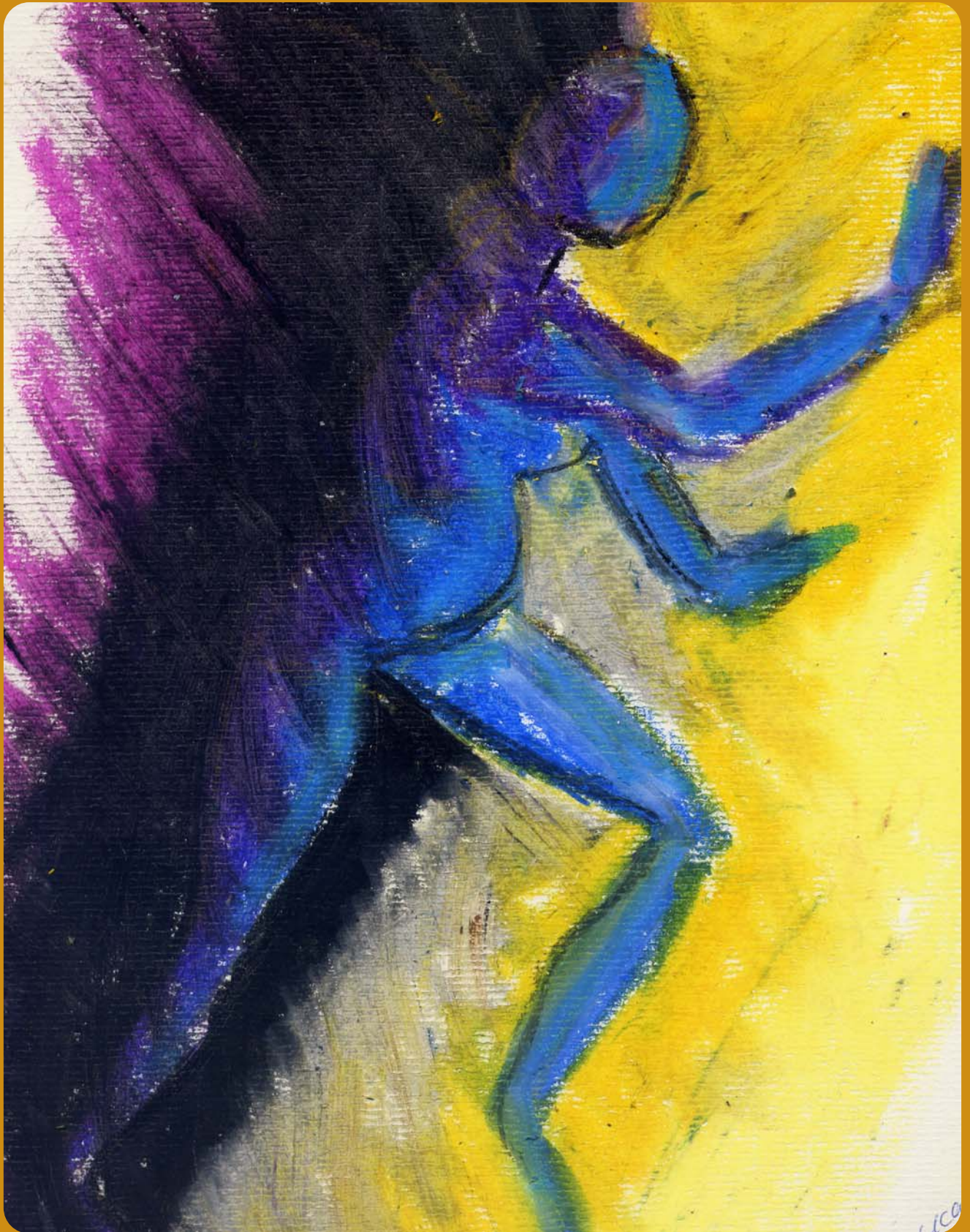
The Protocol also demands that state parties should enact legislation that defines and prohibits sexual

harassment in all spheres and provides deterrents for perpetrators. To date, the Employment Act does not address sexual harassment leaving women in particular vulnerable in the workplace.



Next steps

- There needs to be measures in place to protect women working in the informal sector and help them develop their skills.
- Women need more access to the means of production, including easier access to land and credit facilities.
- The Employment Act needs to be amended to include full pay during the entire maternity leave; men should be allowed paternity leave and there should be a clause on sexual harassment.



"Zarina"

Anushka Virahsawmy



CHAPTER 5

Gender Based Violence

Articles 20-25



Nolwazi Gwebu (center) making a submission during the 16 days against gender violence campaign - November 2012.
Photo: Samkelo Ngwenya

KEY POINTS

- Citizens perceive that the country is only 44% of where it needs to be to achieve the SADC Gender Protocol targets related to GBV set 2015.
- Comprehensive data on GBV is still lacking.
- All rape cases are now held in the High Court allowing for tougher sentences.
- Comprehensive legislation that addresses all forms of GBV is lacking; for example the Sexual Offences and Domestic Violence Bill of 2005 does not include marital rape and sexual harassment.

Table 5.1: CSC scores on gender based violence

	SGDI	CSC
Score	N/A	44%
Rank	N/A	15

Table 5.1 shows that with a citizen score (CSC) of 44% the country ranks last out the 15 countries in the region. Citizens believe that government efforts to address GBV are far from adequate when rated against the targets that need to be achieved by 2015.

Extent of gender-based violence



The Protocol urges Member States to endeavour to reduce current levels of gender-based violence by half by 2015.

GBV, particularly sexual violence, is a growing problem in Swaziland. The most common forms of GBV in Swaziland are rape, marital rape, and incest but they are seldom reported to the police and not even to NGOs.

The Central Statistics Office (CSO) of the Ministry of Economic Planning and Development is responsible for collecting and analysing statistical data. In 2009 CSO developed indicators for gender and GBV with stakeholders. Swaziland Action Group against Abuse (SWAGAA) and Women and Law in Southern Africa

(WLSA) also collect data on GBV from clients who seek advice at their offices. This data is published in their monthly, quarterly and annual reports. The Royal Swaziland Police Services (RSPS) established the domestic violence unit responsible for cases of GBV and they also collect data on GBV from perpetrators and survivors.

Most cases do not get reported and an analysis of the reported cases is also difficult because of the way the statistics are gathered. Most of the vital information, such as the number of cases that are withdrawn, prosecuted and sentenced, is missing.

Response and support



The SADC Protocol provides that by 2015 state parties shall: Enact and enforce legislation prohibiting all forms of gender-based violence; ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault; review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence; enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society; enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.

Table 5.2: GBV response and support

Provisions	What is in place?	What needs to be put in place?
Laws/ policies		
Legislation prohibiting all forms of GBV.	The Crimes Act/1889 and the Girls and Women's Protection Act/1920, the Criminal Procedure and Evidence Act No 67/1938 and Common Law Crimes covering rape, incest, indecent assault, abduction, kidnapping, public indecency, common and assault with intention to do grievously bodily harm.	Comprehensive legislation needs to be implemented that addresses all forms of GBV, such as the Sexual Offences and Domestic Violence Bill of 2005 (with amendments from stakeholders). This should include marital rape, indecent treatment of children that does not necessarily include penetration as well as sexual harassment, and trafficking.
Ensuring that all perpetrators of GBV are brought to book.	The Criminal Procedure and Evidence Act No 67/1938.	Consolidated legislation such as a Sexual Offences and Domestic Violence Act and monitoring institutions.
Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception.	There is provision within the National Guidelines for Antiretroviral Treatment and Post Exposure Prophylaxis (PEP) for administration of PEP within 72 hours	There is need to ensure access to PEP at all public hospitals and clinics. People need to be made more aware the service.
Social and psychological rehabilitation of perpetrators of gender-based violence.		Male involvement programmes and several awareness creation programmes need to be developed.

Provisions	What is in place?	What needs to be put in place?
Review of criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.	The Sexual Offences and Domestic Violence Bill which is yet to be passed	Pass the Sexual Offences and Domestic Violence Bill
Human trafficking		
Specific legislation to prevent human trafficking.	Prevention of People Trafficking and Smuggling Act. There is now a secretariat dedicated to implement the Prevention of People Trafficking and Smuggling, which collect and disseminates material on human trafficking.	Criminal Procedure and Evidence Act together with common law needs to be put in place.
Mechanisms to eradicate national, regional and international networks.	The Royal Swaziland Police is part of INTERPOL and is part of a network of policing agencies within the SADC region and beyond. World Vision (WV) and Women and Law in Southern Africa-Swaziland (WLSA) conduct project activities that prevent trafficking in persons, protect victims, and ensure prosecution of perpetrators.	-
		Need to gather data and statistics from various sources; e.g. immigration statistics and cases reported on human trafficking or human smuggling.
Capacity building, awareness raising and sensitisation campaigns on trafficking.	The Prevention of People Trafficking and People Smuggling Secretariat is in place which mandate is to coordinate all Inter-Agency Task Force activities on human trafficking in the country.	Need to implement well-coordinated time-bound programme of action.
Sexual harassment		
Adopt laws, policies, programmes that define and prohibit sexual harassment.	The Criminal Procedure and Evidence Act No.6/of 1986 as amended. Sexual harassment is beyond its scope.	Establish a Law Review Commission to expedite the alignment of the legislative framework with the Constitution and domesticate ratified sub-regional, regional and international instruments. These will include the enactment into law of a Sexual Offences and Domestic Violence legislation. It should include sexual harassment.
Gender balance in bodies adjudicating sexual harassment cases.	No bodies adjudicate over sexual harassment per se as it is not defined in law.	Institutionalisation of affirmative action in decision-making at all levels including the judiciary, both civil and customary laws. There should also be gender balance and awareness in workers' unions.
Support services		
Cases on GBV to be heard in a gender sensitive environment.	Not all judicial officers are aware of how to deal with GBV and the environment under which the cases are heard is insensitive. However, the amendment of the Criminal Procedure and Evidence Act (section 223) facilitated the formation of a children's court.	One stop centre for all GBV-related matters in a gender-sensitive environment. Enactment of Sexual Offences Bill into law. Gender mainstreaming and capacity building in all structures and hold all responsible for delivery. In service training courses for the judiciary are needed. Gender-based violence should be included in university law school curricula.
Special counselling services.	Counselling is carried out by the Domestic Violence Child Protection & Sexual Offences Unit (D.C.S.), located in the Royal Swaziland Police.	This service should be available 24/7 and under the same roof as other services.
Dedicated and sensitive services provided by police units; health; social welfare.	The Domestic Violence Child Protection & Sexual Offences Unit (D.C.S.) within the Royal Swaziland Police and <i>Lihlombe lekukhalela</i> includes the police, the DPP's office, NGOs and community based organisations that coordinate community outreach programmes on GBV.	The service should be provided by the state and decentralised. The decentralisation of services is supported by the Government of Swaziland Decentralisation Policy, August, 2005.

Provisions	What is in place?	What needs to be put in place?
Accessible information on services available to survivors of GBV.	The first point of accessing information by survivors of GBV is through the Domestic Violence and Child Protection Unit member on duty, with referrals made primarily to, <i>lihlombe lekukhalela</i> , Swaziland Action Group Against Abuse (SWAGAA).	The law should provide for and ensure implementation of an agreed minimum package of information both verbally and through another form (audio or written) by law to all survivors. For continued support all survivors should also be referred to organisations nearest to them.
Accessible, affordable and specialised legal services including legal aid to survivors of GBV.	There is no specialised and/or affordable legal aid service to survivors of GBV. The limited services offered by NGOs are now compromised by lack of funds, some of the NGOs might have to close. The government has commissioned a study funded by UNDP to look into the feasibility of establishing legal aid in Swaziland.	The implementation of the Sexual Offences and Domestic Violence Act should include decentralised state legal aid services based on an advertised means test based on consultation with stakeholders.
Specialised facilities, including support for survivors of GBV.	Specialised facilities are only available for children through the Children's Courts. By judicial decision, all rape cases are now held in the High Court allowing for tougher sentences.	One stop centre for survivors of GBV.
Rehabilitation and reintegration facilities for survivors of GBV.	The national guidelines state that survivors should be offered on-going counselling and psychological support.	One-stop centre for survivors of GBV.
Training of service providers		
Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials.	Such trainings are run at the initiation of the Gender Unit. The Gender Unit's collaboration with the CANGO Gender Consortium and other civil society organisations is being undermined by funding constraints. There is no standardisation in the content, monitoring and evaluation.	Mandatory gender sensitisation trainings should be provided as part of in-service training for all service providers engaged in administration of justice.
Community sensitisation programmes for survivors of GBV.	These are sporadic, reaching few survivors. Programmes are run primarily by NGOs that focus on GBV such as SWAGAA and Save the Children Fund (SCF). The Lutheran Development Service, which focuses on livelihoods from a rights based approach, sometimes conducts GBV workshops in rural areas.	There needs to be community-based groups that offer continuous support to GBV survivors. The community support groups require capacity building.
Formal training programmes for service providers.	Formal training programmes for service providers. Induction training and awareness programmes and workshops for service providers.	There should be training for service providers who work with survivors of GBV at all levels.



The Protocol provides for measures, including legislation to discourage traditional and cultural practices that exacerbate GBV and to mount public campaigns against these.

An attempt to deal with this situation is Section 19 (1) Of the Sexual Offences and Domestic Violence Bill 2005 which states that: No person must, without consent, be subjected to any of the following cultural practices:

- kungenwa;
- kwendziswa;
- kutekwa;
- kuzila;
- kuhlanta;
- kulamuta;
- virginity testing;
- female genital mutilation.

Additionally and probably more for immediate use is Section 28(3) of the Constitution that provides that no

woman should be forced to undergo a custom. The weakness in this provision though is the State's failure to make a provision to assist the woman if she is subjected to these harmful customs and other areas such as marital rape are not dealt with.

Gender sensitisation and public attitudes towards GBV

The government's Gender Unit focuses on disseminating information on gender to communities through the tinkhundla constituency areas and when possible directly to communities. Due to the limited capacity, the Gender Unit tries to work with the Gender Consortium. The Gender Unit also has more direct access at national

gatherings such as *umhlanga* (the women's and girls' national gatherings), *lusekwane* and *emabutfo* (the male regiments) and when they are gathered for national duty.

Civil society hosts gender awareness programmes both in the communities and nationally some of which are run jointly under coalitions such as the gender consortium (CANGO), the Women and Girls Coalition against HIV and AIDS, as well as individual organisations. Civil society also takes advantage of events such as fairs and community outreach days to create public awareness.

Integrated approaches



The SADC Protocol on Gender and Development calls on states to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by 2015.

National action plan to end gender violence

Swaziland elevated the Sixteen Day campaign to a 365 Day campaign in 2007. The key stakeholders include the Gender Unit (within government), the UN theme group, the Gender Consortium, the Church Forum, NERCHA, Royal Swaziland Police, SWAGAA, CANGO and WLSA.

The Gender Unit co-ordinator states that although the Action Plan was launched, there has been only piecemeal implementation mainly due to funding shortages.

Anti-trafficking measures

World Vision (WV) undertook to sub-grant to Women and Law in Southern Africa-Swaziland (WLSA) funds for the Kuvikela project, which has activities aimed at preventing the trafficking in persons (TIP), protecting victims, and prosecuting perpetrators. Over the course of this two-year project, WV and WLSA will use their local presence and technical expertise to respond to TIP while running programmes that mitigate future trafficking. The Kuvikela project will collaborate with a range of organisations including the interagency task force, government ministries, health facilities, and law firms, to promote a comprehensive and coordinated response for victims and mitigate future trafficking. It will accomplish this goal through:

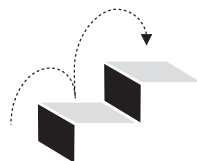
- Research in TIP to influence policy and promote quality services for victims;
- Raising awareness and capacity to prevent and respond to incidents of trafficking;

Impact of Sixteen days of Activism Against Women and Child Abuse

No study has been conducted on the impact of the Sixteen Days of Activism against Women and Child Abuse in Swaziland. But a study conducted by MISA in collaboration with GEMSA focused on analysis of the media coverage of the sixteen days of activism against gender-based violence campaign in 2006 which exposed a lack of ethical, fair and detailed, analytic and gender aware reporting. The study demonstrated the media's shortfalls in challenging gender stereotypes, raising public awareness of gender violence, child abuse and teaching women about their rights. Moreover, the Sixteen Day campaign has been elevated to a 365-Day campaign in Swaziland.

- Promoting the integration of services for victims through the creation and implementation of a referral mechanism that also includes services and partners in bordering countries.

Kuvikela will be integrated into WV's community-level presence and will capitalise on the momentum generated by recent efforts in Swaziland while responding to recommendations provided by the TIP report. Kuvikela will also address trafficking issues created by the absence of anti-trafficking legislation. The project will engage in a variety of awareness-raising strategies, including the provision of IEC materials to key stakeholders and target communities as well as training and coaching.



Next steps

- Comprehensive legislation needs to be implemented that addresses all forms of GBV, such as the Sexual Offences and Domestic Violence Bill of 2005 (with amendments from stakeholders). This should include marital rape, indecent treatment of children, sexual harassment, and trafficking.
- There needs to be a one-stop centre for all GBV-related matters in a gender-sensitive environment.
- In service training courses for the judiciary are needed. Gender-based violence should be included in university law school curricula.



A different kind of family

Anushka Virahsawmy



CHAPTER 6

Health

Article 26



Swazi female nurses from Swaziland.

Photo: Ncane Maziya

KEY POINTS

- The SGDI score of 63% places the country at number six in the SADC region. The country is performing relatively well.
- For every 100,000 live births, 589 women die.
- About 19.6% of women still give birth at home with assistance of only relatives or traditional birth attendants.
- Only 42.9% of sexually active women aged 20-24 years use contraception.
- Modern contraceptive prevalence among married women stands at 51%.
- Abortion is illegal except in certain medical reasons.

Table 6.1: CSC scores on health

	SGDI	CSC
Score	63%	57%
Rank	6	11

Table 6.1 shows with an SGDI score of 63%, this shows that country is making encouraging progress towards meeting the SADC gender protocol targets on health. Citizens scored the country lower based on their perceptions of government's performance in this area.

The SGDI is an empirical score which is a composite index of:

- *Women using contraception*: The percentage of women aged 15 to 49 years reporting that they use a modern form of contraception.
- *Maternal mortality ratio*: The number of women who die while pregnant or within 42 days of termination

of pregnancy for every 100,000 live births of babies.

- *Births attended by skilled personnel*: The percentage of births in a given year in which the women is assisted by trained staff such as midwives or nurses.

Background

The World Health Organisation (WHO) has defined sexual health as: "a state of physical, emotional, mental, and social well-being related to sexuality. It is not merely the absence of disease, dysfunction or infirmity.

Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained the sexual rights of all persons must be respected, protected and fulfilled."¹

Sexual and reproductive health



The Protocol provides for state parties to by 2015, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care; reduce the maternal mortality ratio by 75% and ensure the provision of hygiene and sanitary facilities.

Table 6.2: Key sexual, reproductive and health indicators

Indicators	Country statistic/policy	Comment
Current maternal mortality rate	589 per 100,000 ² live births	The number of women dying due to childbirth is high; more births need to be attended by trained personnel.
% Births attended by skilled personnel	82%	Whilst this is a marked improvement from the DHS 74% in 2007, more births need to take place in hospital. About 19.6% of women still give birth at home, with assistance of relatives and traditional birth attendants (TBAs), which is risky if there are complications. Continuous training, particularly on timely referrals and equipping TBAs with basic supplies is key.
% Contraceptive use among married women	51% of married women use contraceptives, 65% of whom use injectables.	The figure is low and increases the risk of unwanted pregnancies and HIV infection.
Country policy on abortion	Legal on certain medical grounds in the Constitution Section 15(a)	Procedures for access are not clear. There is a need for abortion in other circumstances.
Total Coverage of sanitation facilities		
Urban coverage	44%	
Rural Coverage	52%	

Source: DHS of 2007.

¹ World Health Organisation (2002). The world health report 2002 Reducing risks, promoting healthy life.

² This figure is based on country estimates in WHO 2012 but differs from the figure used in the 2012 SADC Gender Protocol Barometer of 736 per 100,000 live births.

Table 6.2 shows that maternal mortality ratio is 589 per 100,000 live births according to WHO 2012 report. Sanitation coverage is 44% in urban areas and 52% in rural areas.

Family planning /contraceptive usage

Although the government remains the primary provider of free contraception at public and private health facilities, uptake is low. Health practitioners explain that women are still not empowered to make decisions on their sexual health care. Many women fear their husbands' reaction to their taking contraceptives. There is need to involve men in family planning.

The country does not have a family planning policy but has family planning guidelines. In addition as part of the HIV response, a prog-

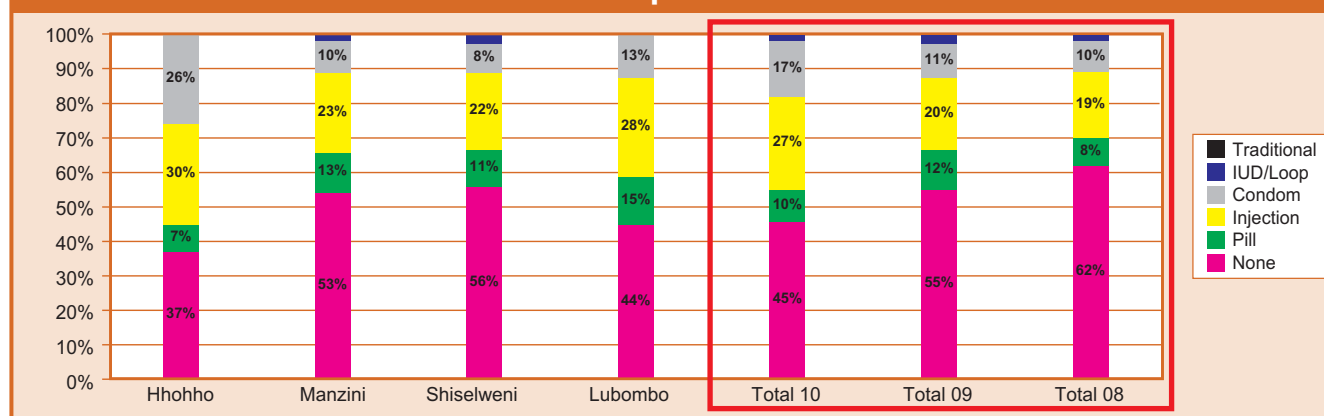
ramme for men known as 'sidle inhloko' is facilitated by men and targets men in traditional communities with the aim of educating them about HIV and reproductive health as well as giving them support.

Modern contraceptive prevalence in Swaziland among women currently stands at 55%.



Male involvement ensures better health outcomes for the family. Bheki Maseko with his son - Mbabane, August 2007. Photo: Trevor Davies

Table 6.3: Contraception use in Swaziland



Source: Swaziland Vulnerability Assessment and Analysis Report July 2010.

Table 6.3 shows that the most popular contraceptive methods are the male condom, injectables and pills, according to the 2010 Swaziland Vulnerability Assessment Report and Analysis.

Use of contraceptive by educational level

- Women with least education are least likely to use a contraceptive (29%).
- Women with higher education levels are most likely to use contraceptives (74%).

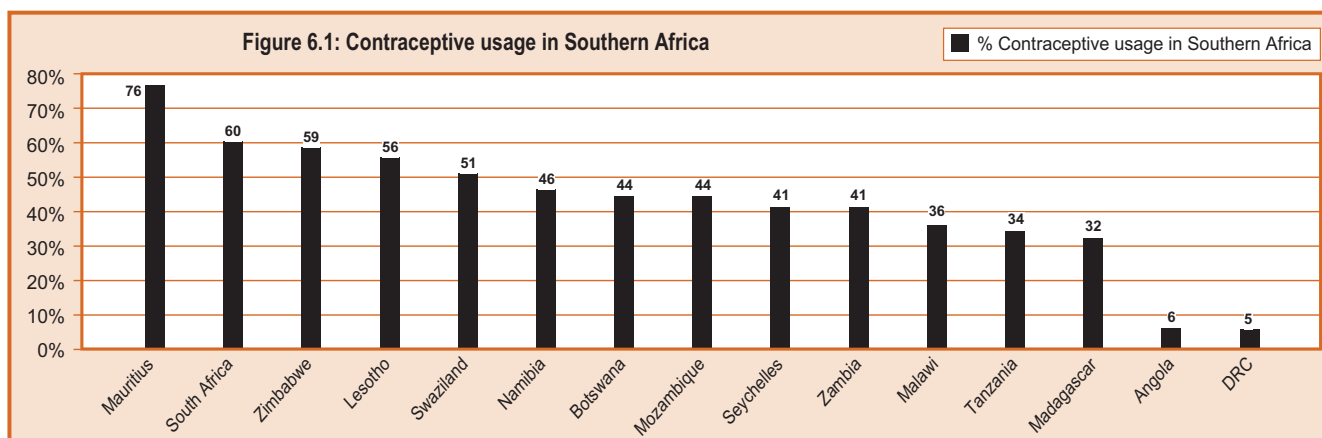
Use of contraceptives by rural urban divide

- Contraceptive use among urban women is the highest at 53%.

- Popular methods amongst urban women include male condom at 20%; injectables at 18%; and the pill at 10%.
- Contraceptive use amongst rural women is 48%. Popular methods amongst rural women include injectables at 18%, the pill at 10%, and male condom at 9%.

Even with sensitisation and awareness campaigns on the female condom, usage was reported as very low at only 5.5%.

Figure 6.1: Contraceptive usage in Southern Africa



Source: SADC Gender Protocol Barometer, 2012.

Termination of Pregnancy

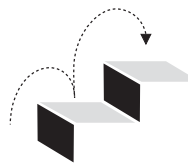
Abortion is not provided for in the Protocol. In Swaziland, like in other countries in SADC, abortion is an emotive issue. There was much debate about abortion in 2008 when the media reported the arrest of some girls following the discovery of 100 fetuses in the peri-urban area of Matsapha, the largest industrial area in Swaziland.

Unsafe abortion contributes to about 19% of the maternal mortality rate (MOHSW - SRH Needs/Audit 2002). Findings from the assessments show that across all regions, respondents were aware of abortion-related deaths: Hhohho (4%), Manzini (5%), Shiselweni (3%) and Lubombo (9%).



Graduation ceremony in Swaziland.

Photo: Gender Links



Next steps

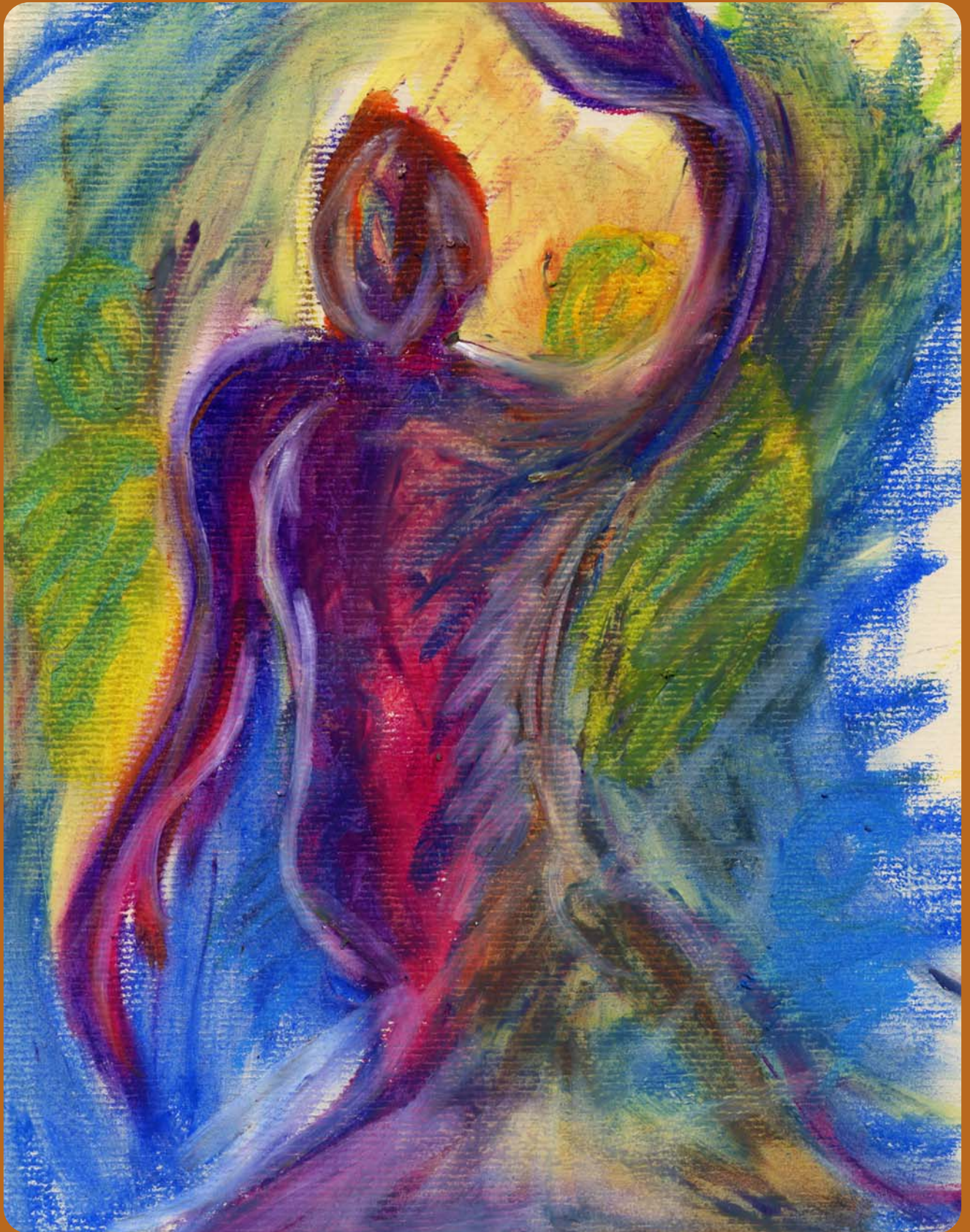
Also Pro-abortionists argue that access to abortion depends on wealth. Wealthier women can travel to neighbouring South Africa which allows for termination of pregnancy.

- Advocacy to reduce the high maternal mortality rate and campaigns are needed to encourage women to give birth in hospitals.
- Involvement of men to ensure good health outcomes for the family.
- Review the position on abortion.



Poor coverage of sanitation facilities increases health risks.

Photo: Samkelo Ngwenya



"Anita"

Anushka Virahsawmy



CHAPTER 7

HIV and AIDS

Article 27



Xolile Hlatshwako HIV positive activist says more needs to be done to prevent HIV and AIDS - Manzini, May 2012.
Photo: Trevor Davies

KEY POINTS

- With an SGDI score of 67%, Swaziland has made notable progress in addressing HIV and AIDS. The citizen score based on perceptions is close at 61%.
- Swaziland has the highest HIV and AIDS prevalence rate in the SADC region at 26 per cent.
- The HIV prevalence rate amongst women is 31% and 20% for men
- Some 69% of HIV-positive pregnant women are on the PMTCT programme. Swaziland ranks seventh in the region regarding access to PMTCT.
- Some 58% of the estimated number of women and 33% of the estimated number of men needing treatment, received it. The low percentage of men receiving treatment is attributable to their poor health seeking behaviours.
- The 2007 Demographic Health Survey found that 31% of Swazi children under the age of 18 years are classified as either orphaned or vulnerable.

Table 7.1: SGDI and CSC scores for HIV and AIDS

	SGDI	CSC
Score	67%	61%
Rank	6	12

Table 7.1 shows that Swaziland is 67% of where it needs to be by 2015 based on empirical information. The citizen's score is close at 61% based on their perceptions of the country's progress.

The current situation

Table 7.2: Key Gender, HIV and AIDS indicators

	% women	% men
Extent of comprehensive knowledge on HIV and AIDS	89%	87%
HIV infection	26%	
Voluntary Counselling and Testing	22%	9%
On ARV treatment	58.2%	33.1%
HIV positive pregnant women receiving PMTCT	69%	N/A

Source: UNGASS 2010 Country progress reports; IAS 2009 Fact sheet on HIV and AIDS in sub-Saharan Africa.

Table 7.2 shows that there is an increase on extent of comprehensive knowledge of HIV and AIDS showing that the investments on prevention campaigns are paying off.

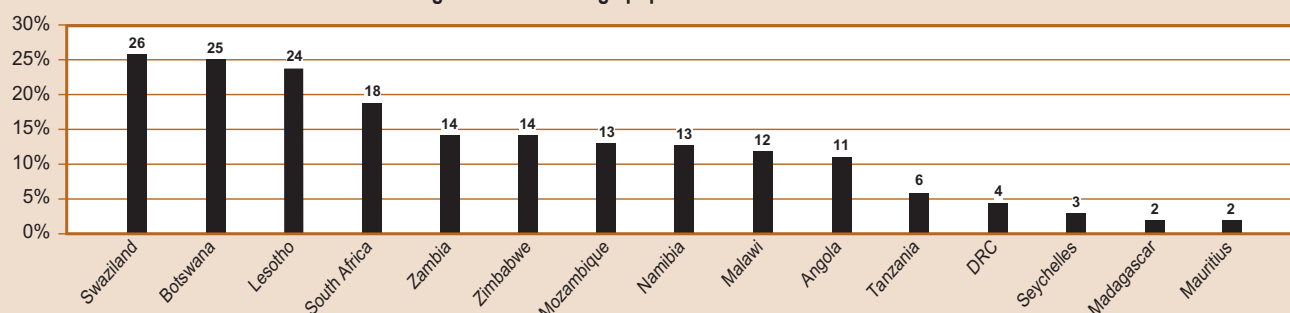
The government declared HIV a disaster in 1999, which resulted in the adoption of the first multi-sectoral HIV and AIDS strategy. The strategy outlined the areas of intervention in the national response. Currently, the country is on the third generation strategy. The National Emergency Response Council on HIV and AIDS was given the role to facilitate the implementation of this strategy.



HIV positive Bongive Gwebu during the Mothers to Mothers wellness event. Courtesy of Swaziland Observer

The Coordinator of Care, Treatment and Support at the National AIDS Commission confirmed that men have poor health seeking tendencies and will only present themselves for VCT when they are extremely sick. The Swaziland and HIV Estimates and Projections Report (July 2010) states that the number of people living with HIV continues to increase and the number of HIV positive women continues to be higher than men.

Swaziland adopted the multi-sectoral HIV policy in July 2006. Section 2.3 on the impact of the epidemic recognises that vulnerable people - women, children, orphans, widows, widowers, youth, the poor, sex workers, inmates and people with disabilities - are most likely to suffer disproportionately from the impact of HIV and AIDS.

Figure 7.1: Percentage population infected with HIV

Source: 2012 SADC Gender Protocol Barometer.

Figure 7.1 shows Swaziland has the highest prevalence rate of HIV and AIDS in the SADC region at 26%. The infection levels amongst women are 31% and 20% for men. In 2008, the HIV prevalence amongst pregnant women remained at 42%.

Policies

The policy applies to all governmental, other stakeholders and partners who are involved and support the country in response to HIV and AIDS. It obligates all government ministries and organs, stakeholders and partners to mainstream HIV and AIDS into their plans and programmes. Preventing transmission of HIV is one of its specific targets. The guiding principles of this

policy define approaches for implementing the response to HIV and include the following principles:

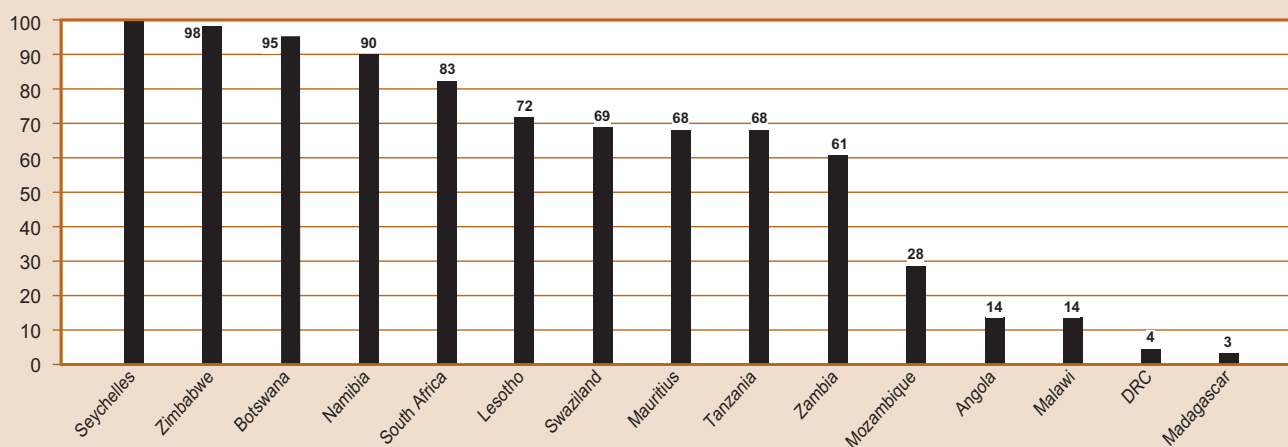
- Gender equality and equity.
- Promoting positive cultural practices.
- Full meaningful involvement and participation of People living with HIV (PLHIV) and other vulnerable groups in all issues affecting them.
- Protection, non-discrimination, non-stigmatisation of PLHIV and other vulnerable groups.
- Respect for human rights.
- Compliance with international treaties, conventions and declarations signed and ratified by government and national laws. (Swaziland HIV Prevention Response and Modes of Transmission Analysis March 2009).

Prevention



The Protocol requires that by 2015, state parties shall develop gender-sensitive strategies to prevent new infections, taking account of the unequal status of women, and in particular the vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.

Figure 7.2: Percentage pregnant women living with HIV on PMTC



Source: 2012 SADC Gender Protocol Barometer.

Figure 7.2 shows that 69% of HIV-positive pregnant women are on the PMTCT programme.

Swaziland initiated its PMTCT programme in 2003. The National PMTCT Guidelines and an operational manual covering the period 2007-2011 have been developed.

The PMTCT coverage currently stands at 67.9% of the 162 health facilities that reported to be providing PMTCT services. The country uses the single dose-NVP as the primary method of ARV prophylaxis. The 2010 Universal target for the country was to ensure that 80% of pregnant HIV-positive mothers access PMTCT.



Swaziland needs to accelerate HIV and AIDS prevention campaigns because of the high prevalence of HIV and AIDS.
Photo: www.avert.org

The number of HIV-positive pregnant women is expected to decline from 11,031 in 2008 to 9,999 by 2015. It is also projected that the gap will narrow between HIV-positive pregnant women and HIV positive pregnant women needing PMTCT moving towards 2015.

The policy also recognises the protection and empowerment of orphans and vulnerable children. There is a huge demand for the services, particularly for educational, psychosocial, nutritional, health care, protection and socialisation programmes. The 2007 Demographic Health Survey found that 31% of Swazi children under the age of 18 years are classified as either orphaned or vulnerable. Furthermore, it revealed that 41.2% of the OVC received at least one type of support. Disaggregated, the level of support was 41.8% for boys and 40.6% for girls.

Treatment



The Protocol requires state parties to ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.

Swaziland started providing ARV drugs in December 2003 and approved guidelines to standardise their distribution in 2006. By March 2008, 43% of those in need of treatment were on it, that was a total of 26,812 people. Some 58% of the estimated number of women and 33% of the estimated number of men needing treatment, received it. The low percentage of men receiving treatment is attributable to their poor health seeking behaviours.

In 2008, the nation set a target of reaching 51,000 people to go on treatment. But the actual number of people that received treatment was 26,812 (only 53% of the target). This is partly due to the slow roll out of drugs to only 15.5% of the public and private facilities with the capacity to provide ART, as well as 27 outreach sites. Another contributing factor for not meeting the target is that of many people not knowing their HIV status.

Care work



The Protocol requires Member States to develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care givers; the majority of whom are women, to allocate resources and psychological support for care givers as well as promote the involvement of men in the care and support of people living with AIDS.

In 2010, inspired by Article 27(c) of the SADC Protocol on Gender and Development, Gender and Media Southern Africa (GEMSA) and VSO-RAISA developed the *Making Care Work Count Policy Handbook*. The

objectives of the handbook include to influence the development, adoption, implementation and enforcement of policy frameworks that promote the recognition and support of care providers in the context

of HIV and AIDS, and to promote public engagement on care work related issues.

The handbook proposes six principles that need to inform care work policies:

- **Remuneration:** People doing the work of government have a right to be financially rewarded.
- **Logistic and material Support:** It is imperative that care providers are provided with care kits as well as other support, such as uniforms for identification, bicycles, food packs, monthly monetary allowances, soap, free medical treatment, financial support for income generating projects, raincoats, umbrellas, agricultural inputs, stationery and transport allowances, among others, to provide quality care.
- **Training and professional recognition:** Protocols of training and accreditation should be developed



through a governing body within the country to regulate and standardise the training.

- **Psychosocial support:** Care for care providers should be prioritised with psychosocial support programmes developed and provided to care providers.
- **Gender equality:** The gender dimensions of HIV should be recognised and catered for.
- **Public private partnerships:** There is a need to advocate for stronger public private partnerships in the delivery of PHC services through C&HBC programmes.

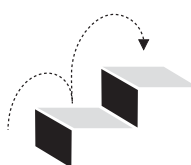
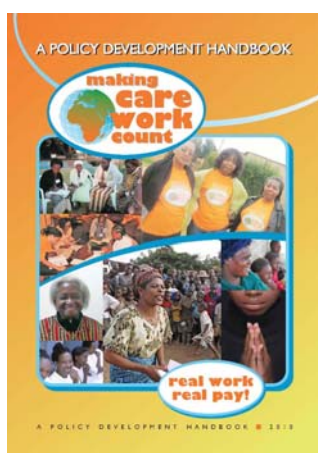
Table 7.3 outlines progress on policy and legislative initiatives to regulate care work in Swaziland based on information available to researchers at the time of writing.

Table 7.3: Progress in addressing care work in Swaziland

ISSUE	PROGRESS
Remuneration	The current CHBC policy calls for a monthly incentive of E200 (roughly USD\$25) for Registered Health Monitors (RHMs). Attempts to integrate Swazi care givers into RHM system are ongoing. More effort required to secure government subsidies and other support for care givers.
Logistical and material support	All RHMs and care givers receive CHBC kits and uniforms as a requirement for easy identification within the community, an identity card, t-shirt, shoes, umbrella, a home-based care kit, and a monthly, monetary incentive as above. Community care givers are not entitled to this support.
Training and professional recognition	The Ministry of Health and Social Welfare (MOH&SW) last trained care givers in 2005 and training continues to be the same despite changes in the area of care work. Care work is not recognised as a profession in Swaziland. Only one training manual and reporting tool exists that is applicable to both government and independent care givers.
Psychological support	There is no policy document that exists on psychosocial support for care workers. The evaluation report on CHBC has looked into support for care-givers. MOH&SW requests that all CHBC organisations promote stress management techniques, help care givers adjust to the pace and approach to work, provide peer counselling, and establish a support network.
Gender equality	No policy.

Capacity-building sessions have been held in Swaziland with CSOs on care work. The main components of these processes included:

- Country mapping and stakeholder analysis;
- Building a coalition;
- Influencing policy uptake and implementation;
- Developing an advocacy and lobbying plan; and
- Monitoring and evaluation.



Next steps

- To accelerate and intensify prevention in order to reduce the annual reate of new HIV infections.
- Men should be encouraged to test for HIV and access treatment if needed.
- A campaign is needed to encourage more men to be involved in home-based care.
- TO mitigate the socio-economic impact of HIV and AIDS, especially among the most vulnerable groups, orphans and vulnerable children (OVC), PLHA and their caregivers and families.
- To lobby for the State to increase budgetary allocation on HIV and AIDS as a cross cutting issue.



"Nicole"

Anushka Virahsawmy



CHAPTER 8

Peace building and conflict resolution

Article 28



Few women are represented in peacekeeping and security sector. Wendy Hleta, Royal Swaziland Police (PRO).
Photo: Swazi Observer

KEY POINTS

- The overall CSC score for peace building and conflict resolution sector for Swaziland is 43 % in terms of citizen's perceptions of the country's performance towards achieving the SADC Gender Protocol targets for this sector. This ranks the country number 13 out of 15 SADC countries.
- Data for this sector is not readily available in Swaziland.

Table 8.1: SGDI and CSC scores for peace and security

	SGDI	CSC
Score	N/A	43%
Rank	N/A	13

Table 8.1 shows with an SGDI that Swaziland has a long way to go before it meets the 28 targets of the SADC Gender Protocol on female representation in peace-keeping and security operations

Women's representation and participation



The Protocol calls on state parties to ensure that by 2015, women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security.



Princess laMagongo a Senior army official.

Photo: Swazi Observer

With two and a half years until 2015, the target date for meeting the target of the SADC Protocol on Gender and Development, Zambia has a long way to go to ensure its security sector has a gender balance and is gender sensitive and responsive. It is unlikely that the country will meet the targets in Article 28, which also calls for State Parties to adopt and implement United Nations Security Council Resolution (UNSCR) 1325.

In 2004, the UN Secretary General urged member states to adopt National Action Plans (NAP's) for the implementation of UNSCR 1325, noting that the "creation of an action plan provides an opportunity to initiate strategic actions, identify priorities and resources, and determine responsibilities and timeframes at a national level."

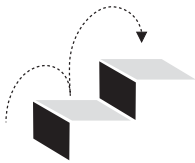
Policy provisions

National legislation governing state security service provides an entry point for examining the extent of governments' commitment to promoting gender sensitivity and gender equality in the security sector. Swaziland has a Police Force and Auxillary Services Act of 2002 and a Prisons Act 40 of 1964.

The Royal Swaziland Police Service Annual Report (2009) was available but the 2010 was still being compiled. The report does not have gender-disaggregated statistics.

Representation

Swaziland accepts females for voluntary military service but it could not be determined how many women serve in its defence forces, police force as well as in the correctional service.

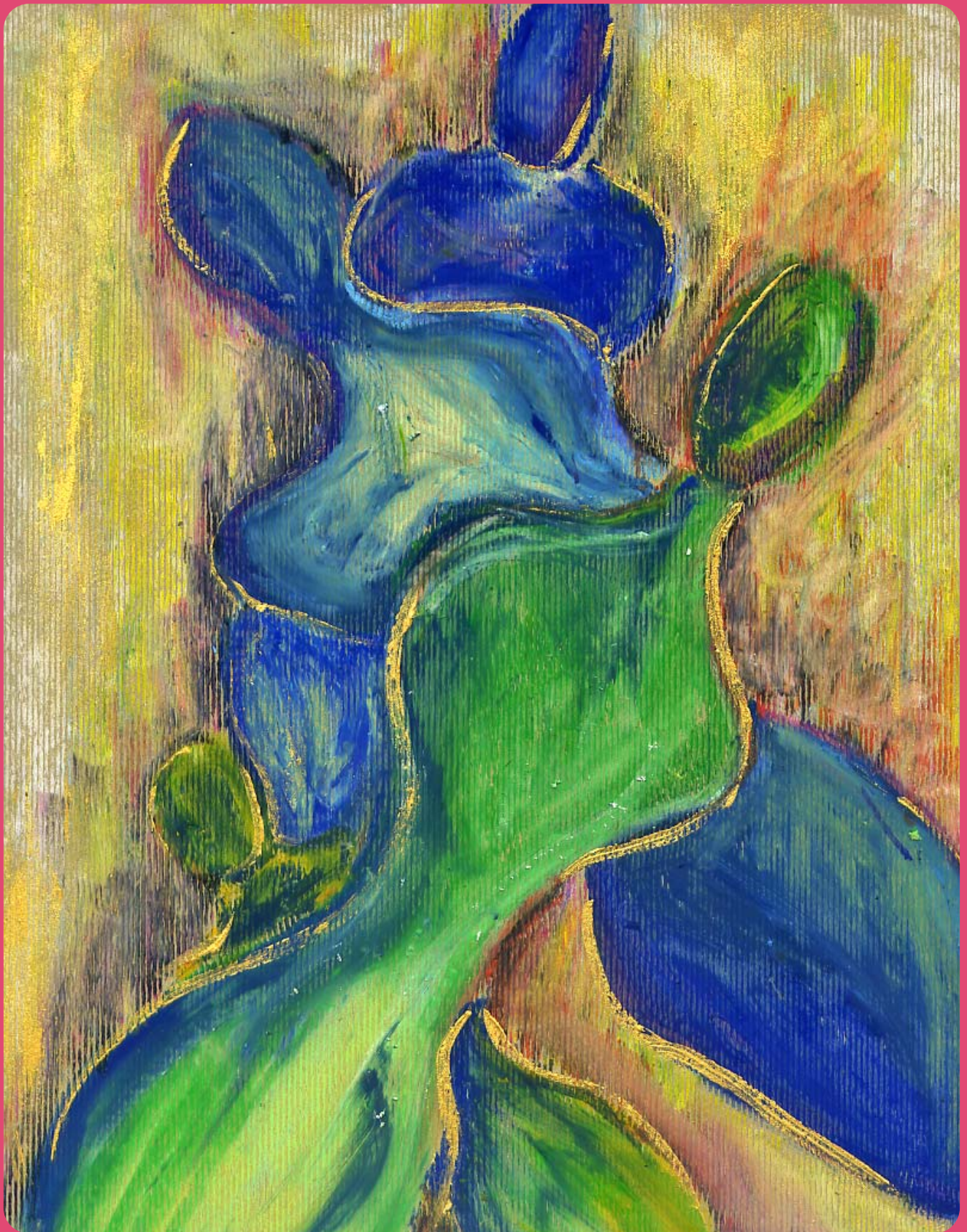


Next steps

- Review legislation to ensure that it is gender sensitive and does not discriminate against women: The state must ensure that police, defence and correctional or prison services acts are gender sensitive and provide for women's special needs.
- The laws must be accompanied by special measures and incentives to attract women to join the security services sector. Unless there are incentives and retention packages for women to join and stay the course, this sector will remain male dominated. To achieve this, an enabling environment has to be created. For example, women should be able to balance time spent on peace missions or combat roles with family responsibilities, particularly where young children are involved.
- Record keeping should be gender disaggregated. All departments within the peace and security sector should be mandated to keep gender disaggregated data for the sector. If this is achieved it will be easier to monitor whether progress is made towards equal representation and participation in key decision making positions in conflict resolution and peace building processes by 2015. Currently data is scarce.
- Making gender training compulsory: All levels of personnel, including senior management, should receive gender training to respond to gender-based violence and to challenge those cultural stereotypes that perpetuate gender discrimination.
- The security sector has received little attention in the past but this is beginning to change.
- Gender budgeting and costing is an important tool for assessing commitment to mainstreaming gender in the sector: If done properly, the allocation of resources with gender in mind will help to ensure that women's and men's specific and unique needs are catered for.



Women have a role to play in maintaining peace in the community and should be part of decision-making structures. Photo: Gender Links



"Growing up"

Anushka Virahsawmy



CHAPTER 9

Media, information and communication

Articles 29-31



Nqobile Hlatshwako participating at a Media Literacy training workshop in Swaziland.

Photo: Ncane Maziya

KEY POINTS

- Swaziland's SGDI score of 64% in the media shows that the country is making steady progress towards meeting the media targets to be achieved by 2015.
- Citizens were more critical with a CSC score of 50%.
- A lot still needs to be done especially on working with media houses to increase female news sources.
- The proportion of women sources in the news in Swaziland increased marginally from 17% in the 2003 Gender and Media Baseline Study (GMBS) to 19% in the 2010 Gender and Media Progress Study (GMPS).
- Gender violence receives more coverage than gender equality; coverage still tends to be sensational, with little information on advocacy campaigns and where to go for help.
- HIV and AIDS coverage has decreased compared with earlier studies, although more people are living with HIV and almost everybody is affected by it.

Table 9.1: SGDI and CSC scores for media

	SGDI	CSC
Score	64%	50%
Rank	7	12

Table 9.1 shows that with an SGDI score of 64% Swaziland is making steady progress in increasing the representation and participation of women in the media.

The CSC score, 14 percentage points lower probably reflects on qualitative nuances not captured by the SGDI score like coverage of gender specific stories tends to be sensational, women's voices remain significantly low among other reasons.

Background

Citizens' access to accurate information on diverse political, economic and social issues is essential for the development of an informed population within a democracy. The mainstream media is a major resource in societies for the dissemination of information, knowledge and ideas and messages, as well as spaces for the public to engage in discourses on current affairs.

Gender activists recognise the critical importance of the media in changing attitudes and mind-sets, but have not always been strategic in engaging journalists.

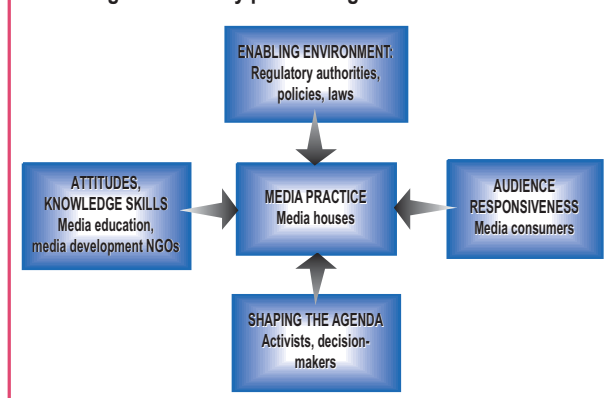
Figure 9.1: Entry points for gender in the media

Figure 9.1 demonstrates the different entry points for gender and the media. This begins with gender aware policies and laws, implemented by regulatory authorities. Audiences through taking up complaints make these policies and laws a reality. Media education and media development NGOs have the capacity to influence attitudes, skills and knowledge of media practitioners, particularly at the entry level, but also through on going

courses. Activists and decision-makers, especially women decision-makers, help to set the gender and media agenda through well-co-ordinated campaigns, and a proactive approach to the media. Ultimately the ball is in the court of the media to change. This change needs to be within the media: that is in its institutional make up, as well as in media content.

There is only one time bound media target in the Protocol: the achievement of gender parity in media decision-making by 2015. The wording of the provisions is careful not to be prescriptive or make assumptions about the extent to which government can regulate or influence the media (especially the private media). However, the provisions are significant in that:

- They cover both media content and the institutional make ups of the media.
- They touch on both policy and training.
- They touch on both the sins of omission (the absence of women's voices and need to give women equal voice) as well as the sins of commission (the perpetuation of gender stereotypes in the way in which women are covered; especially the coverage of gender violence).

The provisions are consistent with freedom of expression. Indeed, they underscore the argument that gender and media activists have been making: that the subliminal silencing of women in the media is - the world over - one of the worst violations of freedom of expression.

Key research studies that GL and partner organisations have undertaken in the region, that form the basis of advocacy and training efforts, and that make it possible to monitoring progress in this sector are summarised in Table 9.2.

Training

The audit of *Gender In Media Education in Southern Africa (GIME)* is the most comprehensive study yet undertaken of the gender dimensions of journalism and media education and training in tertiary institutions in Southern Africa. The audit of the University of Swaziland (UNISWA) is part of a larger GIME audit that was administered in 25 institutions in 13 countries. Gender Links (GL) undertook the study through its Gender and Media Diversity Centre (GMDC) and through a partnership between media development organisations and knowledge institutions.

For this research, 10 persons were interviewed comprising two male staff members and eight students. Of the students, 50% were female.

Table 9.2 Number of staff and students at UNISWA

	No of women	No of men	Total	% women
Staff	1	2	3	33%
Students	14	24	38	37%

Table 9.2 shows that Swaziland has fewer female staff (33%) and students (37%). Across the region, the trend found that more women are students and more men are lecturers.

Key findings

The key findings of this audit are:

Institutional policy framework

- **There is no gender policy at the University of Swaziland:** UNISWA is, however, in the process of formulating an equal opportunity policy.
- **Gender is not covered in curriculum policies at institutional or departmental level:** There are no institutional or departmental policies, guidelines or procedures for incorporating gender into the curriculum and/or course content of UNISWA's journalism and media education and training programme. However, the study found lecturers are willing to incorporate gender into curriculum.
- **There is a stand-alone sexual harassment policy:** UNISWA is a member of the Southern African Network of Higher Educational Institutions Challenging Sexual Harassment and Sexual Violence (NETSH). The Sexual Harassment Policy gives strategies for reporting cases; addresses counselling services; and outlines the disciplinary action for perpetrators. The policy applies to both students and staff.
- **Knowledge of the sexual harassment policy and how it should be applied is low among staff and students:** Some staff and students interviewed during this audit showed little knowledge or understanding of the Sexual Harassment Policy. The audit could not establish the number of sexual harassment cases reported or whether the policy had been used.

Gender within the media studies departments

- **The staff and students in the Department of Journalism and Mass Communication are predominately males:** Of the three staff members in the department, two are males and 24 (67%) of the 38 students in the programme are males. Swaziland's department of journalism has one of the lowest numbers of female students in Southern Africa.

Curriculum development and course content

- There are no gender-specific courses in the Department of Journalism and Mass Communication. UNISWA does not have any gender and media-specific modules in its media education and journalism courses. Gender



Journalism students at the University of Swaziland take part in a focus group discussion. Photo: Jennifer Elle Lewis

is incorporated into the content of a few courses, including the advertising course.

Teaching/learning

- Students expressed a keen interest in having gender incorporated into their media programme and there is a fair degree of gender awareness among staff: Students said the department should mainstream gender into media education and journalism training and they showed reasonable gender and media literacy. Some staff indicated they may highlight gender in their courses, depending on the subject.

Prescribed texts/readings/learning materials

- Gender is missing from course material: The wealth of gender and media literature, research and training materials that has been published internationally and within the Southern African region is missing from the prescribed texts, readings and course materials used in the media education and journalism training department's curriculum.

Assessments

- Gender is not incorporated into assessments: Gender is not included as a standard in any systematic way in UNISWA's media education and journalism training department's curriculum assessments. The department's assessments of students' learning (exams, special assignments, etc.) also do not incorporate gender.

Research/publication

- Academic research could be improved: While there are examples of students' projects on gender and media issues, the topic has not become an area of academic research and scholarship among the lecturers in the University's Journalism and Mass Communications program.

Equal representation of women and men in the media by 2015



The Protocol urges Member States to take measures to promote equal representation of women in the ownership of, and decision-making structures of the media in accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.

In 2007/2008 GL and GEMSA conducted the most comprehensive survey to date on women and men in Southern African media houses against the provisions titled *Glass Ceilings*. The study covered 126

media houses and more than 23,000 employees in all SADC countries except for Angola. The results summarised in Table 9.3 gives a snapshot of the Swaziland findings.

Table 9.3: Percentage of employees in Swaziland by sex

CATEGORY	% SWAZILAND		% REGION	
	Female	Male	Female	Male
Percentage of employees by sex	40	60	41	59
OCCUPATIONAL LEVELS				
Non-permanent	56	44	36	64
Unskilled	36	64	29	71
Semi-skilled	57	43	55	45
Skilled technical	50	50	45	55
Professionally qualified	21	79	31	69
Senior management	29	71	28	72
Top management	33	67	23	77
Board of directors	33	67	28	72

As illustrated in Table 9.3, overall women representation by sex is 40%. They comprise only 33% of the board of directors, 29% of senior management, and 33% of top management. Most interestingly, women constitute

just 21% of those considered “professionally qualified”. This finding shows a clear need for more training of female media professionals. Where women do surpass men is as non-permanent (56%) and semi-skilled employees (57%).

Gender in media content



The Protocol calls on Member States to encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of broadcast programmes for, by and about women on gender specific topics and that challenge gender stereotypes. The Protocol urges member states to take measures to discourage the media from:

- Promoting pornography and violence against all persons, especially women and children;
- Depicting women as helpless victims of violence and abuse;
- Degrading or exploiting women, especially in the area of entertainment and advertising,

and undermining their role and position in society; and

- Reinforcing gender oppression and stereotypes.

In 2003, GL and MISA, with technical support from the Media Monitoring Project (MMP) of South Africa, conducted the Gender and Media Baseline Study (GMBS) study (which covered 12 Southern African countries). This study, conducted over one month and covering more than 25,000 news items, is the largest regional media monitoring study ever to have been conducted anywhere in the world.

In 2006, GL, as part of the MAP partnership, conducted the HIV and AIDS and Gender Baseline study, extending

this and the GMBS to the DRC, Madagascar and Seychelles the following year.

In 2009, GL undertook a sequel to the GMBS - the *Gender and Media Progress Study (GMPS)*. This is a follow-up study to measure whether or not the strategies - advocacy, training and the policy roll-out process - have assisted in the transformation of some of the media's ethical shortcomings identified in the GMBS. This study was conducted in tandem with the global study (GMMP 2010), providing a further opportunity for global benchmarking.

Table 9.4: Summary of key findings

GENERAL MEDIA PRACTICE	GMBS SWAZILAND 2003	GMPS SWAZILAND 2010	GMPS REGIONAL	GMMP GLOBAL
Topics	%	%	%	%
Economics	N/A	9	12	17
Gender equality	N/A	0	1	N/A
Gender violence	N/A	1	1	N/A
Politics	N/A	7	19	28
Sports	N/A	25	18	N/A
Geographic scope of stories	%	%	%	%
International	N/A	27	22	26
SADC	N/A	11	8	N/A
National	N/A	53	42	N/A
Local/community	N/A	3	10	N/A
Province	N/A	6	18	N/A
Type of sources	%	%	%	%
Primary sources	N/A	88	69	N/A
Anonymity	%	%	%	%
Anonymous sources	N/A	6	18	N/A
Diversity of sources	%	%	%	%
Single source	N/A	82	67	N/A
GENDER IN THE MEDIA	GMBS SWAZILAND 2003	GMPS SWAZILAND 2010	GMPS REGIONAL	GMMP GLOBAL
Who speaks	% women	% women	% women	% women
Overall	17	19	19	24
Private media	N/A	19	19	N/A
Public media	N/A	18	20	N/A
Community	N/A	0	22	N/A
Who speaks on which topic	% women	% women	% women	% women
Economics	22	18	15	21
Education	N/A	28	24	N/A
Gender Equality	60	20	43	N/A
Gender Violence	50	23	41	N/A
Political Stories	12	17	13	18
Sports	5	17	12	N/A
Sex of sources by medium	% women	% women	% women	% women
Print	N/A	19	18	24
Radio	N/A	18	20	19
Television	N/A	18	25	26
Who is seen	% women	% women	% women	% women
Images in newspapers	N/A	29	27	N/A
Ages - sources	% women	% women	% women	% women
35 - 49 years	N/A	45	37	N/A
50 - 64 years	N/A	15	20	N/A
65 years or older	N/A	3	0	N/A
Ages - images	% women	% women	% women	% women
35 - 49 years	N/A	47	26	N/A
50 - 64 years	N/A	15	33	N/A
65 years or older	N/A	4	11	N/A
Occupation	% women	% women	% women	% women
Beauty contestant	100	30	73	N/A
Business person	18	23	15	14
Government official	N/A	19	14	17
Health worker	24	25	27	31
Homemakers	100	43	63	72
Politicians	12	20	11	17
Sex worker	0	38	62	39

Sportsperson	4	8	8	11			
Personal identity	%	%	%	%			
Women	8	16	10	N/A			
Men	1	18	5	N/A			
GENDER IN NEWSROOMS	GMBS SWAZILAND 2003	GMPS SWAZILAND 2010	GMPS REGIONAL	GMMP GLOBAL			
Who does what	% women	% women	% women	% women			
All reporters	N/A	36	29	N/A			
TV reporters	32	33	42	44			
TV presenters	56	36	58	52			
Radio reporters	41	33	30	37			
Print reporters	15	25	25	33			
Who reports on what	% women	% women	% women	% women			
Economics	13	29	28	40			
Gender Equality	23	25	32	N/A			
Gender Violence	0	15	38	N/A			
Political stories	19	23	24	33			
Sports	6	30	18	N/A			
Sources and sex of reporter		%W	%M	%W	%M		
Female sources by sex of reporter	N/A	22	19	31	15	28	22
GENDER VIOLENCE AND THE MEDIA	GMBS SWAZILAND 2003	GMPS SWAZILAND 2010	GMPS REGIONAL	GMMP GLOBAL			
GBV stories compared to total	N/A	7	4	N/A			
Advocacy and protest stories	N/A	11	11	N/A			
Who speaks on GBV	% women	% women	% women	% women			
% of women in stories on and mentioned in GBV	N/A	21	27	N/A			
Function of GBV sources	%	%	%	%			
Victim/survivor	N/A	33	19	N/A			
Alleged perpetrator/perpetrator	%	16	11	N/A			
Who reports on GBV	% women	% women	% women	% women			
Percentage of women reporters	N/A	31	35	N/A			
GENDER, HIV AND AIDS AND THE MEDIA	2006 STUDY SWAZILAND	GMPS SWAZILAND 2010	GMPS REGIONAL	GMMP GLOBAL			
	%	%	%	%			
HIV and AIDS coverage compared to total	10	4	2	N/A			
Subtopics	%	%	%	%			
Prevention	44	23	26	N/A			
General	25	43	37	N/A			
Treatment	12	3	12	N/A			
Care, support and rights	12	12	14	N/A			
Impact	5	18	12	N/A			
Geographical scope	%	%	%	%			
International	7	8	12	N/A			
Regional	6	6	8	N/A			
National	77	73	56	N/A			
Local	10	14	15	N/A			
Function of sources	%	%	%	%			
Official and UN Agencies	40	25	19	N/A			
Civil society and NGOs	22	19	18	N/A			
Experts	11	36	17	N/A			
Traditional and religious leaders	5	2	2	N/A			
People living with HIV and AIDS	6	4	7	N/A			
Person affected	5	15	36	N/A			
Sources	% women	% women	% women	% women			
Who speaks on HIV and AIDS	34	15	20	N/A			
Reporters	% women	% women	% women	% women			
Who reports on HIV and AIDS	37	39	37	N/A			

Source: GMPS 2010, Gender Links.

Key findings

Table 9.4 shows that the proportion of women sources in the news in Swaziland has increased marginally, from 17% in the 2003 *Gender and Media Baseline Study (GMBS)* to 19% in the *Gender and Media Progress Study (GMPS)*. There are, however, variations across individual media entities. While gender violence receives more coverage than gender equality, coverage still tends to be sensational, with little information on advocacy campaigns and where to go for help. Also, HIV and AIDS coverage has decreased compared with earlier studies, although more people are living with HIV and almost everybody is affected by it.

The results showed that:

- **Gender equality is not given much media coverage in Swaziland making up only 0.2% of all topics covered:** Sport and economics dominated coverage during this period, contributing 25% and 9% of stories respectively.
- **The proportion of primary sources is higher in Swaziland than the regional average:** Primary sources make up 88% of all sources compared to the overall regional average of 69%. But there are variations between individual media from Swazi TV and Channel Swazi at 97% each to Times of Swaziland at 78%.
- **Most of the news sources in Swaziland are identified by name, with unknown sources making up only 6% of sources:** Swaziland Radio did not use anonymous sources during the monitoring period.
- **The proportion of single-source stories is higher at 82%:** This finding may account for the low proportion of women sources. If there is only one source in a story there is a high chance that this is a voice of authority and a male source. The media are geared towards giving voice to those who make decisions (predominantly men, not those who are affected by decisions).
- **Subjects constitute the highest proportion of sources followed by spokespersons:** They constitute 35% of sources while spokespersons contribute 24%. The voices of ordinary people expressing popular opinion are lower at 1% followed by eye-witnesses at 5%.

Gender in media content

- **There has been a marginal increase in the proportion of women sources in Swaziland from 17% in the 2003 GMBS to 19% in this study:** This corresponds with the regional average of 19%. Notwithstanding, news is still told mainly from a male perspective at 83% of sources.
- **But there are differences across individual media:** The Swazi Observer has the highest proportion of women sources with 22%, followed by Swazi TV,



Radio journalists at work - Swaziland.

Photo: Gender Links

Channel Swazi and Swazi Radio all with 18%. The Times of Swaziland at 12% has the lowest proportion of women sources in the country.

- **Women's voices are most likely to be heard on children (38%) and sex and sexuality (33%) than they would be on other topics such as land and agriculture (7%) and mining 10%:** The media in Swaziland continue to seek women's voices on so-called women's issues, such as gender violence (23%) and health (28%).
- **The voices of women start to disappear when they reach 50:** Most women sources are in the 35-49 age group, at 45%. Older people (men and women) are virtually non-existent as sources, with men constituting 1% of sources and women 3%.
- **Unlike in other countries, men are more likely to be identified by personal tag in the media in Swaziland than women:** 22% of men are identified by personal tag such as father, brother or husband compared to 16% women identified as wife, daughter or mother.
- **The level of gender stereotyping in the media in Swaziland is decreasing:** This is especially seen in the increase in women sources in non traditional fields, such as business persons, from 18% in the GMBS to 23%, and as politicians from 12% to 20%.

Gender in newsrooms

- **There are more women presenters in Swaziland media, than there are women reporters:** Women predominate as television presenters at 41%, while women constitute 21% of reporters.
- **Women reporters dominate reports about children, religion and education:** Men on the other hand predominate in labour, human rights and HIV and AIDS stories. Men make up 86% of those reporting on HIV and AIDS.

- **Having more women in top and senior management positions does not always result in more women sources:** In Swaziland, women constitute 29% of those in top management positions yet women make up less than a fifth of media sources.
- **Women journalists more frequently cite women sources than men reports do:** Having more women reporters is making a difference in media in Swaziland, where 22% of women reporters seek women's comment compared with 19% of male reporters.



Journalists exchange ideas at the Gender, Elections and the Media workshop, Mbabane.

Photo: Thandokuhle Dhlamini

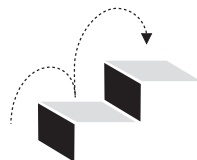
Gender-based violence

- **There is minimal coverage of gender-based violence compared with other topics in Swaziland:** GBV stories make up only 7% of the topics covered.
- **This is significantly higher than the regional average:** GBV stories also make up 4% of topics although there are country variations.
- **Women make up 21% of GBV sources, but men also predominate on this topic:** Men speak for women even on issues that affect women the most.
- **Survivors make up 33% of sources in GBV stories:** Considering the sensitivity and fear of reprisals, this results seem to be fair. Gender-based violence is generally under-reported and rarely publicly discussed.
- **Domestic violence and non-physical violence economic stories receive the most coverage in this section, with 22% and 21% respectively:** There was no coverage of indecent/sexual assault in Swaziland.
- **Gender-based violence is mostly covered by men reporters at 69%:** Women reporters covered 21% of the stories.

HIV and AIDS

- **Coverage of HIV and AIDS in media in Swaziland is very low:** It makes up 4% of topics covered in the country. Coverage of HIV and AIDS is even lower in the region making up only 2% of topics. It has gone down from 10% in the GMBS.
- **The voices of people living with HIV and AIDS are underrepresented in media coverage:** They make up only 4% of sources. Affected people's voices receive more space with 15% representation.
- **Experts dominate as sources at 36%:** This is followed by official/UN agency sources at 25% and civil society and NGOs at 19%.
- **General stories receive the most coverage at 43%, followed by impact stories at 18%:** General stories are those that mention HIV and AIDS in passing and not the main topic.

- **The gender dimensions of the HIV and AIDS epidemic are not adequately covered by media:** For example, women make up the majority of care givers, yet they are underrepresented as sources.
- **Coverage of HIV and AIDS is mainly news and news briefs, making up 78% of all stories on the topic:** Features and analysis on the topic make up 10% of stories.



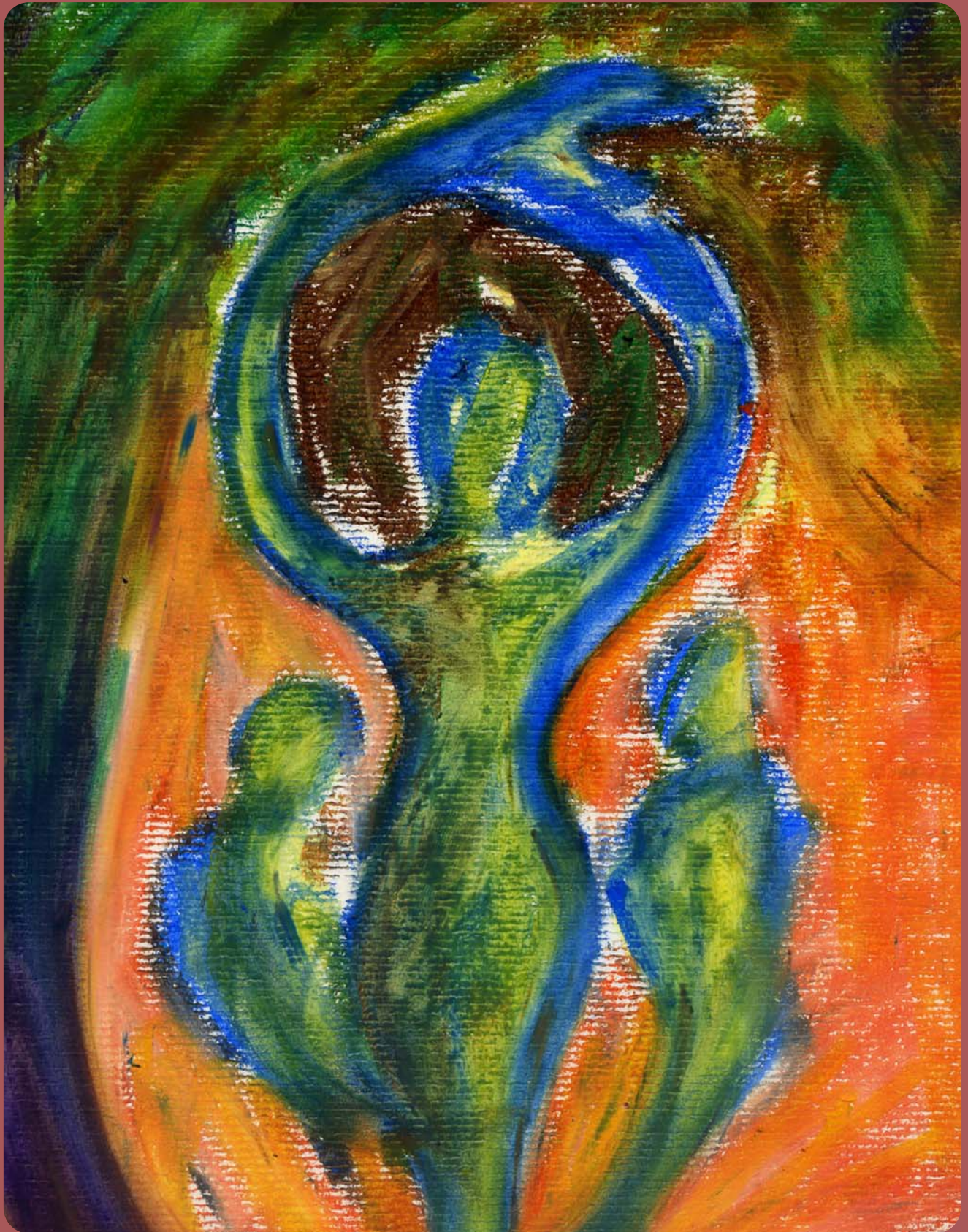
Next steps

- The development of gender-responsive editorial and employment policies and guidelines is an important first step towards directing and managing change in media houses to address many of the gaps and inequalities identified in gender and media studies.
- Those media houses participating in the COE's process can serve as best practices and provide examples of how gender mainstreaming in the media improves accountability to the public; strengthens media practice and enhances the elements of good journalism; and makes good business sense as new audiences are tapped.
- On-going activism within the gender equality and women's empowerment sector must broaden its focus to include the media as one of the institutions for changing mindsets and attitudes.
- Gender and media literacy for the wider population largely remains uncharted terrain in Lesotho and the media training institutions are a critical partner. This sphere of work is critical for building a broad base of informed citizens who can engage with the media and use their voices to demand accountability, media professionalism and high ethical standards.
- UNISWA is part of the group that participated in the audit of gender in media education are part of a

wider network of tertiary institutions in Southern Africa collaborating through the GMDC to incorporate gender into media education teaching, learning and research. Incorporating gender in media education and journalism training is essential for sustainable change in newsrooms.

What the Government of Swaziland can do

- Pledge to mainstream gender in all information, communication and media laws.
- Pledge statutory regulatory authorities, and encouraging self-regulatory authorities, to use whatever leverage they have at their disposal, especially in relation to publicly funded media, to ensure gender accountability. This could include requiring gender balance and sensitivity in institutional structures as well as editorial content part of licensing agreements, as well as annual reports stating progress in this regard.
- Pledge to ensure that gender will be mainstreamed in all publicly funded media training institutions, and where they exist encouraging privately funded media training institutions to follow suit.



"Isabella"

Anushka Virahsawmy



CHAPTER 10

Implementation

Articles 32-36



Gidion Gwebu from the Gender Unit, making welcoming remarks during the Gender Responsive Budgeting and Planning inception meeting.

Photo: Thandokuhle Dlamini

KEY POINTS

- Swaziland signed the SADC Protocol on Gender and Development.
- The country ratified and deposited its instruments of ratification.
- Swaziland joins Namibia and Seychelles to develop a costed gender action plan aligned to the SADC Gender Protocol targets. Zambia is also following a similar process. This provides a roadmap for accelerating implementation.

Signing



Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.

Swaziland is among 13 out of the 15 SADC countries that have signed the SADC Gender Protocol. Botswana and Mauritius are the only two countries that are yet to do so.

Ratification



The Protocol states that it shall be ratified by the Signatory states in accordance with their Constitutional procedures and shall enter into force 30 days after the deposit of instruments of Ratification by two thirds of the Member States.

Swaziland ratified and deposited its instruments of ratification in September 2012. To date 11 countries have ratified with two that should deposit their instruments of ratification. With only two years to go the country should intensify efforts to implement the SADC Gender Protocol.

Implementation mechanisms and processes



Article 35: Implementation, Monitoring and Evaluation State Parties shall ensure the implementation of this Protocol at the national level: State Parties shall ensure that national action plans with measurable time frames are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented. State Parties shall collect and analyze baseline data against which progress in achieving targets will be monitored.

Table 10.1: National gender machinery and processes

Component	Yes/No	Comments
Gender ministry	No	Gender and Family Unit within the Deputy Prime Minister's Office.
National Gender Policy	Yes	National Gender policy was adopted in 2010 but through costing there is an opportunity to align it to the 28 targets.
National Gender Policy aligned to the SADC Protocol	Yes	The Policy is guided and influenced largely by various international and regional Covenants and Declarations including the Protocol itself. The vision of the Policy is a Swaziland where women, men, girls and boys have similar opportunities to participate freely as equal partners in all spheres of public life, including all decision-making processes and have fair access to and control over resources. It covers almost all the Protocol target areas. However, the Policy makes no mention of time lines for its objectives and respective strategies.
Gender focal points in all line departments	Yes	Gender focal points and are deployed in all ministries.
Gender action plan	Yes	Drafting one to accompany existing strategy.
Aligned to Protocol.	Yes	With technical support from GL the gender action plan be aligned to the SADC Gender Protocol targets set for 2015.

Costing and gender budgeting



Article 33: Financial Provisions: State Parties shall ensure gender sensitive budgets and planning, including designating the necessary resources towards initiatives aimed at empowering women and girls. State Parties shall mobilise and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.

The SADC Gender Protocol underscores the importance of ensuring adequate resources to ensure implementation of the SADC Gender Protocol. Gender budgeting initiatives are taking root in Swaziland building on work begun by the Gender Consortium and UN agencies as discussed in Chapter 4 on Economy, productive resources and employment. The country has begun the process of costing implementation of the SADC Gender Protocol through developing a costed gender action plan. The Gender and Family Unit may soon review the 2010 gender policy to incorporate the 28 targets to be achieved by 2015.

The Gender Unit is undertaking the process with the backing of UN



Participants at the Gender Responsive Budgeting workshop in Matsapha, Swaziland - September 2012.
Photo: Ncane Maziya

agencies, SADC Gender Unit and civil society including the local Alliance network led by CANGO and technical assistance from Gender Links.

At a glance, Figure 10.1 shows the key components of the model: The implementation of the SADC Gender Protocol building requires a multi-sectoral approach on existing work.

Implementation of the SADC Gender Protocol: is the broad objective

Gathering baseline data: This will entail using data from the national Central Statistical Offices and reports to the SADC Secretariat by government complemented by the SADC Gender Protocol Barometer produced by the Alliance as well as other national gender reports to various bodies. This will provide baselines against which progress will be measured.

Training and capacity building - The development of national gender policies and costed gender action plans require capacity building workshops with modules on gender mainstreaming, gender budgeting and costing implementation of policy at national levels. Key line ministries' gender focal points and budgeting officers should ideally attend for sustainability of the process along with leading civil society leaders to support the relevant ministries over time.

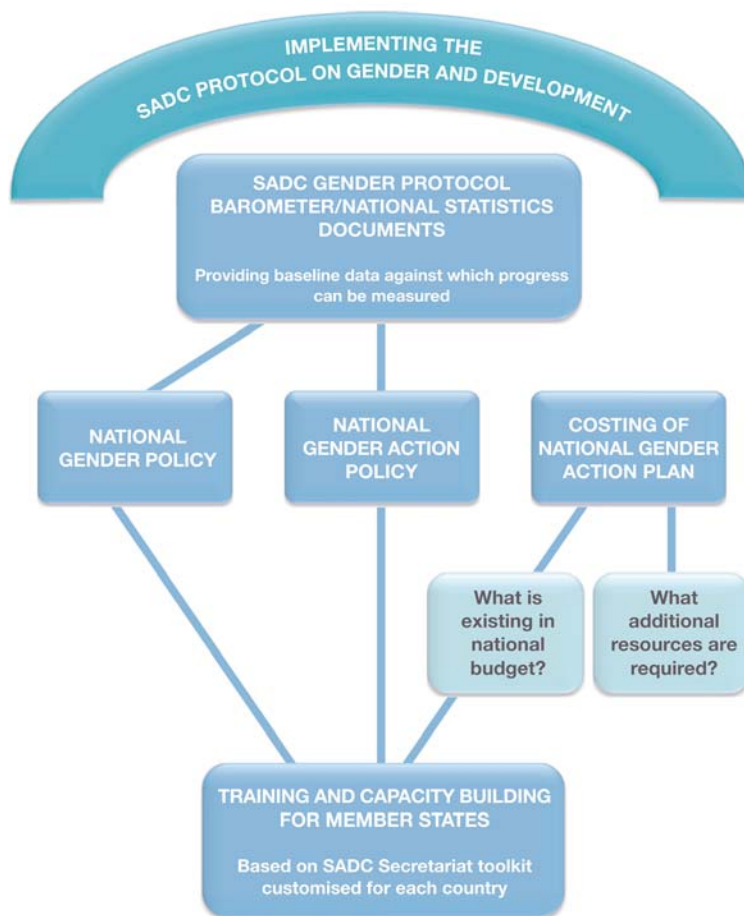
Resource allocation for implementation of key provisions of the SADC Protocol on Gender and Development: In the process, it is important for the national gender machinery to lobby and ensure that there is allocation of resources for the implementation of the costed gender action plan. This should include looking at what are the existing resources within national budgets, what are the gender entry points and an assessment of additional resources required. This includes advocacy and lobbying by the national gender machinery to the national treasury.

Gender focal points in line ministries

The line ministries have Gender Focal Point (GFPs) persons whose main responsibility is to enhance gender mainstreaming in all sectors. The GFPs are supposed to have a strong link with the MGCD on gender mainstreaming of the public sector. In some cases, some ministries have Gender-Sub-Committees tasked to facilitate and enhance gender based planning and costing.

There are Provincial and District Committees as well as other community level sub-committees to ensure that the planning and budgeting processes from the community levels are engendered. There is a need to strengthen the links between the planners, accountants

Figure 10.1: Costing model developed by Gender Links



and GFPs and MGCD. All these three require training in gender mainstreaming and gender responsive budgeting. Many pieces of legislation can be enacted but without resources, not much can be achieved.

Implementation of the SADC Gender Protocol at local government level

A sphere of governance closest to the people, local government structures especially councils have emerged as key allies in implementing the SADC Gender Protocol as well as taking it to local communities. This comes from the realisation that the only way to have a real impact at the local level is to work at council level.

Several research studies such as *"Ringling up the Changes, Gender in Politics in Southern Africa"* found that local government is a neglected area of the gender and governance discourse. Similar research conducted in ten Southern African countries in the series, *At the Coalface, Gender and Local Government*, made the same observations. This led to GL's launch of the Centres of Excellence in gender mainstreaming and local government process. It came from the realisation through the research studies that the only way to have

a real impact at the local level is to work at council level.

While policies and strategies at national level are important, these remain so many words if they are not translated into action on the ground. Similarly, it has become clear that the ambitious targets of the SADC Protocol on Gender and Development need to be localised.

GL is working in at least 10 councils in 10 SADC countries to cascade the COE model and has formed strategic partnerships with local government associations, Ministries of Local Government, community based organisations and other role players to ensure that local

government is an avenue for promoting gender equality and equity.

Key targets of the local council gender-planning framework have been aligned to the SADC Protocol on Gender and development. Flagship projects include key targets of the SADC Gender Protocol to be achieved by 2015 such as training for women in politics aimed at contributing to the 5050 target and reducing by half the current levels of gender based violence.

10 COEs have signed on to the project in Swaziland and GL has developed a partnership with key local government associations to mainstream gender. There are many good practices of implementation of the SADC Gender Protocol coming up.

Swaziland: Awareness-raising incorporates arts and edu-tainment

The Swaziland Alliance of Mayors Initiative for Community Action on AIDS (AMICAALL) is using the Arts and Edutainment to conduct education and awareness around women and children's rights issues at the local level.

As part of its community mobilisation strategy AMICAALL conducts dialogues with community members (religious groups, local and traditional leaders, business people, in and out of school youth, among others) to raise public awareness on the SADC Gender Protocol provisions.

The major objective of the AMICAALL strategy is to disseminate information on the SADC Gender Protocol using IEC materials during training sessions for community members, local and traditional leaders.

A small budget has been set aside for implementation of the project. Though not adequate, it is a starting point. The project makes use of special dates such as the Day of the African Child, Women's Day, Fathers' Day, etc. to educate communities about their rights using the Provisions of the Protocol and other gender related instruments.

At first Pigg's Peak did not have a gender programme but working with the Gender Links (GL) Swaziland Office, the council and AMICAALL received trainings and workshops on gender mainstreaming and formed a solid working long-term partnership. From there AMICAALL conducts village level workshops aimed at empowering women and men on their rights using the SADC Gender Protocol. This is now integral part of their work and GL does not have to attend the sessions.

The project aims to communicate key provisions of the Protocol and other instruments using drama and theatre

such as dramas on gender based violence (GBV) issues, HIV and AIDS. The idea is that authorities can use the Gender Protocol to set standards for achieving gender equality while citizens use the instrument to claim their rights.

AMICAALL also uses essay writing competitions with school going children to raise awareness on various topics on child abuse and GBV. Through the essay competition, children reflect on the issues around GBV and child abuse and to communicate and create awareness on the issues.

Information Education Communication (IEC) materials are disseminated to the different social groups and the general public. Most of the materials are for the literate those who read and write.

AMICAALL's objective also is promoting gender equality and women's rights amongst the Swazi promote because of the socialization of the Swazi community.

AMICAALL's strategy also focuses on ensuring access to sexual reproductive services thus the provision of services such as PMTCT, condoms, counselling, contraception, HIV and AIDS testing.



Bonsile Ntuli from AMICAALL in Pigg's Peak shares information about the village level workshops at the Local Government and Gender Justice Summit in April 2012, Johannesburg.
Photo: Trevor Davies

The strategy has met a number of challenges owing to the fact that change is painfully and a slow process, changing male attitudes towards gender equality issues remains a problem. Also still prevalent are serious misconceptions of the term gender that are informed by the strong patriarchal culture of the community and enforced by the chieftaincy.

Since April 2011, AMICAALL has been able to reach over a 1000 people every month. The data is gender disaggregated its showing an increase in men participating in the meetings even though overall more women and youth come compared to men.

Civil society

The Southern Africa Gender Protocol Alliance a “network of networks” started as a loose coalition in 2005 when the campaign for the adoption of the SADC Protocol on Gender and Development began. As the SADC Gender Protocol campaign shifted from pushing for signing and ratification to lobbying for implementation, it became apparent that there is a need for the Network to reorganise to be effective in monitoring implementation by Member States.

In Swaziland SWAGAA coordinates the Alliance at national level in its role as national for network. In the

The major outcome of the strategy has been the emergency of gender champions who motivate the continuation of the approach at village levels. One champion who has emerged from the process motivates sectors of the community that were difficult to reach out to such as the community police.

The programme has seen an increase in reported cases of GBV at the various police stations, a decrease in passionate killings, 'exposure of dirty linen' that is violence within the family now being reported such as father abusing a girl child showing a change in attitudes.

coming year the local network, backed by the regional secretariat will focus on strengthening institutional mechanisms to facilitate advocacy work on raising awareness of the SADC Gender Protocol for citizens as well as tracking implementation. There is a need to develop gender champions for each of the 28 targets in order to move forward in a coordinated way.

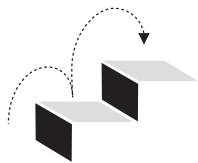
Conclusion

Swaziland has only signed and ratified the 2008 SADC Protocol on Gender and Development. Moreover, although an array of Policies that have been enacted, most are not being fully implemented due to lack of resources.



Ntombi Nyoni, Legal officer for SWAGAA presenting on the SADC protocol on gender and development, Gender responsive Budgeting and Planning Inception Meeting - Mountain Inn, Swaziland.

Photo: Thandokuhle Dlamini



Next steps

- As Swaziland develops a costed gender action plan the strategies and programmes developed should also be aligned to the articles and provisions of the SADC Gender Protocol. This alignment can yield a multi-sectoral and comprehensive gender equality and women's empowerment framework that addresses the intersectionality of factors that perpetuate gender inequalities and the violation of women's rights in Swaziland.
- It is important for the government to increase the allocation of financial resources to move laws and policies from paper into sustainable programmes, and strengthened institutions and systems for the delivery of affordable and accessible quality services and for ensuring women's access to justice.
- There is need for a stronger link between the research and available data on a variety of gender equality, women's rights and women's empowerment issues and policy development and programming in the public sector. Evidenced-based policy development and programming is essential for putting in place strategic measures to meet the targets of the MDGs and of the SADC Gender Protocol.
- Civil society organisations need to disseminate the protocol and create more awareness in the communities, particularly through mainstream media.
- Finalise costing of the SADC gender Protocol.



GL Swaziland board member Benedict Bennet delivers a speech at the 50/50 campaign launch – Ezulwini, October 2012.

Photo: Thandokuhle Dlamini

Annex A

COMPARATIVE ANALYSIS OF THE CSC AGAINST THE SGDI

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS			
✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.	5		
✓ Review, amend and or repeal all discriminatory laws.	4		
✓ Abolish the minority status of women.	5		
Average	47%	N/A	
ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)			
✓ Endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.	4		<i>What this score consists of:</i> <ul style="list-style-type: none"> • Parliament: The percentage of parliamentarians who are women. The measure includes both upper and lower houses of parliament for countries that have more than one house. • Local government: The percentage of local government councillors/representatives who are women. • Cabinet: The percentage of members of the cabinet who are women. The measure includes deputy ministers and ministers of state where they are members of the Cabinet. Similarly, it includes the President if s/he is a member of Cabinet.
Average	47%	43%	
ARTICLES 14: EDUCATION AND TRAINING			
✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.	6	99	<ul style="list-style-type: none"> • Primary school: The number of girls enrolled in primary school expressed as a percentage of total primary school enrolment. • Secondary school: The number of girls/women enrolled in primary school expressed as a percentage of total secondary school enrolment. • Tertiary education: The number of women enrolled in tertiary education institutions expressed as a percentage of total tertiary enrolment.
✓ Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.	5		
Average	55%	99%	
ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT			
✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies.	5	55	<ul style="list-style-type: none"> • Female share of economic decision-making: The number of women occupying high-level economic decision-making positions expressed as a percentage of all such positions in the country. The positions included in the measure are Minister and Deputy Minister of Finance, Minister and Deputy Minister of Trade and Industry/Commerce, Minister and Deputy Minister of Planning Commission, Central Bank, or their equivalents, permanent secretaries.
✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.	4		
✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.	5		
✓ Review national trade and entrepreneurship policies, to make them gender responsive.	6		
✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including through public procurement process.	5		
✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.	6		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.	6		<ul style="list-style-type: none"> • Female LFP/ Male LFP. The Labour Force Participation rate of women expressed as a percentage of the labour force participation of men. The labour force participation rate is calculated as the (number of women/men of working age (usually 15+ or 15-64) who are either employed or looking for work) divided by the total number of women/men of working age. • Female/male unemployment rate. The unemployment rate of women expressed as a percentage of the unemployment rate of men. The unemployment rate is calculated as the (number of women/men who are looking for work) divided by the (number of women/men who are either employed or looking for work). • Female share of non-agricultural paid labour. The number of women employed in paid work outside of agriculture expressed as a percentage of all people employed in paid work outside of agriculture. • Length of maternity leave: The number of week's leave to which a woman is entitled in respect of pregnancy and childbirth.
Average	53%	55%	
ARTICLES 20-25: GENDER BASED VIOLENCE			
✓ Enact and enforce legislation prohibiting all forms of gender-based violence.	5		
✓ Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault.	5		
✓ Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence.	5		
✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.	5		
✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.	4		
✓ Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence by half by 2015.	4		
Average	44%	N/A	
ARTICLES 26: HEALTH			
✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.	6		<ul style="list-style-type: none"> • Women using contraception: The percentage of women aged 15 to 49 years reporting that they use a modern form of contraception.
✓ Reduce the maternal mortality ratio by 75%.	6		<ul style="list-style-type: none"> • Maternal mortality ratio: The number of women who die while pregnant or within 42 days of termination of pregnancy for every 100,000 live births of babies.
✓ Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men.	6		<ul style="list-style-type: none"> • Births attended by skilled personnel. The percentage of births in a given year in which the women is assisted by trained staff such as midwives or nurses.
✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.	5		
Average	57%	63%	
ARTICLES 27: HIV AND AIDS			
✓ Develop gender sensitive strategies to prevent new infections.	7	55	<p>What this score consists of:</p> <ul style="list-style-type: none"> • Comprehensive knowledge on HIV and AIDS: The percentage of women aged 15-who can correctly answer specified questions about HIV and AIDS. • Living with HIV as proportion of total: The number of women who are HIV-positive expressed as a percentage of all people who are HIV-positive. • HIV-positive pregnant women receiving PMTCT: The number of HIV-positive pregnant women receiving prevention of mother-

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
			to-child transmission treatment expressed as a percentage of all HIV-positive pregnant women.
✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.	7		
✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care-givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with HIV/AIDS.	5		
Average	61%	55%	
ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION			
✓ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.	6		
Average	43%		
ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION			
✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.	6	64	<ul style="list-style-type: none"> • Women employees as % of total: The number of women employees working in media institutions expressed as a percentage of all employees in media institutions. • Women as % of board of directors: The number of women directors of media institutions expressed as a percentage of all directors of media institutions. • Women as % of management: The number of women managers in media institutions expressed as a percentage of all managers in media institutions. • Female % of staff in institutions of media learning: The number of female staff in institutions of media learning expressed as a percentage of all staff in institutions of media learning. • Female % of students in institutions of media learning: The number of female students in institutions of media learning expressed as a percentage of all students in institutions of media learning. • Percentage of women news sources: The number of women referenced as sources in the media expressed as a percentage of all people referenced as sources.
Average	50%	64%	
OVERALL SCORE	52%	66%	

Annex B

BACKGROUND NOTE ON GENDER AND RELATED INDICATORS

This background note provides information on the various existing indicators considered in developing the **SADC Gender and Development Index (SGDI)** that is introduced for the first time in this Barometer.

The **Human Development Index (HDI)** - which is **not** a gender indicator - has four components which are meant to reflect Amartya Sen's "capability" approach to poverty rather than a simple income/expenditure monetary measure of poverty. The HDI components are (a) life expectancy at birth for health, (b) adult (15+ years) literacy rate and (c) combined gross enrolment rate for primary, secondary and tertiary education for education, and (d) gross domestic product (GDP) per capita for income. The four component scores are averaged to get the HDI number. The HDI thus gives a single simple (some would say simplistic) measure of the average achievement of the country in terms of human development. A league table was published in the annual Human Development Reports of the UNDP until 2009, and is widely quoted.

The HDI - like all measures - can be criticised on many grounds. Some of the criticisms are relevant from a gender perspective.

Firstly, composite indices are appealing because there is only one number. But having a single number is not useful for policy-making purposes unless one knows WHY the single number is lower than one wants it to be. For example, South Africa's HDI has fallen in recent years. The main reason for this is a significant drop in life expectancy, which is one of the four components. The HDI indicator cannot tell you this. It is only by looking into the components that you can see it.

Secondly, there are data problems. UNDP uses international data-sets in the interests of having a uniform approach. This is probably the only feasible approach for an index covering so many countries and compiled from a single office. However it results in the use of data that are relatively old, and thus indicators that are out-of-date. It also results in individual countries contesting the indicators. The need to have indicators for as many countries as possible can also lead to the use of lowest-common-denominator variables, rather than the variables that would best reflect what the indices aim to measure. Where data are not available, sometimes heroic assumptions have to be made. In the case of the **Gender-related Development Index (GDI)** (see below), this is especially the case in relation to sex-disaggregation of GDP.

Thirdly, the indicators are all based on averages, and thus do not capture inequalities within a single indicator.

In 1995, at the time of the Beijing Conference, UNDP developed two gender-related indices - the Gender-related Development Index and the **Gender Empowerment Measure (GEM)** - to complement the HDI.

The GDI uses the same variables as the HDI, but each of the components is adjusted for unequal achievement between women and men. The GDI thus shares all the problems that the HDI has, but also has some further problems.

One problem with the GDI is that it assumes that equality on longevity would mean equal life expectancies for men and women. However, biologically women can expect to live longer than men. So when life expectancies are equal this suggests that women are disadvantaged in some way. This is not reflected in the GDI.

A confusing feature of the GDI is that the method uses only the male-female gap, without considering whether it is males or females who are "doing better". So a country where women outperform men in education will have the same penalty as a country where men outperform women by the same amount. We might think this is not a problem (in that men and boys should not be disadvantaged), but it does complicate how we interpret the GDI if the index combines some components where males are advantaged and others where females are advantaged.

Probably the biggest problem with the GDI is that it is heavily influenced by the income variable, so that wealthier countries will - all other things being equal - be reflected as having less inequality than poorer countries. Analysis has shown that for most countries the earned-income gap is responsible for more than 90% of the gender penalty. Exacerbating this problem is the fact that the income estimates are based on "imputed" rather than real data. Thus for many developing countries the earned income gap is assumed to be 75% because reliable data are not available. The 75% was chosen on the basis of 55 countries (including both developed and developing) for which data are available. Yet another exacerbating feature is that the data for the 55 countries relate only to formal non-agricultural wages. Yet in many African countries only a small proportion of the workforce - and an even smaller proportion of employed women - is employed in the formal non-agricultural sector.

The final problem to be raised here is lack of sex-disaggregated data in some cases. As a result, each year there are fewer countries that have GDI scores than have HDI scores. This means that a higher place in the inter-country ranking for the GDI than the HDI does not necessarily mean that the country is doing relatively well on gender.

The GEM focuses on political, economic and social participation rather than Sen's capabilities. The components are women's representation in parliament, women's share of positions classified as managerial and professional, women's participation in the labour force and their share of national income. Fewer countries have data on all of these elements than on the GDI elements and each year there are therefore fewer countries in the GEM index than in the GDI index.

The GEM measures income in more or less the same way as the GDI, so this component has the problems described above. The influence of the absolute level of income - and thus the bias favouring wealthier countries - is, in fact, stronger for the GEM than the GDI. The political component is problematic in that a parliamentary quota for women will automatically increase the GEM score, but will not necessarily mean that women exercise greater political power in the country.

The **Millennium Development Goals (MDGs)** are eight goals that 192 United Nations member states and at least 23 international organisations committed themselves to achieving by 2015. One or more targets have been agreed in respect of each goal, with one or more indicators for each of the targets.

Goal 3 is to promote gender equality and empower women. Target 4 is assigned as the measure of achievement in respect of Goal 3. Target 4 is expressed as eliminating gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015. There are four indicators, the first of which has three elements.

The third and fourth indicators relate to employment and decision-making respectively. These additional indicators were included by the team which proposed the standard indicators to emphasise that education is not only an end in itself, but also a means to other ends. The third and fourth targets thus reflect back on the goal, which is about "empowerment" as well as equality. The targets attempt to measure the economic and political aspects of empowerment. The four indicators are: (a) ratio of girls to boys in primary, secondary and tertiary education; (b) ratio of literate females to males of 15-24 year olds; (c) share of women in wage employment in the non-agricultural sector;

and (d) proportion of seats held by women in national parliament.

These indicators are very similar to those used in the other well-known international indices. The second education indicator differs from most other indices by focusing on 15-24 year olds. This focus captures changes in education levels better than a measure that covers all adults, as the all-adult measure will be biased downwards by past discrimination against women rather than reflecting what is happening now within education.

The MDG Gender Task Force proposed that further indicators be added to the standard set to measure (a) gender gaps in earnings in wage and self-employment; (b) the hours per day or year that women and men spend fetching water and collecting fuel; (c) the percentage of seats held by women in local government bodies; and (d) the prevalence of domestic violence. These additional indicators were not added to the standard set.

Development of the **Gender Equality Index (GEI)** was motivated, at least in part, by the standard measures' lack of attention to issues related to the body and sexuality, religious, cultural and legal issues, ethics, women's rights and care.

The index was called the GEI, rather than the **Gender Inequality Index (GII)**, so as not to focus only on gender imbalances. Instead, the index would measure the extent to which gender equality was achieved in any country.

It was recognised that as a global, comparative measure, the GEI would lose cultural and national specificity and would not capture gender equality in all its dimensions. It was thus proposed that each country also describe the historical and cultural context, and develop country-specific "satellite" indicators to complement the GEI.

The GEI covers eight dimensions, each of which has a number of indicators. The dimensions are:

- Gender identity;
- Autonomy of the body;
- Autonomy within the household;
- Political power;
- Social resources;
- Material resources;
- Employment and income;
- Time use.

The availability and adequacy of the GEI indicators have been tested only in Japan and Indonesia. These tests revealed the especial difficulty of measuring the first two dimensions quantitatively.

In the early 2000s, the United Nations Economic Commission for Africa (UNECA) developed the African **Gender Status Index (GSI)** and the **African Women's Progress Scoreboard (AWPS)**. The AWPS is based on more qualitative judgments, although these are given numeric scores. The existence of the AWPS alongside the GSI is noteworthy, as it highlights the realisation that some aspects of gender equality cannot be adequately captured by quantitative indicators. The GSI is similar to the GDI and GEM in being computed from quantitative data. A major difference is that there are far more indicators - 43 in all!

The use of 43 indicators has two major drawbacks. Firstly, it means that most countries are likely to lack data on at least one indicator, or be forced to use unreliable data from small samples. Secondly, it means that the meaning of the index - and its direct usefulness for policy-making purposes - is even more obscure than for the HDI, GDI or GEM as one has to examine all the elements in detail to work out why a country is scoring higher or lower. The developers of the GSI acknowledge that there may be too many indicators.

UNECA tested the index in twelve countries (Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia, Uganda). The process took substantially longer than predicted. The delays in part reflected the challenges involved in collecting and checking so many indicators. Even with these delays and despite specifying five-year periods for each indicator, it was not possible to find all the indicators for each country.

The indicators are divided into three blocks, namely social power, economic power, and political power. The indicators all deal with gender issues, understood as the relations between women and men, and thus as needing to compare indicators for men and women. This means that maternal mortality and violence against women are not covered because they only concern women.

Each indicator represents a simple arithmetic comparison of the number of women to the number of men, thus reflecting the gender "gap". (A few of the indicators need a bit of manipulation to be able to get a gap.) Unlike the HDI and GDI, the GSI does not take the overall level of achievement into account. As a result, a good score on the GSI could reflect a high level of equality, but at a level of achievement that is poor for both women and men (girls and boys).

For weighting purposes, each of the three blocks - social, political and economic - has equal weight. Further, within each component of each block, each of the indicators has equal weight. In effect, this means that indicators that are in a component with relatively

few indicators "count" more than those in a component with a greater number of indicators. The developers of the GSI suggest that other weighting approaches could be considered, such as:

- Weighting more heavily the components or blocks where there are the biggest gaps.
- Weighting more heavily those that can be changed more easily in the short term so that one can more easily "see" the impact of advocacy and policy changes.
- Giving less weight to the "political power" block because it deals with a small population than the other two blocks.

The table shows all the GSI indicators, and the component and sub-component into which they fit.

In the 2010 Human Development Report the GII replaced the GDI. This measure, unlike the GDI, is not influenced by the absolute level of achievement or development. Instead, like the GSI, several of the components focus on the degree of inequality in achievement between males and females on different measures while others focus on levels of women's achievement. The consequence is that a country can score well on this measure even if absolute levels of achievement are low as long as the measures for females and males are equally low.

The three equally weighted dimensions covered by the GII are reproductive health (maternal mortality ratio, adolescent fertility rate), empowerment (share of parliamentary seats held by women and men, attainment at secondary and higher education levels) and labour market participation (labour market participation rate). The rating works in the opposite direction to that of the GDI i.e. a level of 0 indicates no inequality while 1 indicates extreme inequality.

The SGDI on the status of women in SADC countries is based on 23 indicators. The indicators are grouped under six categories, namely Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). There are, unfortunately, no indicators for the Protocol articles on Constitutional and legal rights, gender-based violence and peace building and conflict resolution. The fact that there are no indicators for some topics reflects the difficulty in finding appropriate indicators with reliable data for these. These are areas that the Southern African Gender Protocol Alliance hopes to address these gaps in future years.

Within some of the categories there are disappointing gaps. Ideally, the SGDI would have included an indicator measuring the disparity in pay between women and men doing paid work. Unfortunately, as discussed in the section on other indicator measures such as the GDI, the

available datasets of disaggregated earned income are heavily based on assumptions rather than on empirical data. In respect of the maternity leave indicator, the time given to a woman worker does not necessarily mean that she will receive pay while on leave. In some cases, no pay is guaranteed, in other cases only a proportion of the pay is guaranteed, and in some cases paid leave is only available to certain categories of employees, such as those employed by government. For next year's index, more detailed information on maternity leave as well as paternity leave will be included.

To create the composite index, two challenges needed to be addressed. The first was the differing number of indicators in the various categories and how this should be dealt with in weighting. This was necessary so that, for example, media was not given twice the importance ("weight") of governance or education because it had six indicators while governance and education each had three indicators. The second challenge was the difference in the range of "raw scores" that were possible for each indicator and how these could be standardised so that averages were not comparing apples and giraffes. If this standardisation were not done, an indicator for which the score could range from 0 to 50 would have only half the weight of another indicator for which the score could range from 0 to 100.

Weighting

Each category was given equal weight by calculating the average score across the indicators in that category. So, for example, for categories with three indicators, the score for that category was the average across the three. This approach also solved the problem of how to deal with countries for which some indicators were missing, as the average was calculated on the available indicators for each country. Nevertheless, while this generated a score for all categories across all countries except for media in Angola, the averages for countries with missing indicators should be treated with caution as they are not exactly comparable with those of countries for which all indicators were available. The number of missing indicators ranged from zero for Madagascar, Mauritius, Namibia, South Africa, Tanzania and Zambia, to nine for Angola.

Standardisation

Standardisation aimed to convert all "raw scores" into values that range from 0 (for the worst possible performance) to 100 (for the best possible performance). The indicators consist of several types in terms of what they are measuring:

- Many of the indicators measure the female percentage of people with given characteristics. All the

governance, education and media indicators have this form. For these indicators, the raw score could range from 0 to 100. However, if our aim is to ensure that women do not face discrimination, then a raw score of 50 is the target. In standardisation, all scores of more than 50 - of which several were found, for example, for tertiary education - were therefore changed to 50.

- Several of the indicators measure the percentage of women and girls with a given characteristic. Two examples of such indicators are the percentage of women using contraception and the percentage of women aged 15-24 with comprehensive knowledge on HIV and AIDS. For these indicators, the raw score could range from 0 to 100 and the score therefore did not need further standardisation.
- Several of the indicators measure the female rate for a given characteristic as a percentage of the male rate. Examples here are female labour force participation as a percentage of male labour force participation, and the female unemployment rate as a percentage of the male unemployment rate. In these cases possible scores could range from 0 to more than 100 where the female rate is more than the male rate. In the one case where the score was more than 100 (unemployment rate in Zambia), the score was changed to 100.
- Finally, two of the indicators that relate specifically to gender or women's issues have scores that fall outside the above categories. The first is the number of weeks of maternity leave to which employees are entitled. The second is the maternal mortality rate, which is expressed as the number of deaths for every 100,000 live births. For the first of these indicators, we assumed that the possible range was from 0 to 16 weeks, and calculated the actual number of weeks as a percentage of 16. For the second of these indicators, we set the possible range between 0 and 2000 out of 100,000 (see http://en.wikipedia.org/wiki/Maternal_death), and calculate a score out of 100 by dividing the raw score by 20.

A further challenge in the standardisation process was that while the majority of indicators measure a desirable characteristic, for which a high score indicates good performance, there are a few indicators that measure undesirable characteristic for which higher scores reflected poorer performance. The negative indicators are the ones relating to unemployment rate, female share of people living with HIV, and maternal mortality rate. For these indicators the rate was inverted by subtracting the standardised rate from 100.

Components of the Gender Status Index

Block	Component	Sub-component	Indicator
Social power 'Capabilities'	Education	Enrolment	Primary enrolment rate
			Secondary enrolment rate
			Tertiary enrolment rate
		Dropout	Primary dropout ratio
			Secondary dropout ratio
		Literacy	Ability to read and write
			Primary school completed
	Health	Child health	Stunting under 3
			Underweight under 3
			Mortality under 5
		Life expectancy at birth	
		New HIV infection	
		Time spent out of work	
Economic power 'Opportunities'	Income	Wages	Wages in agriculture
			Wages in civil service
			Wages in formal sector (public and/or private)
			Wages in informal sector
		Income	Income from informal enterprise
			Income from small agricultural household enterprise
	Time-use or employment	Time-use	Income from remittances and inter-household transfers
			Time spent in market economic activities (as paid employee, own-account or employer)
			Time spent in non-market economic activities or as unpaid family worker in market economic activities
			Time spent in domestic, care and volunteer non economic activities
		Employment	Or: Share of paid employment, own-account and employer in total employment
	Access to resources	Means of production	Ownership of urban plots/houses or land
			Access to family labour
			Access to credit
			Freedom to dispose of own income
		Management	Employers
			High civil servants (class A)
Political power 'Agency'	Public sector		Members of parliament
			Cabinet ministers
			Higher courts judges
			Members of local councils
	Civil society		

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The SADC Protocol on Gender and Development



Encompasses

commitments made in all regional, global and continental instruments for achieving gender equality.

Enhances

these instruments by addressing gaps and setting specific, measurable targets where these do not exist.

Advances

gender equality by ensuring accountability by all SADC Member States, as well as providing a form for the sharing of best practices, peer support and review.



In August 2008, Heads of State of the Southern African Development Community adopted the ground-breaking SADC Protocol on Gender and Development. This followed a concerted campaign by NGOs under the umbrella of the Southern Africa Gender Protocol Alliance.

By the 2012 Heads of State summit, 13 countries had signed and nine countries had ratified the SADC Gender Protocol: two-thirds of the signatories. South Africa and the DRC, two of the countries that have ratified the Protocol, still need to deposit their instruments of ratification with the SADC Secretariat. Barring these technicalities, the Protocol is to all intents and purposes in force. The clock is ticking to 2015, when governments need to have achieved 28 targets for the attainment of gender equality. In keeping with the Alliance slogan: "Yes we must," this 2012 Barometer provides a wealth of updated data against which progress will be measured by all those who cherish democracy in the region. The SADC Gender and Development Index (SGDI) introduced in 2011 complements the Citizen Score Card (CSC) that has been running for four years to benchmark progress. While there are several challenges, the successes to date strengthen our view that change is possible.

"2015, yes we must!"

