

OPENING STATEMENT BY THE PRINCIPAL SECRETARY IN THE DEPUTY PRIME MINISTER'S OFFICE OF THE KINGDOM OF SWAZILAND ON THE OCCASSION OF THE PRESENTATION OF THE FIRST AND SECOND REPORT OF THE KINGDOM OF SWAZILAND TO THE COMMITTEE OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW), 10 JULY 2014 GENEVA

Chairperson

Members of the Committee

Distinguished participants

Introduction:

1. I am greatly honoured and privileged to present the First and Second Report of the Kingdom of Swaziland to this Committee. Allow me to begin by conveying the greetings and best wishes from the government of Swaziland to you and members of this committee. Secondly may we take the opportunity to rely government's apologies for the delayed submission of the report. There was a new government coming in following the successful national elections held in September 2013.
2. Chairperson before I progress may I be at liberty to introduce my lean delegation in terms of numbers. We have the Principal Secretary in the Deputy Prime Ministers Office , H.E. the Ambassador and Permament Representative in Geneva, Director Gender and Family Issues in the Deputy Prime Ministers Office, Senior Socio Political Analyst from the Ministry of Foreign Affairs and International Cooperation and the First Secretary Infromation in the Permanent Mission in Geneva. Due to lack of financial resources we could not include and participate with so many of our other stakeholders such as the Ministry of Justice and Constitutional Affairs (human rights committee, legal practitioners and prosecution), Anti Human Trafficking secretariat, Ministry of Health and the Ministry of Education, Immigration Department, Ministry of Labour and Social Secrity as well as the Swaziland Police.

3. For Swaziland it is the first time we appear before this committee in terms of reporting on progress on CEDAW. As such we have encountered a number of challenges in consolidating the report; capacitation of the team and or staff tasked to consolidate the report, particularly within government; furnishing up to date statistics to qualify and substantiate the progress mentioned in the report; as well the delayed review of all related pieces of legislation to the Convention and the promulgation of a specific legislation that will address Gender equality and Equity. Another major constraint has been the lack of technical know - how of the reporting requirements, methods and procedures as those that were initially trained on the CEDAW reporting have left the service and others redeployed. Swaziland is working towards strengthening its statistics and research in such related fields i.e development of the National Gender Index before 2018.
4. This said chairperson, the Government of the Kingdom of Swaziland is committed to the promotion and protection of women's rights as a human right through several initiatives. After acceding to CEDAW in 26 March 2004, the State adopted a National Constitution that provides for the Protection and Promotion of Fundamental Rights and Freedoms 'Bill of Rights'. There is dedicated chapter three of the Constitution on the promotion and protection of women and children's rights.
5. In Swaziland, Women play a critical role in political, social and economic matters. As such, they are well respected members of our society and their rights are enshrined in the Kingdom's various legislations, including and in particular the Constitution of Swaziland, Act 2005.

Legal Status of the Convention, Constitutional and Policy Framework

6. Consultative processes are on going on the establishment of the Law Review Commission that will fully align Statutes with the National Constitution and International Legal Instruments including CEDAW. This process has to be accelerated and there is a need for technical and financial support. Other line ministries have been tasked to bring forward for parliament consideration all legislation to be

reviewed, revoked or promulgated as part of enhancing the process. Swaziland is at an advanced stage of codifying and harmonizing the civil and customary laws as well as aligning them with the provisions of the Constitution which forms part of vision 2022 of the National Development Strategy. In fact, the Constitution tries to bridge the gap between customary and civil law. Government and Civil Society are actively engaged in educating the public, of which women are a part, on the supremacy of their constitutional rights.

7. It is further hoped that the decentralisation programme that we have embarked on as a country will bring the issues of gender closer to the populace in the rural areas and that it will enhance the appreciation of the importance of gender equity and participation, particularly that of women. This will yield remarkable progress on the gender activities in the medium to long term.
8. CEDAW has not been used as a key instrument in interpreting the law in Swaziland but it can be filtered from particular judgements, those made where respect of women's rights and dignity are in question. In Swaziland, women have a right to seek legal redress through both the civil and national courts, if their rights have been violated and this happens very often. Nevertheless, the Convention has been used as one of the pilot tools to guide the development of the National Strategic Framework and Action Plan on Trafficking in Persons 2013-2015.
9. Further, Government has recognised the importance of training the judiciary at the different levels to ensure that they know and understand how they can use the convention in judgements and / or pronouncements. In this respect, training manuals have been developed and are ready to be executed. Swaziland is in the process of requesting relevant United Nations Agencies and other cooperating partners to provide technical assistance to build and enhance capacities in the judiciary in this respect. This activity forms part of the National Development Strategic Plan and Swaziland Government targets for 2014- 2018.

NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN

10. Chairperson, in 1997 the Government established the Gender Coordination Unit in the Ministry of Home Affairs. However, following the realignment of government portfolios in the 2009, the Unit was elevated to the Deputy Prime Minister's Office and it took on the added portfolio of Family Issues. It was elevated to Departmental status in 2014 and became the Gender and Family Issues Department. It was strategically placed in the DPM's office to assume political authority to mainstream gender at national level and to interact with other Government Departments and have decision making power on all matters related to gender. It is tasked with all matters related to gender equality and women's empowerment

11. Moreover, the mainstreaming of gender in various Government Ministries and Departments has enabled the implementation of strategies through these Ministries and / Departments. These include:
 - (a) The Sexual Reproductive Health Policy 2013 and National Strategic Plan
 - (b) The Health Sector HIV Response Policy 2010
 - (c) The Disability Policy 2013.
 - (d) The National Strategic Framework and Action Plan on Trafficking in Persons: 2013 – 2015
 - (e) The Extended National Multi-Sectoral Strategic Framework 2014 – 2018

12. More importantly government has trained gender focal points/ teams and planners in all government Ministries on gender responsive planning and budgeting. Indeed this attests to the importance Swaziland attaches to gender issues. Additionally, Government is in the process of developing a strategy with standards and guidelines on the mainstreaming of gender in Government structures, sectoral plans and programmes. This forms part of the DPM' Office implementation targets for 2014 – 2018. This will help ensure that relevant sectors are fully aware and conversant with their respective responsibilities.

13. Further it is critical that the gender principles are embraced by the whole populace rather than being viewed as a government initiative. Every person and stakeholder has to ensure live participation and change of mind set on gender in national development. Also the mainstreaming of gender dynamics on equity and equality participation are currently focused mainly within the structured society at the exclusion of the unstructured society - rural population – comprising of about 70 percent of the total population. It therefore becomes imperative to review and design our legislation to accommodate all population sections both in the rural and urban centers i.e. on issues of involvement in decision making and politics as well as credit and land accessibility. There is therefore a greater need for closer collaboration and a concerted effort in mainstreaming Gender in Swaziland within all structures and levels both in government (local government and Tinkundla), private sector and civil society.
14. Civil society plays a critical complementary role in supporting government's effort to fulfill its obligations to Swazi citizens. In part, civil society plays an important role in empowering communities on gender equality and the empowerment of women. They disseminate information to programme partners and in particular provide an important policy advocacy link with communities. Many also provide direct service delivery to communities. The Government and civil society work together in the Gender Consortium, which is tasked with ensuring inclusive engagement of all stakeholders in policy planning and implementation. Civil society continues to advocate and lobby government for implementation of various regional and international human rights instruments demanding accountability and action.
15. In an effort to protect and promote women's rights in the country, the Government of Swaziland has promulgated and amended a number of important legislations. These include but are not limited to : (a)) the National Constitution of the Kingdom of Swaziland 2005; (b) The Children's Protection and Welfare Act of 2012; and (c) Section 16 of the Deeds Registry Act which relates to the registration of titled property in the name of both spouses (if they so desired) 2011 amendment.

16. In general the laws of Swaziland (civil which is based on Roman Dutch Law and the Customary law) do not discriminate against women. In Swaziland discrimination is prohibited in law as contained in Section 20:1 of the Constitution which states that all persons are equal before the law in all spheres of political, economic, social and cultural life and every other aspect and shall enjoy equal protection by law. It is further stated in Section 20:2 that no person shall be discriminated against on the grounds of **gender** and **social standing, including sex and marital status**. For instance section 21:1 of the National Constitution provides for equal access to land, including and in particular Swazi Nation Land (SNL) for men and women. Indeed this is an important provision because women and unmarried men now have access to land, an important national resource.
17. This latest move is further evidence of Government's commitment on women's issues. However the machinery remains with serious challenges of timely strengthening of the institutional set up, staff retention within the coordinating mechanism and in other line ministries and departments as well as the slow paced mainstreaming of gender within all sectors of the economy. There is also the need to strengthen on gender advocacy at all levels so that there is full ownership of its objectives and relevance to socio-economic development. However, it is pleasing to indicate the commitment shown by the Prime Minister of Swaziland recently who announced in his five year action plan that gender and family issues will be given priority and support by government.
18. Due to financial challenges facing the Government, especially as a result of the recent economic financial crisis, there has been minimal improvements in the allocation of the financial and human resources to all Government Ministries and Departments, including the Department of Gender and Family Issues. However, the slight improvement in the country's financial situation will mirror in the improvement of budgetary and human resources of this Department.

Access to Justice

19. Chairperson, the Swaziland Government is highly committed to the protection and promotion of children and women's rights. A Legal Aid draft Bill is under consideration in the Office of the Attorney General to assist those who require legal assistance but cannot currently afford it hence increasing their vulnerability in the justice system. In the Bill, women and children have been classified as vulnerable groups. When promulgated into law the Bill will help women and children to access justice.

20. Currently, the University of Swaziland provides free legal assistance to indigent clients but at a very minimal scale and such services are not widely known. Additionally, the United Nations sponsored a Joint Gender Programme that will establish a government legal aid service by 2015. The key strategies for the program include: (a) capacity building for government, civil society and the media for gender mainstreaming and monitoring; (b) education and training , including life skills for women and adolescents; (c) legal and human rights policy, program advocacy, development and implementation support. The Ministry of Justice and Constitutional Affairs and the University of Swaziland Law Department are the main implementing partners in this regard. Agents, health officials and service providers, community care givers as well as other key stakeholders involved in providing services to survivors of gender based violence also form part of those to be trained / capacitated in this regard.

21. Further, the Ministry of Education and Training has established a programme for both students and teachers on girl's empowerment which seeks to create a safe space for girls in schools on various issues including sexual and reproductive health and gender based violence. More importantly, it provides training in self-assertive skills, leadership and self-esteem and addressing socio-cultural stereotypes. Further this programme creates opportunities for mentorship of the young girls by their teachers.

GENDER STEREOTYPES AND HARMFUL PRACTICES

22. Chairperson on the Gender Stereotypes and Harmful Practices, Swaziland has a National Gender Policy, 2010 which provides the main national framework that allows for comprehensive response on gender. The Policy addresses the role and responsibility of the media in contributing to the elimination of the stereotypes. It aims to support and strengthen positive reporting by building the capacity of media personnel on gender analysis and gender mainstreaming.
23. In an effort to eliminate stereotypes that promote girls as caregivers and socialize them to accept and persevere domestic violence, In 2007, Swaziland developed a National Plan of Action – 365 Days of Activism Against Gender Based Violence – which put emphasis on addressing the challenges of domestic violence. The Plan further recognizes the importance of addressing the pervasive stereotypes that affect girls and limit their life chances and opportunities.
24. Most importantly, Parliament passed the Sexual Offenses and Domestic Violence Bill in 2013 but is not yet assented to. This Bill attests to the fact that domestic violence in all its forms is not acceptable in Swaziland. Both Government and civil society have put in place programme including campaigns and educational activities that educate the public on various stereotypes as well as highlight their negative consequences. These programmes include interventions by The National Emergency Response on HIV and AIDS (NERCHA), the Ministry of Health and the community intervention structures who have also undertaken awareness workshops on the importance of shared responsibility for care giving as well as the newly launched Men Engage Network.

Mourning

25. In Swaziland people (both male and female) have a right to mourn their dead. But, there is no legislation relating to mourning. Mourning is optional. It is an issue decided at family level. Neither Government nor the traditional leaders play a role in this regard. The Family portfolio within the Gender Machinery has been created to

sensitise and educate families on this human right. Section 28 of the National Constitution clearly stipulates that women should not be compelled to undergo or uphold any customs to which in practice they are opposed to. Government and NGOs hold sensitization and awareness sessions on the tenants of the Constitution and women are increasingly invoking their rights.

VIOLENCE AGAINST WOMEN

26. Chairperson Swaziland is greatly concerned about the problem of escalating violence against women, including and in particular domestic violence. The 2013 National Surveillance Report revealed that 79 percent of reported abuse cases are on women, 80 percent of which occurs in the home environment. The Report further revealed that most of the abusers are men
27. In 2007, UNICEF piloted a national study on violence against children in Swaziland which indicated that the lifetime prevalence of any sexual violence among 13-24 year old females may be high as 48 percent. Chairperson these figures are alarming by any standards. As such, both Government and NGOs are increasing their efforts towards addressing this problem. It is one of government's targets for 2014-2018 to reduce domestic violence by half. In response to violence in the country, the government manages a halfway house for orphaned children and is currently constructing a facility for vulnerable groups including a rehabilitation centre. The government is also constructing a retirement village, all in the Manzini Region. Also, there are a number of privately owned shelters that cater for vulnerable women, children and orphans that are survivors of gender based violence.
28. Government has also established a number of hotlines to report various forms of abuse. These include:
- Royal Swaziland Police,
 - Anti-Human Trafficking Unit in the Prime Minister's Office
 - Swaziland Action Group Against Abuse (SWAGAA
 - Ministry of Education and Training.

29. Further, a One Stop Centre has been opened in the Hhohho Region to address cases of Gender Based Violence and provide the required data for cases to efficiently go through the national courts as well as provide rehabilitation and counselling services to both the offender and the victim/ survivor through the social welfare service which also needs strengthening in terms of human capacity and skills. With the exception of the Ministry of Education and Training, these services are provided twenty-four (24) hours a day and are managed by Government and relevant NGOs. Most service providers are trained to deal with cases of gender based violence most of which are very sensitive. Government and civil society partners play a key role in supporting such capacity building
30. Chairperson, Swaziland takes the issue of marital rape seriously. As such, Section 151 of the Sexual Offences and Domestic Violence Bill criminalizes marital rape. Further, Section 48 of the same addresses issues of sexual harassment.

TRAFFICKING AND EXPLOITATION OF PROSTITUTION

31. In recent years, Swaziland has unfortunately become a conduit for trafficking in persons, including prostitutes, destined to neighbouring countries. Most of the trafficked persons are from within and outside the African continent. In some extent, Swaziland is also a source and destination for trafficked persons. The victims for trafficking are also males trafficked mainly for labour exploitation and women are mostly trafficked for sexual exploitation.
32. The Government takes the issue of trafficking very seriously and has established a number of institutions and structures to deal with this emerging problem. For instance, the Government enacted The People Trafficking and People Smuggling (Prohibition) Act, 2009 and then established the Secretariat of the Anti-Human Trafficking under the Prime Minister's Office. The location of the Secretariat alone attests to the importance the Government attaches to this problem. Further government set up the Taskforce for Prevention of People Trafficking and People Smuggling, and a toll-free line against trafficking in persons. The Government is

committed to strengthening these structures in order to combat trafficking in persons holistically and as effectively as possible.

33. Government is also committed to harmonising the various laws, particularly those that impact on human trafficking. It is important to mention that Swaziland does not charge Victims of trafficking with violation of immigration laws. In fact, the necessary risk assessment is conducted before a victim of trafficking is returned to his/her country of origin. Additionally, bilateral discussions are going on between the Kingdom of Swaziland and the Republic of South Africa and the Republic of Mozambique on issues including people trafficking among others.

34. Since the enactment of The People Trafficking and People Smuggling (Prohibition) Act of 2009, the number of reported cases of human trafficking is about 50. Government believes that this figure could be much higher but data collection of Human trafficking is still a challenge. Swaziland is hopeful that cooperating partners, including appropriate UN Agencies will provide technical assistance to enhance human and institutional capacities on data collection.

Prostitution

35. Chair person, In Swaziland Prostitution has not been legalised. However, the state does not condone violence against its citizens, including prostitutes. Therefore, the necessary legal framework has been put in place to deal with and prosecute offenders. Advocacy and education campaigns are used to educate the public and the legal fraternity that any woman, regardless of her profession or social status, has a right to a life free from violence. This is also covered under Section 3 Subsection 6 of the Sexual Offenses and Domestic Violence Bill, 2013.

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

36. Chairperson, In Swaziland women are important and active players in politics and public life as well as decision making. For example, in running the affairs of the

country, His Majesty the King works in close consultations with Her Majesty the Queen Mother.

37. In politics, women contest with their male counterparts for parliamentary seats. However the Swazi public is not yet accustomed to vote for women. This is evidenced by the fact that during the 2013 general elections only one woman was successfully elected to parliament. His Majesty the King subsequently elected three women to the House of Assembly and five into the Senate. Further, the Members of Parliament, elected their own five women into Senate thus making the total number of women in Senate ten (10) out of out of the possible number of thirty.

38. The National Constitution does make provision for an additional four female Members elected from the four Regions in order to meet the 30% quota and this is currently ongoing. The SADC Protocol on Gender and Development further increases the quota for women representation to 50% to which Swaziland has also committed towards achieving. To achieve this government has conducted a study on women in politics and decision making positions which will inform the strategy on women's active participation in politics and decision making. We look forward to the positive outcome in the coming 2018 national elections as a result of this initiative.

Nationality

39. Consultations are ongoing on the issues of transmission of Swazi citizenship by Swazi women to children whose fathers are foreigners. Foreign husbands married to Swazi women are granted Swazi citizenship.

Education

40. The Ministry of Education and Training (MOET) has developed a primary school curriculum, which includes science and mathematics as compulsory subjects. The Sector Policy approved in 2010 also includes Information Technology. In addition the Ministry is partnering with other countries at a bilateral level to institute an information technology mentoring programme, particularly with volunteer teachers from Asia being seconded to support the IT, science and mathematics uptake

programme. The Ministry however is taking the necessary measures to ensure that girls do take these subjects so that this does not remain a policy matter. Government is also developing programmes to improve schools infrastructure in the rural areas so as to increase access to education.

41. These new developments will have positive outcomes which are more inclusive of girls and young women and open up better professional and career choices. As noted the fact that girls and young women do not have a high uptake of science and mathematics at school level compromises their opportunities to have careers which are regarded as non-traditional for women and which also have better remuneration.

42. The Ministry has also issued a policy statement discouraging the use of corporal punishment in schools. Further the ministry is working with Save the Children to train school heads and inspectors to encourage the use of positive discipline in all schools. The aim is to eventually abolish the use of corporal punishment. All matters related to gender based violence are reported to the Department of Guidance and Counselling. Investigations are undertaken and discipline is meted out accordingly based on the findings. In instances where a matter is reported to a court of law, the matter would therefore be deferred to the justice system for the necessary course of action.

Employment

43. With regards to barriers in relation to women's access to employment benefits, there are no formal requirements for women to provide marriage certificates as proof of matrimony in order to access their employment benefits. It is a requirement for both women and men that some form of identification be presented when claiming benefits. This has been greatly facilitated by the fact that most Swazis now have National Identification Cards, which are also acceptable. In instances where an institution requires proof of identity an affidavit is also permissible. This is done in order to protect the assets in question.

44. As a rule, the matter is dealt with by the Master of the High Court and notwithstanding the various social and cultural constraints that women may face in finding recourse through the court system; many continue to challenge relatives who deprive them of their lawful benefits. Many civil society organizations also undertake to constantly educate the public on their rights vis a vis inheritance and encourage the drafting of Wills.
45. Registration of assets and drawing up of will and testimony remains a challenge for a larger population in Swaziland as well as the registration of marriages and deaths hence making it difficult to administer estates and secure benefits for most of our rural population and the protection of women's rights to their husbands inheritance and land ownership.
46. Further, the Children's Protection and Welfare Act, 2012 provides for the protection of inheritance; in the form of land and assets to children who have lost their parents particularly the girl child.
47. On issues of maternity leave the Employment Act, 1980 and as amended, stipulates the three months fully paid leave although this is not fully enforced throughout the labour market. Efforts are being made though to revise the legislation to enforce this requirement in consultation with all stakeholders.

Health

48. The Government of the Kingdom Swaziland is committed to ensuring quality health care for all citizens and reducing maternal deaths from pregnancy complications and childbirth. There has been improved performance on some of the indicators such as the anti natal care (ANC) attendance, skilled birth attendance, facility deliveries and reduced mother-to-child-transmission (MTCT).
- ANC attendance for the first visit is 97%, while birth attendance by skilled personnel has increased to 82 %,

- Facility deliveries are now at 80%.
- Reduction of mother to child transmission at 6-8 weeks has been reduced to less than 2%.

49. The Prevention of Mother to Child Transmission (PMTCT) of HIV initiative is the key intervention for pregnant women to stay healthy and deliver HIV free babies using the 4 prong approach.

PMTCT, STI and ART services are decentralized to the peripheral clinics reaching a total coverage of 88% and 86% HIV positive pregnant women are receiving ARV prophylaxis fully subsidised by government

- PMTCT coverage is now 88% reaching most of the delivery facilities;
- 76% of HIV positive pregnant women are provided with the full course of ARV prophylaxis.

Access to ART has therefore increased, with implementation continuously being accelerated.

50. Swaziland has repositioned its health care services to ensure the integration of family planning with HIV service provision. The Government has also committed to strengthening the SRH programme by allocating adolescent, and gender in SRH coordinating officers to implement, the male involvement strategy. Working documents are in place to guide health care workers for service provision. Community mobilization for increased utilization of family planning services has been introduced.

51. Chairperson, I have summarised the responses to the concerns raised by the Committee on the progress made by the government of Swaziland as regards to women's issues in line with CEDAW. The Government is grateful for all the support that we have received in the completion of the CEDAW Report and the guidance on the processes and procedures in order to understand the government obligations. This has been a learning curve for the government and we trust that this experience will ensure that future reports are fully compliant and submitted timeously.

52. We look forward to fruitful deliberations and my delegation stands ready to provide you with responses to your questions.