

Swaziland

Population	1 147 617
Female population (as % of total population)	51.8
Women's life expectancy (in years)	39.4
Men's life expectancy (in years)	39.8
Fertility rate (average births per female)	3.6



Degree of gender discrimination (based on SIGI quintile)

Low	Low/medium	Medium	Medium/high	High
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The Constitution of Swaziland, adopted in February 2006, grants the same legal rights to men and women, but tradition continues to limit women to inferior roles. Legislation in Swaziland is based on a dual system of traditional and civil law. Several discriminatory laws are still in force, having not yet been aligned with the anti-discrimination measures in the Constitution.

About one-third of households in Swaziland are headed by women. Those living in rural areas face the greatest challenges as their lives are largely determined by common law, which contains numerous provisions that undermine gender equality.

Family code

The Family Code in Swaziland grants women few rights. The minimum legal age for marriage is 18 years for both men and women, although early marriage occurs in exceptional cases, and women aged 16 or 17 years can marry with their parents' consent. A 2004 United Nations report estimated that 9% of girls between 15 and 19 years of age were married, divorced or widowed. For the most part, marriage is still governed by unwritten traditional laws and the practice of arranged marriages involving young women persists. Couples often marry in a civil ceremony, but adhere to traditional rules. This can create confusion over which regulations to apply in regard to divorce, child custody or inheritance.

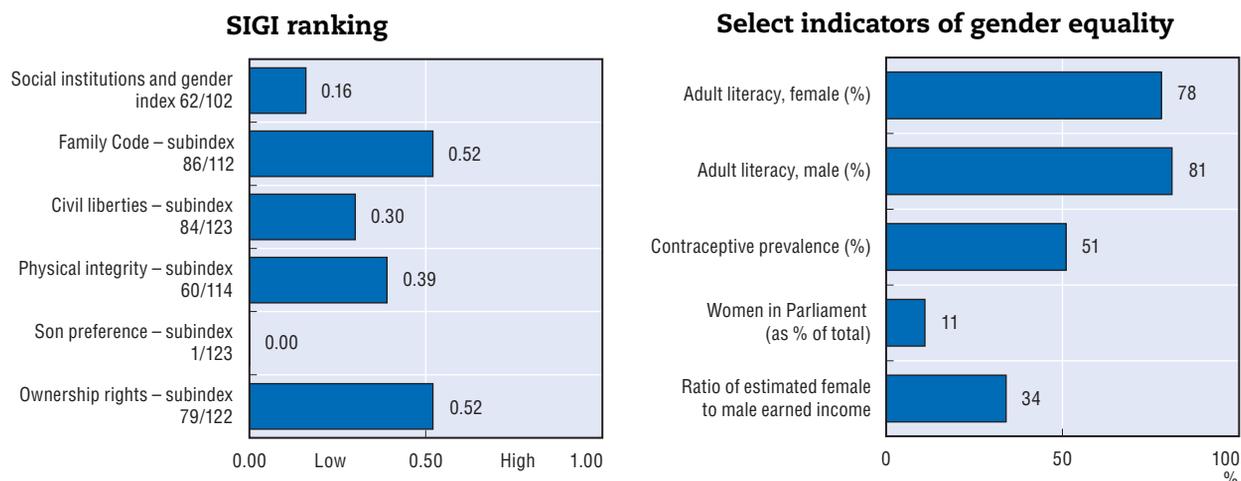
Polygamy is authorised in traditional marriages in Swaziland. It is not permitted under civil law, but this regulation is commonly ignored.

The Constitution stipulates that children are awarded the citizenship of their father. Fathers have parental authority unless a child is born out of wedlock and the father does not request authority. In traditional marriages, children belong to the father and his family, who are given custody following divorce.

There is no evidence to suggest that legal discrimination exists in the matter of inheritance, but traditional law dictates that only men can inherit.

Physical integrity

The physical integrity of Swazi women is not sufficiently protected. Although legislation has been passed to curb violence against women, such violence is common. Under both traditional and civil systems of law, women have the right to press charges



against husbands who commit acts of violence. Many women in urban areas take this course of action when intervention by the extended family fails to stop the abuse. In rural areas, few victims take legal action for fear that traditional courts will view them as being “disobedient”. Rural courts are less likely than urban civil courts to convict husbands for spousal violence.

Rape is common in Swaziland. Even though it is punishable by law, many men consider it only a minor crime. Women often feel too ashamed to press charges, particularly in cases of incest. Female genital mutilation is not a common practice in Swaziland.

There is no evidence to suggest that Swaziland is a country of concern in relation to missing women.

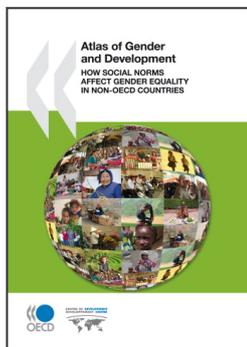
Ownership rights

The new Constitution provides for equal access to land for men and women. However, when a business is registered in a woman’s name, the land on which the activity takes place is generally registered under a man’s name (the husband or another male family member).

The new Constitution gives all women access to property other than land, but traditional practices persist. Recent amendments to the Constitution give married women the right to access to bank loans and to open bank accounts without their husband’s permission, but it is too early to evaluate the effects of the new legislation. There seems to be some evidence that banks continue to refuse personal loans to women who are unable to provide a guarantee supplied by a man.

Civil liberties

Despite recent progress, the civil liberties of women in Swaziland remain limited. Widows face particular restrictions in freedom of movement. Upon their husband’s death, they are confined to the marital home for a period of mourning that can last from one month to three years and they are considerably restricted in their actions throughout this period. The new Constitution grants women the right to obtain a passport without their husband’s authorisation. There are also no reported restrictions to women’s freedom of dress.



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