

# VIII. SWAZILAND RECOMMENDATIONS

## To the Government of Swaziland:

### I. Comprehensively Advance Women's Human Rights and Address Violations, including:

#### A. Legal and Policy Reform to Eliminate Gender Discrimination

- Systematically end discrimination in marriage, inheritance, property and employment laws, and harmonize laws with international human rights instruments, to ensure that women and men enjoy equal status under civil law and to enable women to have equal access to economic resources, such as credit, land ownership and inherited property.
  - Work with civil society organizations to draft laws called for by the Constitution, such as legislation conferring inheritance rights on surviving spouses.
  - Build capacity in the Attorney General's office to fast track reforms and domestication.
- Enact domestic and sexual violence legislation to end impunity for gender-based violence and ensure women recourse and protection from violence in all its forms, including marital rape.

#### B. Dissemination of Information and Assistance Regarding Recourse for Rights Violations

- Collaborate with civil society organizations to facilitate community dialogues in each chiefdom to educate the populace on women's rights and equality under the Constitution.
- Increase knowledge of and access to legal remedies and victims' services, including providing legal aid and sensitizing law enforcement agencies and the judiciary through training programs.
- Support short-term safety nets for women who are the victims of violence, abandonment, disinheritance or other acute abuses through the provision of post-exposure prophylaxis for HIV, shelter and other emergency services and care, in partnership with civil society organizations.

#### C. Popular and Civic Education to Change Gender Norms

- Incorporate comprehensive sexuality education, gender and human rights awareness into basic educational curricula with the goal of changing norms and expectations and promoting equality regarding male and female social roles, including in intimate relationships.
- Conduct outreach to radio, print and television media to:
  - Reinforce positive messages and marginalize stereotypes;
  - Challenge gender-discriminatory attitudes;
  - Broaden the public health discourse to include discussion of relationship power dynamics and healthy sexuality (i.e., targeting social norms that sanction men's behavior, challenging gender roles, increasing risk perceptions, presenting supportive male and empowered female role models).

#### D. Building and Creating Institutional Capacity to Address Gender Issues

- Build capacity and resources in the Gender Desk at the Ministry of Home Affairs.
- Appoint gender-balanced representation to all commissions embedded in the Constitution of Swaziland, including those that will consider gaps related to gender, such as citizenship restrictions, and monitor implementation of provisions that promote and protect women's rights, such as the right not to comply with a customary practice to which a woman objects.

## II. Mitigate Poverty and Meeting Basic Needs By:

### In the Short-Term:

- Mobilize donors, local organizations and farmers to assist vulnerable populations, in particular PLWA and poor women, to meet basic needs for food sufficiency, potable water and irrigation, and shelter.
  - Food should meet the needs of HIV-positive persons.

- Programs should feed the whole family of a vulnerable person.
- Home-based care programs, schools, workplaces, treatment centers, PLWA support groups and other service sites and organizations should be assisted to provide food aid, including appropriate training and resources for staff.

#### *In the Medium- and Long-Terms:*

- Address the underlying causes of food insufficiency and failure to meet other basic needs, and recognize that women and girls disproportionately experience poverty and the burdens of care-giving, by providing skills training and sustainable programs directed at creating economic opportunities particularly for women, PLWA and families affected by HIV/AIDS.
  - Ensure access to loans, credit and training (e.g., marketing, entrepreneurship, business skills) through microfinance projects.
  - Create local employment and educational/training opportunities, particularly for and led by women, such as community-based income-generation projects.
  - Undertake efforts to strengthen rural livelihoods, including providing land for communities and PLWA for both subsistence and commercial farming to improve nutrition and raise resources.
  - Legislate and promote equity in wages for factory workers to decrease co-habitation; create legal protections for women in the informal economy.

### **III. Eradicating HIV/AIDS-Related Stigma and Discrimination Through:**

#### *A. Leadership and Legal/Policy Reform for Support and Protection of Affected Persons*

- The King, national politicians, chiefs, community leaders and church leaders should publicly test for HIV and encourage people to test at every opportunity.
- The King should propose, and Parliament enact, comprehensive legislation and policy addressing HIV/AIDS and discrimination, and strengthen enforcement of prohibitions, with particular attention paid to employment practices.
- All sector ministries should set, fund, monitor and be held accountable for meeting gender equality objectives as part of the national HIV/AIDS strategy.
- Church leaders should end complicity in stigmatization and play educational roles to support gender

equality and end discriminatory customary practices in marriage and other areas.

- Traditional leaders should endorse programs that promote gender equality; ensure access by community to testing and treatment; and denounce, discourage and call for transformation of harmful customary practices.

#### *B. Challenging Prejudices and Closing Information and Services Gaps*

##### *With Regard to Information/Education:*

- Incorporate anti-stigma education at the community and primary and secondary school levels and support linkages between grassroots peer educators.
- Create a coordinated media campaign, including television and radio messages on prevention and testing.
  - Disseminate real people's stories of living with HIV.
  - Address risk, vulnerability and fear of stigma directly and integrate gender concerns into prevention messages (i.e. forced sex, power in relationships).
  - Target people's misperceptions concerning HIV transmission, the equation of HIV with physical illness, condom effectiveness and other topics.
- Work with PLWA groups and other civil society organizations to create or adapt and widely disseminate information on testing, prevention and treatment.

##### *With Regard to Testing and Health Services:*

- Ensure the "three Cs" are implemented with respect to all forms of testing: confidentiality, counseling and informed consent.
- Identify and close other services gaps, including:
  - Meeting reproductive and sexual health needs for HIV-positive women.
  - Collaborating at the level of NERCHA, local governments and the Ministry of Health to create a "supermarket" of comprehensive health and social services around the provision of VCT.
  - Strengthening referral systems from testing to treatment.

## **To the US Government:**

### **I. Expand HIV/AIDS Aid Programming and Promote Women's Rights:**

- Require that a gender focus be incorporated into US-funded programs.
  - Foster integration between HIV/AIDS programs and development programs focused on health, education, poverty reduction and respect for women's rights.
  - Increase the US Government's investment in programs that promote women's and girls' access to income and resources, support primary and secondary education for girls and strengthen women's legal rights.
  - Coordinate US-funded programming with other bilateral and multilateral development programs promoting gender equality.
- Invest in locally produced television and radio public education messages that focus on the availability of voluntary and confidential HIV testing and treatment. Assure that all public education campaigns promote women's rights and empowerment.
- Invest in the local development of programs that eliminate discriminatory attitudes toward women and promote gender equality.
- Mandate that the Government of Swaziland ensure that the "3 Cs" (confidentiality, counseling and informed consent) are implemented and monitored in all HIV testing programs; provide technical assistance as necessary.
- Contribute to the formation of a national plan for identifying and establishing best practices for scaled-up HIV testing. This plan should be developed with substantial local input from PLWA and women who are particularly vulnerable, such as poor women or those experiencing food insufficiency.
- Foster participation of women in national AIDS policy making and implementation.
  - Fund women's and PLWA organizations and facilitate the establishment of networks to strengthen organizational capability and contribute to a corps of skilled women leaders, especially women living with HIV/AIDS.

### **II. Contribute to Food Sufficiency, Particularly for Women and PLWA:**

- Increase funding to the World Food Programme.
- Initiate and support programs that address the link between food insufficiency and women's vulnerability to HIV infection.
  - Support the expansion of existing programs to help PLWA and poor women obtain food, shelter, and potable water.
- Adopt policies and legislation oriented toward promoting the population's capacity for self-sufficiency in food production, including:
  - Encourage local purchase rather than shipping of foodstuffs; require minimum percentages of locally purchased food in US farm aid laws.

## **To All Donors:**

### **I. Build Gender Reform Capacity in the Government and Civil Society Organizations:**

- Provide training, technical assistance and financial resources to women's organizations and other civil society actors to create collaborations and undertake civic education, political advocacy and popular campaigns relating to women's rights.
  - Provide technical assistance to draft legislation, such as marriage and administration of estates bills, in compliance with international human rights instruments, to use for lobbying government to review these acts.
  - Mobilize resources and identify cases for test litigation, with the goals of judicial education and creation of dialogue around these issues as a lobby and advocacy tool.
  - Building capacity in the Attorney General's office to advocate for gender reform legislation and constitutional and human rights commissions.

### **II. Contribute to Food Sufficiency, Particularly for Women and PLWA:**

- Urge expansion of the World Food Programme criteria for food aid to include all PLWA and affected families; provide food at the point of treatment; provide school-based feeding for all children; and encourage private employers to provide food for workers on site.
- Increase food aid and aid for other basic needs, including the support of:

- Farming cooperatives, extension schools and other agricultural initiatives to foster local capacities.
- Meals provision at school, work, training programs and treatment centers and through home-based care.
- Legal aid projects to assist widows and orphans in securing productive land.
- Implementation of nutritional monitoring in the most vulnerable communities to promote care of malnourished women and children.
- incorporate participation by affected populations in design, evaluation and testing programs;
- focus on increasing readiness to test;
- facilitate access to treatment; and
- ensure the “3Cs:” confidentiality, counseling and informed consent.
- Address people’s persistent fears of being stigmatized including support for PLWA organizations and networks to increase their visibility and services by funding the expansion of national networks, training officers for NGOs and supporting capacity building for PLWA in their community mobilization and sensitization efforts.

### **III. Assist the Government to Close Services Gaps and Support the Assurance of PLWA Rights:**

- Assist the Government to expand and monitor current testing and treatment programs that should: