

YOUTH POLICY REVIEW SERIES

Simangele Mavundla  
Nondumiso Dlamini  
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Youth and  
Public Policy in  
**Swaziland**

A publication of  
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## List of Acronyms

AfDB	African Development Bank
AGOA	African Growth and Opportunity Act
AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
AYC	African Youth Charter
CEDAW	United Nations Convention on the Elimination of All Discrimination Against Women
CRC	United Nations Charter on the Rights of the Child
CSO	Central Statistics Office
CYDI	Commonwealth Youth Development Index
D&D	Demokratie & Dialog
DHS	Demographic and Health Survey
DPOs	Disabled Persons Organisations
EBC	Elections and Boundary Commission
FLAS	Family Life Association of Swaziland
FODSWA	Federation of organisations of the Disabled in Swaziland
GDP	Gross Domestic Product
HDI	Human Development Index
HDR	Human Development Report
HIV	Human Immunodeficiency Virus
ICT	Information and Communications Technology
ILO	International Labour Organisation

IPPF	International Planned Parenthood Federation
MDGs	Millennium Development Goals
MEPD	Ministry of Economic Planning and Development
MISA	Media Institute for Southern Africa
MRDYA	Ministry of Regional Development and Youth Affairs
MSCYA	Ministry of Sport, Culture and Youth Affairs
NDS	National Development Strategy
NERCHA	National Emergency Response Council on HIV and AIDS
NGO	Non-governmental organisation
NYEF	National Youth Enterprise Fund
OSF	Open Society Foundation
OVC	Orphaned and Vulnerable Children
PEPFAR	President's Emergency Plan for AIDS Relief
SADC	Southern Africa Development Community
SNYC	Swaziland National Youth Council
SUDF	Swaziland United Democratic Front
SWAGAA	Swaziland Action Group Against Abuse
SYWON	Swaziland Young Women's Network
TVET	Technical and Vocational Education and Training
TYC	Tinkhundla Youth Committees
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDAF	United Nations Development Assistance Framework (UNDAF)-2011-2015
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
WHO	World Health Organisation
WLSA	Women and Law in Southern Africa Research and Educational Trust — Swaziland
YDC	Youth Development Consortium



# Executive Summary

In recent years, Swaziland has made significant progress in developing national policies, laws and strategies of relevance to youth. The country adopted its first National Youth Policy in 2009, ratified the African Youth Charter in 2013 and has developed public policies in a range of areas such as education and training (2010), gender (2010), disability (2013), and sexual and reproductive health (2013). In the same period, Swaziland has adopted a number of international frameworks, and worked with international organisations to develop programmes that seek to improve the lives of young people.

However, despite these commitments, the majority of young people in Swaziland face significant challenges and exceptionally poor outcomes - particularly in the areas of health, employment and participation. The country has the highest rate of HIV prevalence in the world, one of the highest rates of youth unemployment in Africa, and opportunities for young people's political participation are seriously, and sometimes violently, curtailed. In all of these areas, and more, young women consistently experience worse outcomes, and face multiple barriers that restrict their full participation in the life of the country.

It is this gap between aspirational policy frameworks and the realities experienced by young people in Swaziland with which this review is concerned. With support of the New York-based Open Society Foundation's Youth Initiative, a team of young researchers sought to investigate the extent to which public policies that affect youth, reflect their aspirations, ambitions, and realities. The review also aims to identify potential opportunities to improve outcomes for youth in the country.

## Research Methodology

Between September 2013 and December 2014, a four-person team was assembled to conduct this review. This team included one international advisor, one local lead researcher, and two country researchers. The research process was divided into four phases:

- » **Initial desk review of background documentation and empirical research.** Key data, reports and policy documents were gathered and analysed in order to establish baseline data and identify areas for investigation.
- » **Country report draft.** A preliminary literature review was drafted based on data collected from the initial desk review. Evident gaps and hypotheses arising from this initial country report draft served to inform the research questions for the country field visits.
- » **Country field visits.** Two field visits took place; the first with young people from Manzini and Shiselweni, explored their aspirations and the challenges they face; the second involved meetings with policymakers, government officials, NGO leaders and community leaders in various locations around the country.
- » **Finalization of country report.** Results and findings from this field visit were analysed and compiled into this report.

## Key Findings

In examining the **situation of young people**, the review highlights the ‘youthful’ nature of the country. The review team reports that nearly four in five Swazi’s are under the age of 35, and two in five are between the ages of 15-35 - the definition of youth employed by the 2009 National Youth Policy. Within this context, the extent to which the country’s prospects are dependent on securing positive outcomes for its youth becomes apparent.

Yet the reality is disturbing. Although classified as a lower-middle income country, 63% of Swaziland’s population live on less than US\$ 1 per day, making it one of the most unequal countries in the world. Moreover, current employment prospects for youth are unlikely to change this situation. In 2009, the official youth unemployment rate was 49.3% down from 52.7% in 2007. However, over the same period there has been no increase in

youth employment. The situation is most pernicious for young women and young people in rural areas.

The review examines youth participation in political processes. The ‘youth bulge’ – combined with increased opportunities for global communication and youth activism – have put governments under increasing pressure to listen and respond to the demands of young people worldwide. However, despite the fact that the laws and policies of the country appear to provide an enabling environment, young people in Swaziland face serious challenges in accessing and influencing policymaking processes and governance in the country.

The pressing challenge of HIV is also examined, and the stark reality of gender inequality in this area revealed. Although the situation is improving, Swaziland has one of the highest rates of HIV prevalence amongst youth in the world. The disparities between men and women are enormous with 5.9% of young men and 22.7% of young women aged 15 to 24 infected.

Throughout the review, the role of gender in determining life chances for young Swazis is reiterated. The review reinforces the commonly held perception that there is significant discrimination against women in Swaziland. This is manifested in terms of restricted access to productive resources such as land, education, and employment, and high levels of gender-based violence. It is also noted that discrimination against the LGBT community is prevalent in society, and throughout the country’s political and legal systems.

The review examines Swaziland’s **youth policy context** and notes that the Swazi government has put in place a plethora of national policies, laws, and strategies. However, it finds that laws and policies encouraging youth participation in political processes are limited.

The main findings of the review are presented in the **Swaziland policy realities** chapter. A range of factors, most notably the country’s poor macro-economic performance, and the failure of the economy to create employment opportunities, explains the weakness of the labour market situation. Swaziland’s economy grew at an average rate of 2.2% in the last decade, lower than every other country in the Southern African Development Community. In addition, it is reported that the situation of youth unemployment is exacerbated by: difficulties in access to credit; a mismatch between the

content of curricula and the skills demanded by the labour market; saturation of graduates in particular fields of study; access to public sector jobs (when available); the need to be linked to personal networks and at times to bribe officials; and the struggle that Swazi businesses face in being competitive within a globalised market place. The systems and processes put in place by the Swaziland government for business registration, and the acquisition of relevant operating licences, are reported to hinder the growth of youth-led businesses in the country.

The review highlights that health outcomes for young women are worsened by a range of socio-cultural factors, such as low status, exposure to intergenerational relationships, and the prevalence of gender-based violence. Young people's access to sexual and reproductive health services is of particular concern; the participants interviewed believed that most women, and young women in particular, do not have full control over their sexual and reproductive health. Owing to perceived failures in the government health care system, the preference amongst some youth for traditional health services is highlighted.

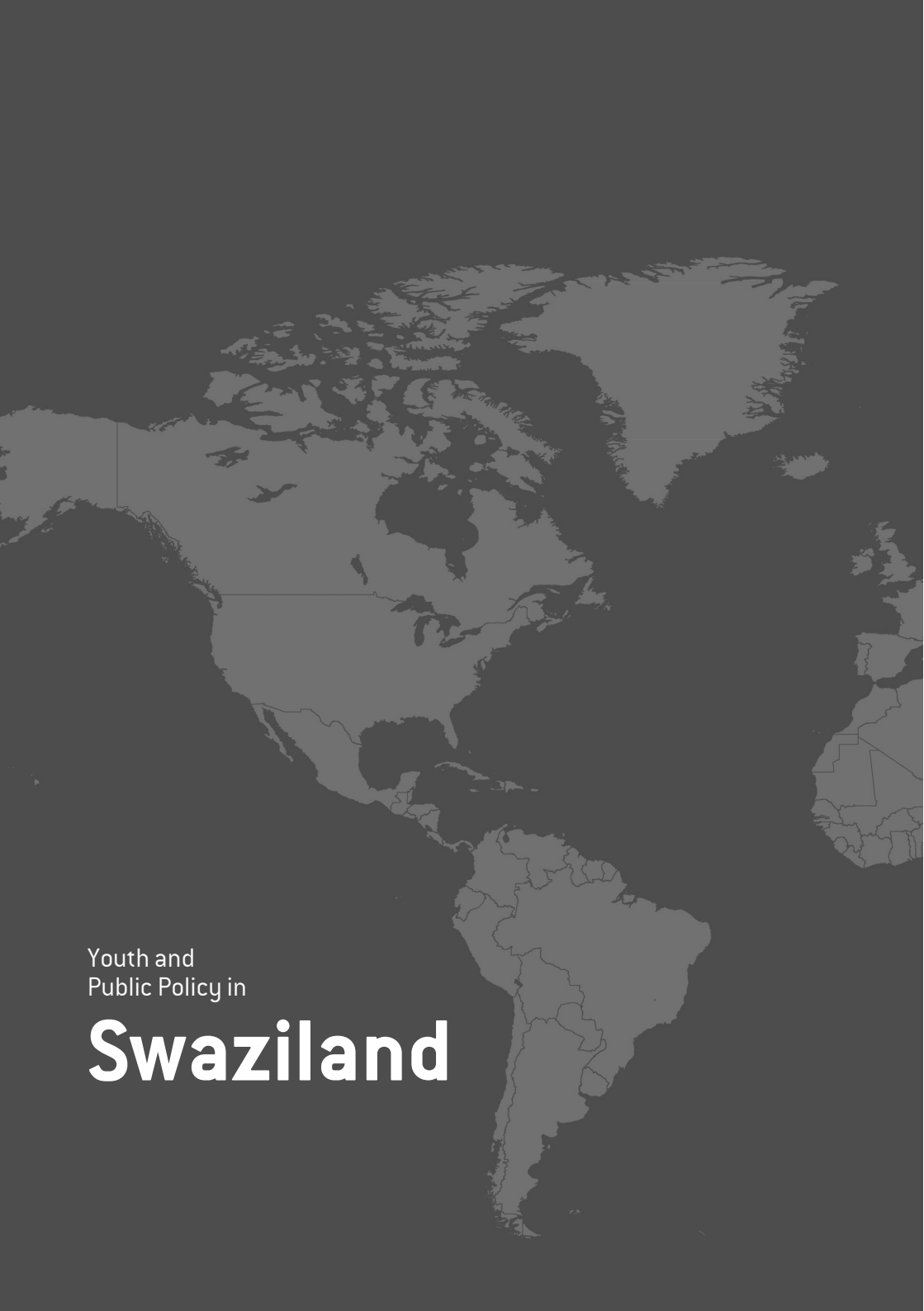
The ban on political parties, the Tinkhundla system of governance, and a gerontocratic climate in which the views of youth are considered less significant than those of elders is reported to restrict youth participation in governance and exclude voices of dissent. Youth voices are missing in policy formulation as a top-down approach is adopted to their issues: older people monopolise the decision making process in the country; gender stereotypes and the exploitation of culture are seen as ways of curtailing the participation of young women and women in public life; and youth-led NGOs face lack of capacity and financial challenges.

A series of factors that hinder the attainment of equality between young women and young men is presented. The study reveals that the main barriers to the attainment of gender equality include a lack of development opportunities, the reinforcement of gender-based stereotypes through socialisation and culture, early marriage, and a discriminatory legal and political framework.

The review explores the **policy implications** of the findings, and outlines a series of **recommendations** related to the policy areas of health, employment, gender and participation.







Youth and  
Public Policy in

# Swaziland

# Background to the Pilot Review

# 1



## 1.1 Rationale for the Pilot Review

The Swaziland report on youth policies follows a pilot series of six reports reviewing public policies affecting young people in the following countries: Estonia, Kyrgyzstan, Liberia, Nepal, Serbia, and Uganda. The pilot project consisted of research teams on the ground to conduct analyses based on a specially developed evaluation matrix, assisted and supported in the research process by international advisors. An International Editorial Board supervised and evaluated the pilot process.

The Open Society Youth Initiative provided funding for the pilot project. The Youth Initiative supports young people in their efforts to be agents of positive change and advocates for the full and effective participation of all young people in the political, social, and cultural life of their communities.

The pilot project had the following objectives:

- » To review public policies pertaining to youth (including, but not exclusively specific to, youth policies) in several countries using the draft evaluation matrix specifically developed for the purpose.
- » To make available research that will allow young people to engage in an informed debate on the public policies affecting them and their communities in the countries concerned.
- » To build a pool of young researchers capable of evaluating policies pertaining youth, including specific youth policies.
- » To contribute to building the capacity of the youth sector in the targeted countries to research public policy issues.
- » To develop the evidence base for pilot advocacy activities in cooperation with the Open Society Youth Initiative and other partners.
- » To broaden the scope of the international youth sector to include general policies pertaining to youth that goes beyond specific youth policies.
- » To develop the capacity of the international youth sector and its partners and networks for evidence-based strategy development for young people and their issues.

## 1.2 Rationale for the Review in Swaziland

This review aims to examine the extent to which youth issues and young people are considered within public policy in Swaziland. The review explores the extent to which public policies in Swaziland that affect youth, reflect their aspirations and ambitions. It also seeks to assess how these policies are being implemented. More specifically, the review seeks to answer the questions: to what extent are youth issues integrated in Swaziland's national policy frameworks? To what extent are these policies being implemented? And, what gaps exist between the aspirations of young people, the content of policies, and the realities experienced by young people in Swaziland?

This report is imperative for several reasons. Firstly, to date no comprehensive report, which takes a critical approach to analysing youth-related public policies and the status of youth in Swaziland, has been undertaken. Secondly, with youth comprising over 30% of the national population, it is becoming increasingly important to understand the situation of this population group, the extent to which public policies meet their aspirations, and to explore opportunities for improvement. Thirdly, as will be seen from the evidence presented in this review, young people frequently experience poor outcomes or are disproportionately affected by negative outcomes in key areas of public policy. To this end, this report outlines a series of recommendations that are designed as a guide and challenge to policy makers and those responsible for the services that affect young people's lives. It is hoped that these recommendations will inform and influence policy-level decision-making processes, with the ultimate aim of improving outcomes for young people in Swaziland.

## 1.3 Approaches and Methodologies

This review commenced with an initial orientation meeting held in Berlin, Germany in November 2012. At the orientation meeting, the country team discussed and reached provisional agreement on the thematic areas for the review, developed a tentative timetable for the project, and identified possible national partners.

Following the completion of relevant administrative processes, the project commenced with an in-country kick-off meeting, attended by all research team members and the national partner organisation – Swaziland Young Women's Network (SYWON). During the kick-off meeting, a stakeholder mapping exercise was undertaken. In addition, the kick-off meeting was used to agree upon the methods of data collection and to outline a plan for fieldwork research.

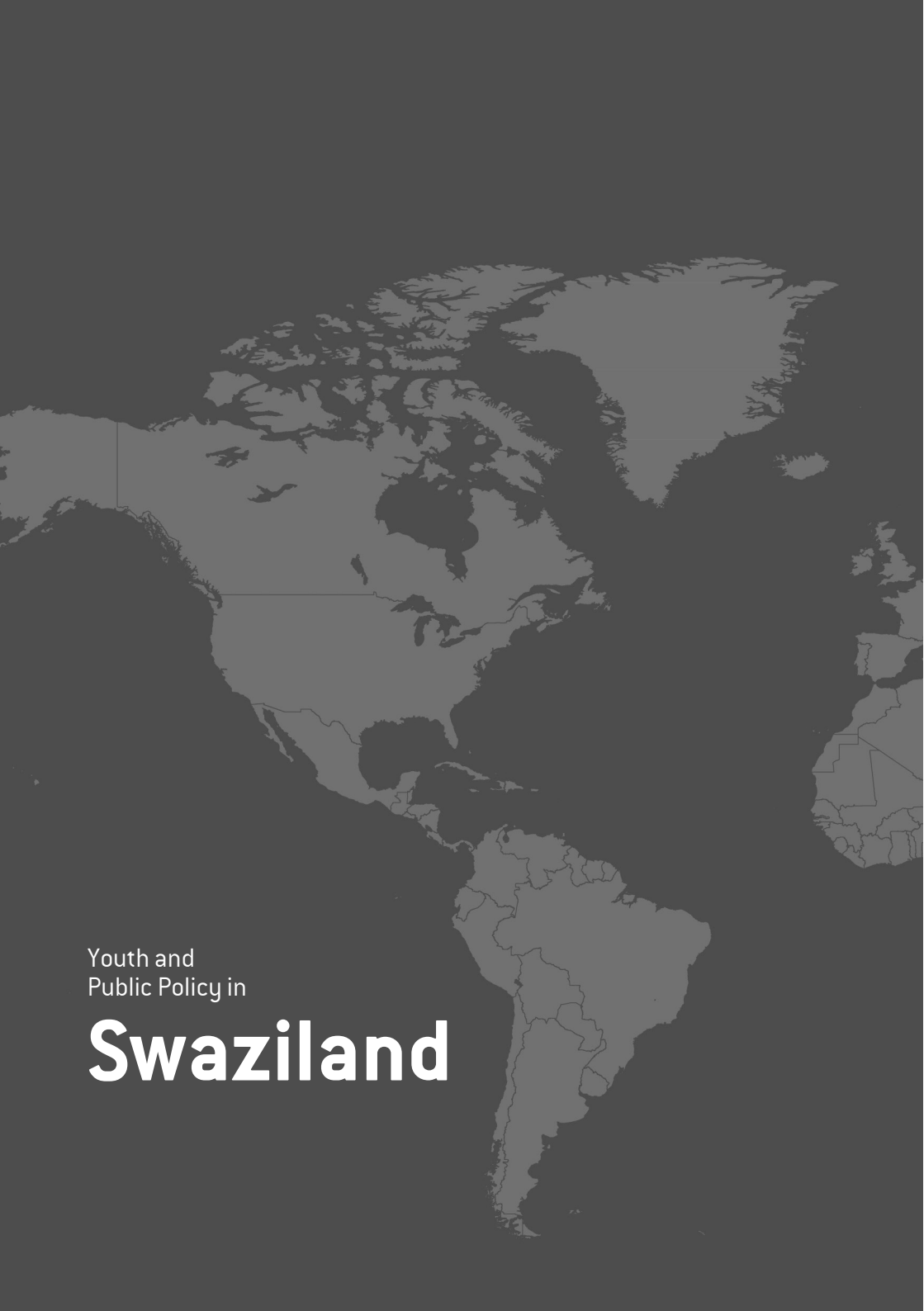
Between the orientation and kick-off meetings, the Swaziland research team undertook preliminary desk-based research into four thematic areas deemed to be of critical importance to young people in Swaziland: employment, gender, health and participation in decision-making. Drawing on the various provisions of national and international policies and frameworks, national and international reports, and media coverage of youth issues, the team formed an assessment on the status and situation of youth; with specific reference to the thematic areas identified.

The preliminary desk review provided the basis for review questions, as well as the identification of stakeholders whose contributions would enrich the review. During two rounds of fieldwork, conducted during December 2013 and February 2014, data were collected through interviews (semi-structured interviews with youth and, key informant interviews with policy officials, civil society respectively), and focus group discussions. A draft of the review was presented to stakeholders' in a validation meeting to corroborate the findings, share major conclusions and to draw further recommendations.

In the first round of fieldwork, individual interviews and focus group discussions were held with young people in rural and urban areas in Manzini and Shiselweni. The interviews were held with young people exploring their aspirations, the challenges they are facing and how they feel these issues should be addressed. The focus groups sought to explore the same questions and test hypothesis but draw on a wider group of young people.

In the second round of fieldwork, policymakers, NGO leaders and community leaders were interviewed. These interviews sought to; elaborate upon policy areas for which no clear written text exists; clarify gaps; and explore the views of sector leaders on particular government policies. The second round of fieldwork also benefited from the analysis of interviews

and focus group discussions conducted with young people during the first round of fieldwork. The detailed schedules used for interviews and focus groups in both rounds of fieldwork can be found in annex 2.



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# Swaziland: A Brief Background

# 2



## 2.1 Geography and General Demographics

The Kingdom of Swaziland is a landlocked country, the smallest country in Southern Africa measuring 17,364sq Kilometres with a population of 1,018,444.<sup>1</sup> The country is bordered by the Republic of South Africa and Mozambique. Swaziland enjoys a tropical to near-temperate climate along the western highlands, which rises to an altitude of over 1,800 metres above sea level, while the Lowveld areas are generally hot.<sup>2</sup>

The majority (84.3%) of the population is ethnic Swazi, mixed with a small number of Zulus (9.9%), Tsongas (2.5%), non-Africans – Indians (0.8%), Pakistanis (0.8%) and Portuguese (0.5%).<sup>3</sup> SiSwati<sup>4</sup> – one of the official languages of Swaziland (along with English) – is a *Bantu* language of the *Nguni* Group, which is widely spoken in Swaziland and parts of South Africa.<sup>5</sup> It has 2.5 million speakers (inclusive of South Africans where there are an estimated 1.9 million speakers), and is taught in schools as a second language, the primary language of instruction being English.<sup>6</sup> The country is divided into four administrative regions namely: Hhohho, Shiselweni, Manzini and Lubombo.<sup>7</sup> The population of Swaziland is fairly evenly distributed across the country's regions with Manzini having the largest population at 30%, Hhohho 28%, Shiselweni 20% and Lubombo 20% respectively.<sup>8</sup> The distribution also shows that 77% of the population resides in rural

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1. Government of Swaziland: Central Statistics Office. (2010). 2007 *Population and Housing Census Volume 4*. Mbabane.

2. Ibid.

3. Populstat. *Swaziland: General Data of the Country*. Last modified March 8, 2004. Retrieved February 22, 2015 from <http://www.populstat.info/Africa/swazilag.htm>.

4. Also known as *Swati*, *Swazi* or *Seswati*.

5. KPMG. (2011). *Swaziland – Country Profile*. Retrieved September 23, 2014 from [http://www.kpmg.com/Africa/en/KPMG-in-Africa/Documents/2012-2013%20Country%20Profiles/Swaziland%20Country%20Profile\\_2012-2013.pdf](http://www.kpmg.com/Africa/en/KPMG-in-Africa/Documents/2012-2013%20Country%20Profiles/Swaziland%20Country%20Profile_2012-2013.pdf).

6. Kwintessential. *The SiSwati Language*. Last modified n.d. Retrieved March 18, 2015 from <http://www.kwintessential.co.uk/language/about/siswati.html>. An accurate estimate of the number of siSwati speakers within Swaziland is not available; however, Census figures from South Africa indicate that there might be as many as 1.9 million speakers in South Africa, especially within the Mpumalanga province.

7. Ibid.

8. Ibid.

areas. 53% of the population is female, and of these, 25% are women between 15-49 years.<sup>9</sup> Life expectancy at birth is 48.9 years (47 years for males and 50 years for females).<sup>10</sup> The total fertility rate in 2012 was 3.4 births per woman.<sup>11</sup> Swaziland has the highest HIV prevalence rate of any country in the world, with 26.5% of adults aged 15-49 years being HIV positive. This compares with a rate of 22.9% in Lesotho, 21.9% in Botswana and 19.1% in South Africa.<sup>12</sup> The HIV Prevalence rate among young people aged 15-24 is 15%, a higher proportion of young women of this age are HIV positive (20%) than young men (10%).<sup>13</sup>

The majority of the population of Swaziland are Christians (82.70%). Various Protestant and indigenous African churches, including African Zionist, constitute the majority of the Christians (40%), followed by Roman Catholics at 20% of the population.<sup>14</sup> Non-Christian religions are also practiced in the country, but to a lesser extent, including Islam (0.95%), the Baha'i Faith (0.5%), and Hinduism (0.15%).<sup>15</sup> An estimated 21% of the population also practice traditional beliefs.<sup>16</sup>

Youth is defined as any person between the age of 15 and 35.<sup>17</sup> The World's Youth 2013 Data Sheet estimated that 400,000 of the Swaziland population are aged between 10-24 years, which is equivalent to 36% of the popula-

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9. Government of Swaziland: Central Statistics Office. (2010). *2007 Population and Housing Census Volume 4*.

10. UNDP. *Human Development Report 2013*. The Rise of the South: Human Progress in a Diverse World. Explanatory note on 2013 HDR composite indices – Swaziland: HDI values and rank changes in the 2013 Human Development Report. 2013. Retrieved March 18, 2015 from <http://hdr.undp.org/sites/default/files/Country-Profiles/SWZ.pdf>.

11. World Bank. Fertility Rate, Total (Births Per Woman). 2015. Retrieved February 18, 2015 from <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>.

12. World Bank. *Prevalence of HIV, total (% of population ages 15-49)*. Retrieved February 18, 2015 from <http://data.worldbank.org/indicator/SH.DYN.AIDS.ZS>

13. UNICEF (2014). *State of the World Children Report, 2014 (Every Child Counts: Revealing disparities, advancing children's rights)*. Data adapted from statistical annex.

14. KPMG (2011). *Swaziland – Country Profile*.

15. Ibid.

16. Populstat. *Swaziland: General Data of the Country*.

17. Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*, p. 7.

tion.<sup>18</sup> The Commonwealth Youth Development Index of 2013 identifies the top five commonwealth countries in terms of youth bulge as being the Maldives, Swaziland, Lesotho, Botswana and Grenada.<sup>19</sup> Like many countries, these demographic trends are anticipated to change, and Population Reference Bureau anticipate that in 2050 there will be 400,000 youth aged 10-24 in Swaziland, accounting for 26% of the population.<sup>20</sup> (See Table 1).

**Table 1**

Youth ages (10-24) population projections for 2014 and 2050<sup>21</sup>

	Youth ages 10-24 (millions) 2013	Youth ages 10-24, % of total popu- lation 2013	Youth ages 10-24 (millions) 2050	Youth ages 10-24, % of total popu- lation 2050
Swaziland	0.4	36%	0.4	26%
South Africa	14.9	29%	12.9	23%

## 2.2 Socio-Cultural Context

Swaziland is a largely homogenous society, with a great deal of linguistic and cultural unity.<sup>22</sup> Swaziland has a unique culture and traditions, which are observed and have been passed down from generation to generation. Culturally, Swaziland is a patriarchal society where power is vested in men, and as such includes harmful traditional and cultural practices such as men's abuse of power; the acceptance of male dominance and women's subordinate positions; polygamy; the acceptance of male promiscuity; and

18. Population Reference Bureau (2013): *The World's Youth 2013 Data Sheet*. Retrieved March 16, 2015 from <http://www.org/pdf13/youth-data-sheet-2013.pdf>.

19. The Commonwealth (2013). *Commonwealth Youth Development Index*. Retrieved March 16, 2015 from <http://youthdevelopmentindex.org/views/index.php#OVER>.

20. Population Reference Bureau (2013). *The World's Youth 2013 Data Sheet*.

21. Ibid.

22. Aphane, M. J. D., Hlanze, Z. E., & Dlamini, L. (2001). *Multiple Jeopardy: Domestic Violence and Women's Search for Justice in Swaziland*. Mbabane: WLSA Swaziland. p. 33.

multiple concurrent partnerships; and widow inheritance.<sup>23</sup> Males dominate in all spheres of life including social, economic, political and, within the family, where they are recognised as heads of households and decision-makers, all of which gives them control over members of their family.<sup>24</sup> As will be seen later in this report, patriarchy in Swaziland privileges young men in a range of areas while restricting girls and young women.

In contrast, the position of women is subordinate, as they are considered near minors and they occupy the same legal status as children, often requiring the permission of their spouses to undertake transactions and ventures such as owning land.<sup>25</sup>

The monarchy exercises an extraordinary degree of control over Swazi society.<sup>26</sup> Culturally the King is known as *Ngwenyama* “the Lion”, and is referred to as ‘the mouth that tells no lies’ (*‘Umlomo longacali emanga’*).<sup>27</sup> The King rules the Swazi people in the presence of the Queen mother, otherwise known as “she Elephant” (*Indlovukazi*), and is supported in his rule by traditional chiefs, who are sometimes referred to as the King’s foot-tools<sup>28</sup>. The King holds the land in trust for the Swazi nation.

## 2.3 Socio-Economic Context

Swaziland has unique economic and labour market structure. The economy is relatively diversified with the most productive sector being manufacturing at 43%, followed by services at 23%.<sup>29</sup> Agriculture is estimated to

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23. Ibid.

24. Ibid.

25. Ibid.

26. Kabemba, C. (2004). *Swaziland’s Struggle with Political Liberation*. Johannesburg: Electoral Institute of Southern Africa (EISA). p. 1.

27. Ibid.

28. Ibid.

29. African Development Bank Group, OECD Development Centre, UNDP, Economic Commission for Africa, European Union. (2012). *African Economic Outlook: Promoting Youth Employment 2012*. OECD Publishing. Retrieved August 21, 2014 from <http://www.africaneconomicoutlook.org/fileadmin/uploads/PAGES-%20Pocket%20Edition%20AEO2012-EN.pdf>.

contribute 8% of the GDP. Gross National Income (GNI) per capita in 2009 was US\$2,470 a decline from the previous year, when it stood at US\$2,560, but a significant improvement from 2000, when it was US\$1,550.<sup>30</sup> However, despite its classification as a middle-income country, in 2010 around 63% of the population was living under the poverty line of US\$1 a day, down from 69% in 2001.<sup>31</sup> There is also a high level of inequality in the country – a characteristic which, Swaziland shares with low-income countries – with a Gini coefficient of 51.5 in 2010, putting Swaziland amongst the most unequal countries in the world.<sup>32</sup> Regional variations in relation to poverty across the country are relatively small: Shiselweni is estimated to have the highest poverty rates at 76%, followed by Lubombo at 73% and Manzini and Hhohho at 70% and 61% respectively.<sup>33</sup> Average economic growth during the decade of 2001 - 2011 stood at just over 2%<sup>34</sup> and growth figures for the year 2012 stood at 0.6%.<sup>35</sup> Economic growth is however improving, with the growth rate in 2013 standing at 2.8%<sup>36</sup> – this significant jump in growth rate is attributed to improvements in Southern African Customs Union receipts.

The Swaziland economy experienced a downturn in 2011. This affected many social indicators, and resulted in a fiscal deficit of E1.7 Billion (US\$

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**30.** Ibid.

**31.** Government of Swaziland, National Emergency Response Council on HIV and AIDS, UNFP, Joint United Nation's Programme on HIV/AIDS, UNICEF. 2011. *Swaziland Multiple Indicator Cluster Survey*. Retrieved August 21, 2014 from [http://reliefweb.int/sites/reliefweb.int/files/resources/MICS4\\_Swaziland\\_FinalReport\\_2010\\_Eng.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/MICS4_Swaziland_FinalReport_2010_Eng.pdf); International Labour Organisation (ILO). (2009). *Decent Work Country Programme for Swaziland 2010 to 2014*. Retrieved August 14, 2014 from: <http://www.ilo.org/public/english/bureau/program/dwcp/download/swaziland.pdf>.

**32.** World Bank. *GINI Index (World Bank Estimates)*. Retrieved from <http://data.worldbank.org/indicator/SI.POV.GINI>

**33.** Government of Swaziland, et al. 2011. *Swaziland Multiple Indicator Cluster Survey*.

**34.** Brixiová, Z., & Kangoye, T. (2013). *Youth Employment in Africa: New Evidence and Policies from Swaziland*. African Development Bank Working paper series, No. 175.

**35.** African Development Bank, et al. (2012). *African Economic Outlook: Promoting Youth Employment*.

**36.** IMF. (2013). *IMF Executive Board Concludes 2012 Article IV Consultation with the Kingdom of Swaziland*. Retrieved August 21, 2014 from: <http://www.imf.org/external/np/sec/pn/2013/pn1322.htm>.

147 million, about 6% of the GDP).<sup>37</sup> As a result of the crisis, social spending – in areas such as education, health and poverty reduction programmes – was affected.<sup>38</sup> Recognising the need for structural changes to the economy, the IMF (2013) emphasised the need for the Swazi government to invest in youth employment by building on its strengths, one of which is a skilled workforce.<sup>39</sup>

## 2.4 Historical Context

Like many African countries Swaziland was colonised by Britain, Swaziland gained independence in 1968. The same year, Swaziland developed its first constitution, which established it as a Constitutional Monarchy.<sup>40</sup> However, King Sobhuza II abrogated the Constitution following the first post-independence elections, in which the opposition received ‘slightly more than 20% of the votes’, through the Proclamation to the Nation of 1973.<sup>41</sup> Consequently, Swaziland became a non-party political system. This meant that liberal democracy as characterised by multi-party politics was discontinued. The Proclamation of 1973 also banned political parties and deemed them illegal.<sup>42</sup> This proclamation effectively closed all spaces of association for those with differing political views, prevented the collective pursuit of political and governance objectives, and prohibited the expression of political views.<sup>43</sup> To fill the void that was created when political parties were banned, the King introduced a system which had electoral

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**37.** African Development Bank, et al. (2012). *African Economic Outlook: Promoting Youth Employment*; IMF. (2013). *IMF Executive Board Concludes 2012 Article IV Consultation with the Kingdom of Swaziland*.

**38.** Ibid.

**39.** IMF. 2013. *IMF Executive Board Concludes 2012 Article IV Consultation with the Kingdom of Swaziland*.

**40.** Dlamini, L. (2013). *Swaziland: Democracy and Political Participation*. Johannesburg: The Open Society Initiative for Southern Africa.

**41.** Masilela, Z. (2007). *Election: A window of Opportunity?* OPENSOURCE. pp. 14-17.

**42.** Ibid.

**43.** Dlamini, L. (2013). *Swaziland: Democracy and Political Participation*.

procedures based on Swazi Custom.<sup>44</sup> Perhaps as a result of pressure from student and labour protests during the 1990s King Mswati III, permitted political reform, particularly with the signing of the 2005 Constitution, which came into force in February 2006.<sup>45</sup> However, the coming into force of the new Constitution has not resulted in the political changes anticipated, and the right to freedom of association and freedom of speech are continuously restricted by the authorities.<sup>46</sup>

The 2005 Constitution contains a Bill of Rights and has a provision for the “Representation of the People”, and “right to elections”.<sup>47</sup> It declares Swaziland as a democratic Kingdom dedicated to principles which empower and encourage the active participation of all citizens at all levels in their own governance.

Freedom of assembly and association is amongst the list of the Bill of rights. The existence of this right, presents an impression that the people have - among other forms of associations – a right to form political parties. However, political parties that have tried to register their existence have not succeeded due to constitutional provisions, which prevent political parties from contesting elections as representatives of constituencies.<sup>48</sup> The Constitution of Swaziland recognises individual merit as the basis for election or appointment into office. However, another legal barrier to party politics is contained in section 79 of the Constitution, which spells it out that the system of government for the country is the Tinkhundla-based system. The Tinkhundla system of government is a system of local government organisation that allows for local representatives – nominated at centres known as Tinkhundla – to be local spokespersons in the national parliament.<sup>49</sup> Although this system states that individual merit is the basis for election or appointment to public office, this situation means that Swaziland has

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44. Gumede, S. (2005). *Human Rights and the Rule of Law in Swaziland*. African Human Rights. pp. 266-286.

45. Dlamini, L. (2013). *Swaziland: Democracy and Political Participation*.

46. Ibid.

47. Government of Swaziland: Ministry of Justice and Constitutional Affairs. (2005). *Constitution of the Kingdom of Swaziland*. Mbabane.

48. Dlamini, L. (2013). *Swaziland: Democracy and Political Participation*.

49. Gumede, S. (2005). *Human Rights and the Rule of Law in Swaziland*. p. 268



not taken a step to introduce liberal democracy, even though there are provisions in the constitution, which are aligned with some tenets of liberal democracy. For instance, the Constitution provides that the people of Swaziland have a right to be represented in the government of the country and that they have a right to stand for election. The Tinkhundla system was recently changed and the King was reported to have renamed the political system — a “monarchical democracy”, which is aptly described as a ‘marriage between the monarch and the ballot box’.<sup>50</sup> But the traditionalist defenders of the Tinkhundla system maintain that the unity and cultural survival of Swaziland — a homogeneous group of people with the same history, tradition and customs — depends on a traditional system of politics which can then incorporate a Western system of government.<sup>51</sup>

The present political system in the Kingdom creates a huge divide between the proponents of a liberal multi-party democracy and the supporters of Tinkhundla. As such pro-democracy commentators view Swaziland as a country that lacks an environment that is conducive for participation in governance. The Tinkhundla system of governance has also been criticised for its lack of transparency and accountability.<sup>52</sup>

The Freedom in the World index rated Swaziland as ‘Not Free’ awarding an overall score of 6, and the worst possible score of 7 for political rights.<sup>53</sup> A country is defined as ‘not free’ when basic political rights are absent, and basic civil liberties are widely and systematically denied and such a country is awarded the score of 5.5-7.0.<sup>54</sup> In the 2014 index, Swaziland again fell into the latter category, with similar scores.<sup>55</sup> This means that the youth of Swaziland are being nurtured in a country where there is little or limited open political competition, in a climate that is not so conducive to respect

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50. AFP. *Swaziland is a democracy, says Mswati*. The Daily Nation. September 3, 2013. Retrieved June 24, 2014 from: <http://www.nation.co.ke/news/africa/Swaziland-is-a-democracy-says-Mswati/-/1066/1978886/-/10wtfr8z/-/index.html#>.

51. Ibid.

52. Kabemba, C. (2004). *Swaziland's Struggle with Political Liberation*. Johannesburg: Electoral Institute of Southern Africa (EISA). p. 1.

53. Puddington, A. (2012). *Freedom in the world 2012: The Arab uprisings and their Global Repercussions*. Freedom House. p. 17.

54. Ibid.

55. Ibid.

for civil liberties, where restrictions are placed on independent civil life/civic participation, and where the media is not independent.<sup>56</sup>

According to the African Governance Index, Swaziland is rated 26th out of 52nd countries in terms of its overall governance.<sup>57</sup> It must be noted though that for participation and human rights, the country was rated 30.1% the lowest score in the region, which includes Zimbabwe at 31.2%<sup>58</sup> In contrast, Lesotho rated 8th with a score of 69.1 out of 100 for participation and human rights. The African Governance Index depiction of Swaziland is consistent with that of Freedom House. Taken together, these indices highlight the limitations that exist in Swaziland to political participation, participation of women in parliament, and freedom of expression, association and assembly.

## 2.5 Human Rights and the Rule of Law

According to Gumedze (2005) the 2005 Constitution is viewed as a smoke-screen that is used by Swazi authorities solely to dispel the perception that not all is well in Swaziland.<sup>59</sup> The Constitution contains a Bill of Rights and guarantees independence of the judiciary, but given its long record of disregard for human rights and the rule of law, Swaziland is still considered to be a long way from enacting these guarantees.<sup>60</sup> One of the main causes of the disregard for human rights and the rule of law in Swaziland is believed to date back to 12 April 1973 when King Sobhuza II issued the King's Proclamation to the Nation No. 12 of 1973, declaring that he had assumed supreme power in the Kingdom of Swaziland and that all legislative, executive and judiciary powers were vested in him.<sup>61</sup>

From its inception, the Proclamation proved to be a violation of the Swazi People's right to determine how they wanted to be governed. It also

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56. See Freedom House's description of a free country, <http://www.freedomhouse.org>.

57. Ibrahim, M. (2013). Ibrahim Index of African Governance. Mo Ibrahim Foundation.

58. Ibid.

59. Gumedze, S. (2005). *Human Rights and the Rule of Law in Swaziland*. African Human Rights. pp. 266-286.

60. Ibid.

61. Ibid.

affected the impartiality of the judiciary, which lost its independence as the King also assumed judicial powers.<sup>62</sup> Dissenting voices were detained indefinitely, as the law gave the authorities the powers to indefinitely renew detentions after every 60 days. The Proclamation was endorsed through Decree No.1 of 1981 and Decree No. 1 of 1987.<sup>63</sup> The Constitution of 2005 is seen as endorsing the status quo as it attempts to blend the institutions of Swazi law and custom with those of an open and democratic society. The two things do not mix, as under Swazi customary law, citizens are subjects and passive participants in governance issues. Whereas under democracy, the people are active citizens and actively participate in governance issues. The 2005 Constitution has not necessarily changed the King's status as he continues to exercise executive, legislative, and arguably judiciary powers.<sup>64</sup> Given such powers, the Swazi government routinely disregards court orders. For example, in a 2001 case the appeal court ruled the forced removal of over 70 residents from Kamkhweli and Macetjeni area owing to their failure to pay allegiance to one of the King's brothers, as illegal. However, the government ignored this judgement. In a statement, the Prime Minister argued that:

*Government does not intend to recognise the two judgments of the Court of Appeal... The Government does not accept the judgments of the Court of Appeal in respect of the actions of the Commissioner of Police and his officers who acted properly and in accordance with Swazi law and custom. The nation shall not allow itself a situation of lawlessness that could definitively lead to bloodshed if the evicted persons were to be allowed to return to the areas concerned. Therefore the judgment in this regard would not be obeyed. The government agencies responsible for implementing the Court of Appeal judgment have, therefore, been instructed not to comply with it.... This statement should not be viewed as interference with, or contempt for the rule of law. It should be acknowledged that we are currently in a transitional*

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62. Ibid.

63. Ibid.

64. Ibid.

*stage and government's position on the above issues will be addressed in the new Constitution.*<sup>65</sup>

As a result of the response of the government, the judges from the Court of Appeal resigned *en masse*. As a result, for almost two years Swaziland had no Court of Appeal, the highest court in the country.<sup>66</sup>

This disregard of the law extends to human rights abuses, which largely affect young people. For example, the Swaziland National Union of Students (NUS) President Mr Maxwell Dlamini, who was also Secretary General of the Swaziland Youth Congress (SWAYOCO), has been in and out of prison on politically related charges and his latest arrest was in 2013 on charges of sedition.<sup>67</sup> In Swaziland, sedition is a criminal charge, which entails actions that are considered to be rebellious towards governmental authority. Cockayne (2013) claims that arrests such as Maxwell's have become more frequent in Swaziland in recent years, with student unionists unable to carry out their work free from fear of harassment or detainment from governmental forces and the police.<sup>68</sup> For example, the Voice of America reporter Delia Robertson (2011) reported that teachers, student and activists attempting to gather for a march to voice their concerns, were beaten, and that some were arrested by the police.<sup>69</sup>

Owing to local and international pressures, the Swazi government is generally open to developing national policies and other human rights frameworks that address the numerous challenges faced by its citizens. However, in many cases, there is evidence that these policies and legal frameworks are not implemented or enforced. This review focuses on a selection of public policies that affect the lives of young people in Swaziland, examining in particular, policies related to employment, health, gender and partici-

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65. Ibid.


66. Ibid.

67. Cockayne, K. *Maxwell Dlamini – Swaziland NUS President arrested*. Student Times. May 5, 2013. Retrieved April 14, 2014: <http://stiffkitten.wordpress.com/tag/swaziland-national-union-of-students/>.

68. Ibid.

69. Robertson Delia. *Swaziland Police Beat, Arrest Protesters*. VOA News. April 11, 2011. Retrieved April 14, 2014 from <http://www.voanews.com/content/swaziland-police-beat-arrest-protestors-119701919/137899.html>.

pation. It aims to assess the content of these policies and to compare their stated aims with the realities experienced by young Swazis.



Youth and  
Public Policy in

# Swaziland

# The Situation of Young People

# 3



### 3.1 Introduction

This chapter describes major demographic characteristics of youth in Swaziland such as the size of the youth population, and their distribution across the four districts of Swaziland. Within this context, it discusses the risks and vulnerabilities that young people face and the particular economic, social, cultural and political factors that disproportionately affect them. This discussion of the challenges of youth is situated within the overall context of development challenges in Swaziland, some of which were outlined in the previous chapter.

The UN Development Assistance Framework 2011-2015 for Swaziland identifies the following as key development challenges affecting the country: HIV and AIDS, high poverty levels, slow economic growth, weak human development, fragile basic service delivery, governance, food security and malnutrition, and gender inequality.<sup>70</sup> Drawing from this list and the research team's assessment of the situation of young people, detailed focus is given to the health, employment, participation and gender related concerns of young people in Swaziland.

### 3.2 Demographic Characteristics of Youth

While Swaziland faces certain challenges and opportunities that are youth-specific, many of the problems affecting youth are a reflection of the challenges that confront the country as a whole. However, those that are most affected by the impact of the challenges are young people amongst other marginalised groups such as women, children and disabled people. Given the 'youthful' nature of the Swazi population, with 39.6% of the population under 15 years of age and 52% younger than 20 years<sup>71</sup>, a special focus on the youth population is well deserved. Youth aged 10-24 years account for 36% of the total population<sup>72</sup>, and over 70% of them reside in

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**70.** UN. 2011. *The United Nations Development Assistance Framework (UNDAF) 2011-2015: The Kingdom of Swaziland*. Mbabane: United Nations.

**71.** Government of Swaziland: The Ministry of Economic Planning and Development (MEPD). (2012). *Swaziland Country Report: ICPD at 2014 and Beyond*. Mbabane. p. 4.

**72.** Population Reference Bureau (PRB). (2013) *The World's Youth2013 Data Sheet*.



rural areas.<sup>73</sup> As will be discussed throughout the review, there are marked differences in the living conditions of young people living in rural areas as compared to those in urban areas.

### 3.3 Definition of Youth

According to the Swaziland National Youth policy, youth is defined as any person between the age of 15 and 35.<sup>74</sup> However, different policies provide differing ages for young people to access certain services or to obtain certain rights. For instance the Age of Majority Act<sup>75</sup> provides that men and women attain their majority at the age of twenty-one years. Whilst for the purposes of marriage, the Marriage Act<sup>76</sup> prohibits boys and girls below the age of eighteen years from marrying unless they obtain parental consent. However, under Swazi Law and Custom the marriageable age for girls is not defined and the onset of puberty is used to determine that a girl can be married as a wife.<sup>77</sup>

The electoral laws of the country allow all men and women citizens who are eighteen years and older, and those who are resident in Swaziland to be registered as voters and to be able to be voted for.<sup>78</sup> Essentially, eighteen is the year that young people transition into adulthood; in as far as the capacity to contract or to do business is concerned. However, it is not clear what factors serve as markers for transition to adulthood in Swaziland in other spheres of young peoples' lives. Culturally, there are no known passage rites for transition from childhood to adulthood. In fact, cultural speaking, one is a minor for as long as the parents are still alive. For instance the Con-

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**73.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.

**74.** Ibid.

**75.** Government of Swaziland. *The Age of Majority Act*, 1853.

**76.** Government of Swaziland. *The Marriage Act No. 47 of 1964*.

**77.** Government of Swaziland. *The Marriage Act No. 47 of 1964*; Nhlapho, T. (1992). *Marriage and Divorce Under Swazi Law and Custom*. Websters.

**78.** Section 88 of the 2005 Constitution provides that a person is qualified to be registered as a voter if, and is not otherwise qualified unless, that person has attained the age of eighteen years and is a citizen of or is ordinarily resident in Swaziland.

stitution provides in section 29 that children have a duty to maintain their parents in case of need. Commentators are of the view that the provision suggests that a degree of independence and responsibility is vested with young people and that by reference being made to “children taking care of their parents” that should not be interpreted to mean explicitly children but young adults.

Having noted the various contexts in which the definition of youth is given and understood in Swaziland, it is important to highlight that the Swaziland National Youth Policy (SNYP) definition of youth is aligned to the African Youth Charter. Other international institutions such as the United Nations and Commonwealth, both of which Swaziland is a member, define youth as those aged 15-24, and 15-29 respectively. In this study, the definition of youth adopted is aligned with the SNYP. However, this age bracket is used only where relevant age-disaggregated data is available. Given that much of the data are from international sources, the data used throughout the report are for those aged 15-24, unless otherwise stated.

### 3.4 Youth Unemployment

Unemployment in Swaziland is especially widespread among: (i) women, (ii) the less educated, and (iii) youth.<sup>79</sup> Swaziland has one of the highest youth unemployment rates in Africa.<sup>80</sup> The situation of youth unemployment is severe and unsustainable, with the country experiencing a youth unemployment rate of 52.7% in 2007 and at 49.5% in 2010.<sup>81</sup> Although the official unemployment rate marginally improved between 2007 and 2010, over the same period the labour market situation deteriorated and employment (which encompasses both the formal and informal sector) fell.<sup>82</sup> The available data demonstrates that young people in rural areas are disproportionately affected by the challenge of unemployment, and the gap appears to be widening. An estimated 61.7% of rural and 35.5% of urban youth were

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79. Brixiová, Z., & Kangoye, T. (2013). *Youth Employment in Africa: New Evidence and Policies from Swaziland*. Tunis: Working Paper Series N° 175 African Development Bank.

80. Ibid.

81. Ibid.

82. Ibid.

unemployed in 2010, whereas, in 2007 youth unemployment was 58% in rural areas and 46.7% in urban areas.<sup>83</sup> When the unemployment rate takes into account ‘discouraged-youth’ – that is those who are available and willing to work but are not seeking employment – the 2010 youth unemployment rate rises to 61%.<sup>84</sup> Youth with tertiary education are almost seven times more likely to be unemployed than their adult counterparts.<sup>85</sup>

Between the ages of 15-24, there is only a marginal difference in youth unemployment rates between young men (48.4%) and young women (50.3%).<sup>86</sup> However, across all ages, women experience lower employment rates and lower labour force participation rates than men. In 2010, the employment rate for women was 31.2% and labour force participation rate was 44.6% these compared with rates of 42.2% and 54.8% respectively for men.

A number of factors have been identified as contributing to the high level of youth unemployment. The first identifiable contributor is poor macro-economic performance. Swaziland’s economy grew at an average rate of 2.2% in the last decade, lower than every other country in the Southern African Development Community (SADC), with the exception of Zimbabwe (see Table 2 below).<sup>87</sup>

**Table 2**

GDP growth (annual %) <sup>88</sup>

Countries	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
Angola	10.9	18.3	20.7	22.6	13.8	2.4	3.4	3.9	5.2	6.8	10.8
Botswana	2.7	4.6	8.0	8.7	3.9	-7.8	8.6	6.2	4.3	5.8	4.5
D. R Congo	6.7	6.1	5.3	6.3	6.2	2.9	7.1	6.9	7.1	8.5	6.3

<sup>83</sup>. Ibid.

<sup>84</sup>. Ibid.

<sup>85</sup>. Ibid.

<sup>86</sup>. Ibid.

<sup>87</sup>. World Bank. 2014. *GDP Growth (Annual %)*. Retrieved December 11, 2014 from <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries/all?display=default>.

<sup>88</sup>. Ibid.

Lesotho	2.3	2.7	4.3	4.7	5.7	3.4	7.1	2.8	6.5	5.5	4.5
Madagascar	5.3	4.6	5.0	6.2	7.1	-4.0	0.3	1.5	3.0	2.4	3.1
Malawi	4.9	2.8	2.1	9.5	8.3	9.0	6.5	4.3	1.9	5.0	5.4
Mauritius	5.7	1.2	3.9	5.9	5.5	3.0	4.1	3.9	3.2	3.2	4.0
Mozambique	8.8	8.7	6.3	7.3	5.8	6.5	7.1	7.4	7.1	7.4	7.2
Namibia	12.3	2.5	7.1	6.6	2.6	0.3	6.0	5.1	5.2	5.1	5.3
Seychelles	-2.9	9.0	9.8	10.1	-2.1	-1.1	5.9	7.9	2.8	5.3	4.5
South Africa	4.6	5.3	5.6	5.5	3.6	-1.5	3.1	3.6	2.5	1.9	3.4
<b>Swaziland</b>	<b>2.9</b>	<b>2.5</b>	<b>3.3</b>	<b>3.5</b>	<b>2.4</b>	<b>1.3</b>	<b>1.9</b>	<b>-0.7</b>	<b>1.9</b>	<b>2.8</b>	<b>2.2</b>
Tanzania	7.8	7.4	6.7	7.1	7.4	6.0	7.0	6.4	6.9	7.0	7.0
Zambia	7.0	7.2	7.9	8.4	7.8	9.2	10.3	6.3	6.7	6.7	7.8
Zimbabwe	-5.8	-5.7	-3.5	-3.7	-17.7	6.0	11.4	11.9	10.6	4.5	0.8

The GDP growth for the year 2013 was at 5.5% for Lesotho, 7.4 % for Mozambique, 1.9% for South Africa, 2.8% for Swaziland and 4.5% for Zimbabwe. Low growth rates, coupled with the economic downturn faced by Swaziland during 2011, have affected the creation of new jobs in the economy and young people were the most affected by this reduction in employment.<sup>89</sup> During this period employers were more likely to disengage or stop recruiting younger workers.<sup>90</sup>

Further, the increasing number of young people with secondary and higher education has resulted in a growing number of new entrants to the labour market searching higher end or better paying jobs, which the economy is not creating. Although better able to secure the available jobs, these young people are likely to be unemployed.<sup>91</sup>

89. Brixiová, Z., & Kangoye, T. (2013). *Youth Employment in Africa: New Evidence and Policies from Swaziland*.

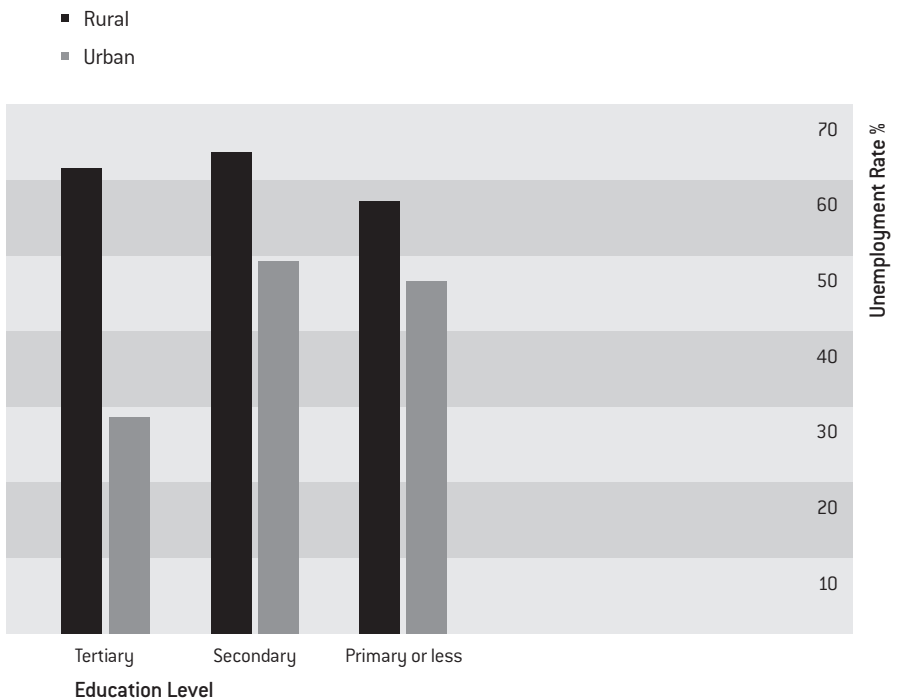
90. Interviews with a young person and, a representative of the Federation of Swaziland Employers and Chamber of Commerce. In person. 2013.

91. Government of Swaziland: Ministry of Economic Planning and Development – MEPD. (2007). *The Swaziland Poverty Reduction Strategy and Action Plan (PRSAP)*.

As shown in Figure 1, rates of unemployment amongst 15-24 year olds in Swaziland vary according to level of education, and between rural and urban settings. Rates of youth unemployment are consistently higher in rural areas than in urban settings. Young people in urban settings with tertiary level education are the group least likely to be unemployed. Reflective of the labour market demands, the value of education as a protector against unemployment in rural settings appears to be only marginal, with those who have primary level education or lower being less likely to be unemployed than those who have completed secondary or tertiary level education.

**Figure 1**

Percentage of unemployed youth aged 15-24 by level of education<sup>92</sup>



<sup>92</sup>. United Nations (2013). *Opportunities and Constraints to Youth Entrepreneurship Perspectives of Young Entrepreneurs in Swaziland*. United Nations Swaziland.

With the formal sector (public and private) apparently saturated, an increasing number of young people are opting for entrepreneurship. However, in order to succeed in private enterprise, young people have to overcome a myriad of challenges. The majority of young people establishing private enterprise have no prior managerial or work experience; as a result their chances of succeeding are in all likelihood, limited. Without prior training, support, a network of contacts and the skills to recognise opportunities and translate business ideas into successful enterprise, the challenge associated with youth entrepreneurship remains complex at best.<sup>93</sup> In addition, young people face structural challenges such as costs of business registration, licensing, taxation, and complex requirements associated with accessing funds from financial institutions.

A UN study found that young people were drawn to entrepreneurship as a means to escape unemployment, secure a means of livelihood and to realise their personal visions while contributing to national development.<sup>94</sup> The same study also found that in addition to some of the structural factors earlier identified (such as capital, cost of business registration, licencing, etc.) the attitudes of the Swazi society towards young entrepreneurs is also a challenge to the growth of youth entrepreneurship. This is because young people are generally perceived as incapable of handling serious financial transactions. The findings of the UN study could be said to reflect the situation of the youth employment and entrepreneurship in Swaziland. However, it should be pointed out that the UN study focused on already successful youth entrepreneurs in urban areas, and did not explore geographical or gender dimensions. Therefore, its findings may be specific to the challenges faced by a particular group of urban youth entrepreneurs. Also, as suggested by the report itself, given that the data was collected at a time of financial crisis. It has been noted in a different study that the Global Financial Crisis has a significant effect on Swaziland.<sup>95</sup> A further investigation of the views of young people on their experiences in starting private businesses

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93. Ibid.

94. United Nations (2013). *Opportunities and Constraints to Youth Entrepreneurship Perspectives of Young Entrepreneurs in Swaziland*.

95. United Nations, Swaziland. *Rapid Assessment of the impact of the Fiscal Crisis in Swaziland*. March 2012. Retrieved April 15, 2014 from [http://www.unicef.org/esaro/Impact\\_of\\_the\\_Fiscal\\_Crisis\\_in\\_Swaziland\\_February.pdf](http://www.unicef.org/esaro/Impact_of_the_Fiscal_Crisis_in_Swaziland_February.pdf).

in a post fiscal crisis period would provide insight into the challenges they face, and in particular, could ascertain the possible effect of the financial crisis on youth entrepreneurship in Swaziland.

Furthermore, although agriculture has been identified as an important sector through which youth unemployment could be addressed and new jobs created in Africa, this potential is not being realised in Swaziland as a result of customary practices, which prohibit land ownership, by unmarried young men and women. Consequently, land ownership constitutes a major impediment to youth who choose agriculture as an option for entrepreneurship.<sup>96</sup> Moreover, without access to capital, training support and equipment, the perennial need to create value added products and optimise agricultural productivity across the value chain will remain illusionary for most Swazi youth and for the country. It should be noted however, that a substantial proportion of Swaziland's productivity is reliant on agriculture, with the manufacturing industry dependent on processing agricultural and forestry products, primarily maize, cocoa, cotton and tobacco.<sup>97</sup>

### 3.4.1 Labour Market Challenges

As highlighted earlier, young people are more likely to be unemployed than adults, and yet they form a substantial part of the labour force, with youth aged 10-24 comprising 36% of the national population.<sup>98</sup> Young people from the ages of 15 to 24 comprise around 25% of the labour market, while those aged 25 and above make-up 52% of the employed.<sup>99</sup> The official unemployment rate for youth aged 15-24 was 53.3%, almost twice as high as the next highest age group of between 25-34 years.<sup>100</sup> Across ages however, it is markedly noticeable that more women are unemployed, with overall un-

96. Dlamini, L. S. (2013). *Swaziland: Democracy and political Participation*.

97. Madonsela, W. S. (2006). The Textile and Clothing Industry of Swaziland. In *The Future of the Textile and Clothing Industry in Sub-Saharan Africa*, eds. Herbert Jauch / Rudolf Traub-Merz.

98. Population Reference Bureau (PRB). (2013) *The World's Youth 2013 Data Sheet*.

99. Brixiová, Z., & Kangoye, T. (2013). *Youth Employment in Africa: New Evidence and Policies from Swaziland*.

100. International Labour Organization. (2009) *Decent Work Country Programme for Swaziland 2010 to 2014*.

employment rates for females at 47.4% as compared to 33.6% for males.<sup>101</sup> The same is true for young people aged 15-24, with young women being less likely to be employed (see Table 3). The labour market is simply not creating enough jobs to absorb the young people who are actively seeking work. In addition to the demand side, factors such as the lack of absorptive capacity of the labour market are supply side factors such as the lack of skills required by the labour market.

**Table 3**

Youth labour force participation rate<sup>102</sup>

	Labour Force — Participation Rate [%] Ages 15-24, 2010	
	Female	Male
Swaziland	37	52
South Africa	24	29

The question of whether young people are ‘market-ready’ or have skills that are compatible with the labour market perhaps accounts in some way for the high-level of graduate unemployment identified earlier. Figure 1 reveals that graduates unemployment in rural area is 61.5% compared to 28.6% in urban areas. Graduate unemployment in rural areas is a severe problem, leading to a longer queue of young people ‘just waiting’ for economic opportunities, which are often not forthcoming.<sup>103</sup>

**101.** Government of Swaziland: Ministry of Labour and Social Security. (2010). *The Swaziland Integrated Labour Force Survey*. Mbabane.

**102.** Adapted from Population Reference Bureau (PRB). (2013) *The World’s Youth 2013 Data Sheet*. p 7.

**103.** Locke, C. & TeLintelo, D. (2012). *Young Zambians ‘Waiting’ For Opportunities and ‘Working Towards’ Living Well: Life course and Aspiration in Youth Transitions*. Journal of International Development, 24, 777–794.



In the absence of strong social protection<sup>104</sup>, even those who find work are vulnerable to exploitation, often because there are many willing candidates to take their place in a rather saturated labour market with few opportunities.<sup>105</sup> The situation is even worse for the 75% of youth who work in the informal sector without contracts and any form of protection from exploitation.<sup>106</sup> This is in spite of a plethora of laws aimed at protecting workers – and young workers and, Swaziland having ratified all the major ILO conventions.<sup>107</sup>

Worker protection in the public sector is further undermined by the ban on the Trade Union Congress of Swaziland (TUCOSWA). This situation has resulted in calls by civil society actors and the US government to amend the Trade Union Act in order to allow for the registration of trade unions. As a result, the US indicated that it would withdraw Swaziland's privileges as a member of the African Growth and Opportunity Act (AGOA) starting January 2015.<sup>108</sup> Swaziland enjoyed preferential access to the US markets through AGOA and enjoys access to European markets through the EU-ACP Cotonou agreement.<sup>109</sup> The US removed Swaziland from AGOA in August 2014; this move is estimated to have led to the loss of as many as 20,000 jobs in the textile sector.<sup>110</sup> With particular reference to the textile industry, Madonsela notes that the sector became more productive and profitable,

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**104.** Swaziland's social protection policies mainly target the aged and orphans and vulnerable children (OVCs).

**105.** See Madonsela, W. S., 2006. *The Textile and Clothing Industry of Swaziland.*, and a recent study by TUCOSWA, the main trade union in Swaziland on workers' rights in the textile industry.

**106.** Russell-Brown, Sherrie. 2006. The solidarity centre. *The Struggle for Worker Rights in Swaziland*. Retrieved June 16, 2014 from <http://www.solidaritycenter.org/wp-content/uploads/2015/01/Swaziland-JFA.2006.pdf>.

**107.** International Labour Organization. 2009. *Decent Work Country Programme for Swaziland 2010 to 2014*; Dlamini, A. 2007. *A review of social assistance grants in Swaziland*. A CANGO/RHVP Case Study on Public Assistance in Swaziland.

**108.** Maphalala, I. *Lying About My Country*. Times of Swaziland. March 9, 2014. Retrieved June 16, 2014 from <http://www.times.co.sz/feed/the-editor-says/95925-lying-about-my-country.txt>.

**109.** Madonsela, W. S., 2006. *The Textile and Clothing Industry of Swaziland*.

**110.** IRIN. *Swaziland Braces self for AGOA Exit*. 17 June, 2014. Retrieved June 16, 2014 from <http://www.irinnews.org/report/100227/swaziland-braces-itself-for-agoa-exit>.

creating several thousand jobs (particularly for young women), following the enactment of AGOA in 2000 in the US.<sup>111</sup>

### 3.4.2 Education and Skills Development

Swaziland has a high adult literacy rate at 88%<sup>112</sup>, and even higher youth (15-24 years of age) literacy rate at 94%.<sup>113</sup> The rate of youth literacy in Swaziland is relatively high compared to some of its Southern African neighbours such as Malawi (72%), Lesotho (83%) and Angola (91%), (see Table 4).

**Table 4**

Youth Literacy Rates in Southern Africa<sup>114</sup>

Country	Youth Literacy rate (% - 15-24)	Year
Angola	73	2012
Botswana	96	2012
Lesotho	83	2009
Malawi	72	2010
South Africa	99	2012
Swaziland	94	2012

111. Ibid.

112. UNICEF. 2013. *Swaziland Statistics*. Last Updated December 31, 2013. Retrieved August 21, 2014 from [http://www.unicef.org/infobycountry/swaziland\\_statistics.html](http://www.unicef.org/infobycountry/swaziland_statistics.html).

113. World Bank. *Literacy Rate, Youth Total (% of People Ages 15-24)*. Retrieved August 21, 2014 from <http://data.worldbank.org/indicator/SE.ADT.1524.LT.ZS>

114. World Bank. (2011). *Reproductive Health at a Glance; Swaziland*.

In Swaziland primary education starts at the age of seven, lasts for six years and finishes with the award of the Swaziland Primary Certificate.<sup>115</sup> It is considered part of basic education and its provision is free of charge.<sup>116</sup> Secondary education is divided into two levels – junior secondary and senior secondary. The three-year junior secondary level leads to the Junior Certificate, while the two-year senior secondary level ends with the Swaziland General Certificate of Secondary Education (SGCSE) and the International General Certificate of Secondary Education (ISGCSE).<sup>117</sup>

Swaziland is well on its way to ensuring all children complete primary school and start secondary school through the universal primary education programme. The 2012 Status Report on Adolescents and Young People in Sub-Saharan Africa highlights that, in comparison to other countries in the region, progression from primary to secondary school in Swaziland is high, at 92% for females and 90% for males.<sup>118</sup> However, overall participation rates are markedly higher at primary level, than at secondary level, highlighting the fact that a significant proportion of adolescents do not complete their secondary education; 34% of adolescents' girls and 31% of adolescent boys of lower-secondary school age not in school (See Table 5). By way of comparison, only 3% of adolescent males and 2% of females of lower-secondary-school age in South Africa do not attend school.<sup>119</sup> This suggests that more efforts are needed to promote retention and completion at the secondary level.<sup>120</sup>

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**115.** International Centre for Technical and Vocational Education and Training (UNEVOC). *World TVET Database – Country Profiles Swaziland*. Last updated June 22, 2012. Retrieved February 11, 2015 from <http://www.unevoc.unesco.org/go.php?q=World+TVET+Database&ct=SWZ>.

**116.** Ibid.

**117.** International Centre for Technical and Vocational Education and Training (UNEVOC). *World TVET Database – Country Profiles Swaziland*. Last updated June 22, 2012. Retrieved February 11, 2015 from UNESCO-UNEVOC: <http://www.unevoc.unesco.org/go.php?q=World+TVET+Database&ct=SWZ>.

**118.** UNFPA & the Population Reference Bureau. (2012). *The Status Report on Adolescents and Young People in Sub-Saharan Africa: Opportunities and Challenges*. Johannesburg: United Nations Population Fund (UNFPA). p. 67.

**119.** Ibid.

**120.** Ibid.

**Table 5**School attendance, progression and retention<sup>121</sup>

School Level	Male	Female	Year	Source
Primary school participation, enrolment (%)	-- (Net) -- (Gross)	-- (Net) -- (Gross)	-- --	N/A
Primary School Participation, Net attendance ratio (%)	96%	97%	2013	UNICEF
Progression to Secondary School (% of students that transition from primary to secondary general programmes)	90%	90%	2012	World Bank
Secondary school enrolment (%)	32% (Net) 61% (Gross)	38% (Net) 59% (Gross)	2011	World Bank
Secondary school participation, Net attendance ratio (*)	42%	52%		UNICEF

**121. Sources:** UNICEF. 2013. *Swaziland Statistics*. Last Updated December 31, 2013. Retrieved from [http://www.unicef.org/infobycountry/swaziland\\_statistics.html](http://www.unicef.org/infobycountry/swaziland_statistics.html); World Bank. (2014). *Progression to secondary school, male (%)* <http://data.worldbank.org/indicator/SE.SEC.NENR.MA>; World Bank. (2014). *Progression to secondary school, female (%)* <http://data.worldbank.org/indicator/SE.SEC.NENR.FE>; UNICEF. 2013. *Swaziland Statistics*; UNFPA & the Population Reference Bureau, (2012) *Status Report: Adolescents and Young People in Sub-Saharan Africa-Opportunities and Challenges*. P. 67. See also UNICEF. 2013. *Swaziland Statistics*. Last Updated December 31, 2013. Retrieved from [http://www.unicef.org/infobycountry/swaziland\\_statistics.html](http://www.unicef.org/infobycountry/swaziland_statistics.html).

Out of school youth [% of adolescents of lower second- ary-school age out of school]	31%	34%	2012	PRB
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Tertiary education in Swaziland is divided into higher and post-secondary education. Higher education is provided at the University of Swaziland through a three-year diploma or a four-year Bachelor's degree (five-year degree for a Bachelor of Law).<sup>122</sup> Post-secondary training comprises of TVET programmes varying from a few months to three years. The enrolment for tertiary education for 2005/2011 for Swaziland stood at 4% for females and 5% for males.

The government of Swaziland provides non-formal training through the government funded Rural Education Centres (RECs), which provide TVET and short entry-level skills programmes for adults and youth.<sup>123</sup> The RECs also collaborate with senior secondary schools to provide pre-vocational training.<sup>124</sup> UNEVOC (2012) report that the government assists eighteen non-formal training providers through the provision of grants for trainer salaries. However, according to the World Bank (2010), TVET instructors lack adequate qualifications especially in pre-vocational programmes, and they have limited, irrelevant or out-dated industry experience, which reduces their ability to adequately prepare trainees.<sup>125</sup> There are also no national occupational standards for TVET instructors in Swaziland.<sup>126</sup>

**122.** International Centre for Technical and Vocational Education and Training (UNEVOC). *World TVET Database – Country Profiles Swaziland*.

**123.** Ibid.

**124.** Ibid.

**125.** World Bank. (2010). *The Education System in Swaziland – Training and Skills Development for Shared Growth and Competitiveness*. Washington: World Bank.

**126.** Ibid.

Enterprise-based trainings form a significant part of TVET, however, they are conducted in-house and do not lead to formal qualifications.<sup>127</sup> Enrolment in apprenticeships and traineeships is reportedly low, and these opportunities are only offered by a limited number of enterprises.<sup>128</sup> A similar pattern is observed in trade testing, which focuses on low-skill training and does not offer supporting programmes for those wishing to access higher-level skill training.<sup>129</sup> The majority of skill training is provided through private TVET institutions.<sup>130</sup> This private training is largely unregulated, raising questions about the quality of the provision.<sup>131</sup> Informal training forms a significant part of TVET, however, it remains largely unregulated, does not make use of current technology and contemporary developments in the work place, and lacks standard and quality assurance. It is reported that there is currently no system in place to oversee informal skill training.<sup>132</sup>

### 3.4.3 Gender Equality in Education

Similar literacy rates, and rates of enrolment in primary school, secondary school and tertiary education amongst young men and young women suggest that early age gender disparity is comparatively low. However, this situation is not reflected in labour market outcomes and life chances for women in the country. Nor does it highlight the reality of young women's experience in education.

The Swazi Government defines gender as characteristics, roles and behaviour patterns that socially and culturally distinguish women from men.<sup>133</sup> Gender characteristics change over time and differ from one culture

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**127.** International Centre for Technical and Vocational Education and Training (UNEV-OC). (2012, June 22). *World TVET Database – Country Profiles Swaziland*.

**128.** International Centre for Technical and Vocational Education and Training (UNEV-OC). (2012, June 22). *World TVET Database – Country Profiles Swaziland*.

**129.** Ibid.

**130.** International Centre for Technical and Vocational Education and Training (UNEV-OC). *World TVET Database – Country Profiles Swaziland*. Last updated June 22, 2012.

**131.** Ibid.

**132.** Ibid.

**133.** Government of Swaziland: Gender Coordination and Family Issues Department. (2010). *National Gender Policy*. Mbabane: Swaziland Government.

to another. The concept of gender refers to the roles and characteristics of men and women and the relations of power between them.<sup>134</sup> Because of the different gender roles assigned to men and women in Swaziland, women are often discriminated and treated as second-class citizens.<sup>135</sup> Perhaps in recognition of these factors, the Government of Swaziland developed the National Gender Policy to provide guidelines for attaining gender equity, equality and empowerment in Swaziland.<sup>136</sup> It provides guidelines, indicators and a framework to assist stakeholders to achieve gender equity as provided for in the 2005 Constitution and other relevant international instruments that the country has ratified.

Level of education influences the age at which girls marry. Among young women aged 15-24 those with no education or with only primary schooling were much more likely than others to have married before 18 years.<sup>137</sup> Education therefore seems to have a delaying effect on the age at which young women marry.

There has been some progress in regard to gender equality within the Ministry of Education and Training. The Country Barometer on the SADC Gender and Development Protocol 2014 reported that gender stereotypes are being addressed in the areas of pedagogical approaches as reflected in the study materials being used in schools. Furthermore, the challenges regarding access to education are being addressed as free primary education has been extended up to grade 5 (12 years of age).

#### 3.4.4 Gender-Based Violence

Swaziland has a high rate of gender-based violence including, but not limited to, sexual violence such as rape and coerced unprotected sex. Gender-based violence happens within marriages, with casual and stable partners, and towards Children. According to the CSO Surveillance report of 2013, 77% of women are abused and 80% of the perpetrators are males

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**134.** Ibid.

**135.** Ibid.

**136.** Ibid.

**137.** Government of Swaziland, et al. (2011). *Swaziland Multiple Indicator Cluster Survey*.

known by the victims.<sup>138</sup> While gender-based violence is generally perceived as unacceptable, there are Swazi men and women who accept it under certain conditions. For example, nearly 40% of the men interviewed during the Swaziland Multiple Indicator Cluster Survey and one third of the women believed that there are circumstances under which a man is justified to beat his partner/wife.<sup>139</sup> The most common reason given was if the woman has sex with another man, and the second was if she argues with her partner. Younger men and women were more likely to believe that certain circumstances justify a man beating his wife / partner. A 2013 UNICEF report revealed that justification of wife-beating among males for the period 2002-2012 was at 23.1% and for females at 27.6%.<sup>140</sup> Furthermore the report revealed that violent discipline for the same period of 2002-2012 was at 88.9%.

Brutal serial murder of women is also common, for instance, on the 16th June 2014 the Times of Swaziland newspaper reported that a young man aged 21 years was arrested as a suspected serial killer on charges of murder of nine young women, aged between 14 and 20 years.<sup>141</sup> This came a few years after the conviction of serial killer David Simelane for allegedly killing 38 women most of whom were young and looking for employment. These cases show the level of violence against women, especially young women in Swaziland. In another incidence, on July 2014 the Times of Swaziland newspaper reported that a man brutally killed his former lover in her home by stabbing her more than twenty times with a spear. He left her at the homestead gate dead.<sup>142</sup>

Sexual violence against women is high as a 2007 UNICEF study on the rate of violence against young women and girls found that among 18-24 year old females nearly two thirds had experienced some form of sexual

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**138.** Royal Swaziland Police Service (RSPS). (2013). *The National Surveillance on Gender-Based Violence Report*.

**139.** Government of Swaziland, et al. 2011. *Swaziland Multiple Indicator Cluster Survey*.

**140.** UNICEF. (2013). *Swaziland Statistics*.

**141.** Shongwe, N., & Zwane, S. *Suspected Serial Killer Confesses To 10 Murders*. Times of Swaziland. June 6, 2014. Retrieved February 9, 2015 from: <http://www.times.co.sz/news/97525-suspected-serial-killer-confesses-to-10-murders.html>.

**142.** Shaw, C. *Ex-lover spears teacher 20 times, kills himself*. Time of Swaziland. July 15, 2014. Retrieved February 9, 2015 from: <http://www.times.co.sz/news/98017-ex-lover-spears-teacher-20-times-kills-himself.html>.



violence.<sup>143</sup> Sexual violence against young women is exacerbated by young men's perception of male dominance. Many young men feel that they traditionally have the right to demand sex from their wives. In a 2012 PEPFAR survey, it was reported that many young people stated that unmarried men should secure their sexual partners through presents or giving money.<sup>144</sup> The UNICEF study also found that boyfriends and husbands, men and boys from the victim's neighbourhood, or male relatives, most commonly perpetrated sexual violence.<sup>145</sup> Sexual violence is most likely to happen at home, either the home of the victim or the home of a friend, relative or neighbour.<sup>146</sup>

In recognition of the fact that many young women experience sexual violence within the schools, the Swaziland Education and Training Sector Policy (2011), makes specific proposals to protect children and young people from all forms of sexual abuse, including harassment, sexual molestation, sexual exploitation and rape. As a result, it stipulates that any person within the sector who exploits their position or authority over learners shall be subject to disciplinary action. It is important to note that the policy criminalises the enticing of students by educators and managers. On the other hand, the Women and Girls Protection Act of 1920 criminalises sex with a minor below the age of 16 as statutory rape. The statute forbids sexual intercourse with minors regardless of consent meaning that it is irrelevant whether the minor enticed the perpetrator or not. The same legislation criminalises sex with a student who is still within the care of the parents even if they are above the age. The legislation gives the parents the authority to lay charges against the perpetrator.

According to the UNFPA & Swaziland Action Group Against Abuse (SWAGAA)'s Court Watch report of 2012, even though the prevalence of gender-based violence is so high, the country still lacks an adequate legislative

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**143.** UNICEF. (2007). *National Study on Violence against Children and Young Women in Swaziland*. Mbabane.

**144.** PEPFAR. (2012). *Swaziland Gender Strategy for the PEPFAR Interagency team*. Mbabane.

**145.** Ibid.

**146.** Ibid.

framework to address the issue.<sup>147</sup> These sentiments are echoed by the SADC Protocol country barometer report (2012), which states that in the absence of legislation to curb gender-based violence, the legal system does not have effective instruments to deter and stop perpetrators of this crime.<sup>148</sup> The country still relies on colonial laws like the Women and Girl's Protection Act of 1920 and the Crimes Act of 1889 to prosecute domestic violence and sexual offences matters. These two laws do not fully cover some of the types of abuse that are currently happening for example there are no provisions on unlawful stalking, flashing and necrophilia among other things. The Sentences provided by these legislations are also low as they were formulated many decades ago. The Sexual Offences and Domestic Violence Bill has been in formulation stage for about a decade, even though both houses of Parliament recently passed it, it remains ineffective until endorsed by the King.<sup>149</sup> The long delay in the enactment of the Bill has been associated with the fact that traditionalists see some of its provisions as going against the dictates of Swazi Law and custom. One such provision that has come under scrutiny and was highly questioned by the traditional authorities and parliamentarians is that of stalking which they say is contrary to the cultural practise of *kusoma* – where traditionally men are thought to have a right to pursue and follow around a woman that they are proposing love to until a time where she consents or accepts courtship.

The enactment of the Human Trafficking and People Smuggling Prohibition Act 2009 has been one of the major steps taken by the country to protect young men and young women against trafficking. This was also followed by the establishment of the Human Trafficking Task Force consisting of government departments, UN partners and non-governmental organisations, which are mainly concerned with developing national strategies and programs to respond to human trafficking and people smuggling offences. The United States Embassy in Swaziland has credited the country for all the efforts towards anti-trafficking measures. The country is currently placed in tier 2 which is a level depicting those countries that are striving towards the necessary requirements of prevention and response to human trafficking.

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**147.** UNFPA & SWAGAA. (2012, December). *Court Watch Report Swaziland*. Mbabane.

**148.** SADC. (2012). *SADC Protocol Country Barometer Report*. Mbabane.

**149.** UNFPA & SWAGAA. (2012, December). *Court Watch Report Swaziland*.

The Head of the secretariat in the Anti-Human Trafficking department Nomphumelelo Lukhele stated that the department had been able to bring back three under-aged girls who had been trafficked to South Africa and forced to engage in commercial sexual activities.<sup>150</sup> In July 2013 the Government of Swaziland adopted a national strategic framework and strategic plan, which outlines responsibilities of all relevant ministries.

### 3.4.5 Women's Access to Resources

Precise information on the number of women accessing credit, land ownership and mining rights are not easily available. What is known however is that women have limited access to production resources. Women have limited control over of Swazi Nation Land (SNL), title deed and crown land.<sup>151</sup> In accordance with Swazi law and custom, married males are given priority in land acquisition. This is because under SNL women can only access such land through their male relative or next of kin e.g. husbands, sons (regardless of age), fathers, uncles. Such practises are common despite an explicit constitutional provision regarding equal access to land. SNL acquisition involves “kukhonta” - paying allegiance to the chief and then paying a cow as per tradition.<sup>152</sup>

Women's access to title deed land and crown land is determined by whether the woman is married or not. Unmarried women are deemed to be free to acquire land as long as they can afford it. However, if a woman is married by civil rites in community of property (married under the condition that spouses property becomes joint at marriage), she can only register the property under her husbands' names, as the law deems women to be minors under their husbands' marital power.<sup>153</sup> Most married women have the status of legal minors. Under the civil law provisions as contained in the Marriage Act of 1964, women are subject to the marital power of their husbands and are not permitted to independently retain or manage proper-

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**150.** Shongwe, N., & Zwane, S. *Suspected Serial Killer Confesses To 10 Murders*.

**151.** Aphane, D. (2007). *Vula Indzawo: The evolution of Women's Rights in Swaziland*. OPENSPACE pp. 47-51.

**152.** Ibid.

**153.** Ibid.

ty, or sign contracts.<sup>154</sup> The Marriage Act states that by virtue of the marital power, husbands assume the role of administrator of the joint estate. In this situation the wife finds herself subordinate to her husband's guardianship and bereft of legal capacity except for where common law or statutory dispensation has been granted.<sup>155</sup>

In the recent case of *Nombuyiselo Sihlongonyane v Mholi Joseph Sihlongonyane* HC 470/2013, the High Court decision stated that the concept of marital power is contrary to section 20 of the 2005 constitution in that it is discriminatory against women.<sup>156</sup> In the ruling the court focused on the specific application – which was in regard to the issue of *locus standi* (ability to sue and be sued) for women married in community of property – and ruled that women married under this law can sue and be sued independently without the assistance of their husbands. The court deemed the initial inability of women to sue and be sued independently as discriminatory and contrary to the equality before the law clause in the constitution.<sup>157</sup>

Also, in *Doo Aphane v Registrar of Deeds & Others* HC 383/2009 the court ruled that women married under the same law in community of property could now register property in their own names.<sup>158</sup> In 2008 Aphane and her husband Michael Zulu bought a piece of land and tried to register it in both their names. The two were married in community of property (their estate acquired prior and during the marriage are joined and placed under the authority of the husband). Such registration was refused on the basis of Section 16 (3) of the Deeds Registry Act 1968. This provision is based on the Swaziland's common law, which still adheres to the view that a woman married in community of property is under the marital power of her husband.

Aphane instituted legal action on the basis that she was being discriminated based on her gender and that section 16 (3) of the Deeds Registry Act was unconstitutional and contrary to Section 20 of the 2005 Constitution.

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**154.** Borbeg, P. Q. R. (1977). *The Law of Persons and Family*. JUTA Legal and Academic. p. 190.

**155.** Ibid.

**156.** *Nombuyiselo Sihlongonyane v Mholi Joseph Sihlongonyane* HC 470/2013.

**157.** Ibid.

**158.** *Doo Aphane v Registrar of Deeds & Others* HC 383/2009.

The High Court ruled in favour of Aphane. The situation was complicated when the government appealed the judgment and in an unusually speedy finalisation of litigation in Swaziland – won the case in the Supreme Court in May 2010 arguing that the High Court had usurped the powers of Parliament and appropriated itself the function of Law-making. However, while the Supreme Court upheld the spirit of the original decision by declaring Section 16 (3) of the Deeds Registry Act invalid because it is inconsistent with section 20 and section 28 of the 2005 Constitution, it then suspended this declaration of invalidity for 12 months to give parliament time to pass a law and amend the unconstitutional section.<sup>159</sup>

According to Swazi law and custom only one heir is identified to succeed to the whole estate of the deceased.<sup>160</sup> As a result, one of the sons typically becomes the sole heir unless the parents provide inheritance for a girl child by way of a last testament.<sup>161</sup> Where there is no son in the family, another male relative may ‘khonta’ on behalf of that family. Given that, one can choose to use the inheritance as collateral to get a loan; this situation means that young women are denied opportunities to acquire the capital that could allow women to improve their socio-economic circumstances, or develop themselves further.

Enforcement of legal rulings ensuring the promotion of women’s rights remains problematic. The dress code is used to make it difficult for women (young and old) to gain access to justice or positions of influence within Swazi society. For example, in the case of *Mana Mavimbela v The Chairman of the Elections and Boundary Commission* HC No. 1131/13 of 2013 a young woman from Lubuli was nominated to run for a seat in parliament in the Lusabeni constituency, she was disqualified because she was wearing trousers, which is designated as clothing for males under culture.<sup>162</sup>

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**159.** Langwenya, M. (2012). *Historic step towards equality for Swazi Women: An analysis of Mary Joyce Doo Aphane V Registrar of Deeds*. Open Debate: Retrieved March 3, 2015 from [http://www.osisa.org/sites/default/files/open\\_debate\\_6\\_-\\_doo\\_aphane\\_v\\_registrar.pdf](http://www.osisa.org/sites/default/files/open_debate_6_-_doo_aphane_v_registrar.pdf).

**160.** Magagula M., *Minister to defend withdrawn policy*. Times of Swaziland. August 1, 2014.

**161.** Ibid.

**162.** *Mana Mavimbela v The Chairman of the Elections and Boundary Commission* HC No. 1131/13 of 2013.

Laws pertaining citizenship have generally discriminated against women. Most notable is the fact that the constitution states 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, young women, who have children with men from foreign countries, who become absent fathers, are at risk of being left with the huge burden of raising stateless children.

### 3.5 Youth and Health

Young people in Swaziland are at risk from a broad range of health problems. HIV prevalence in Swaziland is the highest in the world at 26.5% among adults aged 15-49 region; 5.9 per cent of young men and 22.7 per cent of women aged 15 to 24 are infected.<sup>163</sup> According to a 2011 ASRH report, adolescents in Swaziland experience risky social behaviours and these include early sex, pregnancy and parenthood; cross-generation and transactional sexual relationships; sexual, emotional and physical abuse; sexual transmitted infections; low access to SRH information and services; increasing orphan-hood, famine, school dropout, unemployment and poverty; and substance use with its associated crime and mental disorders.<sup>164</sup>

The report further states that the underlying factors leading to these risks include early maturation and sexual desire; weakening of traditional systems of enforcing discipline; societal tolerance of teenage marriages and parenthood; multiple sexual relationships; the low usage of contraceptives; taboos on discussing sex matters with children; lack of parental support; living alone or with stepparents and or distant relatives; the desire and imitation of lavish lifestyles; peer influence; ignorance about HIV prevention; myths on sex contact with young people; poor enforcement of controls on substance abuse in schools and the community; inadequate entrepreneurial skills and lack of access to business loans or agriculture inputs; and

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**163.** UNFPA & the Population Reference Bureau. (2012). *The Status Report on Adolescents and Young People in Sub-Saharan Africa: Opportunities and Challenges*.

**164.** Muna, D. O., & Kiirya, S. K. (2011). *Analysis of Social Behaviours and Interventions Related to Adolescent Sexual and Reproductive Health in Swaziland*. Mbabane: UNFPA.

distant health facilities and lack of privacy in the clinics resulting to low STI care-seeking behaviour.<sup>165</sup>

Sexual and reproductive health behaviours are among the main causes of death, disability and disease among young people. They are at particular risk for unwanted pregnancy and pregnancy related complications, STIs and HIV/AIDS.<sup>166</sup> Other significant problems include: physical and psychological trauma resulting from sexual abuse, gender-based violence and other forms of physical violence and accidents. Youth in Swaziland are vulnerable to these problems because they often venture into sex unprepared; have sex with multiple partners; engage in alcohol and drug abuse that impairs judgment; have limited awareness of STI prevention; lack skills to negotiate safer sex; and have poor health-seeking behaviour.

Health service delivery in Swaziland consists of both formal and informal sectors, and is organised in a multi-tier system: i) national referral hospital; ii) regional hospitals; iii) primary health care facilities (clinics and health centres) and outreach sites and; iv) community-based care where care and support is provided by rural health motivators, NGOs, traditional birth attendants and other volunteers.<sup>167</sup> The formal health sector comprises both public and private health service providers including non-governmental organisations (NGOs), faith-based organisations (FBOs), industry and private practitioners.<sup>168</sup> Its infrastructure is made up of seven government hospitals. There are also eight public health units, 12 health centres, 76 clinics and 187 mobile outreach sites, 62 private clinics and 22 industry-supported health centres and clinics. There are two missionary hospitals and one industry supported hospital, as well as 73 missionary health facilities (health centres, clinics and outreach).<sup>169</sup>

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**165.** Ibid.

**166.** Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*. Retrieved July 14, 2014 from <http://dhsprogram.com/pubs/pdf/fr202/fr202.pdf>.

**167.** UNAIDS. (2012). *Swaziland Country Report on the political declaration on HIV and AIDS*, Kingdom of Swaziland, p. 12.

**168.** Ibid.

**169.** Ibid.

Of the total health facilities (490 facilities) in the country 45% belong to the public sector, 20% are owned by private practitioners, 12% are run by industries, 15% by Faith Based Organisations (FBOs), 5% by NGOs, and 3% by private nurses.<sup>170</sup> There are also traditional and other alternative health providers in the informal sector. Youth friendly centres have also been established with the technical and financial assistance of international organisations such as the United Nations populations Fund.

In 2004, with support from the Global Fund through the National Emergency Response Council on HIV/AIDS (NERCHA), the Swaziland National Youth Council established 16 youth centres in rural sites to provide life skills (including HIV prevention education). The Alliance of Mayors and Municipal Leaders on HIV/AIDS in Africa (AMICAALL) has also established peer education and youth mentoring programmes through which 5,846 youth were reached in 2008/09 and 9,838 in 2009/10, and in-school health clubs through which 20,244 youth were reached in 2008/09 and 10,423 in 2009/10.<sup>171</sup> There are also a number of youth centres operated by Family Life Association of Swaziland (FLAS) which has 15 service points, including 4 permanent clinics and 12 mobile facilities.

Health insurance can enhance an individual's access to health care. The DHS 2006-2007 reports that only a small minority of women and men age 15-49 in Swaziland are covered by any type of health insurance, and that men are somewhat more likely than women to have coverage (8% and 5%, respectively).<sup>172</sup> Notable problems associated with accessing public and standardised health facilities for young people include getting permission to go for treatment, getting money for treatment, distance to a health facility, having to take transportation, not wanting to go alone, concern that there may not be a youth friendly health care provider available, concern that there may be long queues, having to stand in the line for the whole day

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**170.** Government of Swaziland: Ministry of Health and Social Welfare. (2011). *National Health Policy*. Mbabane.

**171.** Maziya, R., *Country Programme Director, Rudolph Maziya's Report as Presented on 4-5th August, 2010, Pretoria*. Retrieved February 27, 2015 from Alliance of Mayors and Municipal Leaders on HIV/AIDS in Africa (AMICAALL): <http://www.amicaall.org/sz/publications.html>.

**172.** Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*.



in order to have a health care provider to attend to you, and concern that there may be no drugs available.

Young people are a particular target for HIV and SRH sensitisation. One of FLAS's youth centres has its own radio studio, where young people make their own programmes concerning SRH issues, which are then broadcast at FLAS road shows, and, by major nationwide radio stations. FLAS peer educators also provide training to the country's Business Coalition Against AIDS.

Population Service International (PSI) is another youth preferred health services institution its services include the following: male circumcision services; HIV counselling and testing campaigns and services; female and male condom campaigns; and information desks that provide information and educational material on delayed sexual debut, the dangers of concurrent sexual partnerships, informative and on HIV risk perception.

### 3.5.1 Youth and HIV

The crisis of a high and increasing prevalence of HIV/AIDS in Swaziland has been overwhelming due to its impact on the social, economic, demographic and cultural aspects of the Swazi society. Swaziland has the highest HIV prevalence rate in the world at 26.5% among adults aged 15-49 year and prevalence rates among young people aged 15-24 at 15% – with a higher prevalence rate among young women (20%) than young men (10%).<sup>173</sup> In Swaziland the main mode of HIV transmission is sexual intercourse between heterosexual partners.

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**173.** UNICEF. (2014). State of the World Children Report, 2014 (Every Child Counts: Revealing disparities, advancing children's rights) Data culled from statistical annex.

**Figure 2**

Swaziland: HIV Prevalence (%) among antenatal clients, 1992-2010<sup>174</sup>

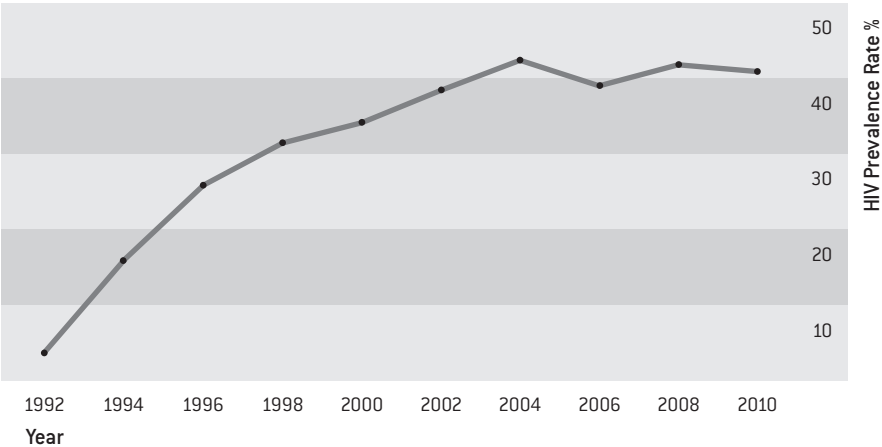
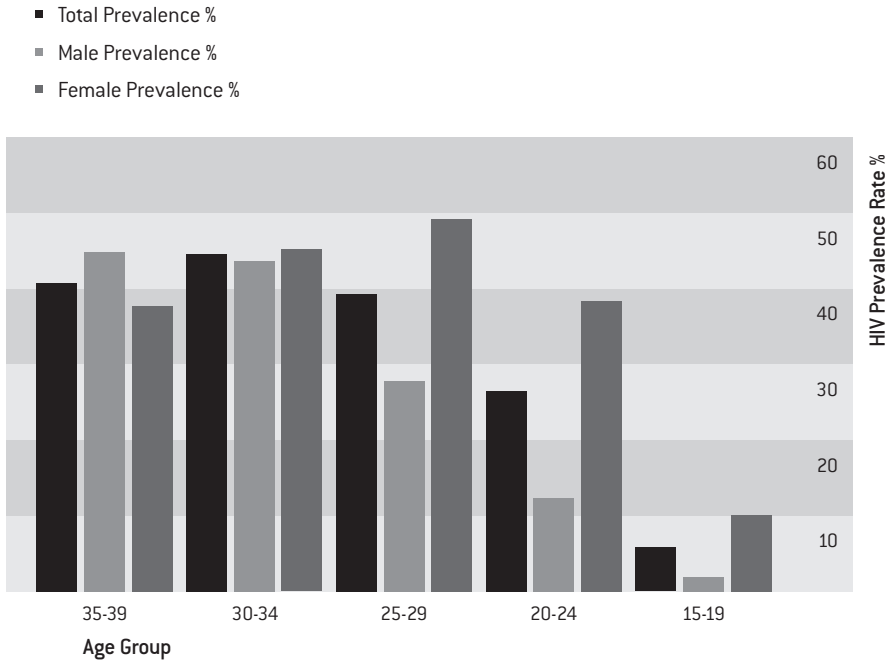


Figure 2, drawn from the Sero-Surveillance Sentinel survey first conducted in 1992, reveals that HIV prevalence among women attending ante-natal care (ANC) was 3.9% in 1992 and that it has increased dramatically over the years, reaching a peak of 42.6% in 2006. The 12th Sero-Surveillance Sentinel Report (2010) indicated a slight HIV prevalence decline from 42% in 2008 to 41.1% among women of reproductive age and that 26% of teenagers receiving antenatal care are HIV positive.<sup>175</sup>

<sup>174</sup>. Government of Swaziland: Ministry of Health. (2010). *Swaziland Annual Health Statistics Report 2010*. Mbabane. p. 35: on the 12th Sero Sentinel Surveillance Report 2010.

<sup>175</sup>. UNFPA & MEPD. (2012). *ICPD + 20 Swaziland Country Report of 2012*.

**Figure 3**HIV Prevalence rate in Swaziland by gender<sup>176</sup>

The HIV/AIDS pandemic having a devastating effect on young people in Swaziland – especially young women and girls. As demonstrated in Figure 3, amongst the 15-34 year old population, the prevalence of HIV is higher amongst women than men, in some cases drastically so.

<sup>176</sup>. Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*.

**Table 6**HIV Prevalence and Associated Behaviours (%)<sup>177</sup>

Indicator	Age Group	Male	Female
HIV Prevalence	15-19 years	1.9%	10.1%
	20-24 years	12.3%	38.4%
HIV Testing Behaviour	15-19 years	4%	23%
	20-24 years	7%	31%
Condom Use at Last High Risk Sex	15-19 years	69%	52%
	20-24 years	70%	55%
Multiple Partners	15-19 years	26%	4%
	20-24 years	30%	4%

The data presented in Table 6 underscores the specific vulnerability of young women to HIV in Swaziland. The HIV prevalence rate amongst female adolescents aged 15-19 is over five times greater than that for young men, even though men are far more likely to engage in high risk behaviour such as, having multiple sexual partners, than women.<sup>178</sup>

Another cause of concern is the lack of comprehensive knowledge of HIV amongst females, too many 15-24 year-olds do not know how to prevent HIV infections and hold misconceptions about how the virus is transmitted. In 2006-07, only 52% of young people held comprehensive and accurate knowledge about HIV.<sup>179</sup> Knowledge has since slightly improved and young

<sup>177</sup>. UNFPA & Population Reference Bureau. (2012). *Status Report: Adolescents and Young People in Sub-Saharan Africa, Opportunities and Challenges*. Johannesburg: UNFPA.

<sup>178</sup>. Ibid.

<sup>179</sup>. Government of Swaziland: Central Statistical Office (CSO), Macro International Inc (MII). (2008) Swaziland Demographic and Health Survey 2006-2007. p. 206.

women (aged 15-24) are more likely to have comprehensive knowledge of HIV prevention than young men (Table 7).<sup>180</sup>

**Table 7**

HIV Prevention Comprehensive Knowledge amongst 15-24 year olds<sup>181</sup>

	Year	Age	% of Population with Comprehensive Knowledge
Female	2012	15-24	58.2
Male	2012	15-24	53.6

It therefore appears that despite having higher comprehensive knowledge of HIV prevention, and being less likely to have multiple sexual partners, young women are notably more likely to be HIV positive than men.<sup>182</sup>

### 3.5.2 HIV and Gender-Based Discrimination

According to a 2014 study conducted on ‘Cultural beliefs and practices towards HIV/AIDS among high school learners’ socio-cultural factors and myths play a role in the spread of HIV/AIDS.<sup>183</sup> In the study, poverty is identified as the strongest factor that determines the likelihood of undertaking behaviours that put an individual at risk of HIV, such as the exchange of sex for money. The low status of women and intergenerational relationships also create an environment that facilitates the spread of HIV.<sup>184</sup> For example, girls are falling prey to ‘sugar daddies’; and boys to ‘sugar mummies’, older men and women respectively who give favours and financial assistance with school fees, clothing, food, and offer expensive gifts.<sup>185</sup> Also, negative

**180.** UNICEF. (2013). *Swaziland Statistics*.

**181.** Ibid.

**182.** Ibid.

**183.** Nxumalo, Okeke & Mammen. (2014). *Cultural believes and practices towards HIV/AIDS among high school learnes in Swaziland*. In Kamla-Raj *Ethno Med*, 8(2). pp. 135-146.

**184.** Ibid.

**185.** Ibid.

cultural beliefs contribute to the spread of the disease. For instance multiple sexual partners, gender inequality, refusing to use a condom during sexual intercourse, infidelity to partners, alcohol and drug abuse are some of the cultural practices implicated in the ever growing HIV/AIDS infection amongst adolescents.

Women's lack of empowerment, which is largely culturally defined, has been linked to women's inability to negotiate safer sex and it is assumed that the traditional culture of Swaziland sanctions multiple partnerships. According to Tobias (2001) these culturally sanctioned gender-based differences in power and status combine with religious and cultural taboos, to influence HIV/AIDS beliefs and behaviours, perpetuate myths concerning condom use, limited the availability of support systems for women, particularly younger women.<sup>186</sup>

Similarly, a study by Nxumalo et al., (2014) identified some of the harmful traditional and cultural practices that were perceived as increasing the vulnerability of women to gender violence, HIV and other sexually transmitted infections (STI's). These include; men's abuse of power; the acceptance of male dominance and women's subordinate positions; polygamy; the acceptance of male promiscuity; multiple concurrent partnership; widow inheritance and widow cleansing; the desire for children at all costs, which leads to women and men to engage in unprotected sex even when the partner is known to be HIV positive; a culture of silence which makes it a taboo for men and women, parents and children and husbands and wives to speak about sex; and lastly, the reluctance of men to use condoms, and women's failure to control condom use and other birth controls especially in marriage.<sup>187</sup> Therefore, the following cultural practices are very common: *Sitsembu* – polygamy, *Bunganwa* – having multiple female partners, *Kushe-da* – having extra marital relationships, *Kungena* – wife inheritance, *Kuhlanta* – a younger sister having children with her infertile sister's husband, *Kujuma* – occasional short-term or overnight visits between unmarried

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**186.** Tobias BQ. (2001). *A descriptive study of the cultural mores and believes towards HIV/AIDS in Swaziland, Southern Africa*. International Journal for Advancement of Counselling, 23. pp. 99-113.

**187.** Nxumalo, Okeke & Mammen. (2014). *Cultural Beliefs and Practices Towards HIV/AIDS Amongst High School Learners in Swaziland*. Ethno Med, 8(2). pp. 135-146.

lovers, and *Kulamuta* – having sexual relations with the younger sisters of one’s wife.

### 3.5.3 HIV Prevention Strategies

The mass spread and the impact of the HIV virus required government to set up strategies that would curb the pandemic in an effective manner, as result a multi-sectorial approach was adopted. In 1999, King Mswati III declared HIV/AIDS a national disaster, which led to the establishment of the Multi-sectoral Crisis Management and Technical Committee, and finally in 2001 the establishment of the National Emergency Response Council on HIV/AIDS (NERCHA), which was placed within the Prime Minister’s office. As Swaziland Is committed to achieving the Millennium Development Goal (MDG) 6 of “*halting and reversing the spreading of HIV by 2015*”, NERCHA has been mandated to mainstream HIV issues at *Tinkhundla*, chiefdom, and town levels.<sup>188</sup> The national HIV prevention policy addresses structural and cultural factors that increase the vulnerability to HIV infection particularly among youth and seeks to foster sustainable changes in both individual behaviours and social norms. It calls for evidence-informed programming and use of the UNAIDS investment framework. The National HIV Policy states that the national response has adopted a comprehensive approach to HIV prevention.

#### Behavioural Change Campaigns

Behavioural change campaigns focus primarily on awareness raising activities through Information, Education and Communication (IEC), campaigns centred on prevention using the ‘Abstain, Be Faithful, Condomise’ (ABC) approach. Nxumalo et al., (2014) suggest that for HIV/AIDS educational programmes and campaigns targeted at students and the youth must be presented in a way that is motivating and stimulating, or they will fail to yield

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**188.** Government of Swaziland. (2009). *The National Multisectoral HIV/AIDS Monitoring and Evaluation Framework 2009-2014*. Retrieved March 20, 2015 from [http://www.aid-star-one.com/sites/default/files/prevention/resources/national\\_strategic\\_plans/Swaziland\\_09-14.pdf](http://www.aid-star-one.com/sites/default/files/prevention/resources/national_strategic_plans/Swaziland_09-14.pdf).

the desired results.<sup>189</sup> The researchers advocate for high school students and young people to be taught about culture so that they can develop a critical awareness of the impact that it has on Swazi society, and can advocate for the need for men and women to be equal partners.<sup>190</sup> It is argued that greater gender equality in all aspect of life will reduce the likelihood of partners exposing each other to risks of contracting the HIV/AIDS.<sup>191</sup>

### Condom Use

Condom use is one of the main strategies for combating the spread of HIV. However, educating youth about condoms is sometimes controversial; with some saying it promotes early sexual experimentation.<sup>192</sup> Yet, condom use among the sexually active population plays an important role in preventing the transmission of HIV and other sexually transmitted infections, as well as unwanted pregnancies.<sup>193</sup> There is generally a high level of awareness of male condoms, and where to obtain them among both women and men. Only 11% of women and 10% of men have an awareness of condoms, but do not know where to get them. However, knowledge of the female condom is low. About half of women and men age 15-49 have heard of the female condom, but do not know where to get them (45% of women and 56% of men). The DHS further reveals that 80% of men who use condoms use either Trust brand condoms (43%) or government issued condoms (37%).

### Male Circumcision

Male circumcision is another strategy adopted to ameliorate the spread of HIV among the youth. Male circumcision has been argued to decrease the risk of HIV infection by approximately 60%<sup>194</sup>, in part because of physio-

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**189.** Nxumalo, Okeke & Mammen. (2014). *Cultural Beliefs and Practices Towards HIV/AIDS Amongst High School Learners in Swaziland*.

**190.** Ibid.

**191.** Ibid.

**192.** Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*.

**193.** Ibid.

**194.** World Health Organization. *Male Circumcision for HIV Prevention*. Retrieved February 10, 2015 from <http://www.who.int/hiv/topics/malecircumcision/en/>.



logical differences that reduce the susceptibility to HIV infection. In 2007, the Government of the Kingdom of Swaziland introduced a policy on male circumcision, which aims to halt the spread of HIV infection to achieve an HIV-free generation in Swaziland. The primary targets of these services are men aged 15-24 years who are HIV-negative, and, new-born babies.

#### 3.5.4 HIV Testing and Counselling

HIV testing and counselling is another approach adopted by the government in the fight against HIV. Considering Swaziland's high HIV-prevalence rate, HIV testing is an important imperative, particularly amongst young people who engage in risky sexual behaviour.<sup>195</sup> Individuals are encouraged to know their HIV status because it is assumed that knowledge of one's own HIV zero-status can motivate a person to practice safe sexual behaviour to avoid transmitting the virus to others. The Swaziland Policy Document on HIV/AIDS and STD Prevention and Control (1998) deals with HIV testing, non-discrimination as well as HIV and AIDS in the workplace. The right to privacy ensures that counselling and testing of individuals are voluntary, that HIV testing results are confidential, and guarantees the right of non-disclosure. An analysis of HIV testing behaviour shows that young women are more likely to have tested for HIV than young men. In 2012, 23% of young women aged 15-19 tested for HIV compared to only 4% of males of the same age group.<sup>196</sup> Young women aged 20-24 were more than four times more likely to have undertaken an HIV test compared to their male counterparts; 31% compared to 7%.<sup>197</sup>

#### 3.5.5 Youth and Sexual and Reproductive Health and Rights

Young people in Swaziland are faced with various challenges related to their sexual and reproductive health and rights (SRHR) including: early sexual debut, cross-generational sexual relationships, sexual abuse, HIV

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**195.** Ibid.

**196.** UNFPA & Population Reference Bureau. (2012). *Status Report: Adolescents and Young People in Sub-Saharan Africa, Opportunities and Challenges*. Johannesburg: UNFPA.

**197.** Ibid.

infection, adolescent pregnancies, substance use, dropping out of school, and orphan-hood mainly due to the death of one or both parents resulting from HIV infection.<sup>198</sup>

### Early Marriage and Adolescent Fertility Rate

Citing evidence from WHO (2012), Madondo states that in the developing world, adolescent pregnancies are associated with early marriage of young women. Early marriages in sub-Saharan Africa are deeply rooted in the traditional values of the communities and are therefore difficult to address; Swaziland is no exception.<sup>199</sup> In the period of 2002 and 2012 there were no adolescent male marriages in Swaziland, yet 4.3% of female adolescents married/in union in the same period.<sup>200</sup> Although age at marriage is often used as a proxy measure for the beginning of exposure to the risk of pregnancy, some young women (girls) and young men (boys) engage in sexual activity before marriage.<sup>201</sup> As a result, the median age of first intercourse for Swaziland youth is estimated at less than 18 years for women and more than 18 for men.<sup>202</sup> However, some studies have reported that some girls begin having (coercive) sex as early as eight years of age; for instance, the 2007 UNICEF study provides that approximately 1 in 3 females experience some form of sexual violence as a child.<sup>203</sup>

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**198.** Muna, D. O., & Kiirya, S. K. (2011). *Analysis of Social Behaviours and Interventions Related to Adolescent Sexual and Reproductive Health in Swaziland*. Mbabane: UNFPA

**199.** Madondo, T. (2013). *Adolescence pregnancies and their impact on communities. Exchange on HIV and AIDS sexuality and Gender*. Retrieved February 10, 2015 from [http://smartsite.kit.nl/net/KIT\\_Publicaties\\_output/ShowFile2.aspx?e=2072](http://smartsite.kit.nl/net/KIT_Publicaties_output/ShowFile2.aspx?e=2072). p. 2.

**200.** UNICEF. 2013. *Swaziland Statistics*.

**201.** Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*.

**202.** Ibid.

**203.** Reza, A., Breiding, M., Blanton, C., Mercy, J. A., Dahlberg, L. L., Anderson, M., Bamrah, S. (2007). "Violence Against Children in Swaziland: Findings of a National Survey on Violence Against Children in Swaziland May 15 – June 16, 2007. Retrieved February 10, 2015 from [http://www.unicef.org/swaziland/sz\\_publications\\_2007violenceagainstchildren.pdf](http://www.unicef.org/swaziland/sz_publications_2007violenceagainstchildren.pdf).

Swaziland has experience a decrease in the fertility rate over the years from 6.9 in 1970 to 3.4 in 2012.<sup>204</sup> However, Swaziland's adolescent fertility rate is at 66, which is higher than many other neighbouring countries SADC countries such as, Botswana, 43; South Africa 50; and Lesotho 60.<sup>205</sup>

**Table 8**

Total fertility rate<sup>206</sup>

Year	Rate
1970	6.9
1990	5.7
2012	3.4

In a study undertaken in Swaziland's Hhohho region, it was reported that due to lack of knowledge, advice and emotional support, young women often practised unsafe sex, leading to high pregnancy rates and HIV infection among the youth.<sup>207</sup> However, there has been a reduction in teenage fertility from 145 per 1000 in 1986, to 111 per 1000 women in 2006-07.<sup>208</sup> Despite this, UNICEF (2013) reported that during the period of 2008-2012, 22.1% of young women had given birth by age 18, and that for the period 2006-2010, the adolescent birth rate per thousand women, was 89.<sup>209</sup> There are notable regional differences in the proportion of teenagers who have begun child-

**204.** UNICEF. 2013. *Swaziland Statistics*.

**205.** UNFPA & Population Reference Bureau. (2012). *Status Report: Adolescents and Young People in Sub-Saharan Africa, Opportunities and Challenges*.

**206.** UNICEF. 2013. *Swaziland Statistics*.

**207.** Madondo, T. (2013). *Adolescence pregnancies and their impact on communities. Exchange on HIV and AIDS sexuality and Gender*. p. 2.

**208.** The Ministry of Economic Planning and Development (MEPD). (2012). *Swaziland Country Report: ICPD at 2014 and Beyond*. Mbabane: Swaziland Government. p. 13.

**209.** UNICEF. 2013. *Swaziland Statistics*.

bearing, ranging from 18% in Manzini to 27% in Lubombo.<sup>210</sup> Rural women are more likely than urban teenagers to have started childbearing.<sup>211</sup> Therefore, women in rural areas have relatively more children in their younger ages than those in urban areas.

Teenage pregnancy accounts for 25% of all reported pregnancies. Pregnant girls are expelled from school and some do not get another opportunity to re-start their schooling whereas boys who impregnate schoolgirls go unpunished.<sup>212</sup> The education policy in Swaziland forbids learners from falling pregnant in schools; hence girls drop out of school every year due to unplanned pregnancy. The high rates of teenage pregnancy are of concern as early parenthood is likely to affect educational achievement and have significant employment and socio-economic ramifications; furthermore, health complications for both the teen mother and unborn child are high.

According to the ASRH Assessment Report, of 2011, more male than female youth dropped out at the lower levels of school, while more females than male youth dropped out at the higher levels of school.<sup>213</sup> The main reasons from dropping from school are pregnancy, sickness, marriage, lack of parental guidance and schooling materials, excessive domestic chores and desertion due to peer influence and lack of policy and support system for girls to continue school with or after pregnancy.<sup>214</sup> Higher levels of women's autonomy, education, wages, and labour market participation are associated with improved reproductive health outcomes.

The maternal mortality ratio for the period of 2008-2012 is reported at 590 for Swaziland.<sup>215</sup> However, hospital-based data shows that teenage pregnancies contribute significantly to the high maternal mortality and morbidity rates in the country; for instance the rise in maternal death is attributed to teenage pregnancy, low coverage of emergency obstetric ser-

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**210.** Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*.

**211.** Ibid.

**212.** The Ministry of Economic Planning and Development (MEPD). (2012).

**213.** Muna, D. O., & Kiirya, S. K. (2011). *Analysis of Social Behaviours and Interventions Related to Adolescent Sexual and Reproductive Health in Swaziland*. Mbabane: UNFPA.

**214.** Ibid. p. 21.

**215.** UNICEF. (2013). *Swaziland Statistics*.

vices (10% of health facilities), low skilled attendance at birth (38%) and the sizeable proportion of pregnant women (25.7%) who do not attend antenatal care.<sup>216</sup> It is estimated that nearly 20% of maternal deaths occur to young women below the age of 20 years.<sup>217</sup>

### Unsafe Abortion

Abortion is prohibited in Swaziland, except in cases of necessity.<sup>218</sup> However, reports of illegal abortions are common. For instance, the Family Life Association of Swaziland (FLAS) received and treated 1049 women for abortion related complications.<sup>219</sup>

According to IRIN Humanitarian and analysis, media reports indicate that the police are on the lookout for those who are suspected of terminating their pregnancies. The risk of prosecution deters many young people from seeking professional help, thereby putting their lives at risk. Jeff Mathe director of the largest public hospital in the capital Mbabane told the recent annual Swaziland National Health Conference that 16% of all female deaths were of a consequence of botched termination.<sup>220</sup> Also, there have been allegations that women who come to public hospitals with complications resulting from unsafe abortion are not treated or given medical attention.<sup>221</sup>

The incidents of unsafe abortions provoked a “legalisation of abortion” debate for the first time recently in 2013 by Members of Parliament as they questioned the necessity of termination of unwanted pregnancy as a means

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**216.** Muna, O. M., & Kiirya, S. K. (2011). *Analysis of Social Behaviours and Interventions Related to Adolescent Sexual and Reproductive Health in Swaziland*.

**217.** Government of Swaziland: Ministry of Health and Social welfare. (2011). *National Health Policy*. Mbabane.

**218.** UNAIDS (2012) *Swaziland Country Report on the political declaration on HIV and AIDS*.

**219.** Hlatjwayo, S. (2013). *Family Life Association Of Swaziland (FLAS) recorded 1049 abortion cases*. Times of Swaziland: Mbabane.

**220.** Intergrated Regional Information Networks. *Illegal abortion endangering lives-swaziland*. November 14, 2012. Retrieved January 18, 2015 from <http://www.irinnews.org/report/96777/swaziland-illegal-abortions-endangering-lives>.

**221.** Ibid.

for population control.<sup>222</sup> In response to the deliberation, the Ministry of Health released the national policy on sexual and reproductive health that reemphasised the 2005 Constitution stance on the illegality of the procedure. The policy seeks to promote adolescent and youth sexual and reproductive health by protecting the rights of young people to have adequate information and access to services, which will enable them to make informed decisions. To be noted within the policy is that it states that, when dealing with abortion cases the health services should be non-judgmental and provide post-abortion care, information and counselling to all clients. It does not make mention though of post abortion care for unsafe abortion complications.<sup>223</sup> There is a need to adopt necessary measures to guarantee the right to life of pregnant women who decide to interrupt their pregnancy by providing the necessary information and resources while also amending the legislation on abortion.

### 3.5.6 Youth Substance Use

In addition to early sexual debut for boys and girls, a number of other risk factors are prevalent among Swaziland youth. These include early and widespread alcohol and drug abuse. According to the 2011 ASRH report, many adolescents experience sexual abuse and witness their parent's health deteriorate till death due to HIV/AIDS.<sup>224</sup> These experiences of trauma and anguish have been causally related to young people engaging in substance use.<sup>225</sup>

Data indicates that many adolescents smoke Marijuana (*Dagga/Insangu*), drink alcohol and experience mental disorders especially during the *Maganu* season.<sup>226</sup> It is common for adolescence to exhibit violent behav-

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**222.** Ibid.

**223.** Government of Swaziland: Ministry of Health. (2013). *The National Policy on Sexual and Reproductive Health*.

**224.** Muna, O. M., & Kiirya, S. K. (2011). *Analysis of Social Behaviours and Interventions Related to Adolescent Sexual and Reproductive Health in Swaziland*. Mbabane: UNFPA. p. 22.

**225.** Ibid.

**226.** From January to May when the fruit of the Marula tree is turned into wine; Ibid.

their behaviour when they are under the influence of alcohol or drugs like Marijuana.<sup>227</sup> When intoxicated, some of them engage in unprotected sex and sexual violence.<sup>228</sup> The underlying factors of drug and substance use among adolescents are lack of parental guidance, frustrations due to unemployment, peer influence, and easy access to alcohol and drugs.<sup>229</sup>

Swaziland has two common types of substance abuses and are regarded as socially acceptable; alcohol and marijuana, and is rated 29th out of 185 countries across the world for *per capita* alcohol consumption.<sup>230</sup> The report further states that unrecorded alcohol consumption in the country is estimated at 4.1 litres of pure alcohol *per capita* over 15 years of age. Alcoholism is a problem in Swaziland and it has implications both on the individual, affecting their health, employment, mental state and relationships, and on the wider social environment, through increased incidences of traffic accidents, domestic abuse and added strain on the health system among others.

Rehabilitation services for people who abuse alcohol and drugs, and support services for those with severe mental disorders are also a challenge. Patients are not typically offered a clear and well-detailed aftercare plan following discharge from the hospital.

A number of prevention programmes for school going youth and out of school youth are in place. For example recreation services are in place as boredom is one of the factors driving adolescents to take on risky social behaviours such as substance use, physical violence and sexual abuse.<sup>231</sup> These approaches draw on the methodologies outlined in the World Health Organization's (WHO) 2010 "Atlas of Substance Use Disorders." The WHO country profile for Swaziland states that there is need for reports on the financing method for prevention services and that the policy for mental health and drugs should make provision for specialised treatment services for patients with drug use disorders.<sup>232</sup>

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227. Ibid.

228. Ibid.

229. Ibid.

230. Ibid.

231. Ibid.

232. Ibid.

### 3.5.7 Youth and Mental Health

Swaziland defines mental health as a state of social, emotional, spiritual and physical wellbeing with a zest of life and a capacity to interact with others meaningfully, work productively and enjoy leisure life, it is not just an absence of mental or physical discomfort (MOH, 2013). Currently 5.5% of the population suffer from some form of mental illness, which is equivalent to 6832 (CSO, 2010, p. 43). Only 13.7% of those suffering with mental illness are living in urban areas and 86.3% are found in rural areas.<sup>233</sup> Of those with mental health problems, 50.3% are females and 49.7% of males.<sup>234</sup> 15-19 year olds are the population most likely to experience mental health difficulties, followed by those aged 20-24 years.<sup>235</sup>

Many adolescents and youth requiring mental health support have experienced other negative outcomes or are engaged in risk behaviour, such as being orphans, young offenders, drug users, victims of sexual violence and rape.<sup>236</sup> Half of all lifetime mental health problems start by the age of 14, leaving the affected individuals, their families and public services with the challenge of lifetime support.<sup>237</sup> This situation highlights the importance of early intervention mental health support services. According to the Swaziland Government mental health policy draft 2013, no disaster or emergency preparedness plans for mental health exist in the country. Emergency and disaster agencies have no specific mental health component.

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**233.** Ibid.

**234.** Ibid.

**235.** Deputy Prime Minister's Office. (2011). *Swaziland Disability Profile*. Mbabane: DPMO. p. 18.

**236.** WHO, (2010). *Atlas of substance use disorders, Swaziland country profile, resources for the prevention and treatment of substance use disorders*.

**237.** Ibid.



### 3.5.8 Health of Youth with Disabilities

An estimated 171,347 Swazis have a disability, accounting for 16.8% of the country's population.<sup>238</sup> The prevalence of disability in Swaziland is higher than the average rate for developing countries (which is at 10% of the total population).<sup>239</sup> 18% of people with disabilities (30,469) live in urban areas and 82% live in rural areas (140,878).<sup>240</sup>

Women are more likely to have a disability than men. 58% (99,381) of those with a disability are women and 42% (71,965) are men.<sup>241</sup> The majority of people living with disabilities are young people between the ages 5 to 19 years old, living in rural areas at 27%.<sup>242</sup> Out of the 171,347 people with disabilities in Swaziland, 78,083 (46%) have sight-related disabilities, followed by a group classified as other forms of disabilities at 47,691 (28%).<sup>243</sup> 11% (18,389) have hearing-related disabilities, while 4% (6,832) have memory/concentration-related disabilities.<sup>244</sup> 10% (17,486) have mobility-related disabilities and 2% (2,666) have speaking-related disabilities.<sup>245</sup>

Young people with disabilities often lack the skills and resources necessary to establish independence and a decent livelihood. According to a situation assessment of children and young people with disabilities in Swaziland report of 2010, the types of discrimination experienced by young people living with disabilities include being beaten, neglected, stigmatised, isolated, bullied, teased, discriminated against, called names, not taken se-

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**238.** Government of Swaziland: Central Statistics Office. (2010). 2007 *Population and Housing Census Volume 4*. Mbabane.

**239.** Deputy Prime Minister's Office. (2011). *Swaziland Disability Profile*. Mbabane: DPMO. p. 8.

**240.** CSO. (2010). 2007 Population and Housing Census – Volume 4: Central Statistical Office; Deputy Prime Minister's Office. (2011). *Swaziland Disability Profile*. Mbabane: DPMO.

**241.** Ibid.

**242.** Deputy Prime Minister's Office. (2011). *Swaziland Disability Profile*. Mbabane: DPMO.

**243.** Government of Swaziland: Central Statistics Office. (2010). 2007 *Population and Housing Census Volume 4*; Deputy Prime Minister's Office. (2011). *Swaziland Disability Profile*. Mbabane: DPMO.

**244.** Ibid.

**245.** Ibid.

riously, and not accepted.<sup>246</sup> According to the President of the Federation of organisations of the Disabled in Swaziland<sup>247</sup> (FODSWA), Mr Mandla Methula<sup>248</sup>, even though government has ratified the Convention of Persons with Disability in 2012 and is the process of domesticating it, challenges in the education, health system and unemployment, and poverty are particular to disabled youth.

The provision of education for people with disabilities has been limited, and 23% have never attended school.<sup>249</sup> In 2007, 26% of the disabled people reached secondary-level education, however, only 3.5% gained access to colleges, and 2% to University.<sup>250</sup> There are no equal opportunities for the blind and deaf; as a result they are being left behind. Even though this situation may not be intentional there are insufficient trained personnel such as teachers to ensure disabled persons with visual and hearing impairments progresses in the education system. There is a great need for trained personnel, which is evidenced by the fact that all the School for the Deaf students who sat for the National Junior Certificate failed the exam i.e. the entire class of 2014 failed.<sup>251</sup>

Access to employment for people with disabilities is heavily curtailed, with a reported 83.7% being economically inactive; 4% unemployed, and 12.3% employed.<sup>252</sup> People with sight- and hearing-related disabilities face obstacles to labour market participation, as there is a perception that a per-

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**246.** Deputy Prime Minister's Office. (2011). *Swaziland Disability Profile Swaziland Disability Profile*. Mbabane: DPMO.

**247.** The Federation of organisations of the Disabled in Swaziland (FODSWA) is a human rights oriented coordinating body of Disabled Persons Organisation (DPOs). It was formed in 1993 by organisations of people with disabilities in Swaziland due to lack of coordination of their activities.

**248.** Interview with Ms Sima Dude, Programmes Manager at the Disability Unit under the Deputy Prime Minister's Office held in Mbabane, January 15, 2015.

**249.** Government of Swaziland: Central Statistics Office. (2010). *2007 Population and Housing Census Volume 4*.

**250.** Ibid.

**251.** Interview with Mr Mandla Methula, President of the Federation of Persons Living with Disabilities on January 15, 2015.

**252.** Government of Swaziland: Central Statistics Office. (2010). *2007 Population and Housing Census Volume 4*. p. 47.

son who can't talk or see cannot work.<sup>253</sup> However, people with physical disabilities are able to obtain employment except for in buildings that do not have adequate access arrangement. Of the 12.3% who are employed, the public sector employs around 1.1%; the private sector employs 16.2%; 39.5% are employed in a family farm/business; 10.2% are self-employed, and 33% are employers.<sup>254</sup> Due to the fact that the disabled are under employed, disabled persons in the country suffer more poverty than other marginalised groups.

Access to health care by young people with disabilities is available but is associated with the challenges. For example according to the 2010 Situation assessment of children and young persons with disabilities in Swaziland, 27% of young people with disabilities who needed it, were receiving treatment, yet 58% reported that they required treatment but were not receiving it.<sup>255</sup> Similarly, young people with disabilities are not considered as a distinct group within many of the countries health policies such as family planning and SRHR. It seems that the health system of the country is not well positioned to cater for the needs of the disabled. The hospitals (particularly government hospitals) in Swaziland are found in urban areas, making it difficult for those in rural areas to access them. The hospitals are also not well equipped to attend to those with visual and hearing impairments. The nurses are not adequately trained to address the health needs of people with disabilities.<sup>256</sup> Most health centres have not made the access adjustments that would allow people with physical disabilities to enter them, and in some cases where adjustments have been made the work undertaken was inadequate. Similarly, the public transportation system of the country does not cater for those in wheelchairs or crutches. There is not even a single bus without stairs.

It must be noted that the Department of Social Welfare administers a public assistance programme, which provides means-tested benefits to the

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**253.** Ibid.

**254.** Ibid.

**255.** Deputy Prime Minister's Office. (2011). Swaziland Disability Profile. Mbabane: DPMO. p. 13.

**256.** Ibid.

needy or destitute in the country.<sup>257</sup> Those who benefit are mainly the elderly, widows, persons with disabilities and those who are terminally ill. Assistance ranges from E40.00 to E65.00 (equivalent to approximately US\$ 4 to 6.50) per month and is usually paid out on a quarterly basis. Social workers estimate that about 40% of the population is needy and yet less than 10% are eligible to access this programme.

### 3.6 Youth Participation

Internationally, the agenda of youth participation, particularly, their involvement in political processes and in decision-making, has risen in prominence through the last two decades. The underlying rationale is that engaging youth in decision-making process promotes empowerment, ensures buy-in and ownership, will lead to youth-sensitive policies, and encourages youth leadership development.<sup>258</sup> The motivations for this are often related to changing demographics; 50% of the world's population is currently made up of people younger than 25 years of age. This 'youth bulge' – combined with increased global communication and youth activism, has put governments under increasing pressure to make efforts to listen to and respond to the demands of young people.

Youth participation is defined in terms of the role that the youth play in political governance, as well as in the socio-economic and cultural life. McGee & Greenhalf (2011) state that youth participation is in most cases shaped or influenced by the historical, political, economic, societal, cultural factors.<sup>259</sup> Hence, Swaziland's historical and cultural background has a bearing on youth participation, be it in decision-making processes or socio-cultural life.

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**257.** Ms Sindi Dube, Programmes Manager, Deputy Prime Minister's Office – Disability Unit, interview held on 15 January 2015.

**258.** UNDP, UNDESA. (2012b). *Youth, Political Participation and Decision-Making*. Retrieved February 9, 2015 from <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-political-participation.pdf>.

**259.** McGee, J. & Greenhalf, R. (2011). *Seeing like a young citizen: youth and participatory governance in Africa*. Participatory Learning and Action 64. pp. 21-42.

Young people face many challenges regarding access to policymaking processes, and political governance structures (the challenges will be discussed later in the report). While the atmosphere for voting generally allows young people a fair chance to cast their votes for the candidate of their choice, they face many obstacles to becoming electoral candidates. In part, this is due to the gerontocratic nature of the Swazi society. Older people dominate the political space and are viewed as having more wisdom than youth. As a result they are better able to claim the right to participate in the political, socio-economic and cultural spheres than youth.<sup>260</sup>

Some researchers point to the differences between so-called traditional culture and youth participation principles, and see large and potentially insurmountable barriers in achieving the latter.<sup>261</sup> In Swaziland, tradition holds that young people's voices are not heard, and that adults will decide what is best for them and what is not. Cultural beliefs and practices are seen as playing a significant role in undermining youth participation initiatives particularly in decision-making processes.

Because elders are respected and dominate public life, the space for young people to participate meaningfully is restricted. Young people are often expected to offer their elders unquestioning respect and deference, and as such social values and norms frequently stifle young people's voices or prevent them from having influence.<sup>262</sup>

However, there is evidence that youth are innovative and create or find windows of opportunity to participate in political and policy decision-making processes; social activities relating to community life; and cultural events relating to the arts, and cultural values.<sup>263</sup> For instance, the youth take part in voluntary work partially in response to the fact that there are limited jobs, but also as an avenue to contribute to social change and devel-

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**260.** Save the Children. (2010). *Regional study on children's participation in Southern Africa: South Africa, Swaziland and Zambia*. Retrieved February 9, 2015 from <http://resourcecentre.savethechildren.se/sites/default/files/documents/4547.pdf>.

**261.** Bray, R. (2010). *Child and youth participation in East and Southern Africa: Taking stock and moving forward*. RIATT Eastern and Southern Africa.

**262.** McGee, J. & Greenhalf, R. (2011). *Seeing like a young citizen: youth and participatory governance in Africa*. Participatory Learning and Action 64. pp. 21-42.

**263.** The United Nations General Assembly defines youth participation in terms of the four.

opment. Some of the established arenas for youth participation structures from as high as at national level to grass roots levels, are outlined below.

### 3.6.1 Youth Participation Structures

#### MSCYA and SNYC

The Ministry of Sports, Culture and Youth Affairs (MSCYA) was established in 2008 and is one of the structures that handle youth participation and particularly youth affairs in general at national/government level. Prior to that, the ministry responsible for youth affairs was the Ministry of Regional Development and Youth Affairs (MRDYA) established in 2006. In 2008, youth issues were transferred to (MSCYA). Its vision is to create an enabling environment for young people to actively participate and contribute to the transformation and socio-economic development and good governance processes that shape the present and future destiny of the communities in which they live.<sup>264</sup> However, despite this vision, most young people do not relate or make reference to this body. Yet its objectives include to formulate the policies and programmes of the Swaziland National Youth Council (SNYC), and to provide professional guidance to SNYC to support their implementation of the youth policy; to provide support, lobbying and advocacy on all issues pertaining to the youth; and to integrate and harmonise youth development and empowerment programmes at national and local levels amongst others.

The SNYC was established in 2002 through a memorandum of understanding between different youth groups and the Swaziland Government.<sup>265</sup> The SNYC has a mandate to coordinate all youth activities in Swaziland and also to implement the National Youth Policy. Young people and youth groups are expected to meet to deliberate about youth welfare and rights as well as youth activities under this umbrella body. The strategic objectives

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**264.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.

**265.** Swaziland National Youth Council (SNYC). (2008). *Swaziland: Young People in the fight against HIV & AIDS Needs Assessment Report*. Mbabane. p. 10.

of the SNYC include: capacity building and development, promoting youth self-reliance, health, and education, and fighting the spread of HIV/AIDS.<sup>266</sup>

### **Tinkhundla Youth Committees (TYC)**

Another forum, presented for youth participation is the *Tinkhundla* Youth Committees. The Youth committees are established in each of the 55 *Tinkhundla* (constituencies) across the country.<sup>267</sup> The TYCs represent the SNYC in each constituency and most of the programmes are delivered through them.<sup>268</sup> The chairpersons of the TYCs select youth representatives to sit on the SNYC Board.

### **Youth Development Consortium (YDC)**

The Youth Development Consortium was established by the SNYC and is made up of all youth-led and youth-serving NGOs, as well as donor agencies providing youth targeted activities. In 2008, there were 34 members of the YDC.<sup>269</sup> SNYC is secretariat to the NGOs development consortium. Given the size of its membership the YDC is a body that is in a position to meaningfully advocate and lobby for youth rights and welfare.

### **Smart Partnership's Club 29**

The Smart Partnership's Club 29 is reportedly a forum for involving youth in policy processes. The Club 29's patron is King Mswati III; it is said that the club is a consultative forum for the youth focusing on the empowerment of its membership in all aspects of development through the Smart Partnership Philosophy.<sup>270</sup> Again here, membership is based on appointment, and opportunities for meaningful participation in policy formulation are limited due to the fact that the agenda is pre-determined by adults on behalf of the King.

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**266.** Ibid.

**267.** Ibid.

**268.** Ibid.

**269.** Ibid.

**270.** According to the Club 29 'The Swaziland Youth Link of Smart Partnership' promotion leaflet obtained at Swaziland Trade Fair, at Mavuso September 2013.

### Non-Governmental Organisations (NGOs)

Another forum for possible youth participation in policy formulation is through the establishment of youth-led Non-Governmental Organisations (NGOs). NGOs are able to influence the development of public policies in Swaziland provided they have positioned themselves well and have recognised expertise. Youth-led and youth-serving NGOs are common in the areas of advocacy and lobbying for policy reforms (such as human rights, gender equality, HIV/AIDS, SRHR) and development. As there is no database of youth led NGOs in Swaziland, it is not possible to know the exact number of youth-led NGOs that exist. There are many NGOs who are dealing with socio-economic issues as well as those concerned with justice and governance issues. However, there are few youth-led NGOs dealing with governance and political lobbying, and they are commonly a subsidiary of another larger NGO, for example, Luvatsi (Youth Empowerment Organisation) is a subsidiary of the Swaziland Coalition of the Concerned Citizens Organisation.

### Participation by Youth Wings/Unions

The Swaziland National Union of Students (SNUS) and political parties' youth wings such as the Swaziland Youth Congress (SWAYOCO) have been in the forefront in promoting students' and youth welfare and rights. SNUS has been pivotal in pushing the youth agenda with the University of Swaziland administration and the Ministry of Education, particularly when it comes to students' scholarships and allowances. SNUS and SWAYOCO have led students in class boycott and protest actions. The Student Union and the SWAYOCO have also joined forces with other pro-democracy groups calling for political reform in the country, however, because the Swaziland government has wide latitude to clamp down on any form of dissent; the leaders and members of the groups have been subjected to recurring police brutality as well as arrests.<sup>271</sup>

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**271.** Motsamai, D. (2012). *Swaziland's nonparty political system and the 2013 tinkhundla elections: Breaking the SADC impasse?* Institute for Security Studies Situation Report.



### 3.6.2 Youth Participation in the Political Sphere

Political parties are banned from registering and canvassing for political office in the country. Citizens run for elections on an individual basis as opposed to groups (See the historical context, Chapter one). In the 2013 elections youth stood as candidates, and, as noted by the Commonwealth Observer Mission, the youth population demonstrated a high level of voter-turn-out.<sup>272</sup> The report also noted that the majority of polling staff were young people. The appointment of young people by the Elections and Boundary Commission (EBC) is commendable in light of the fact that youth unemployment is high in Swaziland. Young people were assigned tasks such as being candidates' agents and this was seen from the number of youth who engaged in victory celebrations.<sup>273</sup> However, the team observed that, very few young people ran in the elections and this may be as a result of the fact that the youth face challenges, which may hinder their full engagement given the campaigning context.<sup>274</sup> Some of the challenges will be discussed in the following chapters.

There were young people who ran for the position of Member of Parliament (MP), *Indvuna yenkhundla* (community developer at *Inkhundla* level), as well as *Bucopho* (community developer at chiefdom level). However, most of the young people who ran for the MP portfolio were not elected. This is despite the fact that young people command a demographic advantage. The likelihood of young people being elected to representative positions is limited by the fact that older people are perceived to have more knowledge than the youth.

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**272.** The Commonwealth. (2013). *Swaziland National Elections 20 September 2013 - Report of the Commonwealth Observer Mission*. Retrieved September 12, 2014 from [http://thecommonwealth.org/sites/default/files/project/documents/Commonwealth\\_Observer\\_Mission\\_to\\_Swaziland\\_National\\_Elections\\_2013\\_Final\\_Report.pdf](http://thecommonwealth.org/sites/default/files/project/documents/Commonwealth_Observer_Mission_to_Swaziland_National_Elections_2013_Final_Report.pdf).

**273.** Ibid.

**274.** Ibid.

### 3.6.3 Youth Participation in Decision-Making Processes

Young people are occasionally appointed to decision-making bodies, for instance, the recent appointment of young Princess Sikhanyiso to be a member of the King's advisory body.<sup>275</sup> However, the general observation is that the youth appointed or co-opted into those decision making processes do not represent the ordinary youth as they are from the elite/privileged groups, may not know about the issues of the ordinary youth, and may not be accountable to the youth of Swaziland.<sup>276</sup> Another observation is that the youth who are in decision-making bodies sit with older people, and culture dictates that youth should not dissent against their elders. The insignificant representation of youth in positions of influence suggests that the youth are not taken seriously, that their presence in the bodies is tokenistic, and that there are limitations to young people's influence on decision-making processes.

Attitudes towards youth serve to reinforce low levels of youth participation and affect the responsiveness of public policy to the needs of young people. This enforces the belief that young people are recipients of policies and programmes and that they will accept whatever is presented to them.

### 3.6.4 Youth Participation in the Media

According to the 2007/2008 Swaziland DHS younger women and men, those who live in urban areas, and those who live in Hhohho and Manzini are more likely to be exposed to mass media than other respondents, and access to mass media increases with education and wealth.<sup>277</sup> The DHS also reveals that overall, only 23% of women and 31% of men have access to television, radio and print media, while 14% of women and 7% of men have no

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**275.** Dlamini, S. *King Appoints 70*. *Times of Swaziland*. November 8, 2013. Mbabane.

**276.** The observations were made from the responses of participants interviewed for the study in fieldwork visits which took place in December 2-5 2013 and February 16-20 2014.

**277.** Government of Swaziland: Central Statistical Office, Macro International Inc. (2008). *Swaziland Demographic and Health Survey 2006-2007*. p. 35.

contact with any media at any time of the week.<sup>278</sup> There were 20.8 internet users per 100 population in 2012.<sup>279</sup>

Katukula & Titus (2008) argue that the Swazi Government is keen to give the impression that it is committed to reforming restrictive media laws that exists in the country.<sup>280</sup> Hence, freedom of expression, including freedom of the media, is guaranteed in the 2005 Constitution and protected by other pieces of legislation (but also restricted through claw back clauses). Section 24(1) and (2) provides that a person has a right to freedom of expression and opinion; and that a person shall not, except with the free consent of that person, be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media. However, Section 24(3) contains broad limitations on the right to freedom of expression, which is seen to undermine the protections provided in sub-section 1 and 2. For instance freedom of expression can be restricted in the interests of defence, public safety, public order, public morality and public health. Allowing freedom of expression to be restricted in the interests of public morality gives a huge scope for prohibiting free speech since there is no nationally agreed definition of moral standards.<sup>281</sup>

Customary law, which under Swaziland's dual legal system has equal status with the Roman Dutch Common Law and statutes, continues to restrict freedom of the media and freedom of expression.<sup>282</sup> For instance, there are cultural dictates that prevent people from criticising or questioning those in authority, especially the King.<sup>283</sup> Further, although, in theory, the 2005 Constitution is supreme over all others, unwritten customary laws wield enormous power in practice, and because Swazi Law and Custom is not codified, testing it against the Constitution in the courts of the country

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**278.** Ibid.

**279.** UNICEF. (2013). *Swaziland Statistics*.

**280.** Katukula, CGM & Titus, Z. (2008). *So this is democracy? Report on the state of media freedom and freedom of expression in Southern Africa 2007*. Media Institute of Southern Africa (MISA). p. 89.

**281.** Ibid.

**282.** Ibid.

**283.** Ibid.

has proved to be a futile exercise.<sup>284</sup> This is due to the immunity granted to the King and Ingwenyama under Section 11 of the Constitution. All court proceedings touching upon the King and his office are inadmissible and the registrar of the High Court has the power to refuse to accept them when they are being filed with the court (CJ directive).

People suffer retribution for speaking out against the status quo, and fear those in power. Both traditional and political authorities have contributed to a climate in which people can only express their political views “behind closed doors”.<sup>285</sup> Political debate does not occur publicly and is suppressed by the cultural dictate that those in authority must not be questioned. The media is often told not to question the King on sensitive political issues, and criticism of the monarchy remains strictly off-limits.<sup>286</sup>

According to recent research by Swaziland's Media Institute of Southern Africa (MISA) in partnership with child rights NGO Save the Children, young people's voices in Swaziland's media are heard in only 7% of the stories that are about them.<sup>287</sup> A similar trend was seen with the Swazi Observer newspaper. In total, when combined the figures for both Times of Swaziland and Swazi Observer, from May 22–June 2, 2013; there were 72 stories about children/young people. Of those 72 stories about children/young people, only 6 stories included the voice of a child/young person.<sup>288</sup>

The Swaziland DHS of 2006-7 reports that women age 15-19 are least likely of all age groups to be exposed to any media messages on family planning, and that rural women and women who live in Shiselweni are less likely than other women to have access to media messages on family planning. A woman's level of education and wealth status correlate positively with the likelihood of accessing the three main media channels.

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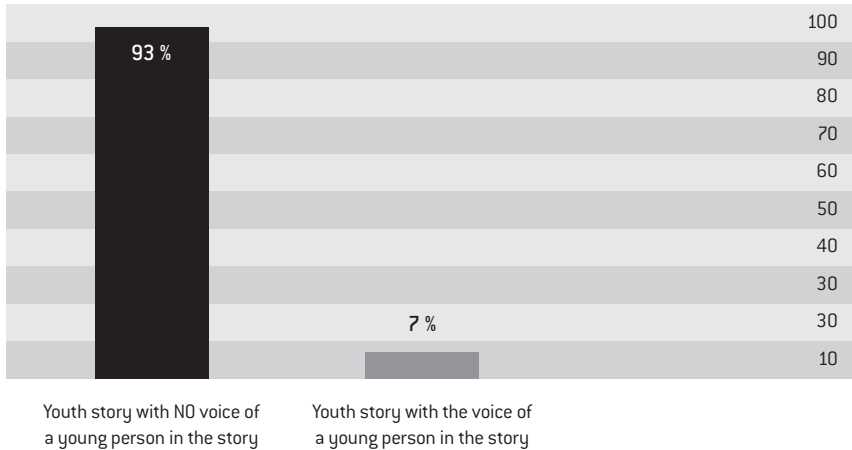
**284.** Ibid.

**285.** Ibid.

**286.** Ibid.

**287.** Hlatshwayo, V. *Youth voice absent in Swazi media*. MISA research. September 4, 2013. Retrieved October 4, 2013, from Misa Swaziland: <http://misaswaziland.com/2013/09/04/youth-voice-absent-in-swazi-media-misa-research>.

**288.** Ibid.

**Figure 4**Survey on youth voices in the media in Swaziland<sup>289</sup>

According to the 2013 Mo Ibrahim Index of African Governance, access to media goes hand in hand with freedom of expression and freedom of the press.<sup>290</sup> Freedom of expression refers to the extent to which citizens, organisations and mass media can express opinions freely, whereas freedom of the press refers to the extent to which freedoms of speech and press are affected by government censorship, including ownership of media outlets. Access to publicly and privately owned media houses by youth is highly restricted. The state owned Swaziland Broadcasting and Information Services (SBIS) and Swazi Television Broadcasting Service airs the view of the cabinet, and the views of Members of Parliament (MPs) and the citizenry are banned or censored (according to a directive of the Prime Minister). A royal conglomerate called ‘Tibiyo takaNgwane’ owns the Swazi Observer print media, which has a wide readership. A number of privately owned media outlets in Swaziland exist, including; the Channel Swazi television (which has royal connections and airs mostly royal initiatives), the Voice of the Church (which airs mostly Christian material), the Times of Swaziland

289. Adapted from Ibid.

290. Ibrahim, M. (2013). *Ibrahim Index of African Governance*. Mo Ibrahim Foundation.

(which has a wide readership and is relatively independent), and the Nation (a magazine publication which is also relatively independent). There was the Youth Connexion magazine but this was closed down due to financial constraints, as the majority of Swazis were unable to afford magazines which average E10.00 (US\$ 1) per copy.<sup>291</sup>

### 3.6.5 Youth Participation in the Social Sphere

Youth participation in Swaziland's social sphere relates to community involvement. Young people's involvement at community level frequently promotes gender-stereotyped roles, in which the duties of young men and young women are gendered. For example, young men are sent off to participate in community gatherings whilst girls are made to attend to domestic duties in the home. Participation of the youth in decision-making at community level is limited due to the fact that elders are having the final say on all decisions made at that level.

Also, social participation relates to the youth's behaviour in the communities they live in. There is a segment of the youth population that is considered to have behavioural problems which results in them being excluded from participation in communal life. These young people are viewed to be irresponsible members of their community as they lead lifestyles which are not considered to be proper for a young person e.g. lacking respect, partying, doing drugs or are deemed wayward youth. These young people are alienated from decision-making at home, school and community at large, and more often than not must bear the wrath of those in decision-making positions. They are often portrayed as the problem - the unemployed, disaffected, irresponsible generation, a 'ticking time bomb' likely to explode, spreading violence and chaos or as victims of HIV, violence and sexual abuse, of discrimination, unemployment and exploitation.<sup>292</sup>

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**291.** Katukula, CGM & Titus, Z. (2008). *So this is democracy? Report on the state of media freedom and freedom of expression in Southern Africa 2007*. p. 231.

**292.** McGee, J. & Greenhalf, R. (2011). *Seeing like a young citizen: youth and participatory governance in Africa*.

### 3.6.6 Participation in Cultural Activities

Young people in Swaziland participate in cultural activities, which relate to the arts, cultural values and expression. Hlophe (2007) noted that there is a distortion of culture in Swaziland, for example, one of the long-established aspects of the Swazi culture is the practice of *kuhlehla* (tribute labour) whereby the King calls upon young men and young women to participate in royal duties such as to cut *lusekwane* (a green thorny shrub) used during *Incwala* (a national cultural ritual of Kingship), to weed the King's fields, and to cut the reeds used in *Umhlanga* (the reed dance festival).<sup>293</sup>

The reed dance usually takes place within the last week of August and ends on the first week of September. The reed dance ceremony is characterised by cutting of reed (used in the making of royal traditional huts) by thousands of virgin girls and unmarried young women who take part in the event. It is an act on the part of the girls of joining other maidens as a sign of proclaiming their purity as young people before and/or in the presence of their majesties.<sup>294</sup> In 2014, over 80,000 young women attended the reed dance from the four regions of Swaziland, and beyond the borders of Swaziland such as Zululand.<sup>295</sup> It was reported that young women who failed to attend were fined E500 (US\$ 50) and the *Imbali* overseer was reported to have said that the issue of fines was out of his jurisdiction, as he “did not want to be seen to be interfering with rules set up by elders of chiefdoms”.<sup>296</sup>

The *emabutfo* (regiments comprising of young men and older men) are called upon to weed the King's fields in summer, and harvest them in winter. This service to the Swazi monarchy used to be a voluntary practice, which the regiments would undertake without being coerced to do so. Today, this has been made compulsory, and families who do not release their boys – first to cut *lusekwane*, and then to weed the fields after the *Incwala*, usually in January of each year – are fined. Over and above being fined,

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**293.** Hlophe, M. (2007). *Swazi Culture: A stumbling Block to a Culture of Human Rights*. OPEN SPACE. pp. 52-54.

**294.** Ibid.

**295.** Sukati, Z., *Imbali soldiers on despite cold*. Swazi News. August 30, 2014. Mbabane.

**296.** Moahloli, Z., *Maidens fined E500 each for failing to attend reed dance*. Times of Swaziland. September 4, 2014. Mbabane.

such families are also threatened with eviction if they continue to avoid royal duties.<sup>297</sup> In 2013 some young men from *Mbilaneni* who did not participate in the cutting of the shrub were fined 20 *Emalangen*i, equivalent to approximately US\$ 2.<sup>298</sup> This is a distortion of culture as in the past Swazis willingly took part in the cultural tradition for the love of their country and King.

Culturally, young people are expected to obey lawful commands and must respect all elders. It is the norm in Swaziland that the king's directives, attitudes and decrees should be obeyed and respected.<sup>299</sup> However, even though it appears that participation in cultural events by youth is mandatory, there are significant numbers of young people who do not take part. In particular youth from political formations frequently elect to boycott cultural events, as being politically minded in Swaziland is associated with being anti-monarchy.<sup>300</sup> Also, the youth in urban and in some rural areas abstain from taking part in the cultural practices for reasons other than political affiliation, such as the events don't appeal to them enough for them to take part, or not having the resources such as attire and money necessary to attend.

### 3.6.7 Barriers to Meaningful Participation

Despite the structures outlined above, the overarching barrier to meaningful youth participation in Swaziland is the general absence of a legal and political environment conducive to participation in governance. The 1973 Proclamation, provided that:

*'... no meetings, processions or demonstrations of a political nature shall be held in any public place, unless with the prior consent of the Commissioner of Police; and consent shall not be given if the Commissioner has reason to believe that such a meeting, procession or demon-*

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**297.** Hlophe, M. (2007, September). *Swazi Culture: A stumbling Block to a Culture of Human Rights*.

**298.** Mkhonta, S. *Youths fined for missing Lusekwane*. Swazi Observer. December 23, 2013. Retrieved January 6, 2014 from: <http://www.observer.org.sz>.

**299.** Phiri, S. (2007). *The Problem with Swaziland*. OPEN SPACE. pp. 57-60.

**300.** Hlophe, M. (2007). *Swazi Culture: A stumbling Block to a Culture of Human Rights*.



*stration is directly or indirectly related to political movements or other riotous assemblies.'*

Since then, government has intensified efforts to clamp down on any form of dissent. As such youth are expected to participate within clearly defined boundaries following an agenda pre-set for them by those in authority (for instance, participation in the Smart Partnership's Club 29 initiative whose patron is the King). Talking about politics in Swaziland is proscribed and calling for multi-party democracy is dissuaded.<sup>301</sup> Since the political sphere is rigid for youth participation, there is little room for the youth to influence other spheres of their lives.

Participation in cultural events for young people living in certain communities is mandatory and failure to adhere to the call is penalised in the country. Cultural norms and beliefs, which dictate that the youth should be submissive to their elders and those in authority, has meant that the youth remain recipients of programmes and initiatives without their active involvement as planners and shapers of the programmes and initiatives. Therefore cultural practices are seen as playing a significant role in undermining youth participation at national as well as at local levels.

Another cultural barrier pertains to women's participation in the above-mentioned structures. There are a limited number of women present in the structures for youth participation described above, and those young women present often stay silent and keep their views to themselves. Furthermore, the dress code for young women is prescribed and discriminatory in that those in authority ban women from taking part in structures meant for youth participation if they appear in trousers or short skirts (e.g. chiefdoms, royal residences, and in some *Tinkhundla* centres).

Although there are structures for youth participation in the country, it cannot be said that the youth's views inform policy. Activism on youth issues is minimal as most of the youth structures discussed above are led by or dominated by appointees of the monarch, and the appointees seek to please the appointing authority rather than the youth they are supposed

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**301.** Motsamai, D. (2012). *Swaziland's nonparty political system and the 2013 tinkhundla elections: Breaking the SADC impasse?*

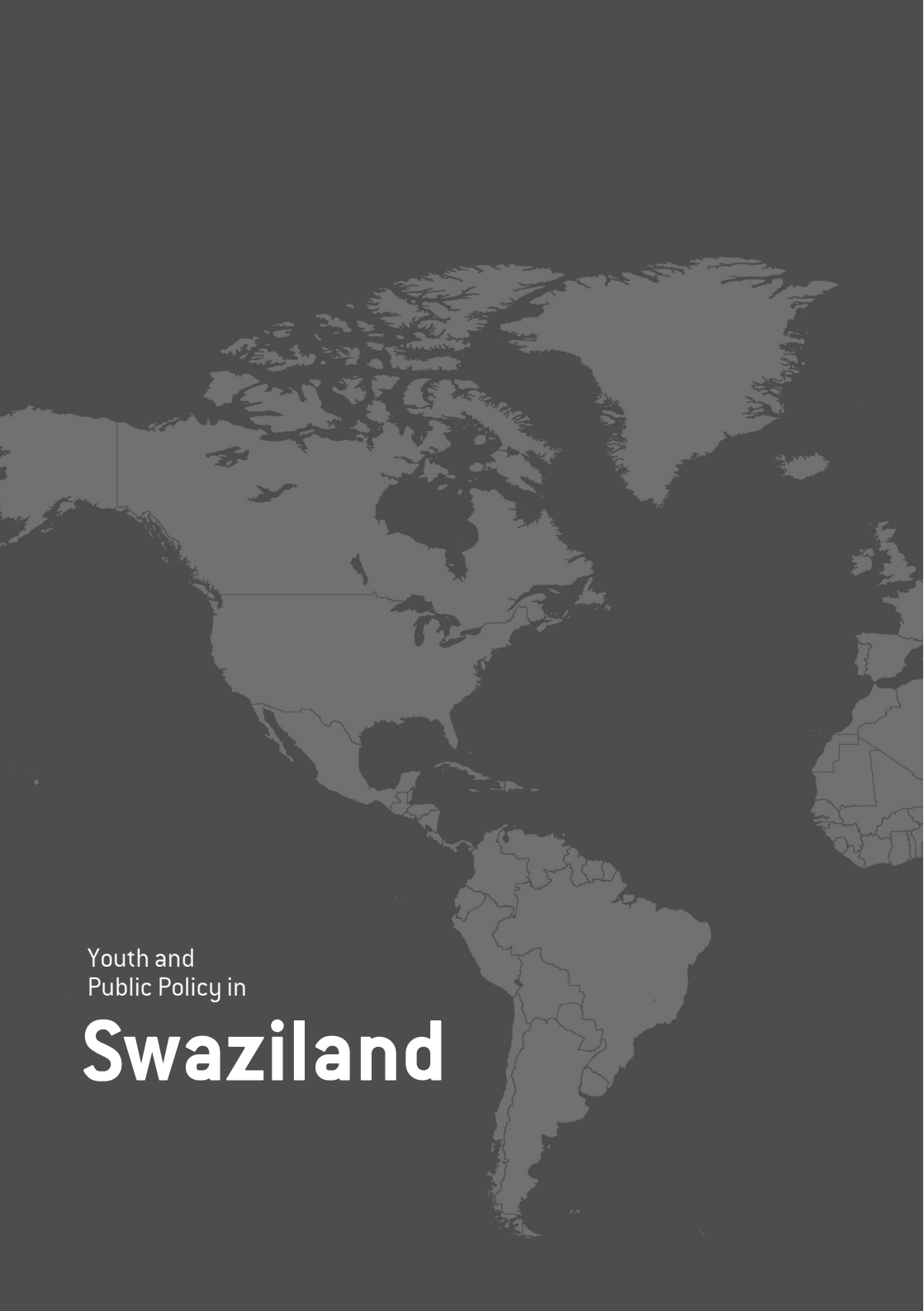
to represent.<sup>302</sup> Lastly, involvement of views of youth-led and youth-serving NGOs is constricted due to the fact that policy initiation in the country is top-down and not bottom-up. This marks the manner in which policy formulation and programmes are initiated. It is always the government at the centre of policy formulation with little inputs of the youth or youth institutions.

Youth do occasionally engage in protests action or marches to show their displeasure at their exclusion from policy formulation or implementation. In particular, university students have been demanding more of a say in public policy, and have been protesting against issues such as the distribution of scholarship amongst learners as well as protesting against the imposition of the scholarship policy by the government.

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302. Ibid.





Youth and  
Public Policy in

# Swaziland



## The Policy Context

# 4

## 4.1 Introduction

This chapter looks at the policy context and the legal and policy frameworks for youth development in Swaziland. It also highlights relevant provisions of the Swazi Constitution regarding the rights of young people, as citizens. Further, the chapter discusses the governance architecture, the role of the King, the parliament and various institutions of governance as well as institutional/structural arrangements for youth development in Swaziland. The various youth related national policies (touching upon health, employment, gender, and participation) are discussed, and the policy architecture and implementation framework are outlined. In this regard, the long-term national development frameworks, such as the vision 2022 strategy, and how youth issues are articulated within it, are also discussed (please see annex 1 for a summary of relevant frameworks for each thematic area).

## 4.2 Public Policy: Employment

The Swazi government has put in place a plethora of national policies, laws and strategies that are relevant to youth in the labour market. These frameworks can be divided into four categories: long-term development frameworks; skills development; investment and enterprise; and employment and labour relations. In addition to these categories, there are internationally driven frameworks such as the ILO's Decent Work Country Programme for Swaziland (2013-2015) and the African Youth Charter (AYC), which Swaziland ratified in 2013.

### 4.2.1 National Policy: Long-Term Development Frameworks

Swaziland's main long-term national development framework is its Vision 2022, which aims to position it amongst the top 10% of middle-income countries in terms of human development by 2022.<sup>303</sup> The vision is being implemented through a national development plan and the Swaziland Poverty Reduction Strategy and action plan. The National Development Strategy

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**303.** Government of Swaziland: Ministry of Economic Planning and Development. (1999). *The National Development Strategy (NDS) – Swaziland Vision 2022*.

(NDS) aims to, amongst other things, reduce poverty, create employment, promote gender equality, and deliver improvements in the overall quality of life in Swaziland. The specific initiatives proposed in the plan include infrastructure projects such as railways, economic reforms, improvements in industrial relations, and more specifically initiatives to create jobs. Some of those outlined include: the establishment of agro-processing plants to enhance value addition across the agricultural value chain, investments in labour intensive public works projects and various education reforms. Of particular interest is the proposal to undertake land reform to ease the process of land ownership.

Furthermore, the Poverty Reduction Strategy and Action plan which operationalises the NDS aims to reduce poverty by 50% by 2015, and projects its eradication by 2022.<sup>304</sup> In order to achieve this, six strategic pillars were put in place, including macro-economic stability, inclusive growth, improvements in governance and pro-poor income distribution.<sup>305</sup> On the broader national level, the Swaziland National Development Strategy and vision 2022, and the poverty reduction strategy also prioritise youth employment as an important focal area. However, given the high level of youth unemployment (at 61.7% for rural areas and 35.5% for urban areas), it would appear that the current policy frameworks are not on track towards achieving the intended outcomes.

#### 4.2.2 National Policy: Employment and Labour Relations

The law governing employment, which includes recruitment and dismissal, employee-employer relations and protection of wages, the Employment Bill<sup>306</sup>, was discussed in parliament in 2007 (a revision of the 1980 Employment Act). The law makes some interesting provisions to protect workers, particularly through the introduction of what is described as an ‘unemployment benefit fund’. Amongst other aspirations, this fund aims to ensure

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**304.** Government of Swaziland: Ministry of Economic Planning & Development (MEPD). (2007). The Swaziland Poverty Reduction Strategy and Action Plan (PRSAP).

**305.** Ibid.

**306.** Note that the ‘bill’ rather than ‘act’ has been cited due to lack of reference/ availability of the Act on the Internet. The appropriate reference will be provided once the actual legislation has been secured and read.

the compensation of workers if a company is closed without due process.<sup>307</sup> Ostensibly, this provision appears likely to benefit young people, particularly in the context of mass retrenchments during economic upheavals.<sup>308</sup> However, it is not known if the new revised law, hailed as a significant improvement to the 1980 Employment Act, takes into account the realities of contemporary employment such as part time work, flexible working, temporary contracts or the possibility to work from home or another location.<sup>309</sup>

In addition to the Employment Act, two other labour laws – the Industrial Relations Act (IRA) (2000, as amended) and the Occupational Health and Safety Act (2001, as amended) influence employment practice in Swaziland. The IRA provides for collective negotiation of terms and conditions of employment, for the provision of dispute resolution mechanisms, and for other matters incidental thereto. The Occupational Health Safety Act on the other hand, provides for the safety and health of persons at work and the workplace. It requires employers to ensure a safe working environment.<sup>310</sup>

The national youth policy, which serves as the overarching policy framework for youth in Swaziland, makes specific provisions for youth employment.<sup>311</sup> In particular, it makes provisions for investing in an education curriculum that is responsive to the requirements of the labour market; developing a youth service scheme based on voluntary participation which will serve the purpose of enabling young people gain the required skills; expanding public works and infrastructure projects to provide youth with work; investing in technical and vocational education, and regulating the wage system to improve minimum wage, among other important provisions.<sup>312</sup> There is no published evidence that any of these provisions have

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**307.** Mtshali, B. *More on the Employment Bill of 2007*. Times of Swaziland. January 20, 2011. Retrieved January 14, 2015 from <http://www.times.co.sz/index.php?news=61084&vote=5&aid=61084&Vote=Vote>.

**308.** Ibid.

**309.** Although this could be a lofty goal given that the ICT infrastructure in Swaziland remains weak.

**310.** Mtshali, B. *More on the Employment Bill of 2007*.

**311.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.

**312.** Ibid. pp. 36-38.



been successfully implemented neither has there been concrete proposals on their operationalisation.

#### 4.2.3 National Policy: Skills Development and Training

As a measure to address the problem of skills, the government elaborated the Education and Training Sector policy (Ministry of Education and Training – MET, 2011). The policy aims in part to develop technical and vocational education and training (TVET) programme to develop the necessary human capital and position Swaziland for global competitiveness (MET, 2011:36). It will appear that in furtherance of this goal, TVET has now been prioritised in educational development in the country. There are at least 57 government supported and 27 private TVET institutions.<sup>313</sup>

However, the challenges still being faced by the TVET sector, as identified by UNESCO-UNEVOC (2012), include a lack of coordination, and the absence of a quality assurance and qualifications framework. In addition, the cost of access to these institutions is prohibitive and the courses are not gender sensitive.<sup>314</sup> Both cost and lack of gender sensitivity act as barriers to TVET for youth from lower socio-economic backgrounds and young women. However, these issues have been acknowledged in the new education and training sector policy, which promotes gender mainstreaming as one of its core principles.

#### 4.2.4 National Policy: Investment and Enterprise Regulations

In recognition of the importance of entrepreneurship in stimulating productivity and creating new jobs, the government of Swaziland has put in place a Small and Medium Enterprise (SME) Development Policy. The policy sets out to encourage youth to become entrepreneurs with the key aims of providing training, stimulating lending through established financial institutions, and providing critical support to individuals interested in estab-

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**313.** UNESCO, UNEVOC. (2012). World TVET Database – Country Profiles Swaziland. Retrieved February 18, 2015 from <http://www.unevoc.unesco.org/go.php?q=World+TVET+Database&ct=SWZ>.

**314.** Ibid.

lishing private businesses. An interesting element of the policy is the focus on revising the government's procurement policies in order to make room for local enterprise – such as those led by young people – to benefit from contracts that will enable them to thrive.<sup>315</sup> The SME policy makes a number of critical proposals including expediting business registration processes through the establishment of a 'one-stop-shop/centre.' In addition, it proposes to deal with property rights by increasing the security of land tenure, including the revocation of the minority status of women.

While these proposals are welcome, it remains to be seen in practice how much of this policy rhetoric will result in improved outcomes for young people. The Doing Business report 2013 suggests that procedures for starting a business still remain tedious. In terms of setting up a new business, Swaziland was ranked 123 out of 185 countries surveyed for the report.<sup>316</sup> The report indicates that in order to start a business, there are twelve procedures to be completed, and that it takes an average of 56 days<sup>317</sup> to complete such procedures. These procedures are costly; diverting much needed start-up capital of a youth owned SME into administration. The time, costs and other such factors potentially stifle youth entrepreneurship, which subsequently affects the likelihood of their success and ability to generate employment opportunities.

#### 4.2.5 National Policy: National Youth Enterprise Fund

The National Youth Enterprise Fund (NYEF), which supports young people with subsidised loans to enable them establish their own businesses was established in 2008. In its first phase of operation, the programme disbursed ZAR 5 million (US\$ 450,000) to over one thousand young people and

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**315.** Government of Swaziland: Ministry of Enterprise and Employment – MEE. (2002). *National Policy of the Kingdom of Swaziland on the Development of Small and Medium Enterprises*. Retrieved March 20, 2015 from: <http://www.gov.sz/images/stories/sme%20policy.pdf>.

**316.** World Bank. (2013). *Doing Business, Economy: Swaziland*. Washington DC: World Bank.

**317.** Although the website of the Swaziland Investment Promotion Authority states that this process takes four weeks.

initially appeared to have had a high repayment rate, at 73%.<sup>318</sup> In each of the second and third rounds, ZAR 2 million (US\$ 184,000) was disbursed. The fund was established as a revolving fund, through which future loans were dependent on the repayment rates of current debtors.<sup>319</sup> Signifying the challenges that young entrepreneurs face, further disbursement of funds was halted in 2012/13 owing to low repayment rates.

The National Youth Enterprise Fund (NYEF) appears to address the gaps in relation to access to capital for young people with good business ideas and possibly entrepreneurial acumen. However, it must be noted that the information received from the Ministry of Youth on the Youth Fund does not provide evidence that the programme has resulted in young people establishing successful businesses. Furthermore, the mechanisms put in place to monitor the fund, do not provide detail as to which groups of young people applied and were successful in obtaining funding (particularly across gender, socio-economic status including education), where they are located (whether rural or urban or which part of the country has more applicants),<sup>320</sup> however, the scheme has recorded some success stories. For example, Futhi and Gcebile Mngomezulu received US\$ 6,200 from the fund to strengthen their embroidery making business.<sup>321</sup> In addition, the fund also provides training in business management in order to enable participants to learn the basics of accountancy and bookkeeping. Access to detailed information on the distribution of beneficiaries could not be accessed during the research for this report. Such information would have been useful to understand which groups of young people are interested in private enterprise and such analysis could be a valuable avenue to decide if particular groups need to be targeted, supported and encouraged to apply for future

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**318.** Government of Swaziland: Ministry of Sports, Culture and Youth Affairs. 2009. *National Youth Policy*; African Development Bank, et al. (2012). *African Economic Outlook: Promoting Youth Employment*.

**319.** Interview with the director of youth development at the Ministry of Sports, Culture and Youth, Mbabane, Swaziland: December 5, 2013.

**320.** United Nations (2013). *Opportunities and Constraints to Youth Entrepreneurship Perspectives of Young Entrepreneurs in Swaziland*. United Nations Swaziland.

**321.** Phakathi Mantoe. *Swaziland: Small Loans for Young Entrepreneurs to Help Fight Crisis*. Inter Press Service News Agency. December 30, 2011. Retrieved June 12, 2014 from <http://www.ipsnews.net/2011/12/swaziland-small-loans-for-young-entrepreneurs-to-help-fight-crisis>.

rounds of the fund. This is particularly important, as in the second round of the programme, the funds disbursed were reduced, a situation the government attributed to its declining economic resources.<sup>322</sup>

#### 4.2.6 International Policy Frameworks

In 2013, Swaziland ratified, the African Youth Charter,<sup>323</sup> – the guiding framework for youth empowerment in Africa originally adopted by African Union heads of State in 2006. The charter's provisions clearly address the need to invest in, and empower young people through strategic approaches to youth employment, livelihood and skills development. In particular, articles 13 (4a-p), 14 (2b-d) and article 15 (4a-h). Article 15 specifically addresses the question of youth employment (AU, 2006). These relevant articles propose measures to increase young people's chances in the labour market such as preferential recruitment for youth with specific technical skills (particularly those usually filled by expatriates), facilitating access to credit to promote agricultural productivity among youth, promoting youth entrepreneurship and providing incentives for employers to hire young people, among others. In keeping with the provisions of the youth charter, the Swaziland National Youth Policy pays special attention to skills development and employment, by prioritising curriculum changes, removing barriers to access to education, such as fees, and promoting youth entrepreneurship.<sup>324</sup>

Similarly, the ILO's (2010) Decent Work Country Programme for Swaziland (2010-2014) promotes a number of key programmatic outputs in line with the Swazi National Development Strategy and the UN Development Assistance framework, including to enhance and improve productive and decent jobs, technical and vocational education and training, labour mar-

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**322.** The Commonwealth. *500 youth business enterprises established in 2010 – Swaziland*. N.d. Retrieved January 21, 2015 from <http://www.yourcommonwealth.org/2011/02/11/latest-500-youth-business-enterprises-established-in-2010-swaziland/>.

**323.** UNFPA East and Southern Africa. *Seize the opportunities, or Africa faces potential demographic time-bomb – Tiemoko*. June 5, 2013. Retrieved February 24, 2015 from United Population Fund.

**324.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.

ket information systems and to close the divide between the formal and informal sectors.<sup>325</sup>

Much work remains to be done to see the implementation of these policies and frameworks and to improve the experience of young people in the labour market. One starting point will be to understand the causes and nature of youth unemployment, particularly the notion of a ‘mismatch’ between young people’s skills and the labour market. It remains to be answered whether the mismatch, is a results of a skills deficit amongst young people or simply an outcome of macroeconomic fundamentals and the absorptive capacity of the labour market. Answering this question would enable the development of policy-focused recommendations, and in the design of programmes – including training programmes –to enhance the chances of young people in the labour market.

## 4.3 Public Policy: Gender Equality

### 4.3.1 National Policy

Although the Government of Swaziland has made progress in the area of gender equality, much still remains to be done. The Gender Coordination and Family Affairs Department under the Prime Minister’s Office received technical support from Gender Links, a regional NGO operating in Swaziland, to develop a gender action plan which is also aligned to the SADC Gender Protocol’s 28 targets. This will ensure that the country is aware of, and is able to work towards acquiring the funds necessary for the implementation of the policy. Alongside this the Ministry of Justice and Constitutional Affairs is in the process of auditing and aligning trade legislation with the provisions in the United Nations Convention on the Elimination of All Discrimination Against Women (CEDAW).

However, despite these policy efforts and provisions, inequality still exists in Swaziland and discrimination, cultural, and patriarchal norms that

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**325.** International Labour Organization. (2009). *Decent Work Country Programme for Swaziland 2010-2014*.

subordinate women still persist.<sup>326</sup> The situation is worse for young women as there have not been adequate programmatic or policy frameworks focusing on equality between young men and young women, and this group is not central in many other relevant policies as they are only referred to in minimal provisions. A general observation from the different policies is that provisions generally make reference to men, women, girls and boys and that young men and women remain uncovered directly, for example the gender policy focuses on men and women and in some cases boys and girls, but does not make specific particular provisions in regard to young men and young women i.e. youth. Another example would be that the 2005 Constitution of Swaziland makes specific provisions for many different groups including women and children but does not have any particular or specific provisions for youth.

Furthermore, negative customs and practises have been entrenched in common law, statute law and Swazi Law and custom.<sup>327</sup> Consequently Swazi young women do not enjoy equal rights. Young Women in Swaziland continue to be judged as less valuable than their male counterparts. They are discriminated against from very early in life because of the preference of sons, and later are afforded only limited participation in economic and public life. Families' preference for sons rather than daughters is associated with the fact that they will continue to carry the family name whilst girls will get married and join another family. Sons are also seen as a resource as they are expected to be more productive and provide for their families, as a result the family often awards them start-up resources needed to gain employment or set up business.

The preference of males over girls continues in the context of Swaziland beyond the family level to law and policy. For example, the Marriage Act of 1964 and the now amended Deeds Registry Act 1968, view women as minors who need consent from the husband in order to undertake certain important ventures associated with independent adulthood. For example, the Marriage Act grants the men authority to act as administrator of joint property within marriages. Positive constitutional provisions are difficult to

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326. Aphane, M.-J. D., et al. (2001). *Multiple Jeopardy: Domestic Violence and Women's Search for Justice in Swaziland*.

327. Ibid.

implement in a country where traditional attitudes put women at a disadvantage, (Section 20 and Section 28). In the September 2013 elections patriarchal practices were used to prevent Swazi women from taking part in the elections, despite the country having a constitution that guarantees their rights.

As the *grundnorm*, the 2005 Constitution contains a clause on equality before the law in section 20, and specifically prohibits discrimination based on gender, amongst other grounds. A person may not be discriminated in terms of gender, race, colour, ethnic origin, birth, tribe, creed or religion, social or economic standing, political opinion, age, or disability (Section 20:3). However, the constitution does not safeguard the rights of homosexuals, and sodomy laws dating from the early 20th century are still in existence.<sup>328</sup>

In section 28 the 2005 Constitution makes clear provision to the effect that women – including young women (by extension) have the right to equal treatment with men and that those rights include equal opportunities in political, economic and social activities. Section 28(2) seeks to ensure the promotion of women's rights, stating that the government undertakes to provide the necessary facilities and opportunities to enhance women's opportunities to realise their full potential and advancement. Section 28(3) seeks to eliminate harmful cultural practices against women as it provides that women cannot be compelled to undergo or uphold any custom to which they are opposed in conscience. Section 211 of the 2005 Constitution seeks to allow citizens, regardless of sex, access to land for domestic purposes. There are no specific constitutional provisions on girls and young women as there are also no specific provisions on the youth within the 2005 Constitution. Again, this shows that the specific needs of young women and men have not been given due attention within the constitution; they are left to fall under general provisions on men and women. This situation may be problematic as there are specific issues relating to youth that need particular and specific attention. For example, in terms sexual reproductive health rights, even if their rights are generally guaranteed there are specific

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**328.** Refugee Documentation Centre: Ireland Legal Aid Board. (2012). *Treatment of homosexuals in Swaziland*. Retrieved January 15, 2015 from <http://www.refworld.org/pdfid/50c064c92.pdf>.

challenges faced by young people for instance, access to contraceptives by unmarried young women is a taboo; hence the need for a youth friendly health facilities. Important to note is that provisions for women also encompass or are inclusive of young women.<sup>329</sup>

The National Gender policy of 2010 guides all programmes and actions that aim to facilitate the achievement of gender equality and women empowerment in Swaziland.<sup>330</sup> The National Gender Policy recognises that Swazi society is characterised by inequalities between women and men in different areas. The policy therefore seeks to promote fair and equitable distribution of economic and political resources and the full participation at community and policy level regardless of gender. The policy also aims to bring to the fore challenges caused by gender disparities versus behavioural practices that have in the past been regarded as moral cultural practises.<sup>331</sup> The policy however does not make any specific provisions for young women and young men. Furthermore, the policy does not acknowledge that there may be peculiar inequalities that exist not generally between men and women but rather specifically between young men and young women. This leaves a glaring gap that shows the lack of specific consideration to youth issues within some national policies like the Gender Policy, the 2005 Constitution of Swaziland as well as the Sexual Reproductive Health and Rights Policy. The policy does however mention men, women, boys and girls across most of its provisions.

The policy recognises that gender issues are central to sexual reproductive health rights (SRH). The fact that gender-based violence (GBV) is often sexual in nature is also recognised by the policy and further that such violence leads to the violation of the sexual reproductive health rights of women, girls and boys in communities.

Section 15 of the Children's Protection and Welfare Act 2012 provides that a child has a right to refuse being compelled to undergo or uphold any custom or practice that is likely to negatively affect the child's life, health,

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**329.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.

**330.** Government of Swaziland: Gender Coordination and Family Issues Department. (2010). *National Gender Policy*.

**331.** Ibid.



welfare, dignity or physical, emotional, psychological, mental and intellectual development. These provisions also include the girl child and a small bracket of young women (15 to 18 years). Such a provision is key for young women and girls in Swaziland because they are often exposed to harmful cultural practises including but not limited to forced or arranged child marriages.<sup>332</sup>

Chapter IV of the Constitution contains the provisions relating to the “Protection and Promotion of Fundamental Rights and Freedoms” (what is commonly referred to as a Bill of Rights). The protection of the rights and freedoms of specialised groups, namely, women, children, and workers, are also included in the on the Bill of Rights in the 2005 Constitution. Concerning the protection of the “Rights and Freedoms of Women, Section 35(1) of the Constitution states that a surviving spouse is entitled to a reasonable provision out of the estate of the deceased spouse; irrespective of a valid will, or whether the couple had been married by civil or customary rites. The Ministry of Justice and Constitutional Affairs, with the support of the European Union (EU) and United Nations Development Agency (UNDP), is in the process of carrying-out a review of all legislation to align them with the provisions of the 2005 Constitution and the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW).

According to a report issued in May 2012 by the United States Department of State<sup>333</sup>, “societal discrimination against the LGBT community is prevalent, and LGBT people generally conceal their sexual orientation and gender identity. Colonial-era legislation against sodomy remains on the books; however, it has not been used to arrest gay men.<sup>334</sup> Gay men and lesbians who are open about their sexual orientation and relationships face censure and exclusion from the chieftdom-based patronage system, which can result in eviction from one’s home. The report further states that Chiefs, pastors, and members of government criticize same-sex sexual conduct as

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**332.** Government of Swaziland: Ministry of Justice and Constitutional Affairs. (2005). *Constitution of the Kingdom of Swaziland*. Mbabane.

**333.** United States Department of State. *Country Reports on Human Rights Practices for 2011*. May 24, 2012. Retrieved January 21, 2015 from <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dld=204174>.

**334.** Ibid.

neither Swazi nor Christian, societal discrimination exists against gay men and lesbians, and LGBT advocacy organisations have faced trouble registering with the government.

### 4.3.2 International Policy Frameworks

Swaziland has signed and ratified a number of international conventions for the promotion and protection of women's rights. Such conventions include the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979, and the SADC Protocol on Gender and Development of 2008. By signing and ratifying these international and regional conventions the country committed itself to ensuring the elimination of gender inequalities and to promoting full and equal enjoyment of rights. The country acceded to CEDAW without reservations in 2004. This was seen as a breakthrough in the fight for women's rights in Swaziland because CEDAW calls on all state parties to take all appropriate measures to eliminate discrimination against women in all spheres of life. This includes inequalities in legal status, political participation, employment, education, health care and family structure.

The African Youth Charter of 2006 provides in Article 23 that state parties will make efforts to eliminate discrimination against girls and young women according to provisions of international, regional and national human rights conventions and instruments. It further makes specific provisions to the effect that the country will enact laws to protect girls and young women from all forms of violence, guarantee the rights of young women to paid maternity leave, introduce legislative measures that eliminate all forms of discrimination against girls and young women, ensure girls and young women's participation at all levels, provide education programmes that remove impediments faced by girls and young women, take steps to provide equal access to health care services for girls offer equal access to employment, and promote their participation in all sectors of employment.<sup>335</sup> Despite these provisions, the application of the African youth charter is restricted given that it is yet to be domesticated.

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**335.** African Union. (2006). *African Youth Charter*. Addis Ababa: African Union.

## 4.4 Public Policy: Health

The Swaziland government has implemented diverse policies to improve health service delivery to urban and rural adolescent and youth with the help of UN agencies such as UNICEF and UNFPA. UNFPA has played a pivotal role in the area of reproductive health and rights through ensuring universal access to reproductive health and universal access to comprehensive HIV prevention for improved quality of life.<sup>336</sup> UNICEF on the other hand, has assisted the country on matters affecting children welfare and rights through financing and technical support.

There are several policies that have been formulated to deal with the complexities of the health situation of Swazi youth under the themes previously discussed; HIV/AIDS, disability, sexual and reproductive rights, mental health and substance use both at national and international levels.

### 4.4.1 National Policy

At national level, Swaziland's Constitution provides for access to basic health care under the social directives. The right to health is not guaranteed under the constitution. Section 60 (8) provides that "without compromising quality the State ... shall take all practical measures to ensure the provision of basic health care services to the population." The 2009 health policy guides all health practitioners on the offering of health services in the country.

In response to HIV and AIDS, Swaziland adopted the 1998 Swaziland policy document on HIV/AIDS and the prevention and control of sexually transmitted infections (STIs). The 1998 policy document calls on the government to promote information and education programmes, to dispel myths and fears about HIV/AIDS, and to promote the rights of People Living with HIV and AIDS (PLWHA). Government later adopted the 2006 National Multi-sectoral HIV and AIDS Policy. This policy set the standard for the protection and empowerment of people living with HIV and AIDS. It supplies that the human rights and dignity of persons infected and affected

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**336.** Government of Swaziland. UNFPA. (2010). *Fifth Country Programme Action Plan 2011-2015*.

by HIV and AIDS, including the right to privacy and confidentiality, shall be respected and protected. It states that legislation shall be developed to protect the rights of PLWHA including protection against any form of stigma and or discrimination and the HIV status of a person shall not be used as a reason for denying access to services, including education, health care, or employment.

In response to youth disability, the country provides for the rights of persons with disabilities in the constitution. Section 14 of the constitution a clause on the fundamental rights and freedoms of the individual provides for disability in Section 14 (1) (e) and Section 14 (3). The provisions prohibit discrimination on the basis of disability. Another clause in the Constitution that addresses disability is the equality before the law clause found in section 20. Section 30 of the Constitution is entirely dedicated to persons with disabilities. It provides as follows:

1. Persons with disabilities have a right to respect and human dignity and the Government and society shall take appropriate measures to ensure that those persons realise their full mental and physical potential.
2. Parliament shall enact laws for the protection of persons with disabilities so as to enable those persons to enjoy productive and fulfilling lives.

The country has adopted a National Disability Policy<sup>337</sup> (2013) and is in the process of enacting a law that promotes and protects the rights and welfare of persons with disability through the Persons with Disabilities Bill of 2014. The 2013 National Disability Policy envisages a Swaziland where people with disabilities are empowered to realize their full potential in all spheres of life without discrimination, and have equal opportunities to participate freely as member of society. The policy's goal is to promote and ensure the full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities.

In response to Youth sexual reproductive health and rights, the country has put in place the National policy on Sexual Reproductive health policy

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**337.** Government of Swaziland: Deputy Prime Minister's Office (DPMO). (2011). *National Disability Policy*.

2013.<sup>338</sup> One of the objectives of the policy is to inform and guide actions of policy makers and programmes. In paragraph 4.4, titled ‘abortion and abortion care’, the policy reiterates the restrictive stance the country has adopted on abortion. It categorically states that abortion is only permitted in the country on medical or therapeutic grounds, including where the pregnancy resulted from rape, incest, unlawful sexual intercourse with a mentally challenged female, and on such other grounds as per the Constitution of Swaziland (2005).

The National Youth Policy (NYP) of 2009 also refers to youth health. The NYP is cognisance of the major health challenges faced by the youth in regards to HIV/AIDS prevention, treatment and impact mitigation, STIs, and Sexual Reproductive Health.<sup>339</sup>

In response to youth substance abuse and mental disorders, the NYP (2009), recognises that young people can also participate in high-risk activities, such as alcohol and substance abuse. The NYP recommends that government enact policies and laws regulating alcohol and drug use, addresses abuse and trafficking to cover young people; establishes and strengthens the Substance Abuse Treatment and Rehabilitation Centres; and develops programmes to disseminate information to schools, families and communities on the dangers of substance abuse and drug trafficking.

#### 4.4.2 International Policy Frameworks

Swaziland is a signatory to many international, regional as well as sub-regional treaties aimed at promoting the right to access health. At international level, Swaziland is a party to the Millennium Development Goals. Swaziland is committed to achieving the millennium development goals particularly goal six, of halting and reversing the spreading HIV by 2015, and has prioritized HIV prevention within the national response to HIV/

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**338.** Government of Swaziland: Ministry of Health and Social Services. (2013). *The National Policy on Sexual and Reproductive Health*.

**339.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.

AIDS. Swaziland is also a party to the United Nations General Assembly Special Session Declaration of Commitment on HIV and AIDS (UNGASS).<sup>340</sup>

Swaziland ratified the Convention on Rights Persons with Disability in September 2012. The country is in the process of domesticating the Convention in a bid to promote and protect the rights of persons with disability.

At regional level, Swaziland is a party to the Abuja Declaration on HIV and AIDS and Plan of Action<sup>341</sup> (2001). The Abuja declaration obliges member states to commit 15% of their public budget on health expenditure. Also, Swaziland ratified the African youth Charter of 2006. The Youth Charter calls upon member states to ensure the implementation of comprehensive programmes to prevent the transmission of sexually transmitted infections, including HIV/AIDS, by providing education, information, communication and raising awareness, as well as making protective measures and reproductive health services available.<sup>342</sup>

At Sub-regional level, Swaziland is a party to SADC. In September 1997, the SADC Council of Ministers adopted the first relevant document addressing HIV/AIDS-related issues, and the Code of HIV and AIDS and Employment in SADC, as developed by the employment and labour sector. The main objectives of the Code are to sensitise employers to the issue of employee rights and HIV and AIDS, and to provide a framework for states to consolidate national employment codes on HIV and AIDS-related issues.

## 4.5 Public Policy: Participation

There are limited policy frameworks specific to youth participation in Swaziland. However, the broader national frameworks such as the national constitution, address the question of participation in general. Despite an

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**340.** UNAIDS. (2002). Summary of the Declaration of Commitment on HIV/AIDS. Retrieved March 22, 2015 from [http://www.unaids.org/sites/default/files/sub\\_landing/files/jc668-keepingpromise\\_en.pdf](http://www.unaids.org/sites/default/files/sub_landing/files/jc668-keepingpromise_en.pdf).

**341.** Organisation of African Unity (OAU). (2001). Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases. Retrieved March 3, 2015 from [http://www.un.org/ga/aids/pdf/abuja\\_declaration.pdf](http://www.un.org/ga/aids/pdf/abuja_declaration.pdf).

**342.** African Union (AU). (2006). *African Youth Charter*. Addis Ababa: African Union. pp. 11-12.

abundance of laws (international, regional, sub-regional and domestic), policy documents (strategic plans and programmes) and institutions for youth empowerment and welfare, youth Participation in Swaziland is minimal.

#### 4.5.1 National Policy

Swaziland has adopted a dual legal system based on a customary/traditional law and system on one hand, and on a Western legal system on the other (see Participation in the media, chapter two above). The 2005 Constitution guides all actions and plans on participation, as it is the supreme law of the land. The rights related to citizens' participation are contained in the sections 84-89 of the Constitution. They include the right to vote at elections, representation of women, and qualification to vote. For instance Section 84 lays down the principle that the people of the Kingdom have the right to be heard and represented through freely chosen representatives, but also states, "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".<sup>343</sup>

In accordance with this, the law provides for special measures to be undertaken to ensure the representation of women in both houses of Parliament. Furthermore, Section 20 prohibits discrimination on the grounds of gender and permits Parliament to pass laws that are "necessary for implementing policies and programmes aimed at redressing social, economic or educational or other imbalances in society". Section 28 enshrines the right of women "to equal treatment with men and that right shall include equal opportunities in political, economic and social activities" and protects women from being compelled to "undergo or uphold any custom to which she is in conscience opposed". Section 59(5) obliges the State to afford equality of economic opportunity to all, and takes steps to ensure the full economic integration of women, and Section 60(4) provides that the

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**343.** Electoral Institute for Sustainable Democracy in Africa. (2009). *Swaziland: Women's Representation Quotas*. Retrieved June 24, 2014 from <http://eisa.org.za/WEP/swaquotas.htm>.

State must ensure that gender balance must be attained in all bodies, constitutional or otherwise.

The election portfolios contained in the constitution are for *Bucopho* (community developer at chiefdom level), *Indvuna yenkhundla* (community developer at *Inkhundla* level) and Members of Parliament (MP) who are in the House of Assembly. The House of Parliament in Swaziland comprises the House of Senate and the House of Assembly under the *Tinkhundla* 'individual merit' based electoral system.<sup>344</sup>

Election into parliament involves two stages. In the first stage, individual candidates (since political parties are not allowed to contest for office) are elected into the House of Assembly by the general public for 55 seats and then an additional 10 members are nominated at the King's discretion, taking the number of total seats in the House of Assembly 65.<sup>345</sup> Once elected the House of Assembly then elects 10 Senators, at least half of whom should be female.<sup>346</sup> A further 20 Senators, at least eight of whom should be female, are directly appointed by the King.<sup>347</sup> The King's appointments complete the composition of parliament.

The Swaziland National Youth Policy clearly highlights that the current urban and rural structures do not allow for significant participation of the youth in the economic, social and political arena. As a result, 'youth participation is minimal in decision-making processes at national and local levels'.<sup>348</sup> As stipulated in the 2005 Constitution, youth participation in the political sphere is more of a privilege that can be bestowed and revoked, than a right.

Recently six electoral laws were promulgated namely: Elections and Boundaries Commission Act, 2013; Voters Registration Act, 2013; Elections Act, 2013; Senate (Elections) Act, 2013, Parliamentary (Petitions) Act, 2013; and Elections Expenses Act, 2013, with the aim that they should govern the

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**344.** Government of Swaziland: Ministry of Justice and Constitutional Affairs. (2005). *Constitution of the Kingdom of Swaziland*. Mbabane. Section 93.

**345.** Ibid. Section 95.

**346.** Ibid. Section 94(2).

**347.** Ibid. Section 94(3).

**348.** Government of Swaziland: Ministry of Sports, Culture, and Youth Affairs. (2009). *National Youth Policy*.



2013 election. These electoral laws were enacted to ensure the smooth operation of elections in the country. In essence, all Swazi men and women who are 18 years and older, are citizens of, or ordinarily resident in Swaziland, have paid all taxes or made arrangements satisfactory to the Commissioner of taxes, and are registered as voters, are eligible to vote. However, this legislation is comparatively new and its efficiency in regulating elections has not yet been tested in courts.

#### 4.5.2 International Policy Frameworks

The African Youth Charter provides in Article 11 for youth participation. It states that every young person shall have the right to participate in all spheres of society and it also obligates state parties to take measures to promote active youth participation in society by:

*Guaranteeing participation of youth in parliament and other decision-making bodies in accordance with the prescribed laws.*

*Facilitating the creation or strengthening of platforms for youth participation in decision-making at local, national, regional, and continental levels of governance.*

*Ensuring equal access to young men and young women to participate in decision-making and in fulfilling civic duties, amongst other priorities.<sup>349</sup>*

There are other international, regional as well as sub-regional frameworks, which impose standards to be observed in participation such as the SADC Protocol on Gender and Development.<sup>350</sup> Article 13(2) (d) of the SADC Protocol provides that state parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes that seek to change discriminatory attitudes and norms of decision making structures and procedures.

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**349.** African Union (AU). (2006). *African Youth Charter*. Addis Ababa: African Union. Article 11(1-2).

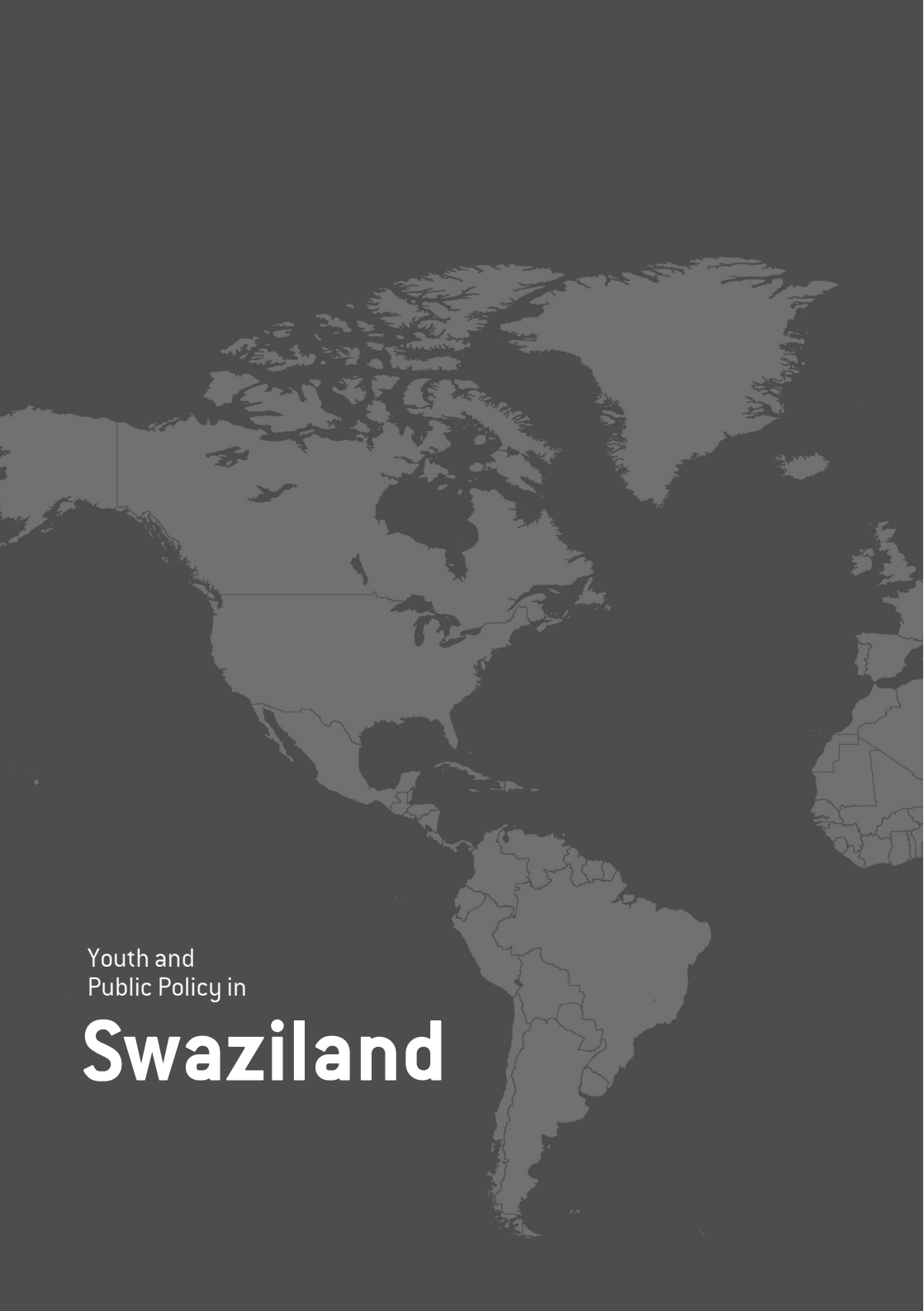
**350.** Southern African Development Community (SADC). (2008). *The Protocol on Gender and Development*. Johannesburg.

The United Nations World Programme of Action for Youth also highlights the importance of youth involvement in decision-making processes as well as national development. The Commonwealth Youth Charter encourages the full participation of youth at every level of decision-making and development, both individually and collectively. The Commonwealth Plan of Action for Youth Empowerment (PAYE) 2006-2015 seeks to empower young people by creating the supporting and enabling conditions under which young people can act on their own behalf, and on their own terms, rather than at the directions of others.

The establishment of the Ministry of Sports, Culture and Youth Affairs (MSCYA) was a positive development. However, for the MSCYA to be able to execute its mandate it requires skilled personnel and adequate funding to implement programmes beneficial to the youth. The success of this ministry is dependent upon youth being consulted and involved in its programming, and young people having a sense of ownership towards the programmes and services directed at them.

In conclusion across the policy areas that are the focus of this study, the Government of Swaziland has, with the exception of youth participation, developed excellent laws and policies. However, these are not substantiated with corresponding implementation. This is evidenced by the gaps that currently exist between the policy frameworks and the policy realities as will be demonstrated in the next chapter of this report.





Youth and  
Public Policy in

# Swaziland



Policy Realities

5

## 5.1 Introduction

This chapter discusses the status of youth development in Swaziland by presenting the main findings of the study. It highlights the gaps between the expectations and aspirations of young people and, the provisions and implementation of existing national policies. It involves a thematic analysis of data collected through the use of qualitative research methods including in-depth interviews with young people, focus group discussions and interviews with key informants (e.g. policy makers, NGO's and donors). The research comprised of a total of six focus group discussions; two held in Mafutseni (rural), two in Nhlangano (urban), one in Nkwene (rural) and one in Matsapha (urban), Interviews with 21 youth participants; eight participants for the participation theme; three for gender; six for health and four for Employment, and 17 interviews with key informants; seven youth serving and/or youth led NGOs (four in Mbabane and three in Manzini); two international organisations (based in Mbabane), two labour Unions (in Manzini), one Federation for political parties (Manzini), and four government officials (in Mbabane), (a list of the interviews and focus group discussions can be found in annex 2).

## 5.2 Policy Realities: Employment

### 5.2.1 Jobs and Access to the Labour Market

A number of factors were identified as the main barriers to youth employment in Swaziland. Some of these include: fewer jobs than the number of those needing them; saturation of graduates in particular fields of study; high levels of competition for a limited number of private sector jobs; and access to public sector jobs, when available, being linked to personal networks and sometimes to the need to bribe officials.

A recurrent theme that emerged throughout the research was the lack of jobs. According to one participant, “the jobs are simply not there”. The participants in the study understood that there were fewer jobs than those graduating from universities and vocational colleges. For others, upward mobility is impeded by their lack of higher education, especially given the limited university places, which often results in high entry requirements

of the University of Swaziland. The number of places depends on students obtaining the good grades and government funding.

A second recurrent theme was the intersection between the training received in education and the requirements of the labour market. It was indicated by the participants that in some fields, such as marketing, there are far more students than can be realistically catered for in the labour market. Thus, they complained of ‘saturation’ in the labour market, which results in many being unable to access work. A related theme that emerged was the relevance of the courses being offered at university. The young people interviewed reported that there was need for courses that offer them technical and marketable skills, such as ICT.

*“When commerce was new, all of us flowed to commerce. But now the numbers are great ... in Swaziland, we don’t create jobs most of the time, but we always try to affiliate with those that are there...if government can commit to creating jobs...increasing the number of courses. As far as I am concerned...I believe that there is a new change, I believe there are courses that are new there...most of them they train people to become teachers.”*

– 25-year-old male, university student

In addition, and related to the previous point, is the question of a skills mismatch as well as the limited number of jobs as shown in the quote above. The participants indicated that there are better, well-paying jobs in the private sector; however entry into those jobs is usually quite competitive given the high number of individuals applying for available positions, as well as the requirements of employers.

Furthermore, participants noted that securing the available jobs, particularly in the public sector, often depends on personal networks. Participants indicated that they or their peers were asked to pay a bribe of some form in order to secure a job.

*“Yea, some kind of corruption, if the manager can tell you, or may be the secretary, give me 600 (600 Emalangi).”*

– 22-year-old female, self-employed in the informal sector

From an employer’s perspective however, the biggest challenges relate to the lack of market ready skills such a computer literacy, and technical

skills, from educational institutions. This constitutes a major cost challenge for employers who have to retrain the young graduates - for periods of up to three years - in order to prepare them for entry-level positions. As a result, Swazi companies resort to recruiting graduates, particularly from technical subjects such as engineers from abroad. Some companies have put in place vocational training and industry driven training programmes, as a means to support the development of relevant skills for the labour market. Employers also claim that they send young people abroad to receive training in specific courses in order to ensure that they acquire the relevant skills for the jobs on offer.<sup>351</sup>

These efforts notwithstanding, the employers indicate that in order to create the number of jobs needed, the government needs to create the enabling environment by providing tax incentives, reducing the cost of energy and investing in innovation. In particular, the need to invest in ensuring the production of value added products rather than perpetuating the current situation where raw materials are exported from the country. Achieving this would entail massive investment in research and development over the long term. Investing in innovation and creating value added products, such as finished products from agricultural produce, have the potential of creating longer-term jobs and shielding the economy from the volatility of international commodity price markets.

### 5.2.2 Youth Entrepreneurship

The young people who took part in interviews and focus groups for this report, both rural and urban, particularly those who have received vocational training, indicated that they were interested in starting their own businesses. A recurring theme throughout the data relates to the challenges which young people faced in pursuing their aspiration of becoming business owners. Some of these challenges included: access to finance, land, and legal requirements such as business registration, and the acquisition of relevant operating licences.

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**351.** Interview with the Federation of Swaziland Employers and Chamber of Commerce, February 17, 2014.



Those who have vocational skills indicated that they faced the challenge of having to compete with migrant workers from China, Mozambique, Uganda and Nigeria (wood work and fashion design for example) who have a higher capital base, a better support network, or are simply able to avoid the regulatory requirements, particularly licences. As it was understood, the participants indicated that these competitors had access to better capital (particularly the Chinese) or felt that they simply ignored the regulations regarding licensing (particularly Mozambicans), which in either case made it difficult for them to compete.

*“... The thing that gives us problems is those people from Mozambique. These people gives us stress because they don’t have licence, they buy the richest cheap materials and when they finish the product, they just charge...they don’t rent buildings...every month I have to pay 1,000, I have to pay those people who are working with me. When I’m facing that if I don’t get jobs, how am I going to pay that, how am I going to pay the people who are working with me?”*

– 32-year-old male, self-employed in the informal sector

A further, and related issue is that of access to finance. The respondents indicated that they were unable to access capital from financial institutions, which made it impossible for them to fund their business ideas or grow them. However, it was noted that young people with certain skills were more confident of being able to access funds from financial institutions, although these individuals appeared to come from privileged backgrounds.

The young people were aware of government programmes put in place to provide funding for private businesses. However, they indicated that they were unable to access such funds owing to a number of factors including a lack of understanding of the criteria that qualify them to receive loans or grants, the requirement to submit a business plan - which they lacked the skills to develop, and being unable to form and sustain a cooperative group for long periods of time. It was also indicated across interviews and focus groups that the young people were aware of the National Youth Fund. However, none of those interviewed had received support from the fund or knew anyone who had. This is partly because interviews had not been conducted with beneficiaries of the programme, rather than a failing on the part of the programme. As had been illustrated earlier, several hundred young people

benefited from the various rounds of loans that were provided through the programme.

An important addition to the challenges mentioned earlier is the influx of cheaper foreign goods from abroad, which was also identified as a challenge to youth entrepreneurship. Some respondents indicated that cheaper goods (notably furniture and second hand clothes) from South Africa, China and elsewhere flooded the markets, which reduced the incentives for purchasing the goods they produce. In this regard, they indicated that they were unable to gain advertising space, which even further relegated their products to the background. An additional point to this is the perceptions of local versus foreign goods, with the latter perceived as being of better quality, and hence more likely to be patronised.

*“...and second hand clothing there in Manzini, then everybody is going there for cheap clothes and their designs...In Swaziland they are not satisfied with Swazi products; they are satisfied when they got it outside. Then they feel like this is quality. So sometimes, we find out and then they support the foreigners.”*

– 22-year-old female, self-employed in the informal sector

Furthermore, a number of respondents indicated that their drive towards commencing private businesses, particularly in agriculture, was hampered by access to land. In particular, they indicated that given that women and unmarried young men are not guaranteed land ownership, they are unable to access land to start their agricultural businesses. More so, they indicated that they were unable to purchase title deed land, as it is often very expensive.

### 5.2.3 Structural and Policy Related Challenges

Another set of recurring issues identified through the interviews and focus group discussions can be categorised as structural and policy challenges. It would appear that certain policy provisions constrain youth enterprise in

Swaziland. Some of these challenges include: company registration, taxation and trade licences.<sup>352</sup>

Many respondents indicated that the processes of business registration are not clear or are expensive. In addition, they cited cumbersome bureaucratic process as a barrier to their being able to register their businesses. It appears that young people perceive the registration of their businesses as pathways to prosperity. However, being faced with lack of clarity, huge costs and lack of support from responsible officials are major setbacks to the attainment of their goals of formalising their businesses. Though, the government indicated that business registration costs between (the local currency) E645 and E1,200 (US\$55-100) depending on the share capital. The Ministry of Commerce,<sup>353</sup> and in particular the Swaziland Investment promotion authority, claims that it takes one week to register a business, following which, the individual depending on the nature of their business will be required to acquire an operating licence. However, the reality faced by young people is one of greater costs and longer delays. Table 9 below details the reality of setting up a company in Swaziland identified in a 2011 KPMG report.

**Table 9**

Company registration requirements<sup>354</sup>

No	Procedure	Time	Cost
1	Reserve name at the company registry	1 day	SZL 20
2	Pay fee for reserving a name and registration fee	1 day	Included in previous procedure

**352.** Respondents claim that they are required to have a licence in order to practice as artisans. This point is to be further investigated in the second round of fieldwork visits.

**353.** Interview with the principal secretary of the Ministry of Commerce in Mbabane on February 17, 2014.

**354.** KPMG. (2011). *Swaziland – Country Profile*. p. 11.

3	Obtain tax clearance for company directors	1 day	No charge
4	Preparation of articles of association and memorandum by a lawyer	2 days	SZL 2000
5	Registration with the Company Registrar	21 days	SZL 360
6	Request trading licence	30 days	SZL 50 to E10,000 (most likely a general services or manufacturing company would pay a licence of E3,000 to E5,000, therefore E4,000 is a reasonable estimate for this fee)
7	Pay trading licence fee	1 day (simultaneous with procedure 6)	Included in previous procedure
8	Obtain bank statement	1 day (simultaneous with procedure 6)	No charge
9	Obtain company tax identification	1 day (simultaneous with procedure 6)	No charge
10	Certificate of inspection by health department or city council	1 day (simultaneous with procedure 6)	Included in licence cost
11	Register workers with Provident Fund	1 day (simultaneous with procedure 6)	No charge
12	Enrol workers in worker's compensation insurance	1 day (simultaneous with procedure 6)	No charge

Related to this is the issue of obtaining a licence to practice vocational trades like woodwork and clothes making. The participants suggested that they needed to obtain a licence in addition to completing their training in the relevant vocational skills training. They also indicated that the process of obtaining those licences and registrations are not always transparent,

and there are situations where individuals are able to obtain the necessary licence because they have personal relationships with individuals within the institution in question. Furthermore, the participants interviewed, reported that they felt that foreigners were more easily able to obtain these licences than local Swazis.

*“In government, when you want to start a business... what the law of Swaziland requires when you want to start a business, some of us don’t have those things. When you want to start a business, you have to have a licence and getting those licences depends on who you are.”*

– 25-year-old male, university student

A further challenge indicated is taxation, notably the value added tax (VAT), which was introduced in 2012.<sup>355</sup> Although there is an indication that young people are adapting to the new tax regime, they seem to worry that registering their businesses exposes them to tax obligations which they may be unable to fulfil when due.

*“When they come with VAT, it gave us stress last time and then they told us about this thing, 14% on every item for government ... We don’t have a problem about VAT because they have already told us about VAT. If you buy a something for 400, 14% is for the government.”*

– 32-year-old male, self-employed in the informal sector

Despite the challenges noted, an important and interesting finding is the resolve and resilience of the young people to remain in Swaziland to explore what opportunities are there. But their resolve is not without some expectations. They hope that they will receive support to establish and/or grow their businesses.

*“I decided to stay because I am confirmed about that business. I am planning to register the company. I believe if I can register the first maybe January, I can get customers to support me. That’s why I decided to stay. I believe that they will support me.”*

– 32-year-old male, self-employed in the informal sector

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**355.** IMF. (2013). *IMF Executive Board Concludes 2012 Article IV Consultation with the Kingdom of Swaziland*.

As outlined earlier, the government's response to some of the challenges identified by the young people include the establishment of the Youth Enterprise Fund. The government has indicated that part of the challenges faced by the youth enterprise fund is the lack of repayment on the part of the young people. So far the fund has allocated E9.6 million to several youth owned businesses.

In addition, other similar funds include: the SME Loan Guarantee scheme and the Tinkhundla Development Fund. While the loan guarantee scheme is relatively recent, the Tinkhundla fund has been in existence for several years, and respondents indicated being aware of the fund. However, they indicated that their main challenge was their lack of competence in the development of appropriate business plans. In 2014, the King of Swaziland indicated that more resources would be available through the Tinkhundla fund to support enterprise development.<sup>356</sup>

#### 5.2.4 Informal Economy and Social Protection

Young people in the informal economy face a number of challenges, including: uneven or irregular wages; lack of clarity in service conditions; and a lack of support in instances of business failure. In the formal sector, respondents indicated that a young person will be the first to be fired when there is financial downturn, and that there are inadequate avenues to seek redress when young people are faced with challenges related to corruption, such as sex for work or bribe for work.

*“That’s the thing you can get and the problem with it, they’re unfair. They’ll pay you may be two hundred (Emalangeni), what can you do with two hundred Emalangeni.”*

– 17-year-old female, student

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**356.** Sunday Reporter. *3yrs later, King still calling for better laws*. Swazi Observer. February 09, 2014. Retrieved February 9, 2015 from Swazi Observer: <http://www.observer.org.sz/index.php?news=58607>.

### 5.2.5 School to Work Transition

While it has been indicated throughout this report that education and skills development are a key element of enhancing youth employment, young people face significant challenges in the transition from school to work. Interviewees indicated that they found the transition between education and work quite daunting. In part, they attributed this challenge to their lack of knowledge of what is expected of them regarding their entrance into the labour market. Thus, they advocated for mentorship from more experienced experts in their field of learning, to educate them on the steps needed to become successful in their fields of learning. To address this problem, a number of initiatives have been instituted. For example, the National Youth Council office in Shiselweni has established an internship programme through which young people can work at the council offices to gain critical skills. In addition, the council provides an opportunity for young people to engage in social action as peer educators.

*“I was a volunteer because they also have a volunteer programme... young people come in and they volunteer and do whatever is available in the office.”*

– 26-year-old female, employee

Companies are also putting in place various programmes and strategies in support of young people, to enable them to navigate the challenges of transitioning from school to work. As indicated previously, some of those programmes include education and training support. Further support includes mentorship, apprenticeship schemes and internship programmes. There are also graduate trainee programmes through which young people just out of school receive training on the job.

Young women face specific challenges regarding access to training and employment and then upward mobility when they have been employed. In particular, participants indicated that young women were stigmatised when they chose vocational courses such as woodwork, welding, etc. Further, when they do choose these options, they are faced with the challenges of inability to pay the relatively higher fees. At the work place, one participant indicated that young women face challenges of upward mobility, as they are not trusted with higher responsibilities.

### 5.3 Policy Realities: Gender Equality

There are legal and non-legal factors hindering equality between young women and young men despite the existence of various policy frameworks which address the gender related dimensions of youth development. As highlighted earlier in this review, young people, and young women in particular, face a number of distinct barriers to equal participation in many spheres of their lives. A number of factors were identified by the young people who took part in this study as the main barriers to the attainment of gender equality, including; lack of development opportunities, socialisation, culture, lack of self-esteem, lack of access to land, and gender-based violence.

#### 5.3.1 Equal Access to Resources and Development Opportunities

Young people indicated that there are not many institutions that focus on the needs of young people in Swaziland. Those institutions that are currently in existence like the SNYC are perceived to not have done enough to advance youth empowerment. At the family level there are no longer any forums to support young people. In the 1950s there existed *Lisango* and *Liguma* customary rites (traditional family forums where young men would sit with older men and get advise on life and young women would do the same with elder women). Such forums are no longer in existence because lifestyles have changed; as a result young people are left with no family support structures. The absence of family support structures combined with the ineffective youth institutions have left young people with inadequate support systems in regard to personal and social development. Even when these institutions did exist, they focused more on supporting and assisting young men in regard to access to opportunities and self-development. This was mainly due to the fact that the Swazi society has always viewed the male as leader and heir. The *Lisango* custom taught young men more about leadership and being in control whilst the *Liguma* rite taught the young women about being submissive, a proper wife and good to in-laws amongst other things. It taught women about the values of self-respect and respecting others but not about leadership for women. As a result these institutions contributed to making young men more assertive and likely to



take on positions of leadership than young women. Because of the societal expectations and set up, many of the youth institutions and initiatives are male dominated. The general capacity and level of activism amongst young people is relatively low; it is lower among rural young women.

### 5.3.2 Young Women's Agency and Voice

Young Women's voices are not easily heard in informal and formal policy structures. Barriers to the involvement of women range from socialisation to self-esteem. Young women's participation in the elections is seen by society as 'to vote, but not to be voted for'. It is said that campaigns or efforts to ensure that women are elected, such as the 'vote for a woman campaign' have failed dismally; particularly in the 2013 elections when only one woman candidate was elected as a Member of Parliament in the entire country. Many factors are considered to influence this situation, for instance it is believed that women, particularly young women lack capacity as well as resources to be able to successfully contest for the election. For example, SNYC is of the idea that:

*"Young women in this country are still side-lined by circumstances, social circumstances, financial circumstances and cultural circumstances."*

– NGO official

Many of the participants interviewed reported that the views of young women and women in general are not considered. Young women are said to have suffered double jeopardy when it comes to participation in policy formulation and decision making in that they are not listened to as youth and as women.

*"... the voices of young women are not heard simply because they are females and that those in positions of power don't believe in women."*

– 23-year-old female, student

### 5.3.3 Gender-Based Violence

A male graduate interviewed stated that poverty might be one of the reasons that result in young people tolerating abuse. According to the UNICEF Swaziland Statistic Report, 2013, justification of wife beating amongst adolescent males was at 34.3% and at 42.2% amongst adolescent females.<sup>357</sup> He further mentioned as above that some young women believe that their partners should beat them up as a way of showing them that they are loved, and if they do not beat them up it may mean that the love is finished. The high unemployment rate among young people also makes them vulnerable to many other kinds of abuse for example they can be trafficked whilst looking for employment.

Organisations working within the gender equality sector like the Lutsango LwakaNgwane (an organisation formed as part of all Swazi women regiments) have programmes that seek to address this issue and encourage girls to delay sexual debut but also educate them about the dangers of inter-generational sex. One of the participants, an undergraduate university student, stated that one big danger of intergenerational sex is that the girls and young women fail to negotiate safe sex due to the power dynamics involved, and this exposes them to the risk of HIV infections. The youth Coordinator of Luvatsi mentions that another big problem in this area has been the fact that most youth organisations have not incorporated gender mainstreaming in their programming, which has led in the issue of gender equality not being addressed by most of the youth institutions. It is only now that some of the youth organisations are taking this issue up.

Lutsango LwakaNgwane emphasised the importance of male involvement in dealing with gender-based violence. This group accommodates all Swazi women who align themselves with Swazi custom and culture. They have established a local NGO working in the area of HIV, gender equality and gender-based violence. The programmes manager at Lutsango LwakaNgwane mentioned that sometimes the message against gender-based violence is easily heard when spoken by men, she also mentioned that involving men would ensure that they also speak to boys from an early age so that they are also socialised to respect women and never to resort to violence.

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357. UNICEF. (2013). *Swaziland Statistics*.

NGOs agree with the assertion, and are of the view that women's groups should work together with men.

*"...there is no need to create new institutions that will have men dealing with issues like gender-based violence but rather the already established institutions should engage and involve men... The creation of men's organisations may create conflict between the two sectors."*

– Youth NGO official

### 5.3.4 Early Marriages

Another common form of violation often faced by young girls is early child marriage and teen-pregnancies. Participants mentioned that according to Swazi Law and Custom, women are deemed to be ready for marriage at puberty. Many young girls must resist love proposals (*kusonywa*) from as early as 12 years of age once they are seen as having reached puberty and thus "ready" for marriage. Swazi culture permit males to act in a certain way that would be considered as stalking in other parts of the world. The practice, known as *kusoma* (pursue), involves a man pursuing a girl for as long as it may take to convince the girl to go out with him, and if the girl does not yield they are seen in a bad light or as outcasts.

*"Society is responsible for power imbalances; it teaches boys from an early age that they are better than girls."... it is young women who are mostly affected by Gender Based Violence. They are insulted based on dress code and many other things."*

– 22-year-old female, UNISWA student

Organisations like Lutsango lwakaNgwane run programmes that encourage delayed sex and delayed marriages for girls and also encourage the retention of girls in school. The Programmes Manager of Lutsango acknowledges that the issue of early marriage and child marriage is still a major problem in Swaziland, as it is permissible by Swazi Law and Custom and most men who have sexual relations with children will usually decide to marry them in order to avoid prosecution under statutory law.

*“... most people especially the men misuse Swazi Law and custom because historically a man would first raise the child (future wife) and then marry her when she is older.”*

– NGO Official

Customs such as these constitute a violation of the child's right as she could not independently choose the person to marry. Parents have a big responsibility to protect their children from such things as early marriage. However, due to economic reasons parents do introduce their young daughters to marriages in order to receive a 'lobola' (bride price).

### 5.3.5 Access to Resources

In regard to women's access to financial support to start-up businesses, most of the interviewed young people were aware of the Youth Enterprise fund. Although it is viewed as helpful, respondents were disappointed that it is the sole fund of this type for youth, and argued that it was not gender sensitive as it doesn't sufficiently address the specific challenges that young women face in setting up business. It is unfortunate that the Youth Enterprise fund ignores and does not seek to redress the imbalances between young men and young women.

*“There should also be funds provided by the government to assist young people to start business. Young people have basic knowledge on business; they can start small business like having a market in their communities.... I have heard a little bit about the fund but I do not know much about the youth fund and I have never heard of anyone who benefited from it.”*

– 15-year-old focus group participant student

It is important for the fund to be equally accessible to both young men and young women, and not to be discriminatory in order to do this the specific major challenges faced by young women setting up in business must be acknowledged. For example, young men can more easily access collateral than young women, as parents usually give cows to young men at a certain age enabling them to pay *Lobola* (bridal price). Young women will not usually get such assistance from their families, as upon marrying they will join another family.

*“It is difficult to compare the economic situation of young men against that of young women in Swaziland. There is generally one source / fund that seeks to support young people to venture into business and that is the Youth enterprise fund. The fund is not biased to any particular gender it is open to be accessed by both young men and young women.”*

– 28-year-old female, unemployed graduate

Another issue that needs to be considered in this area is that women often get married at a young age and once married it becomes difficult to access and manage resources like loans directly as they fall under the guardianship of their husbands, who according to marital power have control of the resources. Unlike men, women are required to seek the consent of their marital partner to use the estate as collateral.

*“There are still communities which look at young women as marriage material; early marriage and early sex is rife amongst young women... In these communities, girls are expected to get married at puberty.”*

– NGO Official

Swaziland has made no affirmative action interventions to ensure that women benefit equally from economic opportunities. Although the draft land policy recognises the need for a more equitable policy on the allocation of land and resources for women, a decade after its inception the policy remains in draft form. Similarly, the 2006 Marriage Bill addresses difficulties women face when trying to access credit, but it has not yet been passed through parliament.

*“In the Swazi Nation Land the chiefs will consider only males for the acquisition of land not women or young women. However for young men it is difficult to acquire land for own purposes unless one is married. If not married one can only acquire the land for someone else like mother or aunt. Obviously it is clear that accessing land is hard for young men but the situation for young women is worse as they cannot under whatever circumstances acquire land for themselves it has to be done through a male, it may be a son or a husband.”*

– 28-year-old female, unemployed graduate

There are further gaps in regard to laws and policies relating to access and control of resources for young people generally. For example, a young person below the age of 18 is unable to legally own property, in cases where a young person inherits property it is held by an elder in trust for young person and this presents an opportunity for the property to be misappropriated. In regard to inheritance, according to Swazi Law and custom it is only the male child (*Inkhosana*) who is able to inherit from the deceased parent's estate unless the parents leave a will.

*“Educated young people in the rural areas migrate to the city looking for jobs and they leave other fellow young people without role models to look up to. Laws in regard to accessing resources like land do not cater for young people.”*

– 21-year-old male, UNISWA student

### 5.3.6 Politics and Governance

The current status of women's representation in parliament is that the House of Assembly and King appoint women in parliament, the House of Assembly voted for five women and the king appointed five women, which means Swaziland now has 10 women in parliament. The Prime Minister appointed 5 women in cabinet (25%); however, none of these women are youth young. Of those youth who ran for seats in parliament, none became members of parliament. Similarly there are no young people on the general representation in either of the houses of parliament.

There are fewer iconic ladies in political leadership and thus there are fewer role models for young women who may need to get into politics. Young women are not assertive and they fail to express themselves whereas young men usually dominate spaces and are assertive. The females have inferiority complex and this is because of most of the societal teachings which emphasise that man are better than women.” – 21-year-old male, UNISWA student

Swazi society views men as leaders in Swaziland starts from the family or household where men are decision makers on all issues concerning the family. Men dominate positions of leadership in politics, community and social spaces, and the private and public sectors. However young women

are increasingly undertaking leadership roles within non-governmental development organisations. The percentage of young women in political positions is far lower than that of young men. Although the causes of this are complex, a lack of mentorship opportunities for young women in the political sphere compounds the issue. As a result young women develop an inferiority complex and fail to be assertive, which negatively impacts on their political participation. More generally, the lack of effective participation in political spheres by young men and young women has a negative impact in that the voices of the youth are not fully represented in policies and laws.

*“There are no programmes that teach young people on politics so they go into the political field without any understanding of what they are required to do. The young people tend to think that politics are for selfish gains and they invest in a lot of material things.”*

– 21-year-old male, UNISWA student

Not enough is being done to create mentorship opportunities, rather than developing young leaders the people currently in leadership positions seek to hold onto the power they have amassed. There are many other things that make young people fear politics especially because there are many myths around politics in Swaziland. Many young people associate politics with people who want to overturn the system. There is a need to teach young people in communities about politics and encourage greater participation of young people in political processes.

*“Society does not trust women to be successful in politics, women are seen as inferior. Women especially young women do not stand a chance in politics as men are always seen as superior.”*

– 22-year-old female, student

The biggest challenge facing women is participation in governance. Women are still grossly under-represented in political decision-making, according to the Southern Africa Gender and Development Index (SGDI) and the Citizens Score Card (CSC) ratings.<sup>358</sup> Swaziland women representation in 2012

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**358.** Nyakujarah, L., & Morna, C. (2012). *SADC Gender Protocol 2012 Barometer*. Johannesburg: Southern Africa Gender Protocol Alliance.

was at 22% in parliament, 18% in local government, and 25% in cabinet.<sup>359</sup> In October 2013, Swaziland held parliamentary elections with a voter turnout of 65%.<sup>360</sup> The election of women in Parliament was disappointing, with only one out of 55 seats being filled by a female candidate.<sup>361</sup> His Majesty the King and the Parliament nominated nine women, although this brought female representation in parliament to 15.4%, this was still a reduction from 2012.<sup>362</sup> Female representation at community levels represents a similar pattern, with some regions registering even lower numbers.<sup>363</sup> This makes it crucial that affirmative action measures be taken to ensure that women are present in decision-making positions. There is need for legislated quotas to be implemented to increase women's representation.

Young Women candidates often lack money for transport for themselves and women politicians do not have resources to assist their voters to travel to the nearest polling station. Only a few political parties have voluntary quotas to increase women's participation.

It is difficult to determine what needs to be done to the leaders who are not willing to step down. Even young people have also learnt to cling on to power and fail to hand over to others or even to mentor other young people. There is however room for improvement in this area amongst the young people. However, poverty has been recognised as a key factor in determining unequal power relations between men and women. Lack of access and control over productive resources, such as land, by women and discriminatory rights to property and inheritance has continued to impact negatively on women.

*“... looking at the national election, it is not an opportunity for the youth as there are cultural norms which dictate that elders tell the youth what to do and not the other way round.”*

– 30-year-old, youth leader

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**359.** Ibid.

**360.** Mafusire, A., & Leigh, F. (2014). Swaziland 2014. *African Economic Outlook*. Retrieved March 6, 2015 from [http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2014/PDF/CN\\_Long\\_EN/Swaziland\\_EN.pdf](http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2014/PDF/CN_Long_EN/Swaziland_EN.pdf).

**361.** Ibid.

**362.** Ibid.

**363.** Ibid.



## 5.4 Policy Realities: Health

### 5.4.1 Sexual and Reproductive Health

According to participants interviewed, young people's access to sexual and reproductive health services is of particular concern. The participants were of the idea that most women, young women in particular do not have full control over their sexual and reproductive health.

*“Young women also sacrifice their health and sexuality. Since they are supposed to give pleasure, they are easily convinced not to use protection so they can reproduce.”*

– 23-year-old female, student

Sexual orientation is not protected or promoted by the laws and policies of the country; hence young people who are homosexual find it difficult to present their health problems to health services providers. In November 2011 The Times of Swaziland reported that:

*“Government will not recognise and legalise same-sex marriages because homosexuals either do not exist or form a minority in the country. The government has told the world that homosexuals are not exactly visible in the kingdom.”<sup>364</sup>*

*“... There are organisations that tried to create gay friendly clinics, but all of it undercover... because if I take it upon myself to say, or as an organisation we go around sensitising people out there... we have heard sentiments from even the parliament, they have said it straight and outright that we are not going to allow homosexuality.”*

– Senior NGO Health Officer

A significant proportion of young women drop out of school due to early pregnancies. Swaziland's current statistics on adolescent pregnancies is around 89 per 1000 live births in Swaziland.<sup>365</sup> These young people face a higher risk of mortality. In rural areas young expectant mothers have lim-

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**364.** The Times of Swaziland. *No homosexuals in Swaziland?* November 13, 2011.

**365.** UNICEF. (2013). *Swaziland Statistics*.

ited access to health care services. There are female students that drop out of school due to pregnancy in schools as young as 14.

There is limited material support for girls aged 13 to 18 years when they fall pregnant to obtain basic clothes for the babies or to pay hospital fees.

*“I think this has caused the increase in the number of abortions and dumped fetuses in public areas.”*

– 23-year-old female, peer educator

Another issue faced by the young people is that of unsafe abortion. The young people interviewed for this review were of the idea that even though unsafe abortion is happening, abortion should be liberalised with caution. The participants were for post abortion care; they believed that hospitals should assist those abortion complications to save their lives from death.

*“Abortion is wrong. At times you may find that one impregnates another who doesn’t want to fall pregnant... then you find that the person if she performs the abortion she will not have another child ever.”*

– 15-year-old male, student (focus group participant)

However, it should be noted that the criminalisation of abortion exists within a context of high levels of sexual abuse, early sex and unwanted pregnancies, resulting in increasing calls to revise the penal code of the country.

#### 5.4.2 Stereotypes on the Use and Access of Contraception

The use of contraceptives by adolescence is clouded with myths and negative perceptions, which deter young people from accessing sexual health reproductive services. This is particularly true for some females who fear that the contraceptives will cause future infertility and unsightly body changes, thus making them unattractive and sabotaging their chances of securing a marriage. There were also youth who were reluctant to use contraceptives because of the perceived side effects and myths about how they affect the young females, especially when they take them from an adolescent stage.

*“I would say that they (contraceptives) are not supposed to be used by youth as they are not 100% safe, but they should abstain. Another*

*point is that if you start early to use contraceptives you will not be able to bare children later on in life.”*

– 16-year-old female, student

*“Personally I do not think that contraceptives are really safe to use for young girls, especially at the age of 12 years when most start going on their menstrual periods, but also for the 18 to 22 years as well, they have side effects such as weight gain and their body just swells with water.”*

– 24-year-old male, volunteer

Some males believe that it is not safe to have sex with a female who is using contraceptives, a view which serves to undermine contraceptive use amongst young women.

*“The condoms that are distributed as free condoms in public toilets are of cheaper quality than Trust or Durex brands, the Love condoms and silver and white ones break easily during intercourse which exposes us to unwanted pregnancies and STIs.”*

– 28-year-old male, unemployed

Another challenge related to the access and use of sexual health reproductive services by youth is the fear of experiencing negative attitudes or being negatively judged about their sexual behaviour when they enquire about the various forms of contraceptive methodologies that they could use. This suggests that there are still a number of health service providers that are not adequately trained in the provision of youth friendly services.

“When youth want information about contraception about sex and of those things, they are not able to access such as they come across nurses who will question why they want such information...” – 15-year-old female, student

### 5.4.3 Accessibility of Health Care Services to the Youth

Due to distance that must be travelled in order to reach health care centres – young people living in rural areas may have to travel over 8 km on foot – access to health care services is restricted for many young people.

Young people with disabilities also face significant challenges with accessing health care services.

Accessing protection such as condoms is a challenge that is worse for the rural youth since there are hardly any public toilets or facilities that could serve as neutral places where condoms could be placed and retrieved by young people without the fear of being rebuked:

*“We go to the next town at ka-hlatsi to the public toilets, where condoms are placed we talk about the intimate and do say that it is wiser to use contraceptives.”*

– 16-year-old female, student

There is a need for the establishment of youth specific SRH programmes, particularly in rural areas. There is a need to introduce and improve in-school SRH programmes, which should be run during school hours. This would be in line with government initiative of establishing youth friendly health centres which serve adolescents and equip them with the appropriate information of sexual reproductive health.

*“But first there is a need that contraceptives should be available everywhere (schools included).”*

– 16-year-old female, (focus group participant)

A shortage of medical supplies has caused some young people to lose faith in the health care facilities. Hospitals are seen as limited in their response to young people's health needs because of a lack of medication or because the medication distributed has reached its expiry date. The participants were of the idea that they would rather seek medical attention from pharmacies, which open on weekends unlike the clinics.

*“My sister went there but came back home with no medication as she was told the medication has expired.”*

– 17-year-old male, student

#### 5.4.4 HIV/AIDS

Youth particularly, young women are disproportionately affected by the HIV pandemic, despite efforts put up in place to curb the virus. Intergenerational relationships between adults and young people are blamed for the spread of the virus amongst youth, as well as sexual abuse of girls and young women. This is attributed to the breakdown of family and community structures that would allow young women to speak openly about gender-based violence, as well as the value of adherence to culturally prescribed moral principles.

*“At times at home they accept that their child has a sugar daddy but at times they watch TV and see celebrities wearing expensive clothes and they want those clothes so they go out seeking for sugar daddies...”*

– 16-year-old male, student [focus group participant]

*“It is because the teacher is in sexual relationships with some of the students in the school.... In the case of the students in my class going out with teachers... one of them told me that in her homestead the welfare is not good, so he promised to give her E 300 and what is worst is that the teacher is sleeping with her and it is like she has sold her life for 300 Emalangi.”*

– 16-year-old female, student [Focus group participant]

#### 5.4.5 Quality of Youth Health Services to the Vulnerable Youth

Some of the respondents pointed out that the needs of vulnerable groups, such as youth with disabilities, are not catered for in the hospitals, as they are not well equipped to attend to their needs.

*“The nurses personnel are not trained to address the health needs of the disabled in this regards hence there is need on the part of Disabled Persons Organisations (DPOs) to advocate that government train them in consultation with the DPOs...”*

– NGO Senior Official

*“All is not well when it comes to the issue of packaging medicine and/or pills for the visually impaired as they cannot be differentiated by*

*touch exposing them to the danger of taking the wrong doses of medication.”*

– NGO Senior Official

Insufficient attention has been given to ensuring that health care services are accessible for people with disabilities. Even where efforts have been made to improve access arrangements, this work has not been undertaken to a sufficiently high standard.

Also, the needs of vulnerable groups such as young people who use drugs or alcohol, ex-offenders and street kids are not specifically catered for, yet there are number of other factors that make it important for government to create targeted programmes for these population groups. Vulnerable adolescence and youth should be actively involved in the planning, design and delivery of these services.

#### **5.4.6 Socio Political and Economic Influence of Mental Health of the Youth and Overall Health**

High mortality rates due to HIV/AIDS have resulted in an increase in the number of child-headed households, leaving a number of adolescents with carer responsibilities for their siblings. This has not only affected their personal and social development, but has also exposed them to high levels of stress, which has had a detrimental impact on their mental health. Furthermore, the recent education policy has resulted in a significant reduction in the number of tertiary scholarships, meaning that thousands of young Swazis can no longer access further education. Their frustration with the economic situation and lack of opportunities for social mobility is associated with increased levels of stress and poor mental health outcomes.

In general, it is young men that are most directly affected by mental health instability and illnesses related to stress and depression. Anxiety amongst young men can frequently be attributed to a lack of livelihood opportunities, alongside the expectation that men should be the primary income generators within their families, and failure to do so making them “black-sheep” within their community. Mental health outcomes for young men are further worsened by their higher propensity to use alcohol and substances to relieve their anxiety.

*“... within the mental health issues there are people that think that they are possessed by demons but all that is needed is for them to get counselling. The youth get stressed out and worried over not getting money for their tertiary education and getting employment for example.”*

– 25-year-old female, volunteer

#### 5.4.7 Preference for Traditional Health Services to Western Services

Diagnoses of the traditional practitioner are based on a combination of the spiritual and physical symptoms; they are more interlinked with the cultural backdrop of the Swazi people. In order to avoid judgement and negative attitudes from nurses, traditionalists are often the preferred choice for young people with STIs or for those contemplating abortion options (illegally). Young people also consult traditional medical practitioners for herbal medication to treat abdominal complications, because they trust traditional practitioners more, they do not keep medical records and it is unlikely that they would report them to the law enforcement.

It is believed that traditional health service providers use 100% natural herbal remedies to treat ailments that, unlike pills used in the western form of medication, do not have harmful side effects to the body. Traditional practitioners are also considered to be efficient for young clients as, unlike hospitals, there are no long queues, they can be accessed at all hours of the day and any day of the week, and they do not require HIV testing or other requirements that may be a pre-requisite for medical treatment in hospitals.

Even though traditional health services do not have blood tests, nurses, different departments or modern buildings and equipment, they are more expensive than western form of medicine.

*“Yes... I believe the traditional practitioners are very efficient as you only spend 30 minutes there and there are no long lines as is the case in the hospitals; they are fast.”*

– 23-year-old male, volunteer

## 5.5 Policy Realities: Participation

Youth participation in political, social, economic and cultural life is seen by many young people as restricted, despite the fact that the laws and policies of the country appear to provide an enabling environment. For example, even though freedom of association and assembly is guaranteed under the 2005 Constitution, under the Swazi Tinkhundla parliamentary system, which was established in 1978, candidates can run for election for the House of Assembly in their individual capacities as opposed to groups, and cannot represent political organisation. In essence, the right to freedom of association and assembly is only a right on paper. There are visible gaps between the policy framework and the policy realities on the ground. This is captured in the responses of participants that took part in this study, outlined below.

### 5.5.1 Youth voice missing

The young people who participated in the study criticised policy makers for adopting a top-down approach to their issues. Most policy makers interviewed for this study agreed to a certain extent that the views of young people are not always sought. Hence, participation of youth in policy formulation is minimal, and there is a great need to open up the space so that more youth can actively participate.

*“Youth participating in decision making bodies, they are a drop in the ocean.”*

– SNYC Official

Other stakeholders believe that the youth choose not to participate in formal engagements, as the approach used to engage them is not seen as youth friendly. This suggests that decision makers view youth as recipients rather than initiators, organisers, partners or deliverers of such programmes or opportunities. The concept of ‘nothing for the youth without the youth’ does not feature in the approaches adopted by decision makers. Youth should be given space to participate in the planning of programmes as well as the implementation of such programmes in order to develop the sense of ownership required to increase their participation.



*“The youth need that the gatekeepers in communities should be friendly to them; it shouldn’t be too formal.”*

– Government official

Other stakeholders were of the view that there are many policies in place for young people, and that young people are unaware of them. However, it is frequently only those who work in a particular policy area who know about these developments, suggesting that the approach to policy formulation in the country is from top-down rather than bottom-up. This approach has led to excellent policies and programmes not being translated into practice and failing to benefit the intended audience. The majority of young people who participated in the study illustrated the view that young people are perceived as passive clients of government services.

*“There are no opportunities for the youth to voice out their concerns and problems. They are rarely portrayed as or encouraged to be autonomous agents able to shape their own destinies.”*

– 28-year-old male, youth leader

### 5.5.2 Cultural barriers

The young people, who took part in the study, from both rural and urban areas, were of the opinion that the reason why young people’s views are not taken into consideration stems from the fact that older people monopolise the decision making process in the country. A number of factors were identified as the causes of this. Firstly, there are cultural barriers.

*“Culturally, a child/or youth has got his own special place, may not talk against an elder and if an elder has spoken on an issue, it becomes final, culturally.”*

– 28-year-old male, youth leader

Gender stereotypes and the exploitation of culture were seen as ways of curtailing the participation of young women and women in public life. Men are considered to be superior to women, and women are expected to be submissive to men. In this regard, young women’s participation in decision-making and policy formulation is hindered:

*“... boys/males believe that they deserve to be in decision making processes more than women.”*

– 26-year-old male, unemployed

*“It happens automatically that when a male person comes in, the women must be submissive; as a result young women are not listened to ‘as the bible says women are beneath men’ and at home there are different roles. Men and boys do manual work/jobs while girls do soft work such as house chores, and that gender roles affect us as women.”*

– 23-year-old female, student

On the other hand, policy makers believe that gender stereotypes exist, but that current gender equality policies are sufficient to address these issues. For instance they acknowledged that culture had placed women, or dictated that the place of a woman is in the kitchen. However, quota laws such as the 30% quota found in the Constitution or 50% found in the SADC Protocol on Gender and Development, have now been introduced to try and place women in decision-making positions such as parliament. However, the reality is that the quota laws are not followed, and still far less than 30% of parliamentarians are women. What needs to be pointed out strongly is that these stereotypes are one of many non-legal factors that influence the lack of participation by women.

### 5.5.3 Youth as recipients of policy

As stated earlier, policy formulation and implementation in Swaziland frequently adopts a top down approach. Youth that are dissatisfied with their lack of inclusion in policy formulation and implementation demand to be included through participation in protest actions and boycotts. Many of the youth based in Manzini were of the view that youth often take part in protest actions as they are not happy with the way things are. Another deduced reason for the protests and boycotts is that the youth want change. Many of the participants believe that the youth take part in protest action as they are ‘fed-up’ with a system that makes them submissive, and are frustrated as a result of their lack of involvement.

*“... they boycott by staying away from things, be it projects targeting them or other initiatives. Others take to the streets and are faced with the police who stop their marches/protests.”*

– 24-year-old female, volunteer

Too frequently, young people lack the capacity, activism and coordination required to bring about change and have not presented a united voice in demanding that their views should be integrated into policies that affect them. Youth participation in policy formulation and decision making processes is under-prioritised. There is a cry from the youth that they are not included in policy formulation and/or are marginalised in one way or the other. Many stakeholders interviewed for the study felt that the reality is that youth are excluded from these processes. However, there are those who are of the opinion that all policies are all inclusive.

*“There is nowhere that we discriminate by age, gender, property, political affiliation or whatsoever.”*

– Senior youth government official

However, governmental officials alluded to the fact that young people who are deemed to lack respect are rebuked by their elders, and end up being shut out of decision-making processes, particularly if they question the Tinkhundla system of governance. Involvement in pro-democracy campaigns is viewed as lack of respect or deviant behaviour. One policy maker was of the idea that young people are unruly.

*“... respect is becoming less and less on our youth, so you find that when they rebuke him or her he will feel like he is being shutout.”*

– EBC official

The lack of priority afforded to youth issues is visible from the fact that the Swaziland’s National Youth Council (SNYC) is under staffed, with three programme officer positions, out of ten, having been vacant for a long time.<sup>366</sup> Also, the youth directorate at the Ministry of Sport, Culture and Youth Affairs is understaffed.

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**366.** Swaziland National Youth Council (SNYC). (2008). *Swaziland: Young People in the fight against HIV & AIDS Needs Assessment Report*. Mbabane. p. 11.

#### 5.5.4 Youth Led NGOs' Capacity and Financial Challenges

There are also capacity and financial challenges, which hinder youth bodies from executing their mandates successfully. As a result, youth issues can only be addressed effectively in collaboration with other stakeholders.

*“The Ministry of Sport, Culture and Youth Affairs, and the Swaziland National Youth Council work from time-to-time in collaboration with the UN agencies, and other Inter-ministerial committees. For instance the UNFPA is currently working at a national level on youth issues, supporting the programmes developed by SNYC, that seek to increase participation of young people throughout the country.”*

– Senior youth government official

Another challenge facing the legitimacy of the SNYC in its role as an umbrella body, is that, like many other youth participation structures, positions are awarded through co-option or election based on loyalty as opposed to merit. The youth interviewed for the study revealed that the SNYC lacks legitimacy, as the people running the SNYC were not the ones elected by them.

*“The youth has a problem with the umbrella body SNYC, which has failed in their mandate of advocating for young people's rights and welfare.”*

– 28-year-old male, activist

Co-option or election based on patronage or loyalty is problematic as those who are non-affiliates or who are not perceived as loyal, have no chance to participate in youth initiatives by the SNYC.

*“Those that are found in decision-making bodies are co-opted or appointed by the system and have no touch with youth challenges.”*

– 35-year-old male, volunteer

A range of external and internal factors prevents youth NGOs from participating in policy formulation. External factors include lack of recognition and inclusion of youth organisations by policy makers; for example when an NGO is perceived as a political entity. Internal factors preventing meaningful participation in policy formulation by youth organisations range

from lack of expertise, funding, as well as in-fighting within members of the organisations over limited resources and acknowledgement.

*“Activism and advocacy on youth issues and development is not strong in Swaziland. Youth-led as well as youth-serving NGOs lack robust activism in advocating for and lobbying for youth rights and wellbeing.”*

– UN Official

While there are obvious challenges such as capacity and financial constraints to advocacy and activism, in general, NGOs are accused of not taking part in the NGO youth development consortium established by the SNYC. However, according to some of the youth interviewed for the study, they are not happy with the way the SNYC interacts with them. The reasons for the unhappiness are mainly based on the fact that, although the SNYC receives funds on behalf of the young people in the country, SNYC fail to offer technical, financial or moral support to NGOs.

*“SNYC is dead if you ask me because the youth in this country is not taken serious and all the other links under the SNYC are dead too as the mother body is operational in name only.”*

– 28-year-old male, youth Activist

This lack of cooperation between SNYC and NGOs is particularly problematic, as they should be working collaboratively to ensure that the views and concerns of the youth are heard at national and local levels.

*“The youth has a problem with the umbrella body SNYC which has failed in their mandate of advocating for young people’s rights and welfare.”*

– 30-year-old male, youth leader

### 5.5.5 Appointments to Decision Making Bodies

The direct appointment of young people to decision-making arenas is another feature that young people reported as discouraging. The young people interviewed stated that appointment must be based on merit and not on connections. Many stakeholders agreed that to a certain extent, the appointment of young people into high decision-making positions does take place.

*“...there are those young people who have made it without having being co-opted or being appointed through, or because they know someone or because of favouritism; some of them are sent to decision making positions because they are related to someone but I want to say there are those who have made it without having to go through the back door.”*

— SNYC Official

Those young people who are appointed through patronage are often regarded as elite youth and are considered to be poorly informed about the challenges and issues faced by the wider youth population.

#### 5.5.6 Perception of Youth in Media

The voices of children and young people do not feature in the Swaziland's media.<sup>367</sup> The way that young people are presented in Swazi media reflects wider societal attitudes towards young people; in particular that young people have nothing to say.

*“... the main concern is that when you read the newspapers in this country, when you listen to the media, when you watch TV, you find that the voice of the youth is missing and that shows that the youth are not given, the platform to discuss their issues. It has emerged in our studies that indeed the youth are not given or have got no access to our media.”*

— NGO Official

*“There are many factors attributed for this amongst which is the role that culture has on the Swazi society. When it comes to the youth everything as elders we think for them. ...we cannot blame the journalist because of our culture, a child (youth) is not important under our culture. As such, we don't expect our journalists to go to the youth and sit down with them to try and get information from them because,*

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**367.** MISA Swaziland. *Youth Voice Absent in Swazi Media* – MISA Research. September 4, 2013. Retrieved January 21, 2015 from <http://misaswaziland.com/2013/09/04/youth-voice-absent-in-swazi-media-misa-research/>.

*rather than going to the youth, they prefer rather to go and talk to the parent.”*

– NGO Official

The media coverage of youth issues focuses on negative rather than on positive aspects of young people’s lives. Two primary factors explain this state of affairs. Firstly, the media in Swaziland is primarily in the form of tabloid journalism, and therefore adopts a sensationalist approach, focussing on scandals. Secondly, the space that is allocated to youth issues and concerns is limited, and youth interest reporting is typically confined to the entertainment section of newspapers.

For rural based youth, access to the media is severely restricted due to the media being based in urban centres. Unfortunately there are no community media outlets such as community radio or community newspapers.

*“In Swaziland, all their stories surround the towns; they don’t set foot in the rural areas. So you find that the youth in the rural areas are disadvantaged because they don’t have access to the media.”*

– NGO Official

One area of exception is the Internet, and Swazi youth has been quick to take advantage of the opportunities that it affords. Social media channels are the most popular forms of media consumption and participation in the country. For instance UNICEF reported that the mass media use among adolescents male and females were at 93.6% and 89.4% respectively from 2002-2012.<sup>368</sup> However, only 20.8% of the population are Internet users.<sup>369</sup> This popularity stems from the fact that Swazi media is by and large censored, and freedom of expression is limited. Social media is therefore the only channel that is free and not severely censored in Swaziland. However, questions remain as to how youth are using these forms of social media. In 2011 the King is reported to have ‘declared war’ on those planning to take part in the march ahead of the Swaziland April 12 uprising, a Facebook

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**368.** UNICEF. (2013). *Swaziland Statistics*.

**369.** Ibid.

initiative inspired by the uprisings in North Africa.<sup>370</sup> On the day of the uprising teachers, police beat students and activists attempting to gather for the planned march. The police were reported to have arrested scores of activists, beaten others and fired tear gas and water cannon to prevent a planned pro-democracy protest.<sup>371</sup>

*“... Swaziland has to be careful, if she keeps on clamping down on the media, we will as a country experience the same thing as experienced by the Arab countries.”*

– NGO Official

NGO Officials interviewed for the study were of the opinion that the role of the media in general is agenda setting. Once an issue is presented in the media, it becomes a political agenda for the country, and is then a topic of focus for MPs and government. Given the role of agenda setting in the formulation of public policy and political responses, it is therefore unfortunate, that the media in Swaziland dwells on negative aspects of young people's lives. This situation serves to reinforce and perpetuate a problem that exists across the African context; despite their demographic weight, children and young people are traditionally, culturally, legally and structurally marginalised from decision-making processes.

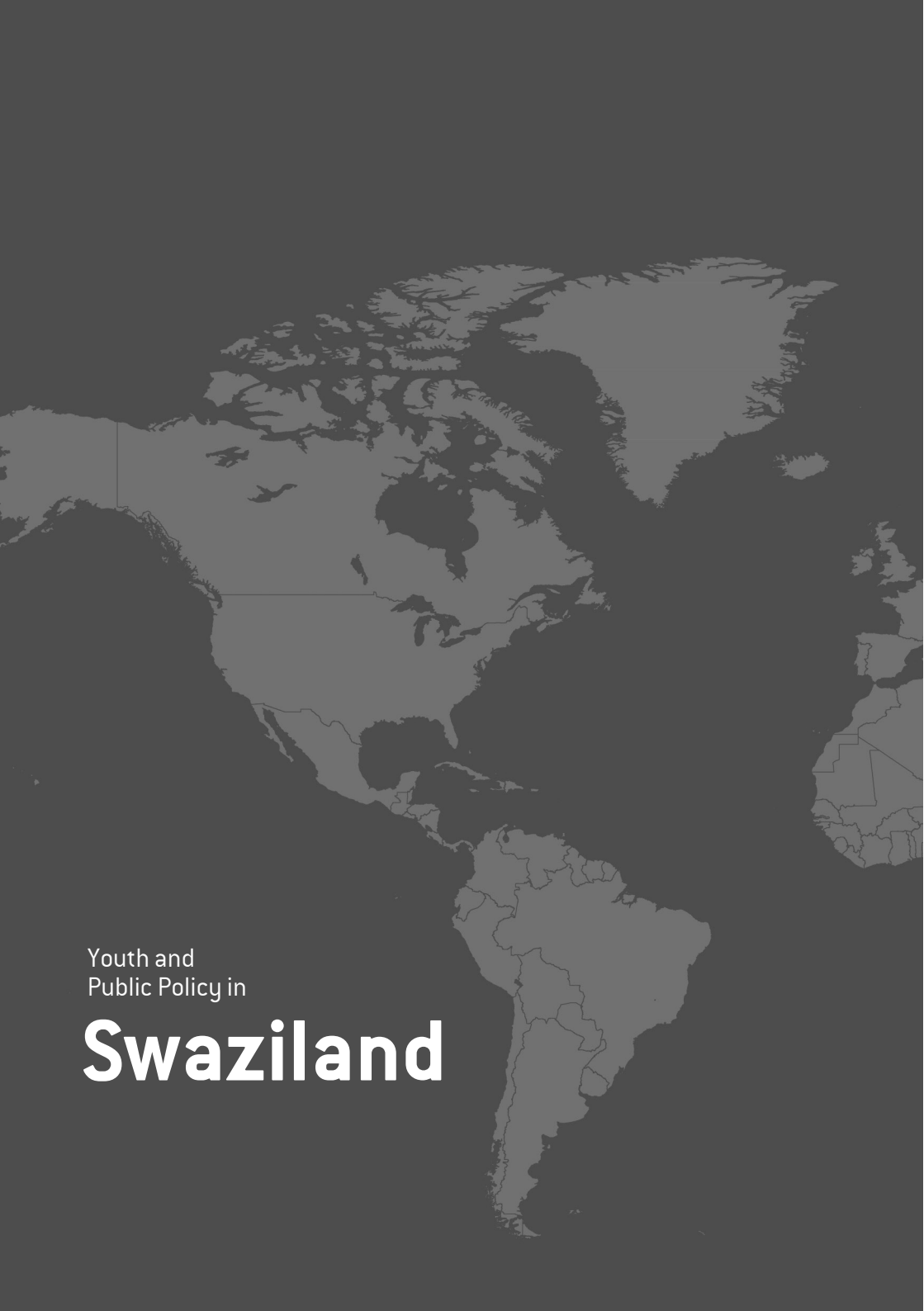
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**370.** Isaacson, M. *King 'declares war' ahead of Swazi uprising*. March 22, 2011. Retrieved June 27, 2014 from Sunday Independent: <http://www.iol.co.za/sundayindependent/king-declares-war-ahead-of-swazi-uprising-1.1045316#.VNi-WkLPmTB>.

**371.** Robertson, D. *Swaziland Police Beat, Arrest Protesters*. April 11, 2011. Voice of America (VOA).







Youth and  
Public Policy in

# Swaziland



## Policy Implications

# 6

## 6.1 Introduction

This chapter discusses the major observations regarding the extent to which public policies in the four thematic areas addressed throughout this review; employment, gender, health and participation, have been implemented or realised. It considers whether the policies and their associated programmes or activities have resulted in some form of improvement in the status and situation of youth in the country, including their development and social well-being.

## 6.2 Policy Implications: Youth Unemployment

As indicated earlier, there are a plethora of policies related to youth employment in Swaziland. In addition to these policies a number of programmes and interventions have been put in place to tackle the challenges which young people face regarding access to labour market.

While there is some effort on the part of the Swazi government to implement the provisions of the Swaziland National Youth Policy and its action plan (2013-2016), for example, through the establishment of the Youth Enterprise Fund, it is questionable whether current policies and programmes are meeting the aspirations of the youth. In the absence of an evaluation, it is difficult to ascertain how beneficiaries from the youth fund and other funds such as the Tinkhundla fund, and the loan guarantee scheme are distributed, in terms of location, age and gender. It is also impossible to determine whether the beneficiaries were able to manage their resources and how many of the businesses supported are still operating. The Youth Affairs Ministry indicated that there is a certain level of attrition among beneficiaries of the youth enterprise fund. The challenge of attrition rates was attributed to young people's mobility. The high likelihood of young people travelling for education or to seek other opportunities, poses a major challenge for repayment or follow-up on the beneficiaries of the fund. As with the youth fund, it was not possible to ascertain whether young people were benefiting from other such funds as the *Tinkhundla* development fund or the Central Bank's loan guarantee scheme.

Furthermore, it was not possible to ascertain if the current improvement in economic growth has been beneficial to businesses, or has resulted in the creation of new jobs through business expansions and injection of new capital.

The data suggest that investments in youth employment related policy areas – such as education and skills development, youth entrepreneurship and efforts to stimulate the economy to productivity – have failed to enhance the likelihood of young people succeeding in the labour market. Although youth unemployment dropped from 52.7% in 2007 to 49.5% in 2010, the rates of labour force participation and employment also fell over the same period, and Swaziland has amongst the highest levels of youth unemployment in the world.<sup>372</sup> Furthermore, young people hold the vast majority of insecure jobs; of those young people who are employed, 75% do not have contracts or health coverage. In comparison 48% of the adult population in employment do not have contracts or health coverage.

It would also appear that the policies and investments in education are not producing the desired outcomes, as employers and policymakers continue to indicate that the skills deficit is a major challenge to youth employment in Swaziland.

Furthermore, despite the goal of the Swaziland vision 2022 document and the accompanying implementation frameworks such as the Poverty Reduction Strategic Action Plan and National Development Strategy, Swaziland's HDI has remained at more or less the same level since 1990, only moving slightly from 0.533 in 1990 to 0.536 in 2012 – with a slight decline in GDP per capita between 2011 and 2012.<sup>373</sup> Although Swaziland has been classified as a middle-income country, the country is characterised by high levels of inequality, poverty (63% of population in 2010) and food poverty or insecurity (29% of population).<sup>374</sup>

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**372.** Brixiová, Z., & Kangoye, T. (2013). *Youth Employment in Africa: New Evidence and Policies from Swaziland*.

**373.** UNDP. (2013). *The Rise of the South: Human Progress in a Diverse World Explanatory note on 2013 HDR composite indices Swaziland HDI values and rank changes in the 2013 Human Development Report*.

**374.** Government of Swaziland: *The Ministry of Economic Planning and Development (MEPD)*. (2012). *Swaziland Country Report: ICPD at 2014 and Beyond*. Mbabane: Swaziland Government.

The review demonstrates that the language and sentiments included in policies, programmes and strategies regarding youth employment seek to improve young people's chances of securing appropriate employment opportunities as well as to start and operate their private businesses. However, these documents remain aspirational, and have not been accompanied with a material improvement in the realities of young Swazis. For example, although the promised increase in funding to the *Inkhundla* development fund is welcome, it is not clear whether it will be sufficient to transform Swaziland's labour market. For its full benefit to be realised, mechanisms need to be established to support young Swazis embarking on entrepreneurial activity.

The government needs to undertake reforms that create the right conditions to stimulate economic growth and increase employment, particularly in the private sector. For instance, the reform and simplification of business registration and licensing laws and policies, coupled with access to finance, could allow for young people to take risks and innovate. Such initiatives could drive tech-entrepreneurship and increase productivity, or promote value-added agriculture. Entrepreneurship can help young people develop their identity and integrate into the society by offering a sense of 'meaning' and 'belonging'.<sup>375</sup> However, perhaps most importantly, supporting young people to establish business could aid efforts to eliminate poverty and reduce inequality, two of the most significant challenges facing the country. These efforts would need to address the deleterious affects of gender inequality on people's life chances and opportunities; particularly given that countries that tolerate high levels of gender inequality undermine the human potential, diminish the creativity and narrow the horizons of 50% of their population.<sup>376</sup>

The Ministry of Sports, Culture and Youth Affairs could cooperate with the Ministry of *Tinkhundla* Affairs to educate young people on the processes of applying for the grants. Further, the Ministry of Youth Affairs could cooperate with the Central Bank and the Ministry of Commerce to encourage young people to apply for loans through the guaranteed loan scheme. For this to happen, strong inter-ministerial collaboration, focussed on improv-

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**375.** Brixiova, Z., & Kangoye, T. (2013).

**376.** Nyakujarah, L., & Morna, C. (2012). *SADC Gender Protocol 2012 Barometer*.

ing the range and quality of technical support offered to young people is necessary.

Furthermore, the education budget could be reallocated to ensure that a higher proportion of the funding is allotted to technical and vocational education and training. This would ensure that in addition to tertiary level education, young people receive adequate vocational training, which matches the expectations of employers and positions them to take advantage of the potential opportunities in the labour market.

### 6.3 Policy Implications: Youth and Gender Equality

Given the range of National Policies and international conventions and agreements signed and ratified by the government of Swaziland there is a perception that the country has made practical steps towards ensuring greater gender equality in the country. However this theoretical commitment has not been matched with practical steps to repeal discriminatory laws, even though some are now unconstitutional like the Deeds Registry Act and Marriage Act. Since the passing of the Constitution in 2005 there has not been a single piece of legislation passed to tackle discriminatory imbalances in Swazi law. The clash between legal rights and actual laws means that young women and men in general continue to be discriminated against in Swaziland in ways that are fundamentally unjust and constitute an offence against human dignity.<sup>377</sup> Most of these policies have limited provisions focussed specifically on youth; rather the policies are generally for men and women. In some of the policy provisions there is reference to boys and girls or youth for example the Gender Policy, which provides generally for men and women but makes references to boys and girls. This is often without emphasis on, or consideration to the specific needs of young people. The Swaziland Sexual Reproductive Health policy 2013 only makes reference to youth in regard to accessing information and facilities; otherwise all the provisions are general. The Gender policy on the other had makes a general reference to boys and girls throughout the policy provisions but fails to make specific provisions for young people. The glaring failure to

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**377.** Langwenya, M. (2012). *Historic step towards equality for Swazi Women: An analysis of Mary Joyce Doo Aphane V Registrar of Deeds*. Open Debate.

provide for youth within the National Constitution also shows that young people are not properly considered for within laws and policies in Swaziland.

Customary law plays a critical role in the lives of the vast majority of people in Swaziland. The King's Proclamation (Amendments) Decree of 1987 effectively declared Swazi Law and Custom to be the supreme law of Swaziland. In 2005 the Constitution became the Supreme Law. However Swazi Law and Custom is recognised by the constitution itself. The formal supremacy of the constitution is challenged by the pre-eminent position of Swazi Law and custom in everyday life of the majority of Swazis. Swazi law and custom has more practical meaning in the lived realities of most Swazis than international human rights principles. For example, whilst Swaziland is party to a number of conventions including CEDAW, Swazi Law and custom continue to discriminate against women young and old as a matter of course. Where international human rights and obligations are inconsistent with Swazi Law the latter prevails in practise.<sup>378</sup>

Another case of the 2013 Parliamentary elections was that of Jenifer Du Pont, a widow still mourning the death of her husband. As per the dictates of Swazi Law and Custom Du Pont was nominated as candidate for Member of Parliament by the people from her constituency. It was reported that soon after her nomination the chief of the area chief *Magundvulela* called a community meeting and advised the citizens not to vote for women in mourning gowns as Swazi Law and Custom does not allow for such people to undertake political leadership positions. The Chief clearly stated that international conventions amongst other things remain irrelevant as the country is governed by the "*moon and the Sun*".<sup>379</sup>

It is important to note that the non-domestication of most of the ratified regional and international conventions remains a significant obstacle to the pursuit of gender equality. This is mainly because, unless domesticat-

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**378.** Langwenya, M. (2013). *Swaziland Justice Sector and the Rule of Law, A review By African and Open Society Initiative for Southern Africa*. Open Society Foundations. Retrieved March 3, 2015 from [http://www.osisa.org/sites/default/files/afri-map\\_swz\\_justice\\_sector\\_main\\_text\\_web.pdf](http://www.osisa.org/sites/default/files/afri-map_swz_justice_sector_main_text_web.pdf).

**379.** Ndzimandze, M. *Jennifer demands apology from Magundvulela*. Times of Swaziland August 31, 2013. Retrieved February 9, 2015 from <http://www.times.co.sz/news/90951-jennifer-demands-apology-from-magundvulela.html>.



ed, the international and regional conventions remain aspirational rather than binding. Furthermore, even despite the promulgation of the 2005 constitution, the slow pace at which law in Swaziland is revised has left the country still reliant upon out-dated colonial laws. These laws have evidently restricted progress towards gender equality.

The dual legal system has also been a major concern in the pursuit for Gender equality. Even though the country has signed and ratified a number of international and regional conventions, and made very progressive provisions for gender equality within the constitution, these fail to affect the day-to-day realities of young women in Swaziland, as communities will uphold and adhere to Swazi law and custom especially in matters where such is in conflict with the Civil Law.

As noted in the topics above most of the relevant policies do not focus on young people, and do not have specific provisions targeting young people. There are very few specific provisions within the policies and laws including the constitution that targets or focuses on young people. This means that young people are not at the centre of many policies directed towards them. This situation is of major detriment to Swazi youth, especially because the statistics show that they form a large part of the country's population, and further that they are the most affected by HIV, poverty, unemployment and abuse; especially gender-based violence.

Swaziland is highly patriarchal and the unequal power relations amongst young men and young women are clear and deeply entrenched in the Swazi Society. Young women are highly disadvantaged by this and the lack of appropriate programmatic and policy mechanisms to address the challenges they face. Harmful cultural practises like forced and arranged marriages, which are still permissible under Swazi Law and Custom, still persist, and have a major detriment to young people especially young women. There remain many hindrances on the participation of young people, in particular young women continue to limit their voice in many areas and this hinders their ability to affect change. This is further compounded by a lack of proper youth institutions that could amplify the voices of young people at national level.

Women's representation in decision-making positions in Swaziland is low, especially in regard to political participation. Data compiled by In-

ter-Parliamentary Union (IPU) demonstrates that as of April 2014 ranks Swaziland at 132 out of 189 countries with regard to women's representation in parliament.<sup>380</sup> However there are organisations working to promote women's representation in decision-making, whose work could be promoted or supported. Gender Links is one of the organisations that work closely with government in pushing for women's representation in leadership positions. There are other organisations under the umbrella body Coordination Assembly of Non-Governmental Organisations, which seek to advocate for women participation in Swaziland. Many of these organisations are limited by availability of resources and by barriers at a government and community level that inhibit their capacity to ensure women's participation. Government policy should seek to support these initiatives.

## 6.4 Policy Implications: Youth and Health

Through the exploration of the existing policy frameworks on health, it is clear that the country has adequate policies in place to influence the development and improvement of the health and welfare of youth in Swaziland. More so, the Government of Swaziland is a signatory to many international and regional declarations, which emulate the country's commitment in the fight against HIV and AIDS. These include the United Nations General Assembly Special Session Declaration of Commitment on HIV and AIDS (UNGASS 2001), the Millennium Development Goals (2000), Abuja Declaration on HIV and AIDS and Plan of Action (2001), the Abuja Summit for African Union Heads of States (2006), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the New Partnership for Africa's Development (2001), the United Nations General Assembly Declaration on Children (2001), and the Maseru Declaration on HIV/AIDS by SADC member States (2003). There are also country specific obligations found in national policies such as the National Development Strategy (which noted that the country's development process is undermined by the AIDS ep-

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**380.** Tsododo, V. Afrobarometer Briefing Paper No. 147: *Gender Equality and the Participation of Women in Public Office in Swaziland*. Afrobarometer September 2014. Retrieved March 3, 2015 from [http://www.afrobarometer.org/files/documents/briefing\\_papers/afrobrieft0147.pdf](http://www.afrobarometer.org/files/documents/briefing_papers/afrobrieft0147.pdf).

idemic, and called for the strengthening of the national response); and the Multi-sectoral HIV/AIDS Policy, which strengthens and expands efforts to manage and coordinate sectoral responses to HIV/AIDS by promoting prevention interventions, providing effective treatment, care and support for people living with HIV/AIDS, in order to mitigate the impact of the epidemic (National Emergency Response Council on, 2009).

However, despite this undertaking, there exists a wide disparity between the aspirations of these policies and the realities of young people. The process of establishing and committing to policies has not been accompanied with actions that materially improve the situation of, and outcomes for, young people. For instance, young people's health challenges are exacerbated by their lack of access to nearby health services, which are youth friendly in nature. Furthermore, the rural health motivators have limited skills regarding the handling of youth issues and in extending health services provided by rural clinics.

In addition the minimal recognition of the dual adherence by youth to western medicine and traditional medicine has affected the intended outcomes of health programmes such as campaigns on HIV/AIDS behavioural change. Within the national health policy statement western medicine and traditional medicine co-exist and complement each other, however there needs to be a coherent vision of how the two systems should function, along with monitoring and evaluation instruments that could assist in tracking medical characteristics of young people between the two systems.

Some youth participate in cultural practices that have a negative impact on their health – such as having multiple sexual partners – which have allowed HIV/AIDS to continue to spread amongst youth despite the efforts to stop it. Individual behaviour change should be a goal of public policy. Faithfulness and consistent condom use have been some of the messages used in the strategy to encourage youth to avoid getting the HIV virus among young people who are sexually active, however condom distribution has not been allowed in institutions that have contact with significant populations of youth such as school premises and churches. This should change in order for HIV policies to deliver the much need results when it comes to HIV/AIDS. Public policy needs to communicate a clear and unambiguous message in regards to this issue.

The national HIV policy 2012 establishes voluntary counselling and testing of children under the age of 18 years, but it also requires parental consent for young people to be tested. The HIV Prevalence rate among young people aged 15-24 is 15%, a higher proportion of young women of this age are HIV positive (20%) than young men (10%).<sup>381</sup> The requirement for parental consent means that many young people who are having sex have to ask their parents to consent to have an HIV test; it is highly likely that this deters them from testing. HIV/AIDS prevention strategies prioritised for the youth focus on behaviour change, and include; information dissemination (which is limited in reaching young people due to the fact that media access is limited); condom use (a strategy adopted by many young people but still associated with myths, and at times access to condoms is restricted); and male circumcision (which is also tainted with myths as some young men do not wish to undergo the procedure). This situation raises questions about which actors are best placed to encourage behaviour change amongst young people; a question public policy should be in a position to answer.

The youth policy states that part of the reasons that the country has high rates of HIV prevalence within the youth population is because of lack of positive cultural practices, and the high moral values prescribed through Christian churches, which are attended by a majority of Swazis (Ministry of Sports, Culture and Youth Affairs, 2009).<sup>382</sup> The religious sector debated making changes to their ban on distributing condoms within church premises, however opponents to the proposal stated that biblical principles mandated that young people should abstain for participating in sexual relations, blocked the initiative. A more recent development, that highlights the opportunities and importance of involving religious institutions, saw the church forum of Swaziland embrace the promotion of male circumcision through church platforms as part of their HIV prevention programs, a novel strategy that was initiated by local NGO (PSI).<sup>383</sup>

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**381.** UNICEF. (2014). *State of the World Children Report, 2014 (Every Child Counts: Revealing disparities, advancing children's rights)*. Data adapted from statistical annex.

**382.** Swaziland Government: Ministry of Sport, Culture and Youth Affairs (MSCYA). (2009). pp. 13. *National Youth Policy*.

**383.** Mavuso W. *Churches finally say 'YES' to circumcision*. Swazi Observer: Retrieved March 21, 2015 from <http://www.observer.org.sz/news/69440-churches-finally-say-%E2%80%99yes%E2%80%99-to-circumcision.html>.

Policies on youth SRH are in place and they have ushered in the need for youth friendly services. However, as pointed out earlier, youth friendly facilities are found in urban areas and few are available in rural areas. The use of family planning methods by youth is very low, hence the country is battling with cases of teenage pregnancies, which contribute significantly to the high rate of maternal mortality in the country. When the pregnancies are unwanted, young people have resorted to unsafe abortions, as abortion is illegal in the country. These factors affect the health and mental well-being of the youth despite the existence of the SRH policy. The National health policy echoes the SRH policy in that it mentions that adolescents in Swaziland continue to engage in unprotected sex, resulting in teenage pregnancy, unsafe abortion, HIV and STI and substance abuse.

There was also the call by NGOs to provide young people with evidence-based sex education. They called for youth-friendly sexual, reproductive health services, life skills and school-based health clubs to be promoted in high schools, tertiary and vocational institutions and for the integration of sex education in the curricula. However, the country is yet to introduce sex education in the school's curriculum. There is eminent need to introduce a national integration plan for sex and sexuality education for parents and guardians, to empower them on how to talk sexuality issues which adolescents while the school curriculum issue is being sorted.

When it comes to youth battling with mental health problems, there are no rehabilitation centres for addicts in the country and inadequate attention is given to the factors that contribute to poor mental health outcomes for young people. Prevention measures should be backed by prevention, early intervention, and treatment options.

## 6.5 Policy Implications: Youth and Participation

Swaziland's policy framework on youth participation is limited and generic in nature and does not take into consideration the fact that youth are a marginalised group. The provisions set out in the constitution and other legal reforms could contribute to an improved enabling environment for youth participation, however, they have not sufficiently addressed young people's exclusion and marginalisation from decision-making processes.

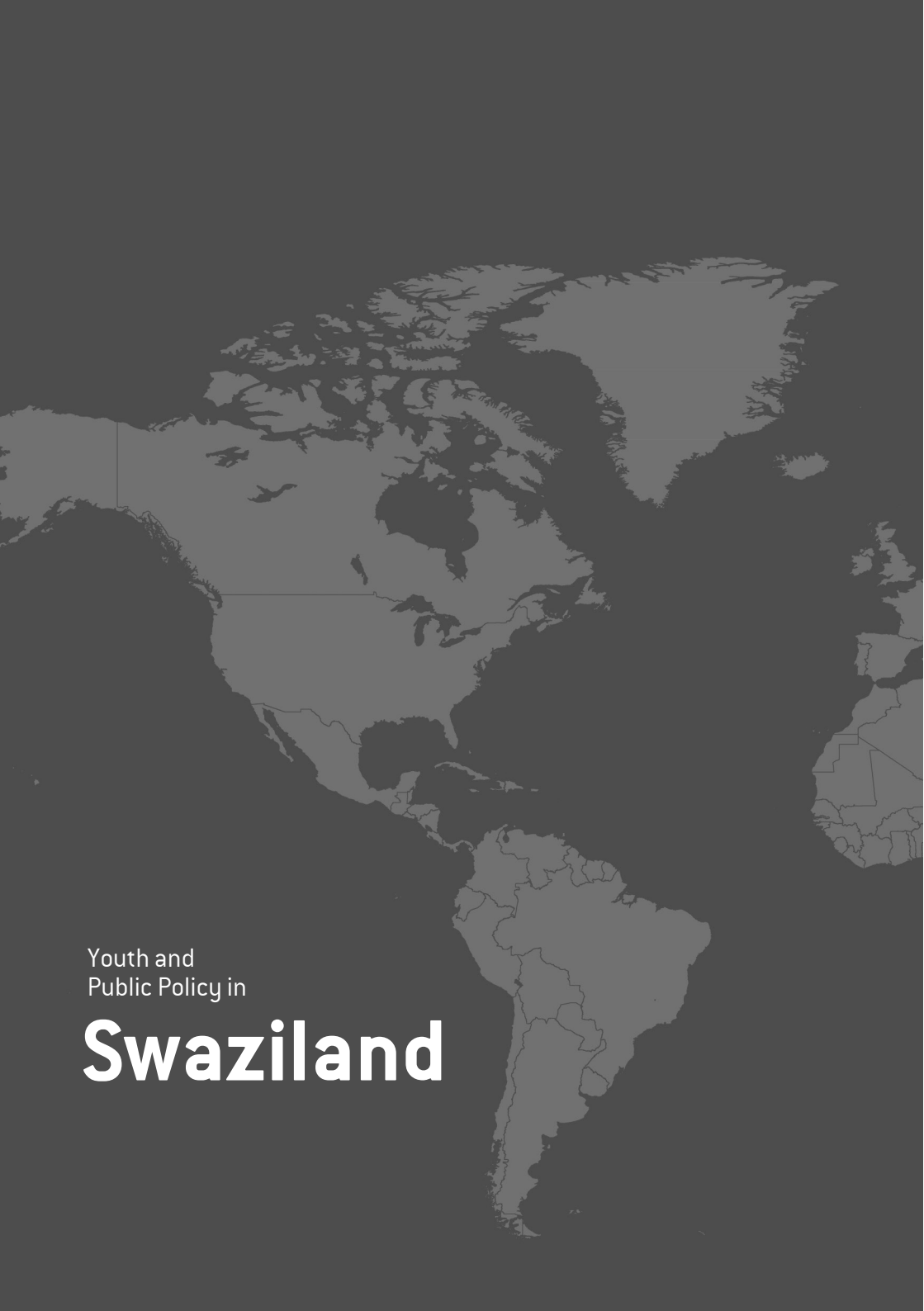
The creation of spaces, platforms and opportunities for young people to participate in, and contribute to the development of public policy is essential if Swaziland wants to realise the aim set out in vision 2022, of achieving first world status. This undertaking would entail efforts that directly address the negative cultural norms that hinder the effective participation of young people. For instance young people at grassroots level should be allowed to be decision makers and to debate with their elders on issues pertinent to them, rather than being subject to the culture of silence imposed on them by elders.

The current system of governance *Tinkhundla* is hostile towards pro-democracy notions, and as such talk of politics is not allowed at chieftdom level. This stance is contrary to the ideas of an open and democratic society. Although it may be possible to maintain this situation in the short-term, the consequences of doing so are deleterious. Young people should be allowed to freely voice out their opinion on any issue be it social, economic, cultural or political. Such restriction is a violation of their right to freedom of association and expression, and ultimately serves to restrict the development of the country.

Swaziland's ratification of international norms and treaties has not resulted in their implementation or domestication. For example, the ratified African youth Charter provides for certain quotas to be set aside for youth participation. However these quotas have not yet been achieved. Swaziland is rated amongst the worst culprits in terms of the violation of human rights and the rule of law. There is a need for the country to undertake a full review and re-envision its approach to rights by ensuring that young people's rights are respected and promoted, and that the rule of law is functional.

The National Youth Policy, which is the overarching policy framework together with a range of policies and laws on gender equality, has not yielded the anticipated results in terms of advancing gender equality in the country. There is a need to adopt affirmative action measures as envisaged by the 2005 Constitution and international, regional and sub-regional conventions. There is a need for concerted effort from government, stakeholders as well as the donor community to invest in youth participation particularly young women's participation.

As seen from the discussion above, Swaziland has developed or been signatory to a range of policies that seek to advance young peoples' development and rights. However, these policies have not had the necessary impact. There is a need for an improvement in the general environment of policy development. For example, the political climate of the country is not conducive to public debate on matters of politics and governance. This situation needs to change in order to allow for differing opinions to be heard, even those from dissenting groups. People should not be afraid to air their opinions, yet too frequently they are. Democracy envisages a country where there is freedom of assembly, expression, independence of the judiciary, rule of law is upheld, as well as accountability on the part of government, Swaziland could benefit from such.



Youth and  
Public Policy in

# Swaziland



# Recommendations and Conclusions

7



## 7.1 Recommendations

Based on its main findings, this report presents 30 key recommendations, and proposes an agenda for action. The recommendations are set out below according to the four thematic areas covered in the review. Wherever possible, specific timelines have been indicated and actors identified. These recommendations are driven by the evidence found in this study, and are aimed at assisting policymakers in the development, implementation and delivery of youth focused programmes. Furthermore, they seek to assist civil society actors and institutions working on youth, including young people, in promoting evidence driven advocacy efforts to improve the content of youth policies and programming in Swaziland.

### 7.1.1 Recommendations: Employment

1. Recently, evidence of skill mismatches has emerged, with young educated job seekers not having skills demanded by employers' (e.g., business, technical, ICT skills). This could be addressed through reforming the educational curricula and more efficient matching of graduates with vacancies. It is recommended that the Ministry of Labour and Social Security together with the Ministry of Education and Training should come up with a strategy that would ensure that there are reforms of tertiary education, expansion of vocational and on-the-job training, as well as labour exchanges that could reduce mismatches over time address the unemployment on the short term.
2. The government of Swaziland, through the Ministry of Education and Training, should establish and implement a comprehensive technical and vocational education and training (TVET) programme, in line with the objectives of the Swaziland Education and Training Sector Policy, to develop the necessary human capital, close the so-called skills deficit, and position Swazi youth for competitiveness in the labour market. Such a programme should integrate a support mechanism to enable the participation of girls and other vulnerable youth such as the disabled and those living in poverty.
3. The government of Swaziland, through the Ministry of Labour and Social Security, should establish a social safety programme similar to the

unemployment benefit scheme common in other jurisdictions such the United Kingdom. In addition, social protection policies for young people in the work place, especially young women, should be enforced, with appropriate sanctions on erring enterprises.

4. The Ministry of Education and Training, together with the Ministry of Labour and Social Security should ensure that the policy of free education at primary level is extended to high school level, and that this education should be universal, inclusive, compulsory and of high quality.
5. It is further recommended that the Ministry of Education and Training should ensure the provision of programmes to reduce the number of unintended pregnancies within schools, develop mechanisms to ensure that errant teachers (and those who maintain sexual relationships with student) are sanctioned, and ensure the establishment of 'second chance' programmes to enable young mothers to return to school.
6. The government of Swaziland together with the Ministry of Justice and Constitutional Affairs should enact legislation regarding equal opportunity employment to all sectors of the economy to ensure that young people, especially young women and vulnerable youth are given a fair chance at competing for employment.
7. The Swaziland Government, together with the Ministry of Sports, Culture and Youth Affairs should ensure that national programmes such as the Youth Enterprise Fund and the Central Bank's Loan Guarantee Scheme are expanded to reach a greater number of young people, especially those in rural areas, given that a large proportion of the youth population (70%) live in rural areas.
8. The Ministry of Education, and the youth department should establish a voluntary mentoring scheme for young entrepreneurs and young people in TVET institutions in order to enable them improve their skills to become successful practitioners.
9. For the education of people with disabilities, it is recommended that the government of Swaziland, together with the Ministry of Education continue to train more teachers with the specialist skills required to work with this population group. As a short-term solution the government should recruit former students who have learned skills such as sign language and braille, as assistant teachers.

10. It is also recommended, that in regards to employment of people with disabilities, the government of Swaziland, together with the Ministry of Labour and Social Security should adopt best practices from other countries; for instance, in the employment law of the country there must be affirmative action in favour of people with disabilities through a quota system.

### 7.1.2 Recommendations: Gender

In addition to the recommendations that seek to promote gender equality highlighted above,

11. The government of Swaziland and development institutions need to work vigorously towards achieving gender equality in Swaziland by ensuring the prioritisation and mainstreaming of the specific needs of girls and young women in national policies.
12. The government of Swaziland through the Ministry of Justice and Constitutional Affairs should put in place appropriate legislation to moderate the disproportionate impact that customary laws have on the rights of girls and young women in Swaziland. Also, the Swaziland government, together with the Ministry of Tinkhundla and the Ministry of Justice and Constitutional Affairs, should take measures to align customary laws with international human rights instruments that it is party to, to ensure harmonisation with the protections guaranteed in the Constitution.
13. The Ministry of Tinkhundla, together with the Gender Unit under the Deputy Prime Minister's Office, NGOs and international organisations should continue to advocate for the need for women to be included in decision-making position at community level as well as national level. Women should be part of the traditional chiefs' structures of governance such as *bandlancane*, *tindvuna* and commissions.
14. The government of Swaziland, together with MSCYA and the Deputy Prime Minister's Office should intensify efforts to develop programmes that provide equal opportunities for young women and girls. Gender equality, women empowerment and social justice, would be a significant achievement. Traditional forums have perpetuated gender inequalities. Men should be involved in all efforts aimed at reaching gender

equality so that they can also play a major role in empowering women especially young girls.

### 7.1.3 Recommendations: Health

15. The Swaziland Ministry of Health, with development partners and civil society organisations, should integrate youth friendly services within health facilities, and wherever necessary establish separate youth friendly centres,<sup>384</sup> in order increase young people's access to health services, especially reproductive health services.
16. The National Health Policy should take cognisance of the use of alternative and allied health practices by young people, and put in place relevant regulations and legislations to ensure that their practices are standardised in order to minimise risk of harm.
17. In keeping with the government's international commitments made through the ICPD programme of action, and the recent National policy on Sexual and Reproductive Health, 2013, the Swaziland Ministry of Health should invest in programmes such as family planning, to reduce the incidences of unintended or unwanted pregnancies, and promote safe abortions.
18. The Ministry of Education and Training together with the Ministry of health should devise an age appropriate curriculum on sexuality education for school going adolescents to ensure that they have accurate information about sexual and reproductive health.
19. The government should also encourage parents to talk to their children about their sexuality; hence the need to expand the knowledge of parents/guardians on SRH through the public media so that they can in turn equip young people with SRH information and advice. The involvement of mass media for the purposing of airing accurate programmes

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**384.** The evidence from this study is mixed, as young people in rural areas indicated their preference for generally available health services rather than youth specific ones. This aligns with recent international evidence (see Maria A. Zuurmond, Rebecca S. Geary, and David A. Ross. (2011). *The Effectiveness of Youth Centres in Increasing Use of Sexual and Reproductive Health Services: A Systematic Review*) and should therefore be pursued with caution, with due consideration for what will be contextually appropriate, for example, between rural and urban areas.

and information in platforms such as in radios, newspapers, television, billboards as well as the Internet can never be overstated. The messages should encourage open communication in families and should seek the involvement of religious forums that which will also assist in building momentum of the sexuality education. That is to say that church forums should be encouraged to develop sexuality educations within their own 'spaces' that have both parents as well as young people present.

20. In the case of orphaned children, the Ministry of health should equip the many rural health motivators currently serving in communities at local levels with SRH information and knowledge and skills on how to talk to orphans about their sexuality and reproductive health in general.
21. Regular capacity building training should be provided to the rural health motivators on the complexities and specific health needs of young people, in order to equip them with the knowledge and skills they need to provide health advice and referral services to young people in a non-judgemental and friendly manner.
22. The Ministry of Health together with MSCYA should ensure that HIV prevention and treatment programmes, particularly the provision of ARVs is done in a way that guarantees young people's dignity and respect. These programmes should be easily accessible and should include education on drug adherence practices. These approaches are required in order to ensure that whenever the subject of HIV/AIDS is mentioned, youth to have more confidence in clinics as opposed to traditional healers.
23. The Government of Swaziland, through the Ministry of Health should consider making health services accessible to marginalised or excluded youth cost free; for example, the unemployed and disabled young people, pregnant young women and young people in rural areas.
24. The government of Swaziland, development partners, and civil society organisations should undertake appropriate studies to generate evidence to improve the delivery of health services that meet the needs of young people, especially young women and youth in rural areas. This could be done on a yearly basis for the purposes of evaluating and monitoring progress on health services delivery, and in order to gather feedback from young people. The studies should be done before the enrol-

ment of the age appropriate sexuality education curriculum in schools and at the end of each school calendar year.

25. The Government of Swaziland should pay appropriate attention to mental health issues, particularly as they affect young people, by training mental health practitioners.
26. There is also need to develop a national policy for the national traditional medical practitioners so that they can be regulated and held accountable for their practice.

#### 7.1.4 Recommendations: Participation in Governance

27. The government of Swaziland through the Ministry of Tinkhundla and MSCYA should extend and deepen opportunities for youth to engage in political, civic activities as well as programmes that encourage their inclusion and active participation in decision-making processes, policy development, and programme and project implementation. This should be an on-going exercise so that when the 2018 election comes, youth people can confidently stand for election and win.
28. In order to guarantee young people's participation in parliament, the government of Swaziland should put in place legislation that ensures a certain quota of the seats in parliament are reserved for youth as a special interest group, through their representatives, the Swaziland National Youth Council, as is applicable in other jurisdictions such as Uganda.<sup>385</sup>
29. The Swaziland Election and Boundary Commission should expand the involvement of young people in election processes by employing them as election officials, monitors and post-election analysts.
30. In keeping with the provisions of the 2005 Constitution, the Government of Swaziland, through the Ministry of Tinkhundla and the Ministry of Justice and Constitutional Affairs should embrace and encourage active citizenship and political participation, including guaranteeing the freedom of the press, political parties and individual citizens who may be

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**385.** The Electoral Knowledge Network – Ace Project. *Promoting Youth in Elected Positions*. Retrieved February 9, 2015 from <http://aceproject.org/electoral-advice/archive/questions/replies/639548759#147395695>.

considered as ‘dissenting voices.’ Issues of national priority should be debated in full, in recognition of the value that debate and opposition can play in improving governance.

## 7.2 Conclusions

Like their counterparts in Southern Africa and indeed elsewhere on the African continent and globally, young people in Swaziland face many challenges. As this report shows, these challenges range from health, education, and gender specific challenges to the numerous barriers to meaningful youth participation. Swaziland, perhaps recognising the importance of addressing the needs of young people, ratified the African youth charter in 2013, following the development of a National Youth Policy in 2009, steps which are all commendable.

Youth participation in decision-making is fundamental as it is usually youth’s voices that routinely influence, and lead to change in service delivery in a country. Laws and policies should take into account the contribution of young people and their potentials. As this report duly acknowledges and recognises, the government of Swaziland has put in place appropriate policies to address the needs of young people. However, while these policies are in place, it would appear that these policies have not been effectively implemented, have not adequately addressed the specific needs of the young people or have not resulted in improved outcomes for young people. As indicated earlier in this report, economic factors, and consequently reprioritisation of government expenditure, appear to have affected the level of funding and support available to programmes targeting young people particularly in education, skills development and entrepreneurship. In part, this is attributable to the financial downturn experienced by the country, which resulted in cuts to social spending, including education and poverty reduction initiatives. In addition, the University of Swaziland appears to offer a limited range of courses and a limited number of places on their courses. As a result there are not enough university places for those seeking entry annually, thus denying a large number of young people the opportunity to further their education, gain needed skills that could enhance their social mobility, through secure jobs in professional positions in the industrial or government sectors; which are the two biggest providers of paid work. More



so, owing to the global economic crisis, Swaziland's biggest neighbour – South Africa, has perhaps fewer opportunities for migrant labour, which inadvertently affects young people who would otherwise wish to migrate to seek better opportunities there.

Furthermore, while there are provisions within existing laws and policy frameworks, which implicitly support youth political participation, there are no clear explicit policy provisions which encourage such. The 2005 Constitution is at the apex of legal framework on participation and has no mention of youth in itself. As rightly acknowledge in the national youth policy youth participation in decision making at national and at local levels remains minimal in Swaziland. This report acknowledges that there are a few ad hoc (in the sense that they are not provided for in any policy document or are indirectly provided for) programmes on youth development or empowerment such as Smart Partnership Club 29, however these lack meaningful youth participation due to the fact that to participate in the forum one has to be invited based on social networks and recommendations from the dialogues are not seen to be implemented.

Too often, youth are perceived in terms of leisure activities such as music, sports and entertainment, rather than as active citizens concerned with policy processes. This conception of youth is used as an excuse to leave out young people from positions of power. The fact remains that the youth voice is missing from many policy development processes, and that those who do participate do not do so autonomously and have limited room to apply their agency. The barriers to youth participation are especially severe for young women and youth in rural areas due to the effect of Swazi law and customs. For example, despite the provisions of the 2005 Constitution on gender equality and young women's rights, the aspirations of young women who seek political office are routinely truncated by the selection process for those seeking elective office and are therefore not realised.

Young women and young men in Swaziland continue to face many health challenges, particularly those related to their sexual and reproductive health and service delivery at the level of health services are generally not tailored to meet the specific needs of youth.

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# Appendix I: List of Policies, Frameworks and Programmes Consulted

S/N	Policy/Framework	Responsible Agency/Ministry
1	Education and Training Sector Policy, 2011	Ministry of Education and Training
2	Swaziland National Youth Policy, 2009	Ministry of Sports, Culture and Youth Affairs
3	Occupational Safety and Health Act, 2001	Ministry of Commerce
4	Swaziland Investment Policy, 2009	Ministry of Commerce
5	SMES Policy, 2002	Ministry of Enterprise and Employment
6	Public Enterprises Act, 2011	Ministry of Commerce
7	Industrial Relations Act, 2000	Ministry of Labour
8	Swaziland Investment Promotion Act, 1998	Ministry of Commerce
9	Employment Act of 1980 as amended	Ministry of Labour
10	Swaziland Vision 2022	Ministry of Economic Planning and Development
11	National Development Strategy	Ministry of Economic Planning and Development
12	Swaziland Poverty Reduction Strategy and Action Programme, 2006/07	Ministry of Economic Planning and Development
13	African Youth Charter, 2006	African Union

14	ILO Decent Work Country Programme (2010 - 2014)	International Labour Organisation
15	UN Development Assistance Framework (2011 - 2015)	UN system in Swaziland
16	Small Scale Enterprises Loan Guarantee Scheme	Central Bank
17	National Youth Enterprise Fund	Ministry of Sports, Culture and Youth Affairs
18	The Constitution Of The Kingdom of Swaziland 2005	Ministry of Justice and Constitutional Affairs
19	The National Gender Policy, 2010	The Deputy Prime Minister's Office, Gender Coordination and Family Issues Unit
20	The Children's Protection and Welfare Act, 2012	The Deputy Prime Minister's Office, National Children's Coordination Unit
21	The SADC Protocol on Gender and Development, 2008	The Deputy Prime Minister's Office, Gender Coordination and Family Issues Unit
22	Protocol to the African Charter on the Rights of Women in Africa 2003	The Deputy Prime Minister's Office, Gender Coordination and Family Issues Unit
23	Convention on the Elimination of all forms Discrimination Against Women, 1981	The Deputy Prime Minister's Office, Gender Coordination and Family Issues Unit
24	United Nations Convention on the Rights of the Child (UNCRC)	The Deputy Prime Minister's Office, National Children's Coordination Unit
25	Deed Registry Act No. 37, 1968	Deeds Office
26	Administration of Estates Act, 1902	The Master of the High Court
27	National Health Policy, 2007	Ministry of Health and Social Welfare
28	National policy on Sexual and Reproductive Health, 2013	Ministry of Health and Social Welfare
29	Mental Health Policy (draft)	Ministry of Health and Social Welfare

30	National Guidelines on the Integrated Management of Acute Malnutrition	Swaziland National Nutrition Council
31	National HIV Prevention Policy	National Emergency Response Council on HIV and AIDS
32	The National Multi-sectorial Strategic Framework For HIV and AIDS, 2009 – 2014	Ministry of Health
33	National abortion policy	Ministry of Health
34	The National Multi-sectoral HIV and AIDS Monitoring and Evaluation Framework 2006	National Emergency Response Council on HIV and AIDS
35	The Decentralisation Policy, 2006	Ministry of <i>Tinkhundla</i> Administration and Development
36	The Elections and Boundaries Commission Act, 2013	Swazi Government, Election and Boundary Commission (EBC)
37	The Voters Registration Act (repeals Voters Registration Order 1992), 2013	Swazi Government, Election and Boundary Commission (EBC)
38	The Elections Act(repeals Elections Order 1992), 2013	Swazi Government, Election and Boundary Commission (EBC)
39	The Senate (Elections) Act, 2013	Swazi Government, Election and Boundary Commission (EBC)
40	The Parliamentary (Petitions) Act, 2013	Swazi Government, Election and Boundary Commission (EBC)
41	The Elections Expenses Act, 2013	Swazi Government, Election and Boundary Commission (EBC)
42	The Elections and Boundaries Commission Act, 2013	Swazi Government, Election and Boundary Commission (EBC)
43	The Voters Registration Act (repeals Voters Registration Order 1992), 2013	Swazi Government, Election and Boundary Commission (EBC)
44	The Elections Act(repeals Elections Order 1992), 2013	Swazi Government, Election and Boundary Commission (EBC)

## Appendix II: List of Interviews and Focus Group Discussions Conducted

The first round of fieldwork interviews and focus groups was undertaken exclusively with young people in December 2013.

### **Mafutseni Community**

Venue: Gogo Centre

Date: December 2, 2013

#### **Focus Groups and Interviews**

- » Five youth (mixed) – ages 13-17
- » Eight youth (mixed) – ages 19-30
- » Eight one-to-one interviews (mixed) – ages 19-30

### **Nhlangano Town**

Venue: Youth Centre

Date: December 3, 2013

#### **Focus Groups and Interviews**

- » Eight youth (mixed) – ages 18-30
- » Eight youth (all female) – ages 16-30

### **Nkwene Community**

Venue: Under a tree

Date: December 3, 2013

### Focus Groups and Interviews

- » Five youth (all male) – ages 16-19
- » Two one-to-one interviews (all female) - ages 17 and 25 years

### Matsapha Community

Venue: Inkhundla

Date: December 4, 2013

### Focus Groups and Interviews

- » Eight youth (mixed) – ages 19 – 35
- » Eight one-to-one interviews (mixed) – ages 22-35

**The second round of interviews** was conducted with key stakeholders and policy makers in February 2014. The majority of interviewees requested to remain anonymous, but were happy for their organisation to be listed. Interviews were held with the following governmental, non-governmental and international organisations.

- » Elections and Boundary Commission
- » Family Life Association of Swaziland
- » Gender Unit
- » Imbali Foundation
- » Lutsango LwakaNgwane
- » Luvatsi
- » Ministry of Commerce
- » Ministry of Health
- » Media Institute for Southern Africa (MISA)
- » Schools Health And Population Education (SHAPE)
- » Swaziland National Youth Council (SNYC)

- » Swaziland United Democratic Front (SUDF)
- » Traditional healers
- » United Nations Population Fund (UNFPA)
- » World Health Organisation (WHO)
- » Youth Affairs Directorate

The following did not ask to remain anonymous:

- » Ms Sindi Dube. Deputy Prime Minister's Office (DPMO) - Disability Unit. January 15, 2015.
- » Mr Mandla Mehula. Federation of organisations of the Disabled in Swaziland (FODSWA) January 15, 2015.

## Appendix III: About the Authors

### **Simangele Mavundla, Lead Researcher**

Simangele Mavundla is a Ph.D. candidate in Human Rights Law at University of KwaZulu-Natal (Pietermaritzburg campus), in the Republic of South Africa. Her doctoral research focuses on human rights of women living with HIV to be protected from gender-based violence in Swaziland. She holds a Master of Law in Human Rights and Development in Africa from the University of Pretoria, South Africa, where she conducted her research on sexual reproductive health rights of rape victims. She holds a Bachelor of Laws (LLB) from the University of Swaziland. Sima has worked with NGOs as well as government on different capacities. She has worked with Swaziland Action Group Against Abuse (SWAGAA) as a Legal Assistant, with the Gender Unit at the Deputy Prime Minister's Office as a Gender Officer, with the Leadership Development Foundation (LDF) as a Projects' Manager Consultant. She has provided consultancy services for Women and Law and other NGOs in Swaziland.

### **Nondumiso Dlamini, Country Researcher**

Nondumiso Dlamini is currently pursuing an Advanced Diploma in Purchasing and Supply Management; she has a background in social science background as well as information technology in business management. Nondumiso works as a Programme Director for "Creative Arts Organization"; an organisation that uses the power of arts to empower, advocate and educate. It is a forum that encourages creativity as a mechanism for communication through radio, Internet and stage production. Nondumiso serves in Feminist Leadership schools in Swaziland.

### **Ntombikayise Nyoni, Country Researcher**

Ntombikayise Nyoni holds a degree in law from the University of Swaziland. She also holds a certificate in International Human Rights Training From Equitas in Quebec Canada. She is a feminist who has worked for over four years in women and children's access to justice. She has greatly influenced the review, drafting and implementation of laws and policies that promote the rights of women and children in Swaziland. Nyoni has also worked extensively in Swaziland and SADC to build strong institutions that strengthen Swaziland's young women's movement. She is a founding member of the sole feminist young women's institution in Swaziland - SYWON. She recently registered a Women's networking company called women working together.

### **Dabesaki Mac-Ikemenjima, International Advisor**

Dabesaki Mac-Ikemenjima is a youth development researcher with extensive experience in sub-Saharan Africa. He has previously completed assignments for UN institutions, the African Union Commission, the Commonwealth Secretariat, and a number of governmental and international nongovernmental institutions at national and regional levels. His key interests include policies related to young people's: sexual and reproductive health, education and employment. He is currently writing-up his PhD focused on agency, aspirations and measurement of youth quality of life.

### **Zanele Thabede, Project Coordinator**

Zanele Thabede currently works for as an assistant researchers at the Medecins Sans Frontieres Geneva Mission in Nhlangano, Swaziland. She is pursuing a degree in Psychology at the University of South Africa and is an Alumni of the International Exchange Leadership Program (United States). She is passionate about working with women advancing the rights of women - and has worked in this field over the past four years. In previous roles Zanele worked with Community Information for Empowerment and Transparency (CIET AFRICA) where she was part of an HIV, Gender and Gender Based Violence (GBV) study in 25 communities in Swaziland. As a result of this research she was established an intervention training women 16-35 in



entrepreneurship and self-awareness. Zanele acted as the chair of the Gender Consortium through her work with Swaziland Young Women's network in 2014, currently represents the youth constituency in the Country Coordinating Mechanism for Global Fund, and is the Vice-President for the Swazi US Embassy Youth Advisory Group to the US Ambassador.

### **Bahlelisiwe Ngeti Luhlanga, Project Coordinator**

Bahlelisiwe Ngeti Luhlanga is a young Swazi feminist leader. She is the Founder and the inaugural Director of the Swaziland Young Women's Network. She has led numerous advocacy campaigns on gender and women's rights at national, regional and international level. She is also a founding member of the South African Development Community Youth Union, another initiative for engaging youths on policy issues.

## Youth and Public Policy in Swaziland

In recent years, Swaziland has made significant progress in developing national policies, laws and strategies of relevance to youth, and has adopted a number of international frameworks that seek to improve the lives of young people.

However, despite these commitments, the majority of young people in Swaziland face significant challenges and exceptionally poor outcomes – particularly in the areas of health, employment and participation. In all of these areas, and more, young women consistently experience worse outcomes, and face multiple barriers that restrict their full participation in the life of the country.

This book reviews key public policies in the areas of health, employment, participation and gender, and brings to light the gaps that exist between the Government of Swaziland's policy aspirations and the realities experienced by young people in the country.

## About the Youth Policy Review Series

This review series researches and analyses public policies affecting youth.

Many countries have stated their youth policies, but are they executing them? Do these policies allow young people to achieve their rights? How do youth policies interact with broader policies that affect young people?

Country-specific titles lay out the evidence on which young people, their organizations, and the entire youth sector, can advocate for the adoption and implementation of sound national and international youth policies, and hold governments, agencies and donors to account on the promises they make to young people.

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