

WLSA

Women & Law

Eswatini

THE SWAZILAND WOMEN'S CHARTER

Women & Law in Southern Africa – Research And Education Trust – Kingdom of Eswatini

SWAZILAND WOMEN'S CHARTER

List of Acronyms

ACHPR-African Commission on Human and People's Rights

AU-African Union

African Women's Protocol – Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

CEDAW-Convention on the Elimination of all forms of discrimination against Women

DISCRIMINATION-any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life [as defined in the **SADC Gender Protocol**]

GBV-Gender Based Violence

KUNGENWA-a form of forced marriage; a widow being forced into marriage with a male relative

KWENDZISWA-forced marriages

MASIHLLISANE-the practice of cohabitation

SADC-Southern African Development Community

SADC Gender Protocol – SADC Protocol on Gender and Development

STATE – in this Charter, The State refers to the government of Swaziland.

VIOLENCE Against WOMEN-all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.

WOMEN-persons of the female gender, including girls

Preamble

We, the women of Swaziland hereby declare our aim to see the repeal and removal of all laws, regulations and customs that discriminate against us as women and that deprive us of our inherent right to the advantages, responsibilities and opportunities that society offers us as equal citizens. We claim our rights to life, dignity, security and equal participation in the development of our country;

Noting the National, Regional and International laws on gender equality that Swaziland has promulgated and ratified such as the Constitution of the Kingdom of Swaziland (2005), Gender Policy (2010), Southern African Development Community Protocol on Development and Gender (2008), Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2005), Convention on the Elimination of all Forms of Discrimination Against Women (1979), and the Beijing Platform of Action (1995);

Recognizing National, Regional and International efforts such as the Vision 2022, SADC Protocol, SADC Protocol on Gender and Development and African Union's Decade on Women (2010-2020) all aimed at enhancing women's participation in leadership and decision making and in particular, the requirement of 50% women representation in decision-making positions by 2015,

Noting that women constitute more than half the population of Swaziland forming a single society with men and that women and men have a common interest in the development of the country and that women should not be left behind in that development;

Concerned that the marginalization of women continues despite the laws and conventions in place, and that there remain significant gaps between the law and the realities and situations of women;

Noting with concern that women are greatly affected by Gender Based Violence and constitute the most vulnerable members of society susceptible to social ills such as human trafficking and people smuggling including sexual exploitation, ; teenage pregnancies and are exposed to; HIV/AIDS;

Recognizing the inadequacy of the legal system in its current state to appropriately address cases of domestic violence, rape, maintenance of children, inheritance and other matters that affect women's lives;

Mindful that the laws relied upon are archaic having historically been formulated for women by men and are not informed by the genuine needs of those they are intended to protect, with some laws pre-dating Swaziland's independence (of 1968),

Cognizant of the strides and efforts taken by the country to promote the rights of women, and to mitigate the hardships faced by women, children and persons living with disability, and acknowledging the need to ensure that women attain full realization and enjoyment of their rights;

We, the women of Swaziland therefore affirm all our rights as citizens as provided for in the various women's human rights instruments that Swaziland is party to, as well as the provisions of the Constitution of the Kingdom of Swaziland, including but not limited to;

1. The right to equality and non-discrimination

2. The right to live without fear of violence
3. The right to equal matrimonial and proprietary rights within a marriage
4. The right to determine a marriage partner of choice as well as the age of marriage
5. The right to choose the legal regime under which to marry
6. The right not to be forced or coerced to complying with a cultural practice or custom against one's will
7. The right to pass on citizenship to her children
8. The right to development and welfare
9. The right to education
10. The right to full opportunities for employment with equal pay and possibilities of promotion in all spheres of work
11. The right to participate in the planning, management and preservation of the environment and the use of natural resources
12. The right to access to land and productive resources
13. The right to access to health and reproductive services
14. The right to participation and equal representation in decision-making processes
15. The right to participate in matters of governance, including elections and public affairs
16. The right to advocate for and improve the conditions of minority groups such as children, youth and people living with disabilities

We therefore daim fulfillment of the said rights, including the creation of institutions, policies and laws to ensure full implementation of the intent and provisions of the Constitution of the Kingdom of Swaziland, the African Women's Protocol, the SADC Gender Protocol, CEDAW and the Beijing Platform for Action;

And **URGE THAT;**

1. Equality and Non Discrimination

Traditionally women and men in Swaziland have been treated as unequal, with men having superior rights to women due to cultural norms and practices that allow for discrimination against women, based on the fact that they are female. This has resulted in women being treated as lesser citizens, and having unequal access to and exercise of rights in comparison to men. Against this background, the Constitution of Swaziland provides for equality and non-discrimination between men and women. In addition, Swaziland has ratified regional and international instruments, such as CEDAW, the SADC Gender Protocol, the African Women's Protocol and the Beijing Platform for Action among others, that provide for

equality and non-discrimination between men and women. To that end, the State must ensure that;

- 1.1 All laws must ensure that there is no discrimination against women on the grounds of sex, gender, pregnancy, disability, marital status etc. Laws must also provide for the elimination of all forms of discrimination against women.
- 1.2 All customary laws and practices shall be subservient to the provisions of the Constitution. Only positive cultural practices that do not conflict with the principles of equality and non-discrimination shall be promoted.
- 1.3 There be equal opportunities for access to and control of resources for men and women, as well as boys and girls.
- 1.4 Appropriate measures be taken to ensure that past gender imbalances are addressed, including but not limited to measures such as affirmative action.
- 1.5 The State mainstreams gender into all its policies, regulations, development plans and programmes, legislation and all spheres of life.
- 1.6 There be promotion of positive cultural and socially accepted patterns of the conduct of women and men through public education, information and other communication strategies.
- 1.7 That the State takes measures to support local, national, regional and international initiatives aimed at reducing and eradicating discrimination against women.

2. Violence Against Women and Girls

Violence against women is not only one of the leading causes of loss of life for women, but it is the singular most effective tool for keeping women subjugated. Violence against women ensures that men retain control of power both in the private and public sphere, as violence is used to keep women subdued and under the control of men for fear of the consequences of violence. Women are entitled to the right to life, security, human dignity and integrity of the person. All forms of violation of these rights, including exploitation, cruel, inhuman and degrading punishment and treatment shall be unlawful. The State shall therefore;

- 2.1 Enact legislation to curb and punish violence against women and girls, both in the private and public spheres, including but not limited to Sexual Offences legislation, Domestic Violence legislation among others.
- 2.2 Adopt other legislative, administrative, social and economic measures to ensure the prevention, punishment and eradication of all forms of violence against women.
- 2.3 Causes and consequences of violence against women shall be identified through collaborative processes of the State and other stakeholders, including but not limited to research, to ensure that appropriate measures to prevent and eliminate such violence are designed.
- 2.4 Ensure that effective and accessible mechanisms and other services for information, assistance and rehabilitation for women who have experienced violence are established.
- 2.5 Provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women.
- 2.6 In collaboration with stakeholders take appropriate and effective steps to eradicate negative traditional and cultural beliefs, as well as traditional practices that exacerbate and legitimize the persistence, occurrence and tolerance of violence against women through education curricula and other social communication media.

2.7 The State must condemn and prevent trafficking in women as well as provide for the prosecution of the perpetrators of such trafficking and protect those women most at risk.

3. Marriage and Family Life

Marriage in Swaziland has, through law and custom made women and men unequal. Men have more power over children, over access to resources and even decision making power within the family. The Constitution, recognizing this gap, provides that women must have equal rights with men in marriage and be regarded as equal partners in all family relations. Marriage shall be entered into with the free and full consent of a man and a woman. Further women request that through legislation and other appropriate measures, the State shall ensure that,

3A Marriage Rights

- 3.1 Marriage shall be entered into with the free and full consent of the man and woman. For the avoidance of doubt, women must exercise their right to freely consent to marriage. The State must take measures to ensure that;
- 3.2 The age of consent to marriage must be 18 years.
- 3.3 All marriages must be in community of property; unless parties agree otherwise in writing.
- 3.4 Monogamy is the preferred form of marriage. However, the law must provide for the recognition of other unions, taking into account cultural and social and considerations.
- 3.5 Women have equal rights to access, custody and guardianship of their children with their husbands.
- 3.6 During the subsistence of a marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

3B Dissolution of Marriage by Divorce or Annulment

Dissolution of marriage has often disadvantaged women. Since the laws do not provide for equality between men and women, at dissolution of marriage, women tend to be more disadvantaged in terms of property rights, access to and guardianship of children compared to men. Against this background, the State shall through appropriate legislation and other measures ensure that women and men have equal rights upon the dissolution of marriage and ensure that;

- 3.7 Women and men have equal rights to initiate dissolution of a marriage through divorce or annulment.
- 3.8 Women have the right to an equitable share of property upon dissolution of marriage.
- 3.9 Women and men shall have equal rights and responsibilities with regards to the welfare and upkeep of their children upon dissolution of a marriage.
- 3.10 Women shall have equal rights to access, custody and guardianship of their children upon the dissolution of marriage.

3C Widowhood

Widowhood has traditionally been the reason for women's rights to be violated. Widows are often abused, forced to undertake or participate in demeaning practices, and are discriminated in terms of their rights to the property of their deceased spouse. The State shall take appropriate and effective measures to ensure that widows enjoy their full human rights and shall ensure that;

- 3.11 Widows shall not be subjected to inhuman, humiliating and degrading treatment upon the death of their husbands.
- 3.12 A widow shall have the right to an equitable share in the inheritance of the property of her husband.
- 3.13 A widow shall have the right to continue to live in the matrimonial house.
- 3.14 Widows shall assume guardianship and custody of their children upon the death of husband.
- 3.15 Widows shall choose whether or not to remarry; and shall marry a person of their choice
- 3.16 Widows shall be entitled to inherit from their husband's estate and children shall be entitled to inherit from their parents' estates in equal shares.
- 3.17 Widows shall not be subject to violence or discrimination on account of their status.

4. Custom and Culture

The State shall prohibit, condemn and punish all forms of harmful practices, such as *kungenwa* and *kwendziswa*, which negatively affect the human rights of women and which are contrary to recognised international human rights standards and the equality and non-discrimination provisions of the Constitution of Swaziland;

- 4.1 The State shall put in place laws, policies and guidelines to ensure that where there is a conflict between customary practices and human rights, human rights principles shall prevail.
- 4.2 The State in collaboration with other stakeholders shall take measures to create public awareness in all sectors of society regarding harmful cultural and traditional practices against women and girls, through information, formal and informal education and outreach programmes.
- 4.3 Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies and practices.

5. Access to Justice and Equal Protection of the Law

Due to the subordinate status of women in traditional Swazi culture, access to justice and protection of the law has been skewed in favour of men. However, now women and men are equal before the law, in line with provisions of the Constitution. To that end, the State must take appropriate steps, including legislation to ensure that women and men have equal access to protection of the law. The State must therefore;

- 5.1 Review, amend or repeal all laws and practices that discriminate against women's equal protection of the law.
- 5.2 Ensure that there is equal treatment of women and men in all judicial processes and quasi-judicial processes including in proceedings before customary and other traditional courts; including women having equitable representation in all such proceedings.

- 5.3 Put in place legislation to ensure that women have equal and legal capacity in civil and customary practices including the right to own property in their own right, the right to acquire credit and the right to equal inheritance.
- 5.4 Put in place mechanisms for women to access judicial and legal services, including, but not limited to, the provision of legal aid.
- 5.5 Establish effective and other measures to support to local, national, regional and continental initiatives directed at providing women access to legal services.
- 5.6 Ensure effective and appropriate public consultation processes relating to the promulgation and amendment of all laws especially those that affect women.
- 5.7 In collaboration with other stakeholders, create structures and systems to sensitize the citizens on the rights of women both within the State's institutions and in society at large.
- 5.8 Take effective measures to enhance the number of women in the judiciary, law enforcement and legal services.

6. Citizenship

The State has traditionally discriminated against women with regards to citizenship. Women have been unable to pass on their citizenship to their children or foreign spouses, where men do not have the same limitations. The State is therefore urged to ensure that it enacts laws that enable women to pass on citizenship to their children, regardless of the nationality of their fathers and whether they are born in or out of wedlock. In particular, the State shall ensure that;

- 6.1 Women have the right to pass on their nationality to their children whether born in or out of wedlock; regardless of the nationality of their fathers.
- 6.2 Women have the right to retain their nationality or to acquire the nationality of their husband upon marriage. For the avoidance of doubt, no woman shall lose her nationality because she has contracted a marriage with a foreign spouse.
- 6.3 Legislation should make provision for citizenship by birth to accrue to children through either parent, where both parents are Swaziland citizens.

7. Sustainable Development

The growth and progress of a country, whether in social or economic terms, is something that men and women should equally participate in, both in terms of defining priorities and in terms of implementation of development initiatives. Women have the right to participate in development as full citizens. To this end, the State must;

- 7.1 Introduce a gender perspective in the national development planning policies and processes.
- 7.2 Ensure the participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes.
- 7.3 Promote women's access to and control over productive resources such as land and other natural resources and guarantee their right to property.
- 7.4 Promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women.

7.5 Take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes.

7.6 Ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

8. Education

Education is a human right which is the bedrock of the exercise and enjoyment of human rights. It is therefore necessary for the State to take all legislative, policy and other measures to ensure that education is accessible to all, and in particular to women and girls. Education as a right must be guaranteed and accessible to all the citizens of Swaziland. In this regard, women therefore call upon the State to;

8.1 Guarantee the right to free and compulsory primary and secondary education for all.

8.2 Take appropriate and effective measures to eliminate all forms of discrimination against women and girls at all levels in the education sphere.

8.3 Ensure effective mechanisms to enhance and guarantee women and girls' equal opportunity and access in the sphere of education and training at all levels.

8.4 Take effective measures to eliminate all stereotypes in textbooks, syllabuses and the media that perpetuate discrimination against women and girls.

8.5 Ensure the protection of women, and in particular the protection of the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for punishment against the perpetrators of such practices.

8.6 Provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment in educational institutions.

8.7 Take measures to appropriately and effectively integrate gender sensitisation and human rights education at all levels of the education curricula including teacher training.

8.8 Put in place mechanisms to promote literacy among women at all levels in society.

8.9 Promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;

8.10 Enhance and promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely such as second chance programmes for girls who may have dropped out of school due to pregnancy.

9. Employment and Economic Participation

The Constitution of Swaziland provides for the enactment of laws to redress, among other things, previous economic imbalances. This is a realization of the fact that women in Swaziland have traditionally been marginalized in employment and other economic activities. Consequently women call upon the State to ensure that it creates an environment that facilitates the increased participation of women in economic activities and in the employment sphere. The State must adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, women urge the State to make sure that;

9.1 The State takes measures to promote equality of access to employment for women.

- 9.2 The State through legislation and other measures, promotes the right to equal remuneration for jobs of equal value for women and men.
- 9.3 The State enacts legislation that ensures transparency in recruitment, promotion and dismissal of women and shall combat and punish sexual harassment in the workplace.
- 9.4 The State shall guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognized and guaranteed by international conventions as well as national laws and regulations.
- 9.5 The State ensures that conditions that promote and support the occupations and economic activities of women, in particular, within the informal sector are created and enhanced.
- 9.6 The State shall through legislation and other measures ensure that its trade and entrepreneurial policies guarantee the participation of women in trade and entrepreneurship on par with men.
- 9.7 The State establishes a system of protection and social insurance for women working in the informal sector and utilizes appropriate mechanisms to sensitize women of these protections.
- 9.8 Through legislative and other measures, the State must introduce a minimum age for work and prohibit the employment of children below that age; and prohibit, combat and punish all forms of exploitation of children, especially the girl-child.
- 9.9 The State and other stakeholders must put in place appropriate mechanisms, including but not limited to public awareness strategies to recognize the economic value of the work of women in the home.
- 9.10 The State shall take effective and appropriate measures to guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors for women.
- 9.11 Through legislation and policies, the State shall ensure that there is equal application of taxation laws measures to men and women.
- 9.12 The State shall recognize and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children.

10. Environment and Access to Land and Productive Resources

Access to and control over productive resources such as land is an important pre-condition for getting women out of poverty. However, culturally, women in Swaziland have been excluded from owning land or other productive resources. This has resulted in women being excluded from meaningful economic participation. Women, as equal citizens of Swaziland now have the right to own property as provided for in the Constitution. This should mean that women have the right to own land in their own right and individual capacities in all areas; rural, urban, resettlement or commercial and shall have the same rights to access and control of communal land as men. Customary practices that deny women access to land in their own right shall therefore be abolished. Against this background, the State shall ensure:

- 10.1 Through legislative and other measures, that women have the right to access to land and productive resources
- 10.2 That women enjoy a clean and healthy environment including through the

protection of water sources and natural resources which women derive a livelihood from.

- 10.3 The greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels.
- 10.4 The State shall take measures to promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;
- 10.5 The State shall protect and enable the development of women's indigenous knowledge systems.
- 10.6 Through legislation and policy measures, the State shall regulate the management, processing, storage and disposal of domestic waste.
- 10.7 The State shall effect appropriate and effective measures, including but not limited to legislation, to ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

11. Health and Reproductive Health Services

Women's exercise of their health and reproductive health rights is critical to their well-being and their ability to participate in all spheres of life. The World Health Organisation defines good health as being "a state of complete physical, social and mental well-being, and not merely the absence of disease or infirmity". The State must therefore ensure that women achieve the highest standard of health and that their health and reproductive health rights are promoted and protected and that;

- 11.1 Women have the right to control their fertility.
- 11.2 Women have the right to decide whether to have children, the number of children and the spacing of children.
- 11.3 Women have the right to choose any method of contraception.
- 11.4 Women have the right to be protected and to be self-protected against sexually transmitted infections, including HIV/AIDS.
- 11.5 The State shall ensure that everyone, and including women, shall have the right to be informed of one's health status and the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices.
- 11.6 Women have the right to information on health and reproductive health rights.
- 11.7 The State shall take appropriate and effective measures to provide accessible, affordable and quality health services and family planning education including information, education and communication programmes to women especially those in rural areas.

12. Participation in Governance and Decision Making

There is a direct link between democracy, good governance and citizen participation; and the equal participation and representation of women in governance and decision making. It is therefore critical that the State take specific positive actions to promote active and equal

participation in governance and decision making by women citizens. This requires that women be afforded opportunities and platforms to participate in the political and other electoral processes of their country. In keeping with Swaziland's obligations under the SADC Gender Protocol which calls for equal participation by women in governance and decision making, women call upon the State to ensure that;

- 12.1 Through legislation and other measures, the State shall ensure that the equal participation of women in governance and decision making is promoted, including but not limited to the use of affirmative action to increase the numbers of women participating in governance and decision making.
- 12.2 The State shall enact enabling national legislation and other measures to ensure that women participate without any discrimination in all elections, including electoral processes within political parties and other public bodies.
- 12.3 The State shall ensure that women are equally represented at all levels with men in all electoral and decision making processes, with a target for 50% representation of women in all decision making positions as provided for in the SADC Gender Protocol.
- 12.4 The State shall ensure that women and men equally participate in all levels of development and the implementation of State policies and development programmes.
- 12.5 Women shall, through legislation and other measures, be encouraged to equally participate in political, civil and community leadership. These measures will include but not be limited to quotas as provided for in regional and national laws.
- 12.6 The State shall enact legislation as well as establish other measures to ensure the increased and effective participation of women in governance and decision making.

13. Children and Youth

Just as society has marginalized women, so too girls and boys have been treated differently, with boys being preferred for privileges and opportunities. The State has an obligation to ensure that girls and boys have access to and opportunity for equal rights and that appropriate measures including legislation are put in place to ensure this. In the light of this, the State must;

- 13.1 Through legislation and other measures, put in place mechanisms for the protection and promotion of the rights of children and the youth; and in particular programmes and policies for the development of the girl child.
- 13.2 Put in place mechanisms to ensure that boys and girls enjoy the same rights and are equally protected from harmful cultural and traditional practices.
- 13.3 Put in place effective and appropriate measures for the youth, especially the girl child to access information on sexual and reproductive health rights and attendant services and facilities.
- 13.4 Protect all children and youth from economic exploitation and trafficking; and in particular protect the girl child from all forms of violence and in particular sexual exploitation.
- 13.5 Put in place measures to ensure that out of school youth, in particular young women, have access to education and training opportunities as well as access to other life skills training for economic and livelihood empowerment.

14. Women Living with Disabilities

Persons living with disabilities generally face various barriers that limit their full and effective participation in society on an equal basis with others. This equally applies to the exercise of their rights as full citizens. In this context, the rights of women and girls living with disabilities are subject to multiple discriminations that limit and in some instances outright obstructing their exercise their rights as full citizens. In this regard, it is critical that the State take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms by women and girls living with disability. The State must ensure that women and girls living with disability access and enjoy all the rights stated in this Charter, on an equal basis and further ensure that;

- 14.1 The State shall take all appropriate measures, including legislation to amend, review and where necessary abolish existing laws, regulations, customs and practices that perpetuate discrimination against women living with disability.
- 14.2 The State shall ensure the protection of women living with disability and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training.
- 14.3 Women living with disability shall have the right to participation and representation in electoral and governance processes as well in decision making at all levels.
- 14.4 The State, through legislation and effective measures, shall ensure that women living with disability are protected and live free from violence, including sexual abuse.
- 14.5 The State shall put in place appropriate and effective measures for women living with disability to access education at all level, including ensuring that there is provision of appropriate technologies and assistive devices to meet their education and training needs.
- 14.6 The State shall ensure the right of persons, in particular women living with disability to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of their living conditions; and the State shall take appropriate steps to safeguard and promote the realization of these rights.

15. Gender Commission

The international and regional women's rights framework to which Swaziland is party, as well as its national laws and policies provide for the promotion, coordination and implementation of the rights of women as provided in the various instruments. In fulfilment of these ideals and aspirations, it is critical that a Gender Commission be established to promote equality and non-discrimination as provided for in the Constitution of Swaziland. The Gender Commission will exist to, among other things, to promote respect for women's rights to equality. Women therefore call for the creation of a Gender Commission and that;

- 15.1 The State enacts enabling legislation for the creation of the Gender Commission including its powers, functions and resources.
- 15.2 The State shall ensure that the Gender Commission will have the power to investigate violations of the rights of women as provided for in this charter as representing the provisions of the international, regional and national legislative framework for the protection of the rights of women.

15.3 The State shall, through legislation, ensure that the Gender Commission is empowered to provide for appropriate and actionable remedies for any woman whose rights or freedoms as provided herein, have been violated.

15.4 The State shall, through legislation and other policies, ensure that the remedies and decisions of the Gender Commission have the force of a determination of a competent judicial, administrative or legislative authority, or by any other competent authority provided for by law.

16. National Institutional Mechanism for the Advancement of the Rights of Women – Ministry for Women

In terms of all the international and regional instruments that Swaziland is party to, as well as the Constitution of Swaziland, States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised. In line with this requirement, there is need to establish, at the national level a mechanism for the coordination of the various national laws and policies, international and regional treaties and the proposed institutions for the promotion and the protection of women's rights.

This institution would ensure the full implementation of this Charter, in addition to exercising the monitoring role with respect to this Charter as well as to coordinate all the relevant stakeholders as anticipated in this Charter. This institution will also provide a platform for all the stakeholders in the promotion and protection of women's rights to converge and devise strategies to enhance the rights of women as envisaged in this Charter. To this end, the State shall ensure that;

16.1 Ministry for Women to undertake the overall coordination, monitoring and implementation role for all the rights of women as expressed in this Charter, is created.

16.2 That the said Ministry of Women, will be provided with adequate budgetary and other resources from the Consolidated Revenue Fund and other sources, for it to fully implement the provisions of this Charter.

This Charter expresses the women's rights and equality aspirations of the Women of Swaziland and clarifies the request of Swazi women to their government in the pursuit of equality and non-discrimination in all spheres of their lives. Swazi women commit to fight for the full implementation of the provisions and rights stated in this Charter.