

# Eswatini

*Women, Business and the Law 2020* presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Mbabane). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Eswatini scores 46.3 out of 100**. The overall score for Eswatini is lower than the regional average observed across Sub-Saharan Africa (69.9).

## Eswatini - Scores for Women, Business and the Law 2020



### Relative Strengths

When it comes to constraints on freedom of movement, Eswatini gets a perfect score.

### Areas for Improvement

However, when it comes to laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women's starting and running a business, gender differences in property and inheritance, and laws affecting the size of a women's pension, Eswatini could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Eswatini is on the indicator related to constraints on women's starting and running a business (the WBL2020 Entrepreneurship Indicator). To improve on the Entrepreneurship Indicator, Eswatini may wish to consider making access to credit easier for women by prohibiting gender-based discrimination in financial services, allowing women to sign a legally binding contract in the same way as men, allowing women to register a business in the same way as a men, and allowing women to open a bank account in the same way as a men.

### Recent Reforms (2018-2019)

Marriage: Eswatini enacted legislation protecting women from domestic violence.



|            | QUESTION   | ANSWER | LEGAL BASIS   |
|------------|--|--------|---|
| Mobility   | Can a woman choose where to live in the same way as a man?                             | Yes    | No restrictions could be located  |
|            | Can a woman travel outside her home in the same way as a man?                          | Yes    | No restrictions could be located  |
|            | Can a woman apply for a passport in the same way as a man?                             | Yes    | Passports Act, Art. 3: Passport application procedures  |
|            | Can a woman travel outside the country in the same way as a man?                       | Yes    | No restrictions could be located  |
| Workplace  | Can a woman get a job in the same way as a man?  | No     | Marriage Act of 1964, Arts. 24 and 25   |
|            | Does the law prohibit discrimination in employment based on gender?                    | Yes    | Employment Act of 198, Secs. 29 an 30   |
|            | Is there legislation on sexual harassment in employment?                               | No     | No applicable provisions could be located   |
|            | Are there criminal penalties or civil remedies for sexual harassment in employment?    | No     | <i>Criminal:</i> No applicable provisions could be located<br><i>Civil:</i> No applicable provisions could be located   |
| Pay        | Does the law mandate equal remuneration for work of equal value?                       | No     | No applicable provisions could be located   |
|            | Can women work the same night hours as men?  | Yes    | No restrictions could be located  |
|            | Can women work in jobs dangerous in the same way as men?                               | Yes    | Jobs deemed hazardous: No restrictions could be located<br>Jobs deemed arduous: No restrictions could be located<br>Jobs deemed morally inappropriate: No restrictions could be located   |
|            | Are women able to work in the same industries as men?                                  | No     | Mining: Employment Act of 1980, Sec. 101(2)<br>Construction: No restrictions could be located<br>Factories: No restrictions could be located<br>Agriculture: No restrictions could be located<br>Energy: No restrictions could be located<br>Water: No restrictions could be located<br>Transportation: No restrictions could be located<br>Other: No restrictions could be located |
| Marriage   | Is there no legal provision that requires a married woman to obey her husband?         | Yes    | No applicable provisions could be located   |
|            | Can a woman be head of household in the same way as a man?                             | No     | Marriage Act of 1964, Arts. 24 and 25   |
|            | Is there legislation specifically addressing domestic violence?                        | Yes    | Sexual Offences and Domestic Violence Act, 2018   |
|            | Can a woman obtain a judgment of divorce in the same way as a man?                     | No     | No applicable provisions could be located   |
| Parenthood | Does a woman have the same rights to remarry as a man?                                 | No     | No applicable provisions could be located   |
|            | Is paid leave of at least 14 weeks available to mothers?                               | No     | Employment Act of 1980, Secs. 102 and 103   |
|            | Does the government pay 100% of maternity leave benefits?                              | No     | Employment Act of 1980, Secs. 102 and 107   |
|            | Is there paid paternity leave?   | No     | No applicable provisions could be located   |
|            | Is there paid parental leave?  | No     | No applicable provisions could be located   |
| Entrepren. | Is dismissal of pregnant workers prohibited?   | Yes    | Employment Act of 1980, Sec. 105(1)(c)  |
|            | Does the law prohibit discrimination in access to credit based on gender?              | No     | No applicable provisions could be located   |
|            | Can a woman sign a contract in the same way as a man?                                  | No     | Marriage Act of 1964, Arts. 24 and 25   |
|            | Can a woman register a business in the same way as a man?                              | No     | Marriage Act of 1964, Arts. 24 and 25   |
| Assets     | Can a woman open a bank account in the same way as man?                                | No     | Marriage Act of 1964, Arts. 24 and 25   |
|            | Do men and women have equal ownership rights to immovable property?                    | Yes    | Deeds Registry (Amendment) Act, Sec. 16(3)  |
|            | Do sons and daughters have equal rights to inherit assets from their parents?          | No     | No applicable provisions could be located   |
|            | Do female and male surviving spouses have equal rights to inherit assets?              | No     | Administration of Estates Act of 1908, Sec. 68  |
|            | Does the law grant spouses equal administrative authority over assets during marriage? | Yes    | Deeds Registry (Amendment) Act, Sec. 16(3)  |
| Pension    | Does the law provide for the valuation of nonmonetary contributions?                   | Yes    | Marriage Act of 1964, Art. 24   |
|            | Are the ages at which men and women can retire with full pension benefits equal?       | Yes    | Women: National Provident Fund Order, Sec. 25<br>Men: National Provident Fund Order, Sec. 25  |
|            | Are the ages at which men and women can retire with partial pension benefits equal?    | Yes    | Women: No applicable provisions could be located<br>Men: No applicable provisions could be located  |
|            | Are the mandatory retirement ages for men and women equal?                             | Yes    | Women: No applicable provisions could be located<br>Men: No applicable provisions could be located  |
|            | Are periods of absence due to child care accounted for in pension benefits?            | No     | No applicable provisions could be located   |