

Eswatini

Women, Business and the Law 2022 (WBL2022) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across 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 (71.5). Within the Sub-Saharan Africa region, the maximum score observed is 89.4 (Mauritius).

Eswatini - Scores for Women, Business and the Law 2022



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 starting and running a business, gender differences in property and inheritance, and laws affecting the size of a woman'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 measuring constraints on women starting and running a business (the WBL2022 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

No reforms were observed during the past year (October 2nd, 2020 – October 1st, 2021).



Further data details for Eswatini are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/eswatini/2022>



	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 1980, Secs. 29 and 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 <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 a woman work at night in the same way as a man?	Yes	No restrictions could be located
	Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
	Can a woman work in an industrial job in the same way as a man?	No	Employment Act of 1980, Sec. 101(2)
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 paid leave available to fathers?	No	No applicable provisions could be located
	Is there paid parental leave?	No	No applicable provisions could be located
Entrepreneurship	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	Administration of Estates Act of 1902, Sec. 68; Constitution of the Kingdom of Swaziland Act, Sec. 252(2)
	Do female and male surviving spouses have equal rights to inherit assets?	No	Administration of Estates Act of 1902, Sec. 68; Constitution of the Kingdom of Swaziland Act, Sec. 252(2)
	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
	Is the age at which men and women can retire with full pension benefits the same?	Yes	Women: National Provident Fund Order, Sec. 25. Men: National Provident Fund Order, Sec. 25
	Is the age at which men and women can retire with partial pension benefits the same?	Yes	Women: No applicable provisions could be located. Men: No applicable provisions could be located
	Is the mandatory retirement age for men and women the same?	Yes	Women: No applicable provisions could be located. Men: No applicable provisions could be located
	Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located