

# GENDER ASSESSMENT OF THE NATIONAL HIV EPIDEMIC AND RESPONSE

TOWARDS A GENDER TRANSFORMATIVE  
RESPONSE

**POLICY BRIEF FOR DECISION-MAKERS**

**2024**



**UNAIDS**



## Introduction

Gender inequality is recognized as one of the key driving factors of the global HIV epidemic. Gender dynamics in HIV prevention, treatment and the health-seeking behaviours of men and women require countries to develop a locally informed, gender transformative response. A Gender Assessment, the second of its kind to be conducted in Eswatini, is therefore a key prerequisite in planning for a gender-responsive national HIV strategy. Eswatini is committed response as reflected in various policies, strategic plans and operational guidelines but there is an urgent need to move beyond strategies and take bold actions to address gender inequality. The Gender Assessment report draws on a large repository of secondary data as well as over 45 interviews and focus group discussions to provide evidence of the gender dynamics within the HIV response, highlighting progress, identifying gaps and offering recommendations to national actors.

### Definition of Key Terms:

**Gender:** the socially constructed roles, behaviours, expressions and identities of girls, women, boys, men, and gender diverse people.

**Sex:** the biological/physiological differences between women and men that are universal and fixed.

**Gender transformative:** an approach which attempts to redress gender inequalities, remove structural barriers, such as unequal roles and rights and empowers disadvantaged populations.

**Gender-responsive budgeting:** a method of determining the extent to which a budget has considered the needs of all people and sought to serve the goal of gender equality.

**With projections of 97-97-98 (NERCHA 2023), Eswatini is one of the first countries in the world to surpass the 95-95-95 UNAIDS HIV cascade targets, well in advance of the 2025 target.**

Drawing on the Gender Assessment, the following Policy Brief is written to inform decision-makers of the crucial information on HIV and gender equality in Eswatini, as well as provide some ways in which such individuals can use their influence to support actions towards equality and improve health outcomes for all eSwati.

## Brief Background and Context

Eswatini's population is 1.2 million, comprising of 51% female and 49% males. The population is also very young, with approximately 43% below the age 18 years and almost 60% below 25 years of age. Of this population, NERCHA (2023) estimates that 216,000 people (24.8% of the adult population) are living with HIV. National strategies have been put in place to ensure that those living with HIV are entitled to their rights, including the right access healthcare services, gender equality, participation and freedom from all forms of stigma and discrimination. Eswatini's treatment coverage provides clear evidence of the effectiveness of the country's multi-sectoral response and the reach of HIV treatment programs.<sup>1</sup> Even with this achievement, gaps remain in ensuring that adults living HIV, particularly men and young people, are diagnosed and initiated onto treatment. This will be accomplished through a comprehensive multisectoral

<sup>1</sup> SHIMS 2021





approach that integrates gender equality in the HIV response and aligns with the UN Agenda 2030 Sustainable Development Goals (SDGs).

**An estimated 216,000 adults in Eswatini are living with HIV (NERCHA 2023). Currently, HIV prevalence stands at 24.8% among adults, a reduction from 27% in 2017. Adult HIV prevalence is higher among women (30.4%) than men (18.7%) (SHIMS 2021).**

## Gender Factors in the HIV Response

Eswatini has long been classified as a lower-middle income country. However, there is a high level of inequality, with the poverty rate at 63%, and higher still among women. Eswatini is a patriarchal society, where socio-cultural norms subordinate women and minority groups, resulting in gender inequality in every sphere of life. Despite the recognition and guarantee of equality, non-discrimination, and women's rights in the Swaziland Constitution Act of 2005, laws, beliefs, attitudes and practices that discriminate against women persist both in private and public spaces. Consequently, women are also the "face" of various other development challenges, such as unemployment and barriers to quality education, healthcare and other social services. Though improving, women's representation in decision-making in public and private institutions also remains low. Such socio-cultural norms create an imbalance in power relations between women and men and result in women's diminished agency and autonomy, placing women at particular risk of experiencing violence.

An HIV incidence measurement survey, called SHIMS, is conducted every 5 years. In 2021, SHIMS III found that Eswatini continues to have one of the highest adult HIV prevalence rates the world, at 24.8% of the total adult population and rising to over 50% in older men and women.<sup>2</sup>

*"Sometimes we go out with the truck drivers who in most cases are older. We accompany them on their errands to deliver goods out of the country (South Africa) and end up being overly dependent on them and fearful to oppose them even when they demand unprotected sex because they might leave us in an unknown place, with no money[...] We become vulnerable because we also want money from them, yet we do not know their HIV status and who else they are sleeping with [...] We don't insist that they disclose their HIV status and feel that we love them."*

Female tertiary student

<sup>2</sup> SHIMS 2021





## Gender-based Violence Prevalence

GBV is recognized as one of the main drivers of HIV in the country, particularly for AGYW, while an HIV positive diagnosis can also expose an individual to increased risk of GBV. As well as targeting AGYW in HIV prevention interventions, GBV has been identified as a priority in the National Strategic Framework (NSF) 2018-2023. Per capita rates of GBV are high in Eswatini, with 1 in 3 women reporting some form of violence by age 18, and 48% of women reporting the same in their lifetime (VACS 2022). The most common forms of violence experienced by women in Eswatini are emotional and physical violence, particularly perpetrated intimate partners and other close family members. During the COVID-19 pandemic, response agencies reported a sharp increase in GBV cases and constrained access to services due to restrictions aimed at controlling the pandemic. Recent legal reform provides stronger legal protections against violence and abuse, and the National Strategy to End Violence in Eswatini, launched in 2023, is a comprehensive strategy, accompanied by a budget and action plan, which aims to guide an effective national response to all forms of violence. Furthermore, GBV prevention and response has been identified as a priority in the National Gender Policy (2023), the NSF 2018-2023 and the National Policy on Sexual and Reproductive Health (2013), as well as by His Majesty King Mswati III in his 2023 year-end prayer (11.11.23).

*“Girls must be beaten, when they are in the wrong, otherwise you will be disrespected as a man. It happened to me once where I beat up my girlfriend [...] we were out drinking and some hooligans were busy looking at and interacting with her. When I confronted her, she answered me rudely, so I beat her up [...] I didn’t feel good about it though, seeing her all swollen the next day, even though my friends said I did well because she disrespected me.”*

**Male respondent**



## HIV Prevalence

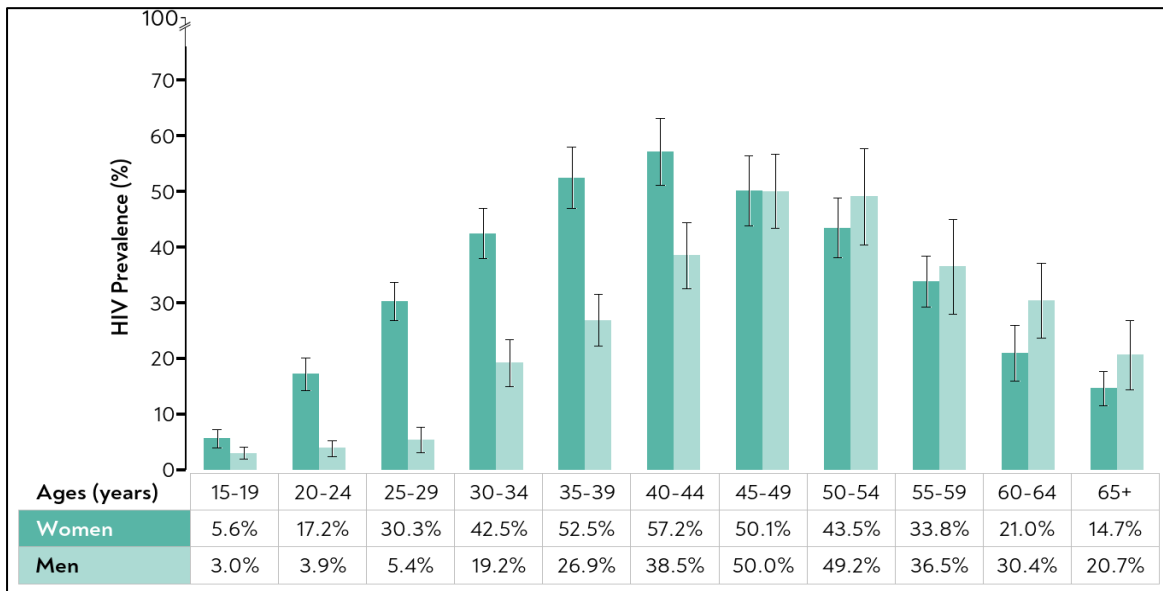


Figure 1: Eswatini’s HIV prevalence by age and sex (source: SHIMS 2021)

The country has made significant progress in achieving the UNAIDS 95-95-95 goals, with high awareness of HIV status at 93.7%, ART treatment coverage, at 97.3%, and HIV viral





suppression rates at 96.2%.<sup>3</sup> Annual incidence of HIV among adults (aged 15 years and older) in Eswatini is 0.62%, which corresponds to approximately 4,000 new cases of HIV per year among adults. Women are disproportionately affected by HIV, comprising the majority of new diagnoses, persons living with HIV, and AIDS-related deaths. Adolescent girls and young women (AGYW) are five times more likely than their male agemates to acquire HIV,<sup>4</sup> while men aged 25-39 also have a higher incidence rate. Key populations, which includes men who have sex with men (MSM), female sex workers (FSW) and transgender individuals, are also at significantly higher risk of HIV, especially as they get older. HIV prevalence among female sex workers is estimated at 58.8%, while prevalence among MSM is 21% and 41.2% within the transgender population. There is no data available in the country showing prevalence among some key populations such as people injecting drugs and refugees and migrants.

## Key Issues and Guidance:

### Social Factors

- Dispel stigma and discrimination wherever it occurs in communities, health facilities, churches, parliament or other institutions.
- Encourage the participation and inclusion of key populations and other marginalised individuals at community events and in constituency engagements.
- Create social strengthening initiatives for young people which promote comprehensive sexuality education and SRHR knowledge, products and services.
- Promote the creation and use of community-level data on gender, HIV and related human rights issues.
- Ensure the clear and consistent application of law in instances of discrimination, violence or abuse.
- Improve legal literacy and challenge harmful social norms through community sensitizations and trainings for community leaders and duty-bearers and other innovative approaches.
- Promote mental as well as physical health, healthy lifestyle choices, regular health service uptake and prevention services.

*“Currently, a lot of women are trapped in abusive marriages (both civil and customary) that they cannot walk away from. In some of these marriages some are exposed to HIV and STIs by their husbands who tend to have multiple sexual partners, yet they are unable to negotiate safe sex due to the prevailing broad marital power, especially in customary marriages”.*

Civil society organization staff member

<sup>3</sup> SHIMS 2021. NERCHA’s projections for 2022 and beyond exceed the 95-95-95 UNAIDS cascade targets, estimating 97-97-98 among adults.

<sup>4</sup> UNAIDS. Country Factsheet. Eswatini. Available at:

<https://www.unaids.org/en/regionscountries/countries/swaziland>





## Current Legal and Policy Framework

### Laws:

| Legal or Policy Instrument                        | Brief Description and Relevance to HIV response                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sexual Offences and Domestic Violence Act of 2018 | The SODVA broadens the legal definition of rape to make the offence gender neutral, establishes the age of consent to 18, criminalizes sexual harassment and assault and makes provisions to protect children from sexual exploitation. The Act also establishes a national register for sexual offenders. The act also ensures that no prior or current relationship shall be a defence to any SODV offence. A review of implementation was conducted by CHRPA in 2021, amid calls for amendment. |

### Strategies/Action Plans:

|                                                                                  |                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Multi-sectoral HIV and AIDS Strategic Framework (NSF)                   | The existing NSF (2018-2023) and the updated strategy to be released in 2024 outlines the national targets and interventions which are prioritised to maximise impact in the national HIV response. |
| National Strategy to End Violence in Eswatini and Costed Action Plan (2023-2027) | Aims to accelerate violence prevention and response efforts and strategically direct all duty-bearers towards the goal of reducing all forms of violence in Eswatini by 50 percent by 2027.         |

### Key Policies:

|                                                                                      |                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Gender Policy (2023)                                                        | Outlines the country's vision for gender equality and provides guidance for stakeholders and institutions on how to advance gender equality and equity and mainstream gender across all sectors. |
| Guidelines on Health Sector Response to Sexual Violence – Clinical Management (2018) | Outlines clear guidelines to health care workers and other duty bearers who offer services to survivors of sexual violence, especially aligned to HIV prevention/response.                       |
| Prosecutors' Guide to Sexual Offences and Domestic Violence Charges                  | Establishes protocols and sentencing guidelines for prosecutors and magistrates on SODVA offences.                                                                                               |
| National Shelter Guidelines for Survivors of Gender-Based Violence                   | Provides clear policy framework for duty-bearers on the establishment and operations of places of safety (shelters) for survivors of GBV.                                                        |





## Other Related Existing Laws and Policies:

|                                                                     |                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Constitution of the Kingdom of Swaziland of 2005                    | Provides for the right to health services, equality, non-discrimination, and women's participation.                                                                                                                                         |
| Regulations of the Sexual Offences and Domestic Violence Act, 2020. | These regulations are aimed at operationalizing the SODV Act of 2018 and giving further guidance to implementers and responsible parties on how to implement the SODVA.                                                                     |
| Criminal Procedure and Evidence Act of 1938                         | Regulates procedure and the handling of evidence in criminal cases and makes provision for other matters incidental thereto. This includes the collection of forensic evidence in sexual assault cases and the HIV testing of perpetrators. |
| Children's Protection and Welfare Act of 2012                       | Promotes the rights of the child. Established the definition of a minor as a person below the age of 18 years of age.                                                                                                                       |
| Persons with Disability Act of 2018                                 | Promotes and protects the rights of Persons with disability (PWD).                                                                                                                                                                          |
| Correctional Services Act of 2017                                   | Clarifies the rights of detained persons and defines enforcement to be rehabilitative than punitive. It also provides for remote remand (via video call) without remanded individuals having to appear in court.                            |
| Computer Crime and Cyber Crime Act of 2022                          | Criminalizes offences committed through usage of computer systems and electronic communication networks. The Act further prohibits the production and distribution of child pornography for oneself or another person.                      |
| Election of Women into the House of Assembly Act of 2018            | Provided additional measures to fulfil the constitutional requirement of representation quotas for women and marginalized groups in parliament.                                                                                             |





## Upcoming potential Legal and Policy Reform

|                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Aid Bill (2022)                                                            | Will establish a system to provide 'free' (pro bono and pro deo) services for those who cannot afford an attorney. The areas of priority are child welfare, GBV, violation of sexual and reproductive rights, land and property rights, among many others.                                                                                                                                                                                                                                                                                                             |
| Employment Act Amendment Bill (2023)                                             | Includes provisions for preventing the employment of children and prohibits gender discrimination in employment, such as in pay, for pregnancy, and in the types of roles women can perform. Structural discrimination reinforces harmful power dynamics and contributes towards poorer health outcomes for women and other vulnerable groups.                                                                                                                                                                                                                         |
| The Marriage Bill (2022) and the Matrimonial Property Bill (2022)                | Will align statutory law with the Constitution and improve the rights of married women. The bill also seeks to align the marriage age with the age of sexual consent outlined in the SODVA, clarify the grounds for divorce, bring parity to unions under Swazi Law and Custom and clarify the procedures for polygamous marriages. The Matrimonial Property Bill will establish the rights of married women to community of property.<br><br>Both bills are drafted, ready for tabling and stakeholder consultation, having previously been deliberated upon in 2022. |
| Administration of Estates Act, 1902 (under review at time of writing)            | Provides for the administration of estates after death and protects the property rights and assets (including the matrimonial home) of widows, especially those married under customary law.                                                                                                                                                                                                                                                                                                                                                                           |
| Review of the Industrial Relations Act of 2000                                   | Will align industrial actions to the SODV Act, where applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Public Health Bill (2021)                                                        | Will provide clarity for duty-bearers and health practitioners on the services provided by the state, including access to the termination of pregnancy.                                                                                                                                                                                                                                                                                                                                                                                                                |
| Amendment of the Criminal Procedure and Evidence Act, 1938                       | Needed to align certain law enforcement and judicial procedures with gender equality best practices and the SODVA.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| National Policy on Sexual and Reproductive Health (2013; currently under review) | This policy will strengthen the whole-of-government approach to promoting and providing sexual reproductive health services, many of which intersect with gender equality and the HIV response.                                                                                                                                                                                                                                                                                                                                                                        |





## Other legal, policy and practice recommendations include:

- Operationalise the Sexual Offenders' Register. Ensure that all implementing partners document specific offences, especially those against minors, at every stage of the justice chain. Develop and sensitize on, guidelines on Protections Orders, their enforcement and revocation.
- Ensure that policies facilitating access of adolescent- and KP-friendly SRH and HIV prevention services and reintegration of AGYW into schools after pregnancy are enforced.
- Strengthen the capacity of the Department of Social Welfare (under DPMO), especially in increasing the number of social workers available nationally, in order that they might identify vulnerable individuals and refer them to HIV and GBV prevention services in a timely manner.
- Scrutinize budget allocations and the annual Appropriation Bill for evidence of gender-responsive budgeting.<sup>5</sup> Advocate that the necessary resources be allocated to the judicial system to speed up the processing of the backlog of cases relating to gender-based violence, make judicial processes more survivor-friendly, especially for women.
- Ensure accountability within the supply chain of essential medicines and medical supplies, especially those related to HIV prevention, care and treatment, and family planning services and commodities.
- Remain vigilant for discrimination on the grounds of HIV, gender, sexual orientation and gender identity in any new or existing laws or policies. If discrimination exists in these frameworks, it will likely be contrary to international standards or the Constitution of Swaziland Act of 2005.
- Use national data on HIV, GBV and gender equality issues to justify decision-making and support calls for further research in these areas.

---

<sup>5</sup> Gender-responsive budgeting is a strategy that creates budgets that work for everyone. By considering and analyzing the unique and diverse needs of every person, gender-responsive budgets strive for a fair distribution of resources, especially to individuals and programs which are most in-need. (source: UN Women, 2023)





## Recommended “Quick Wins” Work Plan

The below workplan indicates short-term and cost-effective actions which should be taken in the next two years to accelerate gender equality within the HIV response in 2024 and 2025.<sup>6</sup>

| Activities                                                                                                                                        | Targets                                                                                                                                                                                                              | Technical Lead     | Implementing Partners                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------|
| <b>1. Promoting gender equality in HIV response and programming</b>                                                                               |                                                                                                                                                                                                                      |                    |                                                                                 |
| Expand the definition of key populations and ensure that all KPs are included in the National Strategic Framework 2024-2028.                      | NSF 2024-2028 includes tailor made interventions for a broad selection of key and priority populations.                                                                                                              | NERCHA             | The HIV and Gender consortia with multi sector stakeholders in the HIV response |
| <b>2. Strengthening legal and policy framework</b>                                                                                                |                                                                                                                                                                                                                      |                    |                                                                                 |
| Implement legal reform to address the issue of stigma and discrimination.                                                                         | Enact at least one legal reform to increase protections against stigma and discrimination.                                                                                                                           | MOJCA, AG's Office | Parliamentarians, DPMO and civil society organizations                          |
| Advocate for the promulgation of current bills into law                                                                                           | Enact at least one legal reform to increase protections of women and other populations. This could include but is not limited to the Marriage Bill and the Matrimonial Property Bill, or the Public Health Bill 2021 | DPMO, NERCHA,      | Civil society organizations, multi sector stakeholders                          |
| <b>3. Strengthen coordination in the HIV response</b>                                                                                             |                                                                                                                                                                                                                      |                    |                                                                                 |
| Establish a Gender and HIV technical working group and train parliamentarians and other duty bearers in intersections of gender and HIV responses | Bi-annual Gender and HIV technical working group meetings and MP/duty-bearers capacity building initiatives                                                                                                          | NERCHA, DPMO       | HIV and Gender consortia                                                        |

<sup>6</sup> This workplan is designed to be read alongside, rather than replace, more comprehensive, costed workplans, such as those found in the National Strategy to End Violence in Eswatini and Costed Action Plan (2023-2027), the National Multisectoral HIV and AIDS Strategic Framework and priorities identified by development partners. For a more detailed list of recommendations and future actions, please refer to the Gender Assessment on the National HIV Epidemic and Response.





| <b>4. Ensuring accountability and M&amp;E of gender equality</b>                                                            |                                                                                                                          |                             |                                                     |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------|
| Expand sex-disaggregation and incorporate gender transformative and KP-disaggregated indicators into national MEL processes | An MEL system from which complex gender analysis and granular KP-specific data can be drawn, informing future decisions. | NERCHA, DPMO, MoH (SI Unit) | Central Statistics Office, HIV and Gender consortia |
| <b>5. Strengthening gender responsive financing of the HIV response</b>                                                     |                                                                                                                          |                             |                                                     |
| Ensure HIV prevention and treatment resources are gender-responsive and support gender equality programmes                  | Gender transformative prevention and treatment programmes which are responsive, effective and well-evaluated             | NERCHA, MoH, MoF            | HIV and gender consortia, Parliamentarians          |





## Relevant Studies and Reports for Further Reading:

UNAIDS. Country Factsheet. Eswatini. Available at: <https://www.unaids.org/en/regionscountries/countries/swaziland>

Eswatini Integrated Bio-behavioural Surveillance Survey (IBBSS), Mapping and Size Estimation among Key Populations (KP), men who have sex with men (MSM) and female sex workers (FSW) of 2020-21

National Multisectoral HIV and AIDS Strategic Framework (NSF) 2018 – 2023

Central Statistical Office (CSO). 2023. Eswatini Multiple Indicator Cluster Survey 2021-2022, Survey Findings Report. Mbabane, Eswatini: Central Statistical Office (CSO). Available at: [https://www.unicef.org/eswatini/media/1891/file/Eswatini\\_MICS\\_Report\\_2024.pdf.pdf](https://www.unicef.org/eswatini/media/1891/file/Eswatini_MICS_Report_2024.pdf.pdf)

Eswatini HIV Stigma Index Report 2019

## Sources Used:

COMESA. Country Profile. The Kingdom of Eswatini.

Available at: <https://www.comesa.int/the-kingdom-of-eswatini/>

UNAIDS. Country Factsheet (2022). Eswatini.

Available at: <https://www.unaids.org/en/regionscountries/countries/swaziland>

COMESA. Country Profile. The Kingdom of Eswatini.

Available at: <https://www.comesa.int/the-kingdom-of-eswatini/>

Human Rights Watch. World Report, Eswatini. 2023.

Available at: <https://www.hrw.org/world-report/2023/country-chapters/eswatini-formerly-swaziland>

OSASA.BUWA. The future of women's work in Africa. A Journal of African Women Experiences. 2018. Available at: [https://osisa.org/wp-content/uploads/2019/04/BUWA-Issue9\\_DIGITAL\\_web.pdf](https://osisa.org/wp-content/uploads/2019/04/BUWA-Issue9_DIGITAL_web.pdf)

BIT Transformation Index. Eswatini Country Report. 2022.

Available at: <https://bti-project.org/de/reports/country-report/SWZ>

UNFPA. Kingdom of Eswatini. Gender Based Violence.

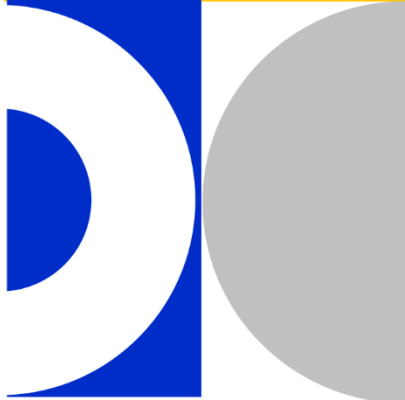
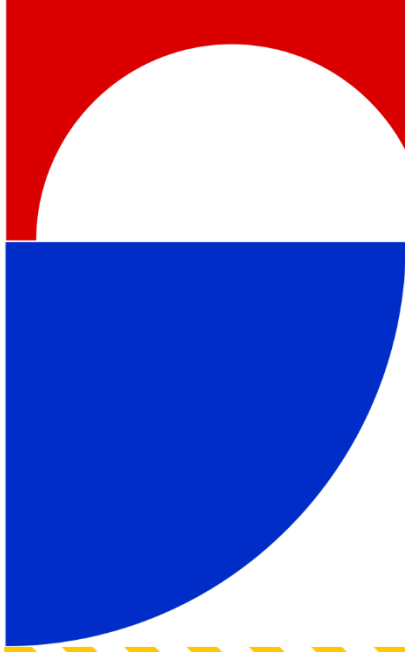
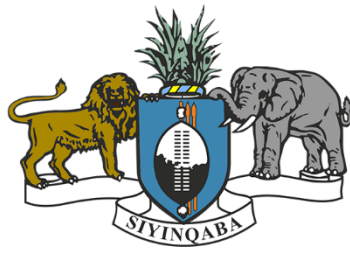
Available at: <https://eswatini.unfpa.org/en/topics/gender-based-violence-2>

UNAIDS. Country Factsheet. Eswatini.

Available at: <https://www.unaids.org/en/regionscountries/countries/swaziland>

Please note: For a more comprehensive list of resources on this and related fields, see the Gender Assessment on the National HIV Epidemic and Response





**UNAIDS**