

**WOMEN'S CONTROL OVER SEXUAL MATTERS IN
TRADITIONAL MARRIAGES:
A DEVELOPMENT PERSPECTIVE**

by

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DECLARATION

I declare that ‘Women’s control over sexual matters: A development perspective’ is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

Signed **Date**

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SUMMARY

The main objectives of the study are to determine the extent of control women have over sexual matters in Swazi traditional marriages; to identify the factors influencing the extent of control women have over sexual matters in traditional marriages; and to analyse the consequences of women's lack of control over sexual matters on the women themselves, their families and their communities with regard to development. Reviewed literature and identified themes were verified in the field through focused group discussions and key informant interviews.

The study revealed that women in traditional marriages do not have control over their sexuality because of the obligations and cultural practices inherent in the marriage restricting women's involvement in decision making in sexual matters. This position undermines the social and economic development of women, families and communities. It is therefore recommended that cultural practices be amended to improve the status of women in decision making.

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ACRONNYMS

CEDAW	Convention on the elimination of discrimination against women
COHRE	Centre on Housing Rights and Evictions
FAO	Food Agricultural Organization
FGDs	Focused group discussions
MDG's	Millennium development goals
NGO	Non governmental organizations
OVC	Orphans and vulnerable children
PHR	Physicians of human rights
UNDP	United Nations Development Programme
UNFPA	United Nations Populations Fund
UN-HABITAT	United Nations Human Settlements Programme
UNICEF	United Nations Fund for Children
UNIFEM	United Nations Development Fund for Women
WHO	World Health Organization
WILDAF	Women in Law and Development in Africa
WLSA	Women and the Law in Southern Africa, Swaziland office

CHAPTER ONE

RESEARCH BACKGROUND

1.1. INTRODUCTION

This chapter describes the background to the study and is presented in the following sections: problem statement, objectives of the study, limitation of the study, literature review, and significance of the study and research methodology.

Development in general is about society and its people, both men and women. Society is made up of families, which are formed through marriage. In many African contexts every woman is expected to either marry or be part of a societally accepted union and to create a family, and this is believed to bring about social approval. According to Ilkkaracan and Jolly (2007:28), marriage is believed to prepare a woman for social living, for participation in sex, for access to land or income, for reproductive care, and possibly for emotional connection and intimacy. However, marriage can also be an environment where resources are distributed unequally and where family members are hostile rather than intimate. According to Women and Law in Southern Africa (WLSA) (1998:4), traditional marriage is regulated by the state and it is this form of marriage that institutionalises heterosexuality and accords privileges to only one form of sexuality as the socially and legally valid one.

Marriage as an institution is highly esteemed by the Swazi customary law, which expects women to marry and remain so. In fact, marriage and children confer a certain value and status on women in society: they gain recognition whereas those without children do not. Women's rights within marriage are shaped by the system of patriarchy which gives the male superiority and the right to exercise power and control over the female when making decisions about sexual relations.

The question may be raised why sexuality is an issue. It is one because it is a human right. Everyone should be able to express and experience sexuality out of choice and free from violence. In Swazi culture, women are allowed to express their sexuality only in marriage. In patriarchal societies, male interests tend to dominate those of females and they limit decision making for women even in sexual matters. Traditional marriage is an institution that gives men certain privileges in marriage, and Swazi culture tends to promote this state of affairs. Group rights are mainly defined in terms of family, and kinship and clan arrangements in patriarchal terms (Ministry of Home Affairs Swaziland 2008:2). A combination of patriarchy and a preference for the protection of groups' rights over those of individuals create an environment conducive to the marginalisation of women and the violation of women's rights to choose a sexual partner; to conclude a marriage; and when, with whom and how to have children. Women constitute half of humanity, and development cannot take place if they are excluded from decision making, especially in matters that impact not only them but also their families and communities.

1.2. PROBLEM STATEMENT

Women's control over sexual matters in traditional marriage has a great influence on their own development and those of their families and communities. The amount of control is of vital importance for women and their children as it determines their living conditions and ability to afford basic needs such as food, clothing, health care and education opportunities. When this control is denied, women find themselves in marriages with many children and few resources, depriving their offspring access to basic needs. This deprivation keeps them trapped in poverty and prone to vulnerabilities and risks. The women and children engage in transactional sex to make a living while the males engage in criminal activities and become a threat to society. Cultural practices in traditional marriage contribute to women's lack of participation in decision making about sexual matters. These include issues of bride wealth, wife inheritance, polygamy, mourning and subsidiary wives. In terms of these practices, women are regarded as minors under the guardianship of the males and their contribution to decision making about their own sexuality is limited. This situation creates a problem because the

consequences of the decisions made by the male partner affect not only the couple but also their entire family and community. Traditional marriage is not codified; hence different practitioners interpret it differently, to the disadvantage of women. The United Nations Development Fund for Women (UNIFEM) (2005:36) states that the sexual empowerment of women can accelerate goals that relate to the eradication of extreme poverty and hunger and to the achievement of overall development.

1.3. OBJECTIVES OF THE STUDY

The study has the following objectives:

- To determine the extent of control married women have over sexual matters in Swazi traditional marriages
- To identify the factors influencing the extent of control women have over sexual matters in traditional marriages
- To analyse the consequences of women's lack of control over sexual matters on themselves, their families and their communities with regard to development.

1.4. LIMITATIONS OF THE STUDY

The study is confined to only one type of marriage, the traditional one. The literature explores different types of practices in traditional marriage, but the results indicate only the cultural practices prevalent in Swaziland and they therefore cannot be generalised. The study conducts interviews to verify that which has been gleaned from the literature, thereby possibly limiting the issues that could have been explored.

1.5. LITERATURE REVIEW

Bridge (2006:1) states that development has generally treated sexuality as a problem, considering it only in relation to disease, violence, population control and family planning. However, sexuality has a far broader impact on people's well-being or lack thereof. Bridge (2006:2) further illustrates Chambers' Web of Poverty to highlight the

links between sexuality and poverty and concludes that sexuality is a development issue.

A few examples of the linkages are listed:

- **Lack of education**—Girls leave school when they start to menstruate, fall pregnant or engage in early marriages and hence lose opportunities for education.
- **Lack of time**—Exhaustion and heavy work burdens leave people with little time or energy to enjoy sex.
- **Social relations**—Many people experience pressure to marry; single people and widows are often excluded and those who diverge from sex norms are ostracised.
- **Material poverty**—Women may gain access to resources such as land only when they marry. However, if they do marry they often gain only unequal access.
- **Physical ill-being**—HIV/AIDS, much of it sexually transmitted, claims approximately three million lives each year. Health complications around sex, reproduction and pregnancy are among the leading causes of death among women in developing countries.
- **Insecurities**—Men are encouraged to be excessively masculine and take risks around sex, which may lead to sexual ill health for themselves and their partners, as well as to sexual violence at home. Women's lack of resources may prevent them from leaving violent relationships.

According to Ruth (1998:337), the nature of women's roles and gender ideals are the factors underlying women's disadvantaged position in sexual relations. This fact is confirmed by De Beer and Cornwell (2000), who state that the way men view women's role in society also contributes to high birth rates: women's reproductive role is emphasised while their productive one is ignored.

The high number of HIV/AIDS-affected people in Africa poses a threat to countries not only in Africa but also on other continents. One of the factors contributing to this epidemic is women's position in society, especially when negotiating for safer sex. Similarly, De Beer and Cornwell (2000) state that population and development programmes are most effective when steps are taken to simultaneously improve the status of women in society. However, Ruth (1998:334) asserts that the legal framework that is

governed by patriarchy accepts the traditional images of male and female and awards men privileges and advantages in every sphere of life, public and private, and sanctions the subordination of women to men. Women do not represent themselves in public meetings but go as ‘supplicants’ or petitioners who are accompanied by males or husbands.

According to a WLSA fact sheet (2002:8), the Roman–Dutch law and the Swazi law and custom regard women as subordinate to men. This view pertains to family law regarding matters of marriage. The culturally and legally entrenched inferior status given to women ensures that they are less protected by the laws in Swaziland than men are. In Swaziland, when married men talk about their children, women are included in the category.

Economically, women are employed in the lowest-paid occupations and jobs. According to Ruth (1998:334), some women have improved their economic status but the great majority have experienced little or no progress at all. The situation has actually grown worse and the term ‘feminization of poverty’ has become increasingly descriptive. Ruth (1998) illustrates this fact by giving an example from the 1994 statistics: 90 per cent of childcare workers, nurses, secretaries and household workers were women. Women workers are channelled into occupations that are deemed appropriate and to be extensions of female roles, such as serving and facilitating and involving childcare, sex and decoration, and that do not yield enough to cover all household expenses.

Women need advancement in the areas of education and employment and increased access to health services. De Beer and Cornwell (2000) state that ‘improving the health status of women enhances their decision making capacity levels in all spheres of life, especially in the areas of sexuality and reproduction. These matters are the main focus areas of the study.

1.6. SIGNIFICANCE OF THE STUDY

The objective of the study is to highlight those issues in marriage that impact on women's control over their sexuality and to indicate which matters need to be addressed to improve the subordinate status of women in sexual matters. The Constitution of Swaziland (2006) has addressed some of the issues relating to women's subordination in marriage, such as access to land and credit facilities, but the Marriage Act, which is the foundation of their subordinate position, has not been amended to afford them the status provided by the Constitution. Women continue to be under-privileged citizens once they enter marriage. Traditional marriage is not codified, and patriarchal systems continue to have an upper hand in controlling traditional marriage, which is administered according to the cultural norms and experiences of male elders in communities. Therefore, the study will identify the norms and cultural practices that contribute to women's subordination in traditional marriage and hence hinder their development.

1.7. RESEARCH DESIGN

This section discusses the design of the study. It examines instruments used in data collection, sources of information and data gathering, as well as the selection of cases and the research area.

1.7.1. Design of the study

The research methodology undertaken in the study is qualitative. Qualitative research focuses on providing insight into and reflection on the individual life experiences necessary to examine the problem. This methodology was used among different women's groups for the following purposes:

- To determine the extent of control women have over sexual matters in Swazi traditional marriages
- To identify the factors influencing the extent of control women have over sexual matters in traditional marriages

- To analyse the consequences the women's lack of control over sexual matters have for themselves, their families and their communities with regard to development.

The author reviewed documents and literature on the subject to formulate a theoretical approach to the issues of gender, focusing on sexuality, and to obtain a verification of the literature, through field study, of the situation of women in Swaziland in relation to sexual matters in traditional marriages. Nachmias and Nachmias (1996:235) suggest that non-scheduled and non-structured focused interviews permit the researcher to obtain details of personal reactions and specific emotions. As the literature was studied, themes were developed and information that needed to be tested and clarified was collected. The approach then focused on literature review, and the resulting information was tested through focused group discussions and in-depth interviews for relevance and application in Swaziland.

1.7.2. Instrument of data collection

A consultation meeting was held with the World Vision Area Development Programme (ADP) manager in the Phonjwane community to establish a rapport and gain entry into the community. During the consultative meeting, the objectives of the study were discussed and the participants who were to be involved in the discussions were designated.

An interview guide was developed to provide a guideline for the discussions and in-depth interviews in relation to the themes and ideas emanating from the literature. Mouton (1996:119) observes that a review of previous research provides guidelines or, at least, suggestions about the design of one's own project. The themes that were explored in the guide include the consequences of traditional marriage; the cultural practices influencing control of sexual matters in marriage; and the consequences of this control on the women, their families and the community with regard to development. During the focus group discussions with the selected participants, an assistant was engaged to take notes on the respondents' answers and reactions. During the in-depth interviews with key informants

and professional women in traditional marriage, the researcher asked the questions and notes were taken as interviewees shared their experiences.

1.7.3. Selection of cases

Focus group discussions and in-depth interviews were preferred in this study since traditional marriage is not codified. Moreover, Swazi law and custom, which form part of the marriage provisions of the legal system of Swaziland, are not codified but are transferred orally from one generation to the next. Participants were deliberately selected for the study because of their experience and background knowledge of cultural practices and traditional marriage. To guarantee the objectivity and authenticity of the data collected in this study, the following target audiences were selected:

- WLSA, Swaziland Chapter, an organisation that advocates women's rights, was purposely selected. The organisation was chosen because it authored some of the reviewed literature and had custody of information on research and studies concerning women's issues and traditional marriages.
- The Chief's Inner Council members were selected because they are traditional authorities in the communities and are respected traditional experts in the customs and traditions of the Swazi nation. In addition, they have invaluable knowledge of cultural practices in relation to marriage.
- Women residing in rural communities (rural health motivators (RHMs), Accumulated Savings and Credit Association (ASCA) members and the Project Development Committee) and professional women who are in traditional marriages were also purposely selected as focus group discussants and in-depth interviewees respectively because they had personal experience of traditional marriage.

1.7.4. Sources of data

Information used in this research was collected through primary and secondary literature reviewed especially for this study; secondary data was collected by reviewing books, articles and journals on gender, marriage and sexuality.

- Focus group discussions (FGDs) were conducted with women selected from the Phonjwane community, and they included RHMs, ASCA members and the Project Development Committee (rural women groups/respondents).
- Key informants were from a women's rights organisation, WLSA–Swaziland Chapter (WLSA–Swaziland), and the Chief's Inner Council members from the Phonjwane community. This group was selected to provide insight into Swazi law and custom provisions in regard to traditional marriage.
- In-depth interviews (one-on-one) were conducted with professional women in traditional marriages.

1.7.5. Research site

The researcher attempted to obtain as representative a sample as possible of the residential areas of the identified data sources. The hope was that such a sample would capture cultural practices that would be verified. Thus the data was collected from a rural area identified as Phonjwane community in the Lubombo region. It was also important to capture the urban–rural dichotomy in terms of differing perceptions and views of factors influencing the control of sexuality in traditional marriages and the impact of this control on women and their families, as well as on communities. To obtain the urban views, the study targeted professional women in formal employment who are in traditional marriages. These women reside in Mbabane and Manzini.

Phonjwane is situated in the eastern part of the country, in the Lubombo region. The area is sparsely populated and is characterised by poverty and a general lack of development projects. Families live on subsistence farming supplemented by small-scale informal activities such as market vending and beer brewing. The area has a chief, and community members still pay allegiance to him. Community members are summoned to work on the

chief's fields and family dispute cases are brought to him for hearing and judgment. He also has the power to evict those community members not paying respect to community by-laws and him as his subjects. For research purposes, this area closely represented traditional values because it had not been influenced much by urbanisation.

1.8 STRUCTURE OF THE REPORT

The final report comprises five chapters. The first presents the problem under investigation and identifies the objectives of the research. The following chapter consists of a literature review; it discusses the literature that has been studied and the views of different authors on the research problem. In the third chapter, that of research design and methodology, the paper discusses the method of research, the sources of data and the procedures followed in gathering and analysing information. Chapter Four presents and discusses findings and summarises the results from the field. Finally, the fifth chapter presents conclusions and recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter reports on the reviewed literature. The purpose of the review is to analyse the current trends as regards the sexuality of women, with particular reference to women in traditional marriages. This exercise was essential to understand the position of women in marriage in general and their subordinate status in sexual relations in particular from the distant past (Schaefer 2004:45) in the context of the Swazi culture and traditions. The sources to be utilised include Swaziland newspaper articles, journal and Internet, scripts, legal papers and books as secondary data. The review of literature touches on the concepts of marriage and gender and the ways in which they impact on women generally and on women married traditionally or under law and custom specifically.

2.2 SEXUALITY AND GENDER

This section discusses sexuality, how it links with gender and the different functions it has in society.

2.2.1 Sexuality

Ntseane (2004:15) states that in each ethnic group, sexuality defines the roles of the different genders and that of the family and society. For all ethnic groups, sex has a social function, including procreation, pleasure, family property, exchange, personal interaction, healing/cleansing, religion/spirituality, interrelationships and control/oppression. While Mufune (2003:425) states that sexuality is restricted and subjected to taboos in terms of gender, race, age and social status, the World Health Organisation (WHO) (2004:3) suggests that sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual factors. Additionally, Esu-Williams (2000:124) refers to the so-called P's of sexuality; he describes them as practices, partners, pleasure, pressure, pain, procreation and power.

The power underlying any sexual interaction determines how all the other P's of sexuality are expressed and experienced by both males and females. Power determines whose pleasure is given priority and when, how and with whom sex takes place. Each component of sexuality is closely related to the other, but the balance of power in sexual interaction determines its outcomes. According to Gupta (2001:14), power is fundamental to both sexuality and gender. The unequal power balance in gender relations that favour men translate into an unequal power balance in heterosexual interactions in which male pleasure supersedes female gratification and men have greater control than women over when, where and how sex takes place.

This power imbalance that defines gender relations and sexual interactions also affects women's access to and use of services and treatment (Urdang 2001:24). Issues of gender imbalance in relation to sexual relations are discussed in the following sections to further illustrate how gender in general and sexual relations specifically underpin the position of women in society, especially in the developing countries where gender disparities are wide (Gupta 2001:16).

2.2.2 Gender

Imam (1997:20) defines gender as socially constructed ideas based on sex. According to society, males and females occupy different positions which determine their chances socially and their participation in the different spheres of society according to their gender identity. This identity based on the sex of the individual shapes and determines the roles and activities that society regards as appropriate for both men and women. Gender determines the level of access each party has to services and resources and shapes the relationships between males and females as well as their relative power in social, economic and political relations. Itano (2005:2) reports that in Lesotho the boy children's opportunities of going to school were reduced because the boy looked after the cattle and sheep and stayed in the mountains. However, women are usually worse off than their male counterparts in many developing countries.

According to the Joint United Nations Programme on HIV/AIDS (UNAIDS) (2005:8), gender refers to the rules, norms, customs and practices through which the biological differences between males and females are transformed into social differences between men and women, boys and girls. As a result, women and girls and men and boys are valued differently and have equal opportunities and life chances. The United Nations Development Programme (UNDP) (2000:79) refers to gender as the relations between men and women that shape the process of production, reproduction, consumption and distribution.

According to the United Nations (2002:9), gender relations include gender-based division of labour, disparities between males and females in power and resources, and gender biases in rights and entitlements. These aspects act to reduce the well-being of men, women, and children, leading to poverty. The desired state of affairs, therefore, is to reduce poverty by promoting inclusive development. This means ensuring that both women and men have a voice in the development of their community and country, that both are able to benefit from the new opportunities that development brings, that both have access to the resources needed to be productive members of society, and that both share in a higher level of well-being (World Bank 2002:10).

2.2.3 Linkages between sexuality and gender

Ilkcaracan and Jolly (2007:21) state that human sexuality and gender relations are closely interrelated and together they affect the ability of men and women to achieve and maintain sexual health and manage their reproductive lives. Human sexuality recognises that gender-based sexual violence and efforts to control women's sexuality impact on both women's health and their status within society.

The cultural dimension of sexuality indicates that sex has a social function and informs gender identity. In every ethnic group, sex is regulated by the family and society because of its diverse roles. According to Ntseane (2004:6-13), sex social roles are connected to gender roles in the following ways:

2.2.3.1 Sex as procreation

When married couples have sex specifically to enjoy each other and to express love for one another, it strengthens the bonds between the spouses; the possibility of bearing children is not always considered when having sex. According to Ntseane (2004:6), one social function of sex in the Botswana cultural marriage is solely a union for the production of children. To this end, the sexual life of married people is affected not only by individual desires and varying degrees of proficiency in the art of making love but also by both family and societal sex regulations. While the gender-ascribed role for women is reproduction enforced through customs, such as bride price, rendering women powerless in controlling their sexuality but involving the husband's family, norms and beliefs dictate the terms of the woman in the relationship (WLSA 1998:41).

2.2.3.2 Sex as family property

According to Women in Law and Development in Africa (WILDAF) (1995:5), with marriage the family of the bride receives the bride price from the husband's family as a token of appreciation for having given them a wife, whose sexual and reproductive rights are transferred to the husband. Therefore, the wife becomes the property of the man who then controls the sexual activities of the woman including when to have sex and the number of children and their spacing (Grown *et al* 2005; Stewart & Armstrong 1990).

2.2.3.3 Sex as an exchange

Scholz and Gomez (2005:8) state that under many customary laws in Africa only men are allowed to inherit property such as land. Consequently, if a man who is married traditionally dies, his first son will be in charge of all his property; if he does not have a son, the closest male relative becomes the overseer of the property. Rules dictate that he has the duty to look after and support the widow, but they are often ignored by the male and the woman can lose the right to land or even housing and end up living in poverty. To avoid losing the property or even access to it, the widow may exchange sexual favours with the male relative, a practice perpetuated through wife inheritance. Whiteside *et al* (2006:11) argue that this practice means allocating another male in the family to the widow for the purpose of sustaining the livelihood of herself and her children. According

to Man (1991), men use their control over the inherited resources in order for the brother's wife to accept him as husband or sexual partner.

2.2.3.4 Sex as social interaction

Ntseane (2004:8) states that sex in traditional marriage occurred between two individuals. However, because their sexual relationship has been authorised by the family through bride price negotiations and customs involved in the marriage ceremony, societal structures influence how members of the two families (the wife's family and that of the husband) and even their ethnic groups are going to interact and relate to each other on a day-to-day basis. For example, a younger sister who bears children for her barren sibling emphasise a relationship based on good parenting and/or the responsibility of procreation. Based on the bride price payment the bride's family is compelled to send a younger sister to bear children so that the relationship continues through the fulfilment of all the sexual roles related to female gender reproduction (WLSA 2004:34). This is one way of controlling women's sexuality, which has been crafted into culture (Grown *et al* 2005:542).

2.2.3.5 Sex as means of control/oppression

According to Jackson (2002:88), the custom of having multiple partners in many societies is desirable for men because it shows their sexual prowess. However, for women sex is predominantly about pleasing men, essentially her husband, and about having bearing children. Hence sexuality often refers to male needs and desires while women's sexuality is looked down upon, ignored, feared or repressed (Ntseane 2004:12). However women experience this in their cultures, most African countries might not see this phenomenon as oppression or even control. Certain statements even suggest the contrary: 'Men in this whose culture allows the practice of multiple partnerships decide on how they want their sex' (Jackson 2002:90).

The underlying causes are the structures of power that exist around different forms of gender and sexuality. These could be explained as a 'stratification of sexuality' similar to

structures of inequality around class or gender. The stratification of sexuality intersects with gender, class, race and other hierarchies (Ilkcaracan & Jolly 2007:10-11).

Ilkcaracan and Jolly (2007:15) look at sexuality from a human rights perspective. Human sexuality and gender relations are seen to be closely interrelated and have a combined effect on the ability of men and women to achieve and maintain sexual health and to manage their reproductive lives. Sex as control recognises that gender-based sexual violence and efforts to control women's sexuality impact on both women's health and their status within society.

According to WHO (2004:3),

Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. It also includes sexual health, the purpose of which is the enhancement of life and personal relations.

While the WHO report (2004:3) states that the human rights of women involve their right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of intimidation, discrimination and violence, these human rights are not observed as there is still a power imbalance in sexual relations of heterosexual marriages.

2.2.3.6 Sexuality and gender norms

Ilkcaracan and Jolly (2007:4) state that social influences affect sexuality because of expectations about the ways in which males and females behave differently (as well as expectations that everyone will be either male or female and not transgender). Those who conform to these expectations, such as girls who are subjected to female genital mutilation or have early marriages, suffer to fit their sexualities into limited and unequal channels (United Nations Fund for Children [UNICEF] 2007:43). Those who do not conform, the men who are not excessively virile, single mothers, women who express their sexual desires openly or have sex outside the marriage, transgender persons, and people with same-sex sexualities, face violence and discrimination.

2.2.3.7 Ideologies of sexuality and women

The UN (2003:17) states that principles of sexuality protect women's sexual purity instead of recognising women's sexual and reproductive needs which can tackle the roots of gender-based violence. According to Huq (2006:29), controls on the mobility, education and economic participation of women and girls are imposed as means of protecting their chastity. Socio-cultural norms dictate what women should or should not do with their bodies, hence rules restricting women's physical movement. Pronouncements revolve around women's bodies in one way or another and are meant to control women: when, where and how far women may venture out of their homes and for which reason; which parts of their bodies they are to cover and how; and when they are in the gaze of 'undesirable others' ranging from brothers-in-law to the general public (WLSA 1998:198; Huq 2006:30).

2.2.3.8 Sexuality and poverty

The Multisectoral HIV and AIDS Strategy (Swaziland Ministry of Health and Social Welfare 2006:15) states that poverty lowers the ability of individuals to resist sexual advances; those who buy sex target the poor who may be willing to risk sexually transmitted infections for money. In polygamous marriages, women use sex to compete for the attention and scarce resources of the man, resulting in many children born in the marriage, for whom the husband cannot afford to provide (Akello 1994). Polygamous marriage puts couples at risk of infection: a woman may seek social and economic support from other men if it is not forthcoming from her husband in times of economic hardship. There is, however, no evidence that suggests that polygamy leads to a higher rate of infection than monogamy (Akello 1994).

Socio-economic circumstances are such that men who earn small wages leave their wives in the rural areas to work on farms and urban areas. They end up seeking other women, thereby promoting risky sexual cultures, while the wives who are left at the rural homes may be exposed to comparably risk-prone sexual situations (Obbo 1991:215).

2.2.3.9 Sexuality and HIV/AIDS

WLSA (2004:26) states that gender and sexuality oppressions interconnect devastatingly around the HIV/AIDS pandemic. The expectations of societies cast women in a subordinate, dependent, and passive position with virginity and chastity as key virtues for the ideal woman (WHO 2003:11). However, women can also be economically dependent or at risk of violence and therefore not have the opportunity to demand safer sex or to explore their own desires (UNIFEM 2003:63). According to UNAIDS (2005:16), since men are expected to be knowledgeable about and take control during sexual encounters, they never admit ignorance and vulnerability; neither do they inquire about safer sex, thus their practices put them and their partner(s) at risk. The risk of HIV infection is disproportional for women.

Keeping women poor gives prosperous men ready access to multiple sex partners because the 'price' of women's sexual services are low (Barker & Rich 1992:201). Hence proponents of the female poverty hypothesis argue that the current sexual behaviour of women, especially the unmarried ones, is economically motivated (Weiss 1993:30). Thus women's and girl children's vulnerability to HIV/AIDS and sexual abuse is an issue related to poverty and not to culture.

Women and children are vulnerable to HIV/AIDS because of their economic vulnerability. Due to low levels of education, women were sacrificed in jobs during economic recessions and retrenchment exercises. The economic hardships in the rural areas are pushing young women to urban areas in search of employment; here they venture into sex work as the last hope for survival (WLSA 2004:40). Ntseane (2004:11) states that in the past, in the rural areas of Botswana, the social function of sexual relations worked to reduce the effects of poverty because sharing was pronounced in extended families. A good example is the pooling of food because children were shared and raised by the extended family. However, this custom has now crumbled because of the HIV/AIDS pandemic that has claimed many lives; moreover, extended families have more children to look after and fewer productive adults are available.

WLSA (1998:27–29) reports that in Swaziland, extended families exist to participate in common endeavours, with the eldest senior male continuing to be the final authority even though the homesteads are no longer grouped together due urban migration for the sake of employment. However, HIV/AIDS is still a major threat to family members because they are unable to cope with the numbers of orphans as the unequal power in sexual relations still exists, thus exposing women to the HIV virus and eventually death.

Ntseane (2004:12) states that HIV/AIDS reveals the unbalanced sexual relations in marriage. Women feel obliged to discuss their HIV status with their partners even to go for HIV testing or accessing health service, thereby creating a potential barrier to accessing services, while men make the decision to seek voluntary counselling and testing for HIV, independent of their spouses or partners. As a result, women fear to disclose their HIV positive status after consulting a health facility without the permission of their husbands (WLSA 2004:25). This nondisclosure has negative effects on the lives of women who knowingly re-infecting themselves. HIV-positive women bear a double burden in many societies: they are socially ostracised, marginalised and even killed as a consequence of exposing their HIV status (Gupta 2001:15). Yet HIV testing is critical to receive treatment or to access drugs to prevent the transmission of HIV from the woman to her child.

2.3 GENDER AND DEVELOPMENT

The Food and Agricultural Organisation (FAO) report (1995, subsection 16) states that worldwide, rural women play a major role in agriculture (including fisheries, forestry and livestock) and rural development and are the mainstay of agricultural sectors and food systems in many countries. Yet the most disadvantaged population in the world today comprises rural women in developing countries, who have been the last to benefit or have been negatively affected by prevailing economic growth and development processes. Gender bias and blindness persist as agricultural extension services target males while agriculture is increasingly done by women in a number of African countries (Okelo 1992:83).

The FAO report (1995, subsection 17) further indicates that poverty, food insecurity and environmental degradation have a disproportionate negative impact on rural women owing to their inferior socio-economic, legal and political status, as well as their critical roles as producers and household managers. The causes and effects of these impacts are systemic, with far-reaching implications for agricultural and rural development as a whole and for all initiatives aimed at raising levels of nutrition, improving production, distributing food and agricultural products and enhancing the living conditions of rural populations. These conditions interlink and perpetuate poverty among rural women.

According to Burn (2000:141) development projects have changed women from acting as independent producers and providers to being household wives who are economically dependent on men as controllers of cash and income. However, Okelo (1992:83) states that because of the growing migration of men to urban areas, women have been left as heads of households without legal status and cannot enter into contracts, perpetuating their dependency upon the absent males and male children.

The UNAIDS report (2005:13) states that poverty reduction strategies aimed at enhancing household income may in fact increase the spending power of the men without having the same effect on women because household income is not necessarily shared equitably among all members of the household. Similarly, the UN (2002:4) suggests that given gender differences and inequalities within societies, it cannot be assumed that women and men have equal opportunities for participation or will benefit equally from development inputs. Special attention is needed to ensure that initiatives are not assumed to affect all people in the same manner as this perception could unintentionally increase gender inequality. Therefore, income-generating and employment creation programmes targeting women could increase their economic independence, which in turn could help minimise the dependency of women on men (UNAIDS 2005:13).

Hurst (2007:131) states that gender, particularly the role of women, is widely recognised as important to international development issues. This fact often means a focus on gender

equality, ensuring participation, but includes an understanding of the different roles and expectations of the genders within the community. Besides addressing inequality directly, attention to gender issues is regarded as important to the success of development programmes for all participants. For example, in microfinance it is common to target women; besides the fact that women tend to be overrepresented in the poorest segments of the population, they are also regarded as more reliable at repaying loans. In addition, it is claimed that women are more likely to use the money for the benefit of their families, especially the children (Hurst 2007:131; Beneria 1995:1845).

According to Ilkcaracan (2001:5) the dominance of market mechanisms and the modernisation efforts of the state, including large-scale investments such as the construction of massive dams and irrigation projects in South-eastern Turkey, are expected to lead to the dissolution of feudal structures in the region. However, most of the technological training and development projects are planned for men. As a result, modernisation projects reinforce the traditional distribution of labour based on gender hierarchy and women's passive role in civil society. Okelo (1992:83) mentions that new technologies are seen as male domain and women still use traditional technologies to perform agricultural tasks. For example, the FAO report (1995 subsection 19) observes that rural women's access to agricultural extension services worldwide is only about one-twentieth of that of men, and technology is rarely designed specifically to address their needs. These phenomena have also contributed to the 'feminisation of agriculture', that is, the increased concentration of agricultural tasks in the hands of rural women (FAO 1995, subsection 28).

According to the World Bank (2002:24), gender inequality exists in every society. Society favours men in terms of accessing certain economically and socially significant materials and rights, such as access to land and property. These institutions and positions in communities play a role in elevating men over women. The extent of the gender gap varies from one region to another and from one country to another (although it varies least for political representation, where large gender gaps are the norm). No region, however, is free from gender inequalities (UNDP 2002:1–2).

The bank further states that gender disparities tend to be greater in low-income than in higher-income countries and, within countries, greater among the poor than in the more affluent strata of society (UNDP 2002:3). However, even in middle-income countries that have promoted equal rights for males and females in some spheres, important gender disparities may exist, especially among the poor or in minority populations (World Bank 2002:xi).

Issues such as ownership of land by poor women, gender inequalities in labour markets, returns to education and gender violence remain important. Among women, the key issues include marked increases in poverty in families with children, loss of access to social services, and labour market discrimination. Culture is not moving at the pace of development and as a result it underpins women in engaging in productive activities, thus contributing to their state of poverty (UNICEF 2007:17).

2.3.1 Gender factors contributing to the status of women

The World Bank (2002:10) states that gender relations affect all aspects of poverty, including income, opportunity, security and empowerment. With regard to ‘income poverty’, in some countries girls in poor families receive lower quality nutrition, less health care, and poorer education than their brothers. Likewise, as noted earlier, female household members often have less access to and control over the household’s production resources and income than do the male family members. The standard economic theory states that households are usually regarded as sharing a single utility function and an equitable distribution of resources and well-being (World Bank 2002:10). Recent studies, however, suggest that this view is often undesirable. Unequal gender relations found in most countries of the world tend to bias the extents to which male versus female household members enjoy the benefits of the household’s assets and resources (Quisumbing & Maluccio 1999:1).

Gender inequalities contribute to poverty. These include the discriminatory practices of access to land, credit, productive resources and the heavy time burdens of women that lower their economic opportunities compared to men's opportunities to engage in productive work (Narayan *et al* 2000). According to the reviewed literature, some countries have relatively extreme gender disparities or forms of female or male disadvantage; no country is entirely free of the gender patterns that are known to be harmful to development and the improved well-being of the population. Possible gender-related barriers to growth and poverty reduction therefore need to be considered in all countries.

2.3.1.1 Feminisation of poverty

Poverty, according to Chambers (1983:112), refers to a lack of necessities, assets and income. Poverty is viewed as a complex, diverse and dynamic process emerging from some deprivation of income; and from some form of social inferiority, isolation, physical weakness, powerlessness and humiliation (Mongella, cited in Olufemi 2000:225). According to Olufemi (2000:223), of the 3 billion people living in poverty around the world, 70 per cent are women and girls. This population is still the fastest growing group of impoverished people and thus it has been asserted that 'feminisation of poverty' exists (Olufemi 2000:224; Ruth 1998:357).

Olufemi (2000:229) observes that in South Africa, poverty has been aggravated by inequality among various ethnic groups; inequality in terms of employment opportunities, education, income; and inequality in the distribution and allocation of resources.

2.3.1.2 Women's access to credit

The World Bank (2002:4) states that the relationships between gender and economic growth through human capital are persistent and powerful. The linkages involve both males and females, but women are typically more marginalised than men; hence the emphasis on improving women's rights, resources and voices. Research has also shown

that resources are not necessarily distributed equitably among household members, nor is there equitable decision making about the use of these resources (UN 2002:3).

Married women are disadvantaged with respect to access to credit because they are considered minors under the marriage law. The Swaziland Constitution gives women the right to obtain credit facilities without the consent of men; however, they are not able to utilise that privilege because they are still regarded as legal minors under the traditional marriage provisions with regard to legal contracts. Until the Marriage Act of 1964 is repealed, women need a legal guardian when pursuing contracts. As a result of this situation, women are therefore not able to effectively participate in economic development due to lack of access to credit facilities without the consent of their spouses (World Bank cited in UNDP 2000:71). This discriminatory practice imposes serious constraints on the development of women entrepreneurs. The women married under customary law can register property in their names, but they still have to seek permission from their husband to obtain credit (WLSA 2001:7).

In addition, women's limited property rights restrict their access to capital and credit facilities as they do not have security. According to United Nations Human Settlements Programme (UN-HABITAT) press release (1998), 75 per cent of the world's women did not access bank loans because they lacked permanent employment and title deeds to land or housing that they could surrender as security. The collateral requirements of the banks restrict women from accessing capital and credit facilities. This requires women to always have men to make their decisions and if they do not agree, women forfeit the opportunities of improving their economic status (Massiah 1993:181). As a result, women resort to informal sources of credit to avoid the commercial banks.

Kidd *et al* (1997) argue that socially defined gender roles and marriage laws inhibit women from obtaining financial assistance and owning property, which has resulted in most of the small-scale entrepreneurs coming from male-headed households in Botswana. As a consequence, women are involved in small-scale informal businesses because of a lack of capital. Since these small enterprises do not yield substantial returns, the

somewhat insignificant economic contribution makes the women's role invisible in terms of contribution towards the family's income.

According to WLSA (1998:96) the difficulty being experienced by women in obtaining credit has led to women not having enough inputs and tools to improve productivity. In addition, when women access credit it is too little to enable them to acquire the means of improving the quality of the soil. The UN (2002:11) alludes to the fact that productivity could be increased through reducing gender inequalities. It cites an example from a study conducted in Kenya: when women farmers were given agricultural inputs and education, the yield increased by 20 per cent as compared to the previous years when no support was given to the female farmers.

2.3.1.3 Employment opportunities

The Swaziland *Human Development Report* (UNDP 2000:71) confirms that the participation of women in the labour force decreased over the years from 41 per cent 30 years ago to 31 per cent in 1990. Mzamane (1994) states that access to education had been a privilege for men resulting in most women remaining in unskilled occupations such as food processing and domestic work. Jordan (1994:25) concurs with this statement. Women are mostly in the unskilled vocations, such as textiles and domestic work, which are occupations that are related to their gender roles and focused only on serving instead of regarding the women as independent beings. The 'female industries', as they have been termed, offer feminine jobs of low status and income. This situation hinders the participation of the women in the mainstream socio-economic and political agenda.

The UN (2002:6) is of the same opinion that in most countries, women and men are distributed differently across manufacturing sectors, between formal and informal sectors, within agriculture and among occupations. Women are more likely than men to be in low-paid jobs and non-standard work (part-time, temporary and home-based) and likely to have less access than men to productive assets such as education, skills, property and credit (UN 2003:17).

Rural women join the informal sector, not out of choice but out of desperation, for employment in order to provide security for their families. They offer cheap labour because they are less educated, poor and of low status (Jordan 1994:26). In addition, the earnings of women are generally lower than those of their male counterparts owing to the nature of their jobs that offer no income security (WHO 2003:20). There is, therefore, a tendency for women to be economically dependant on their husbands/partners who tend to be in more secure employment. The gender-based division of labour enforces the inequalities between men and women by according the former more opportunities and rewards which come with their socially ascribed roles of being male.

Less traditional employment opportunities for women ushered in a series of dynamics which, in some cases, upset the status quo. There have been drastic shifts in the roles and responsibilities of the women which have affected the cultural context, where the place of women has always been perceived as the kitchen. As a result, there has also been a shift in the role of the men as primary providers for the family needs. Generally, if a child is sick and both parents are at work, it has always been the mother who would assume the responsibility for nursing the child back to health, over and above her normal housekeeping duties (Lindsey 2005:9). Karl (1995:3) labels this state of affairs as a double work burden that is an obstacle both to better employment opportunities and to social and political participation.

The gender-based division of labour, unequal economic rights and labour laws supposedly designed to protect women from harmful forms of work can all result in rigidities in the allocation of labour that create inefficiencies and lower output. A study of 11 Latin American and Caribbean countries, for example, suggests that the segregation of the labour market by gender reduces women's wages moderately to substantially while boosting men's wages very little (UN 2003:17).

The implication is that a less segregated labour force would improve total output. In addition, gender bias within households tends to reduce the allocation efficiency of household labour (UN 2003:17).

According to WLSA (1998:97), the elements of tradition dominate discussions about which occupations correspond with which gender roles. Wikipedia (2007:23) reports that in the United States physicians had traditionally been men and the few people who had defied that expectation received special job descriptions such as ‘woman doctor’. Similarly, there are special terms such as ‘male secretary’. However, in China medical doctors are predominantly women (Wikipedia 2007:23). Gender stereotypes have restricted women’s opportunities to advance their roles in society.

Educated, healthy women are more able to engage in productive activities, find formal sector employment and earn higher incomes and greater returns for schooling than their counterparts who are uneducated or suffer from poor nutrition and health. Investments in female education and health, therefore, increased the incomes of families, with benefits for men, women and children (World Bank 2001). However, the male child preferences worked against advancement of the girl children resulting in deprived chances for future generations.

2.3.1.4 Access to education

Factors that limit girls’ and women’s progress in education include socio-cultural norms, values and practices that assign women roles in the reproductive sphere and thus constrain their access to education. Kidd *et al* (1997) state that women’s lower educational achievement result in most of them being unemployed and having no skills as they drop out of school early because of pregnancy or early marriage. Educated women give greater emphasis to schooling their children, thereby improving the productivity of the next generation. On the other hand, less educated women have less access to reproductive health services, which affects productivity and well-being because early childbearing and frequent pregnancies interrupt women’s schooling, limit their ability to engage in income generating activities and force them to take daughters out of school to help with childcare and household chores, resulting in the younger women being trapped in the vicious cycle of poverty (Olufemi 2000:227).

According to UNICEF (2007:22), the consequences of women not accessing education not only affect them but also impact on child nutrition, health and survival, factors that create a more intelligent, energetic, and productive younger generation. Educated mothers practice healthier feeding, hygiene, and health care, for example; know more about the importance of immunisations; and are more able to exercise this knowledge to promote their children's well-being. In addition to increased levels of knowledge, self-confidence and assertiveness, education confers social status and increased income-earning potential which younger women are deprived of owing to early marriage (WLSA 2004:22).

According to Sachs (2005:60), the lack of education opportunities for women produce few options in the labour force and economic insecurity results in them depending heavily on their spouse's income for a living and hence focusing on their role as child bearers. Grown *et al* (2005:542) eloquently state that the level of education of women defines their assertiveness. Women with relatively high levels of education have low fertility rates and are assertive whereas women with low education have high fertility rates, which indicate that the reproduction role becomes their focus and they participate less in activities outside their homes. For example, in Swaziland, the ninth Sero Sentinel Surveillance survey of antenatal care services revealed that women with low education were over represented in the survey because of their high fertility (Swaziland Ministry of Health and Social Welfare 2004:32).

Education, especially female education, slows population growth as women focus on productive activities instead of child rearing. Educated women possess invaluable information on family planning and can access family planning services. Poor women can only focus on their reproduction roles thus reducing the chances for education (UNICEF 2007:42). Studies have shown that in developing countries, women who complete secondary school have significantly fewer children than did uneducated women. Furthermore, their children were born further apart, a factor important for the well-being and productivity of both parents and children (UNICEF 2007:71).

According to WILDAF (1995:24), many families are faced with financial constraints and as a result they prefer to send boys to school instead of girls; customarily, a girl is regarded as a child who will ultimately leave the natal home and join her husband's family and thus the benefit of her education will be enjoyed by her in-laws. The prioritisation of the male child compromises the position of girl's education and that of her children, thus perpetuating the cycle of poverty and feminisation of poverty.

Community agricultural extension services often target males. Women, therefore, have little access to non-formal education (which can improve the little formal schooling they have). New technologies are usually seen as a male domain. Women still use traditional technologies to perform agricultural tasks such as hoeing and weeding (Okelo 1992), further putting women in a compromised situation. Better-educated women profit from new forms of technology and the opportunities presented by economic change and were better able to cope with economic shocks and downturns in economic cycles than were less-educated women (Lipinge & Lebeau 2005:21).

Education should be considered the most important tool for women for countering the violation of their human rights. As in many other countries, most women in the Southern African region are not aware of their rights and there are no services to which they have access to learn about them. The expansion of such services for women is one of the main preconditions for their creating strategies to defend their rights (WLSA 1998:21).

2.3.1.5 Access to productive assets and resources

According to the World Bank (2002:7), in many societies women are disadvantaged in gaining access to productive assets and resources, including land, the labour of other family members, the family's liquid assets and financial services outside the household. Land titling is especially problematic. Women in all regions of the world are less likely to hold title to land than men (World Bank 2002:7). Lipinge and Lebeau (2005:33) state that where women are independent farmers, their lack of title to land discouraged them from improving the land's productivity with negative consequences for the well-being of their

families and making it difficult for them to access financial services. Evidence from several African countries suggest that female farmers are as efficient as male farmers but are less productive because they are denied equal access to productive inputs and human capital. If their access to these inputs were on a par with those of men, the total agricultural output in these countries could increase (Armstrong & Nhlapo 1985:139).

UNICEF (2007:77) states that another way to demonstrate the productive potential with assets held by the women is to study the experience of micro credit programmes in South Asia and other low-income regions. The borrowers are mainly poor women and the programmes have been shown to reduce family poverty and empower women. Women borrowers from micro credit programmes have the highest repayment rate of any group of borrowers in the world (UNICEF 2007:78). Regan (2002) supports economic participation for women as a road map towards empowerment as it ensures a stake in decision making over economic resources and in issues that impact on the family.

The Swaziland Marriage Act of 1964 limits the capacity of married women to own immovable property. The problem is caused by the extensive marital power that gives the male spouse authority to administer property. When the property is registered in the husband's name, he can sell it without the consent of the wife. Once they divorce, the judicial systems often fail to ensure division of property (Kidd *et al* 1997). However, under traditional marriage the extensive marital power forces women to consult men in decisions that regard family resources including property. Even though it may be registered in the woman's name she cannot make decisions on whether to keep or to dispose of it. The slow process of implementing the Constitution puts women at risk of losing their property to men and even relatives.

Women not only earn less income than men but also have less control over household income, which constrains their ability to accumulate capital (UNICEF 2007:40). The consequence of being excluded from owning assets is more direct when a marriage breaks up or the husband dies. Widows often lose the property of their husbands, further exacerbating the struggle to achieve health and well-being for themselves and their

children (UNICEF 2007:40). The factors that perpetuate this problem include the customary way of succession, which is male-oriented, and if the woman does not have a male son, she can lose the property to the man who inherits her. This is also due to the fact that women cannot own land property under traditional marriage as it is passed on through the male lineage.

Access to cattle is the same as land, allocated through the male lineage. Because of lack of control over cattle, women fail to have security to obtain credit, plough late or not at all, and are unable to meet the cost of inputs and household expenses.

2.3.1.6 Access to land

Land continues to be an essential resource upon which African countries' agricultural and subsistence-based economy depends. However, it is difficult for women to access land in their own right, particularly under the customary land tenure system whereby access to its use is through a male relative (Hlanze & Mkhabela 1998:15). This increases women's vulnerability to different kinds of violence and deprivation. The land tenure system has been found to be the root cause of poverty amongst rural women in Swaziland (UNDP 2000:69).

For women to produce food in the rural areas they need to be attached to men as they cannot acquire land on their own. Swazi nation land is only given to men and registered under their names. This lack of access to land has led women to become labourers on their husbands' land and the remittance paid out is sent to the male relatives (WLSA 2008:79). This state of affairs makes women dependant on their spouses for access to land as a means of production and this dependency dictates the power relation which gives authority to the husband on decision making in the household, even on reproduction and sexual matters. According to WLSA (1998:102) the fact that women do not access land in their own right is restrictive as they are providers of food in the families. Therefore, women should be given unlimited access to the means of production themselves. The lack of access to the land and other means of production by women has

resulted in poverty and malnutrition. Kamau (1995:43) argues that ‘in order to survive, a woman is left little choice but to marry and farm her husband’s land or else find alternative means of production in urban areas.’

According to Sewpaul (1994) black women in South Africa play a major role in agriculture and rural development. However, severe limitations are placed upon them, the first being land tenure. In South Africa, land ownership among blacks is almost exclusively male-dominated, especially in the rural areas where land is commonly administered by chiefs. The majority of black women would never have land tenure in South Africa without land reform, the promotion of group ownership of land and access to credit without collateral (Sewpaul 1994). In Swaziland, it is always the male son who inherits land and other resources (WLSA 1998:101).

2.3.1.7 Access to income

According to the UN (2002:4), there has been an increased worldwide recognition of the productive input of domestic and caring work of women in the recent years. However, these activities are still overlooked, unmeasured and undervalued. Similarly, women’s agricultural tasks and crops have also received less attention than those of men in policies and programmes to improve productivity. The UN (2002:11) articulates that gender inequality reduces productivity for the next generation. While improving women’s extra income increases chances of children being enrolled in school, household nutrition, and health for children as opposed to extra income going to fathers. Olufemi (2000:28) points out that there is a correlation between education, occupation and income. Women have an underprivileged origin because they are excluded from education or have partial or incomplete education, or none. They are further excluded from work and other opportunities. They have casual or unstable jobs of short duration or they are jobless. Because they do not have education they are not able to find stable employment and as a result have an unreliable income, which keeps them trapped in poverty (Olufemi 2000:228).

Standard economic models view capital and income as gender-neutral factors of production and consumption. Thus, where the gender-based division of labour and labour market discrimination are combined to reduce women's earnings, long-term prospects for development is also reduced. As Ruth (1998:357) states, the effect of low earnings combine with the fact that there are a large and growing number of families that are maintained by women, which produces very high poverty rates for women and the children dependent on them.

2.4.1.8 Access to health

According to WLSA (1998:20), women are also subjected to health inequalities due to social disadvantages. Sexual and reproductive decision making are not carried out in a gender-neutral environment. Women and men make choices within the context of their homes and where gender roles, responsibilities and status are defined. Therefore, ways in which women approach the health system and the response of the sector to users and the public are shaped by gender factors.

A WHO report (1998:20) states that women suffer considerable mortality and morbidity in relation to their sexual and reproductive health. Fertility regulation, pregnancy, child birth, sexually transmitted diseases and other factors require health services for women. However, women are not able to access health facilities. UNICEF (2007:27) states that women need family support from the husband and mothers-in-law to influence household decisions on medical care while the WHO report (1998:20) concludes that the women are not able to access health services because of lack of time due to multiple responsibilities that become a priority to her health and limited mobility.

A study conducted in West Africa concluded that variations in health behaviour and mortality outcomes within these populations reflect not simply 'ethnic' differences in beliefs or culture, but rather real differences in women's social positions within their family environments and in their access to household resources for children's treatment and care (Castle 1993:137). Mvula and Kakhongwa (1997:48) state that women's awareness of contraceptives and their use is on the increase. Woman in urban areas use

more contraceptives because of the high levels of education, and urban women have greater access to reproductive health care than rural women.

In Botswana, health facilities are almost at a 15 km radius where women can access family planning services, but the utilisation of these facilities is low, especially in regard to contraceptives, which impacts on women's reproductive health. This situation is caused by conflicting guidelines from the Ministry of Health and Social Welfare and from the law governing reproductive health. The latter states that girls under 12 years should be given consent by their parents to receive contraception while the ministry encourages provision without regard to age. In addition, common law is not clear on women's sterilisation, and ministry guidelines require a husband's consent for his wife's sterilisation (Kidd *et al* 1997).

In customary marriage, a wife in Swaziland has to seek permission from her husband to obtain medical help, especially the use of contraceptives; if the husband or the in-laws forbid her to use contraceptives, she is prevented from accessing the services (WLSA 2004:41). This state of affairs is contrary to her sexual rights (WHO 2004) which entail 'the rights of a woman to control her own sexuality and reproductive capacity: making decisions on the number of children she has; spacing and timing and also whether to have them or not' (WLSA 2002:32).

The Swaziland demographic health survey (Swaziland Central Statistics Office 2006:50) reported that high fertility is attributed to the underprivileged position of women in society which includes a low level of literacy and powerlessness among women, limited mobility, early marriages and polygamy. It is surprising that women are expected to do so much in a family but their health status is overlooked; yet it is a healthy woman who can actually perform the duties expected from her.

2.3.1.9 Access to politics

In electoral politics, women have made a great move in obtaining the vote and the right to be elected to political office in almost every country. Yet they currently comprise only 10

per cent of the members of parliament worldwide and hold only a fraction of other leadership positions nationally and internationally (Karl 1995:5). Women are under-represented in political processes throughout the world. Given the under-representation of women and the low visibility of women's perspectives, the fact that women often have different priorities, needs and interests than men is apparent in the national priorities as they are defined without meaningful input from women (UN 2002:5).

Despite national constitutions and international instruments that proclaim equal rights for women and men, there are many instances where equal rights to personal status, security, land, inheritance and employment opportunities are denied women in practice (UN 2002:6). The Constitution of Swaziland gives equal access to land for men and women and freedom from customs to which they are opposed (Swaziland Constitution 2005 section 211(1). At present many people still adhere to customary law, particularly in rural areas. Legislation on the reform and consolidation of customary and civil law relating to marriage, property and inheritance rights for women has not been completed and since laws have not been passed to implement the constitutional provisions, this has not been effected, thereby delaying women's empowerment. Women's lives remain highly constricted by traditional cultural rites and many aspects of customary law that limit their rights and ability to own land, inherit property, find employment and conduct business (Hlanze & Mkhabela 1998:24).

Lipinge and Lebeau (2005:18) state that even when women achieve a position of power, they are still expected to perform gender-labelled responsibilities. Community members allocate certain roles to male member of parliament, such as dealing with war and defence, crime, land reform, agriculture and water, international relations and employment/job creation while women members of parliament address children's rights, human rights and health care (UNICEF 2007:202). This gender division in the policy domain is reflected in the portfolios of ministers in Namibia, where women lead traditionally stereotyped ministries. This situation further extends the caring role of women to being mothers of the nation; instead, it should address the issues that contribute to women's vulnerability, such as land (Lipinge & Lebeau 2005:21).

In Malawi, women and men in rural areas are not keen to vote women into positions of power (Mvula & Kakhongwa 1997:53). This indicates that the barriers inhibiting women's participation in politics include socialisation, family responsibilities, discriminatory cultural beliefs, harassment, lack of education and lack of solidarity among women voters and candidates. Women voters also do not know about women candidates, while men would not vote for them.

Mvula and Kakhongwa (1997:54) state that some women in politics in Malawi experience problems with their families, which hinders them from participating fully in politics. Because of socially defined gender roles, their families, especially in-laws, find it difficult to accept, let alone support, a woman who goes to Council and leaves her family. Some are accused by their husbands and families-in-law of being irresponsible and uncaring mothers. For some women, their involvement in politics resulted in their marriages breaking up, friends abandoning them and children feeling neglected (Boezak *et al* 1999:41). UNICEF (2007:54) agrees that women are not likely to run for political office because of the double burden of public and private responsibilities. Women's work burdens them so much that it leaves little time and energy for involvement in political life. In addition, the political and financial networks are controlled by men.

Furthermore, the status of women in the family affects their ability to participate outside the home. While women can influence public life by influencing the men of their households, their secondary status in the family limits or even inhibits them from participating directly in the outside world. Again, the fact that they carry the major burden of childcare and domestic work worsens the situation because they often face severe time constraints in their participation outside the home. Thus it is crucial to democratise and redress the gender imbalances in the home for women to participate in a wider way (Afshar 1987:207).

In addition, the political and financial networks are controlled by men. Cultural practices that nurture and consolidate the bonds of solidarity within the networks, such as evening

meetings or informal talks outside home, are key to achieving political goals, and women are bypassed by these opportunities because of their confinement to the home environment. These factors and lower levels of education for women act as barrier to their participation in politics and government (UNICEF 2007:54).

Karl (1995:4) states that women's social participation in activities outside the home is manifested through community organisations, religious groups and other groups in society, in which they often form the majority of members. The social participation of women is affected by their household and economic status as well as the traditional customs and attitudes of society.

Another factor that makes it difficult for women to participate meaningfully in politics is that they want to maintain their place in a 'man's world'; masculine standards are taken as the criteria of success, and in this 'man's world', women's issues are at the bottom of the political agenda (Stacey & Price 1981:168). The only way for women to ensure that development is engendered is to participate in the process. However, political life demands both time and energy and most women cannot cope with both political and family obligations.

2.3.1.10 Feminisation of HIV/AIDS

According to the UNDP (2000:40), women have a lower status in society and in sexual relationships. In Swaziland, women have a lower status both under customary and under civil law. The culture of men having multiple sexual partners even in supposedly monogamous relationships renders even older women vulnerable to HIV infection. The sexual politics keep women in subordinate roles where they are unable to negotiate their sexual relationships. Domestic violence makes women unable to question their husbands or partners about extramarital encounters and thus to negotiate condom use or even to refuse to have sex (UNDP 2000:41).

According to Physicians for Human Rights (PHR) (2007:70), gender inequality and poverty in the sub-Saharan region are driving the HIV epidemic's disproportionate effect

on women. Rising food insecurity among an increasing number of female-headed households has been faulted for forcing women into high-risk sexual behaviour such as the exchange of sexual intercourse for food, money or other resources (UNDP 2002:9).

UNICEF (2007:47) states that HIV-infected persons living in sub-Saharan Africa are likely to be females infected by their sexual partners, burdened with the care of other infected family members and subjected to gender discrimination. HIV/AIDS in Africa is the women's story resulting from barriers to their social, cultural, and economic empowerment. An unequal balance of sexual power makes it difficult for women to protect themselves. Women's lack of empowerment makes it difficult for them to negotiate for sex. Women's lack of choice leads to dependency on men and their lack of access to credit, land and education leaves them vulnerable to cultural obligations to marry and bear children (World Bank 1996; WLSA 2004:25).

Esu-Williams (2000:124) observes that African women still live largely in a world where they have to first prove their worth by being married, having children and caring for their families. They are not yet equipped to exert themselves in a world that men control, leading to their vulnerability to HIV and AIDS. Esu-Williams (2000:124) furthermore says women in Africa need to be liberated from the mentality with which they are conditioned when growing up, that their lives are less important than those of their male partners. WLSA (1998:54) agrees that women are not expected to initiate sexual intercourse with a spouse unless they want risk abuse or even violence.

2.3.1.11 Cultural practices and traditions

Sweetman (1996:14) defines patriarchy as prioritising of the rights of males and elders (including women) and the justification of those rights within kinship values. In the same vein, Maghadam (1996:1) defines patriarchy as a society that is dominated by men, both within and outside the family. Both of these definitions clearly indicate the element of male domination. Patriarchy as a system and a practice impacts on the lives of women in different ways. Patriarchal attitudes become so internalised during the socialisation

process that they are taken as natural. Even in places where equality is supposed to exist, that is in tiers of government, these attitudes tend to prevail (Boezak *et al* 1999:39).

In patriarchal societies, men dominate all the spheres of life. A culture such as this leads to vulnerability in women. Cultural practices that contribute to the position of women include polygamy, wife inheritance, arranged marriages, mourning and bride price (WLSA 2004:4).

Polygamy is a cultural practice in which men have more than one wife. Women in polygamous marriages are mostly overburdened with the responsibility of providing solely for the family as the husband's income is thinly spread among the number of women and children (Whiteside *et al* 2006:11). Scholz and Gomez (2005:22) say that half of all women living in Senegal are in polygamous marriages. Consequently, most women have to share the few available resources with their families. Whiteside *et al* (2006:12) believe that polygamy is a common practice safeguarding men from engaging in casual sex. In modern society this is no longer the case, and men go beyond the lawful wives exposing women to the risk of infection and other sexually transmitted diseases (Whiteside *et al* 2006:12). In such a polygamous relationship, the woman's consent is not required when a second wife has to be taken.

Albertyn (2003) states that cultural and customary practices underpin patriarchal notions of gender and family which also contribute to the reinforcement of women's vulnerability. Women argue that polygamy places them in a position of risk as it legitimises multiple sexual relationships (Lipinge & Lebeau 2005:32). Albertyn (2003) furthermore says cultural norms and values involving women, men and sexuality reflect gendered power relations that deny women autonomy and equality in the private sphere and often render them intensely vulnerable to violence and HIV infection.

Wife inheritance also contributes to women's subordinate position in sexual matters. This practice occurs when the junior brother is allowed according to local custom to inherit both wife and property upon the death of the husband. According to Man (1991), men use

their control over the inherited resources to force the brother's wife to accept him as husband. Whiteside *et al* (2006:18) argue that in Swaziland it is common practice for widows married under customary law to be inherited by the deceased's brother. This practice means allocating another male within the family to the widow for the purpose of sustaining the livelihood of herself and her children. There is no obligation to have sexual relations with the male to whom she is attached, but it is expected and almost unavoidable. The family elders do not want to be responsible for bringing the widow and the deceased's brother together, but they facilitate the process by making the environment favourable and persuading the woman not to question the practice but to accept the inevitable. This situation indicates that the woman cannot raise her children on her own but needs a male figure to ensure that the family and male domination continue as a female cannot head a household. Gelpi *et al* (1995:23) argue that traditionally, widows are absorbed into extended families, but as resources diminish, fewer families are able to provide such assistance; the main reasons for inheriting the wife are first, to have sexual gratification and second, to take control of the deceased's property, depriving the widow of any autonomy.

Another cultural practice involves arranged marriages where young women are forced to marry older men who are normally wealthy and have social status, such as Chiefs. For instance, the King of Swaziland marries girls of about 16 years. The age difference renders the women completely powerless in decision making (WLSA 2004:32).

When mourning, the woman is expected to wear the mourning black gowns; she may be isolated from society as a result of taboos accompanying symbolic mourning and is thus limited in her personal and family advancement as well as her participation in national development. Women may not refuse mourning because family and community interest override those of the woman (Swaziland Ministry of Home Affairs 2008:8). It is hard to imagine that women are used to enforce these practices on other women. Gender helps to categorise people immediately. Hurst (2007:139) comments that in a society where gender is presented so distinctly there can often be severe consequences for breaking a cultural practice such as mourning. Many of these consequences involve the payment of

cattle that the women may not have, leaving her in an even worse situation and with no option but to comply with the practice so that she can avoid the penalty.

PHR (2007:75) state that the concept of women as property is still prevalent in many cultures, and the woman is seen as a possession; any attempt to challenge the gender inequalities is treated as unwarranted interference in matters of property.

Ilkharacan (2001:22) states that in eastern Turkey the sum given by the husband or husband's family to the bride's kinsmen with the realisation of the marriage symbolises the man's control over the woman and the transfer of her productive and reproductive capacities to her husband's kin group. The Centre of Reproductive Rights (2005:18) states that in Botswana, as in many African countries, the man's family traditionally presents cattle and gifts to the woman's in exchange for the rights to her labour and reproductive capacity. Lawson (1999:393) states that bride price represents the transfer from one family to another of the rights over the reproductive and productive capacities of a woman. As a result of this exchange, the woman would have to tolerate marriage if she is sent at an early age because she is viewed as an object of wealth by her family because they receive cattle. In addition, she will have to tolerate marital rape and bear as many children as she can to fulfil the bride price rites that give the man control over her reproductive capacity. The minority status that is inflicted on women by this culture leaves no room for them to negotiate for the proper spacing of infants and may result in many children, which keeps the women involved in home care and left with even less time for other activities (Jackson 2002:24).

According to WLSA (1998:35), when the bride price has been paid and the wife does not bear children, her family brings a younger sister to bear children for her. The younger sister is consequently deprived of the opportunity to continue her education. Furthermore, the custom promotes the tendency to send boys rather than girls to school because women are merely meant to be wives and not to have careers. As a result women participate significantly in the development of their families and communities. Similarly, UNICEF

(2007:54) states that women's vulnerabilities are due to early marriages that deprive them of educational opportunities.

The bride price tradition is widespread in Africa and plays an important role in the attitude of men, who assume that this payment gives them all rights over their wives' sexuality and fertility. Ilkkaracan (2001:30) states that in a study carried out in Turkey, it more than half of the women who were interviewed on the custom were against it but surprisingly still allowed it. This indicates that women are not in a position to influence decisions, even those pertaining to their lives. Hence their opposition to the bride price is not entertained because the custodians of the tradition are men, not women (UNDP 2002:12).

Domestic violence is tolerated by women to protect their families from shame because the bride price was paid and they have to endure the consequences of marriage. Unfortunately, in a traditional marriage there is no divorce or dissolution of marriage that can be initiated by women; however, males have the power when women have committed adultery (UNICEF 2007:45).

2.4 TRADITIONAL MARRIAGE

In many countries there are different ways of marrying. According to Lipinge and Lebeau (2005:6), there are three ways in which a person can be married. First, one could be married according to the general law of the country, which constitutes a civil rights marriage. Second, one could be married according to the traditional law of the family or the people, under customary law, and this is a traditional marriage. Third, one could be married according to the religious laws of one's faith as long as they are permissible in the country where the marriage is officiated. In some countries it is possible to be married in more than one way. In addition, the different marriages have various meanings under the law and they have different consequences. For the purposes of this study, traditional marriage will be the main focus as one of the legally recognised marriages in Swaziland under guidance of the Swazi law and custom (WLSA 1998:24). The civil rights marriage

will be referred to on occasion to illustrate the position of women married according to Swazi law and custom.

According to Scholz and Gomez (2005:14), both customary and civil law marriages are legally recognised in Ethiopia but it has been observed that they are sometimes in disagreement. Similarly, in Swaziland the traditional and civil rights marriage often conflict. The marriages contradict each other where marriageable age is concerned. According to the Marriage Act of 1964, the marriageable age is 16 for girls and 18 for boys, with parental consent; however, no fixed age is required to enter into customary marriage (Nhlapo 1992:70). In this case, the girl child is vulnerable as she may be married before the age of 16, depriving her of education and self-development (WILDAF 1998:23).

Lipinge and Lebeau (2005:32) define traditional marriage as the ceremony that takes place according to the customs of the community. Voster (1981:93) defines marriage among indigenous people as an institution in terms of which a man and a woman are united with the primary purpose or goal of lawfully producing children. Nhlapo (1992:71) defines marriage in terms of Swazi law and custom as follows: 'A valid marriage by Swazi law and custom comes into being when a woman of marriageable age is anointed with red ochre (*libovu*) by members of a man's family during an appropriate ceremony with the intention of making the woman the wife of such man, and bride price negotiations completed.' Nhlapo's definition of marriage is applicable to the study as it defines the processes within the Swazi culture. The traditional marriage establishes a union between persons of opposite sexes which involves rights and obligations fixed by law or custom. This usually involves the payment of a bride price and gifts to the woman's family.

2.4.1 Consequences of traditional marriage for women

The contractual terms of a customary marriage are not written or codified and depend on the customs and practices of the particular community, therefore they often vary from one group to another (Belair 2006:8). This is the case in Sierra Leone, Lesotho and Swaziland.

In South Africa, customary marriage has been regulated by the Customary Marriages Act No 120 of 1998, which stipulates the rights and duties of spouses when contracting a marital union in accordance to customary law (Gillwald 2000:2). The specific obligations are discussed in the following sections.

According to Ruth (1998:237), upon traditional marriage a woman becomes disadvantaged by losing certain privileges, such as her individual identity as symbolised by her change of name; she is incorporated into her husband's family and commits her life and energy to the needs of the family, her husband and his offspring. Further instances of ways in which marriage impacts on women are discussed in this section. Ruth (1998:236) concludes that traditional marriage offers women and men a double standard, and women's part of that standard is truly the more disadvantaged.

2.4.1.1 Red ochre

The bride must be smeared with red ochre, which is equivalent to the wedding ring and is infinitely more binding (Nhlapo 1992:47). Once this is done, the couple are regarded as married, even in a court of law.

2.4.1.2 Citizenship

According to the Marriage Act of 1964, women cannot pass their citizenship on to their children. This stipulation has adverse consequences for women married to foreign men who wish to settle in Swaziland. Children are affected as the absence of citizenship results in an inability to access facilities and services reserved for citizens, such as travel documents, passports and scholarships (UN 2003:90).

2.4.1.3 Duties of the woman

Traditional marriage has three main purposes: procreation, the provision of domestic labour by the woman ('to take care of the matrimonial residence, do the domestic work, care of the children, and work of her husband as directed by him, and the creation of an alliance between two families' (WILDAF 1995:4-7; Belair 2006:8).

2.4.1.4 Termination of marriage/divorce

Lipinge and Lebeau (2005:33) state that in Namibia, the death of a spouse in marriage does not mean its termination; however, divorce is accepted on several grounds, including adultery by the wife, barrenness and witchcraft. WLSA (2004:18) also highlights similar grounds for divorce in Swaziland and emphasises that barrenness can be resolved by having a younger sister of the wife bear children on her behalf.

2.4.1.5 Bride wealth

Burn (2000:15) explains that paying bride price is a custom whereby the groom pays money or goods to the parents of the bride. The principle of the continuing relationship even after death is closely connected with the payment of the bride price by the groom to the bride's family upon agreement on the negotiations. The payment of the bride price means that guardianship of the children born of the marriage rests with the father's family (WLSA 2004:34). According to McFadden (1994), bride wealth is regarded as the main social means by which a bride's productive and reproductive capacities are transferred from the bride's family to the groom's. Children for whom bride wealth has not been paid acquire the lineage of their maternal uncles. However, a woman for whom bride wealth has been fully paid gives birth to children for the lineage of her husband.

McFadden (1994) critiques the whole patriarchal system of the bride wealth culture as giving rise to conventions that treat women as the property of men and fathers as natural guardians of children and include cultural norms which advise women to bear pain for the sake of unity of the family in the face of oppression such as domestic violence and incest. Akello (1994:3) states that in Uganda, although bride wealth is not a strong factor among the Baganda, social norms that require women to submit to their husbands, widow inheritance to be perpetrated and the conditioning of Baganda girls to unquestioningly serve their husbands strongly inculcate this cultural norm. The exchange of bride wealth, however, helps partly explain the blatant regard of wives as chattels or property of their husbands or brothers-in-law or relatives.

WLSA (2004:25–6) states that bride wealth symbolises an irrevocable consent to conjugal rights. Therefore the wife has to be submissive to the husband in the sexual act; she has to accept him even if he has multiple partners and should never sanction him by denying conjugal rights or insisting on the use of a condom. In addition, the wife cannot decide on her reproductive capacity, including the number of children and their spacing.

For Belair (2006:8), bride wealth represents the woman's transfer of her labour capacity from her kin group to her husband's through marriage and she must seek permission to work. Her labour is no longer her own to dispose of but she has to do domestic work and labour for the husband as directed by him.

2.4.1.6 Status

According to WILDAF (1995:4), upon marriage the woman joins her husband's family as a minor because of the underlying assumptions of bride price and patriarchy and is considered part of the children in the extended family. She is under the authority of all the older members of her husband's family, both male and female (Swaziland Ministry of Home Affairs 1996). Traditional marriage is therefore a relationship which concerns not only the husband and wife but also their respective families. Bentley (2002) argues that marital ties may make women more isolated and dependent on their husbands above all other social connections. Men maintain social networks, and since they do not join the wife's family, their support system and social connection remains unchanged. Hlanze and Mkhabela (1998:28) state that the status of women is derived from their reproductive capacity. When a woman is barren, the bride price can be recalled.

Kidd *et al* (1999:9) further assert that besides the minority status, upon marriage she enters the guardianship of her husband which affects her legal rights and status. For instance, she cannot question the powers of the husband, the head of the family, on any decision concerning the disposal of family property or sexuality (UN 2003:90). In addition, Gender Policy (Swaziland Ministry of Home Affairs 2008:25) states that the inferior legal status has negative implications for access to medical and health services and has demographic consequences. Not only does it constitute a potential threat to

reproductive health, affecting reproductive rights and choices, but it also exerts powerful pressure for continuing high fertility. Stewart and Armstrong (1990) summarise the state of affairs by saying in customary marriage the husband is superior to wife with final decision-making powers in family matters. Therefore women in marriage may not voice an opinion or contribute to decisions shaping their future and way of life.

2.4.1.7 Polygamy

Traditional marriage is potentially polygamous (WILDAF 1995:6). Lipinge and Lebeau (2005:32) present customary marriage in Namibia as polygamous. Although it is illegal according to civil law, it is legal under customary law.

In many African countries traditional marriage is polygamous, allowing the men to enter into a legal marriage relationship with more than one wife (Lipinge & Lebeau 2005:8). Women have little or no say on men taking another wife. The polygamous nature of the marriage inflicts economic hardships on women and children by stretching the resources thinly among the family members (Stewart & Armstrong 1990). According to Mufune (2003), men have the liberty to have several partners. In the past a man could have four wives in his homestead and several sexual partners outside the marriage. The multiple sexual partners increase the risk of HIV and AIDS infection for women involved in the sexual partnerships. Kidd *et al* (1999:67) state that since the wife's concerns are not considered when the second wife is taken, she is rendered powerless and the consequences of the action result in her position being compromised.

Akello (1994:34) asserts that the reasons for the practice of polygamy include the need to have children or children of a particular sex from more than one woman if one wife does not produce them. Children represent assets for labour, security in old age and prestige for the father in terms of his virility: having many children was a way of 'spreading the risks' for survival and ensuring that some of the children would be genetically sound and socially successful. Due to economic dependence and cultural norms, men can get away with polygamy despite the resistance of wives. This acceptability reflects women's powerlessness to influence its censure. Some wives have to put the issue of being second

wives in perspective and inevitably the question of social and economic security in marriage is central in joining such a union (Lipinge & Lebeau 2005:35). The socio-economic and cultural framework is that women access resources through husbands (Akello 1994:35).

The amassing of wealth is gender-biased as a woman who has acquired wealth is not allowed to practice polyandry, neither is a wife who is dissatisfied in marriage formally allowed to marry another husband. Suffice it to observe that polygamy is a more risk-prone marital relationship than monogamy and it enables risky behaviour (Olowo-Freers & Barton 1992). Polygamy demonstrates the unequal status of men and women and gender inequity.

Polygamy confers a greater right upon a man than a woman because within marriage a man has a right to marry another wife while a wife does not. There is need for equality at the stage of contracting a marriage; a man may already be married while a woman has to be single at the time. Moreover, polygamy confers upon the wives unequal power relations and status. The wives have to compete for the husband's scarce resources and attention and a husband owes a duty of support to more than one wife while all wives owe chastity, loyalty and maintenance obligations to only one man (Matovu 1995).

2.4.1.8 Marital power

Traditional marriage implies extensive marital power. By definition, marital power gives male spouses the automatic right to administer the joint estate and make major decisions including those about all property in the marriage (WLSA 1998:33). It also gives husbands the right to represent their wives in all civil matters. This undermines all the rights the wife has because of the involvement of the family in the marriage, and the dominance in decision making by the husband (WILDAF 1995:4). Traditional marriage is complicated because it is not codified; procedurally the marriage is out of community of property but in practise extensive marital power exists and because of the minority status of women, they often lose their property to the in-laws (WLSA 2004:29).

The marital power of men can no longer be justified in a country where both men and women are active participants in the development of the family, community and ultimately the nation. Therefore, prolonging the existence of marital power of men is to the detriment of the essence of marriage. Men are given more authority and power over decision making and they are recognised as the persons to legally administer property and enter into contracts. This is a stumbling block to personal, family and national development (WLSA 1998:55). One would not be quick to say that community of property marriages should be done away with as most women in Swaziland enter into marriage without property. WILDAF (1995:66) observes that in marriage most women dedicate their income towards the acquisition of household effects and perishables while husbands' income goes towards the purchase of land, houses and cars. Therefore, in the case of dissolution of the marriage the women would have nothing. Trying to prove her indirect contribution towards the acquisition of whatever property in issue would be taxing and probably unsuccessful. Consequently, community of property marriage becomes the best marriage in Swaziland as it assures women at least an equal share of the joint property (property which most women contribute indirectly) on dissolution of marriage.

2.4.1.9 Marriage out of community of property

The marriage is legally out of community of property (each spouse owning what she or he has acquired) in certain African countries such as Swaziland, Namibia and Lesotho, unless a declaration establishing another property regime is made (Lipinge & Lebeau 2005:32). The rationale behind the inheritance practice is to provide protection for multiple wives in cases where one or more traditional marriages have taken place. It is thought that 'out of community of property regime' would make it easier for these customary law wives to retain a share of her own as well as her husband's assets (Lipinge & Lebeau 2005:32). Verification of this matter will be done on the field with women's groups who are in traditional marriages.

2.4.1.10 Property inheritance rights

According to Swazi law and custom, upon the death of the husband the family claim the property and because of the woman's position in regard to her in-laws, she has to submit to them and may be left with nothing, even though the husband and the wife have jointly contributed to the assets of the matrimonial home (WLSA 2004:29). This practice works against the interest of the widow, especially if she refuses to be inherited by a family member. Her property rights in traditional marriages are governed under customary law and cases are resolved in favour of custom and inequality. Plainly, such cases need to be carefully argued due to the danger of adverse decisions made on inheritance by the family. An alternative might be that ways can be found to use the principles underlying many customary practices (such as, for example, the idea that wife inheritance ensures that women are provided for). The argument could be made that this principle, in the light of developments in international equality and property law, now requires that women be able to access property independently rather than through spouses (Comber 2003:3).

Under customary law only the man who is the first son may inherit from the father and in polygamous marriages it is the first son of the first wife (Scholz & Gomez 2005:8). The right to inherit is a human right because without it, women lose the right to land, which contributes to their disadvantaged position (WILDAF 1995:14).

Where the deceased is the man married according to customary rites, the intestate heirs are surviving spouse(s) and children who receive an equal share of the property (WILDAF 1995:15). The confusion about who has to inherit is brought about by the two laws, civil and customary, that envisage different roles for different people in the administration and winding up of the estate. According to civil law, the executor is normally the spouse and according to customary law, the family decides.

In civil marriage, the spouse becomes the executor of the property, which is positive for women's rights to the estates of their husbands; however, she does not enjoy the same rights under the customary devolution of the deceased's estate (WILDAF 1995:16).

2.5 EFFECTS OF WOMEN'S CONTROL OVER SEXUALITY

According to Ilkkaracan (2001:22), for the poor, sexuality can be an issue of survival, connected with HIV/AIDS, maternal mortality and ill health because of the taboos attached to breaking the rules around gender and sexuality which endanger one's survival. According to Weitz (1977), the reason why poor, labouring women submit to being controlled is that they are responsible for the children; under conditions of acute poverty, this makes them willingly to submit to male sexual control in return for some economic resources, however meagre. Being sexually connected to a man also means a degree of socially sanctioned protection against sexual harassment by other men in the community, and this reflects the community's control and channelling of women's sexuality. Albertyn (2003) reiterates that 'poverty underpins women's vulnerability to men's control because, for women in Africa, poverty often means that having sex in exchange for shelter, food, or other basic necessities can become a means for survival.' This behaviour takes a variety of forms and is most apparent in commercial sex work.

UNAIDS (2005:9) defines sex work as the exchange of money or goods for sexual services, either regularly or occasionally, involving female, male and transgender adults and young people and children where the sex worker may or may not have consciously defined such activity as income-generating. Therefore, some poverty-stricken women may engage in these short- and long-term sexual relationships to sustain their basic needs without regarding the activity as sex work. Burn (2000:16) observes that this is often the case because in Africa, women are mostly among the poor. According to Ruth (1998:254), female sexuality is controlled to prevent social chaos. Social order thus requires male control of women's bodies and sexuality. Specific patriarchal mechanisms are utilised to maintain this control in a given community.

Ilkkaracan (2001:3) states that there are laws and practices related to important elements in shaping the context of women's sexuality. These include civil and religious marriages, bride price, polygamy, women's consent to marriage, reproductive health, the possible consequences of extramarital relationships for women, and domestic violence. These

means of control of women's sexuality at times breach official laws and maintain the imbalance of power in sexual relations.

Burn (2000:40) states that gender plays a critical role not only in defining sexual relationships but also in maintaining dual standards of behaviour for men and women. One instrument to control women's sexuality is to deny their access to information related to sexual education. Khan *et al* (2002) maintain that men's sexual adventures and women's lack of control of their bodies and sexuality expose the latter to adverse consequences such as unwanted pregnancy, early or forced marriage, high fertility, violence and HIV and AIDS. These consequences are discussed in the following sections to indicate the effects of women's lack of control over their sexuality.

2.6.1 Health risks of early marriage

Early marriage is still the norm in many African countries. United Nations Population Fund (UNFPA) (2004:54) states that early marriage often leads to early motherhood in many developing countries. Eguavoen *et al* (2007:46) observe that women are expected by parents and in-laws to produce a child as soon as possible after marriage. Since young wives feel pressure to bear sons, pregnancies are spaced too closely together and they occur too soon in the young mother's life. According to UNFPA (2004:52), more than half a million women die every year from pregnancy-related causes in developing countries worldwide. There are four important reasons for these deaths: births are either 'too soon, too close, too many, or too late'. Women who marry at a young age are likely to have husbands who are much older than them (UNAIDS 2005:7). The difference in age reduces the chance that the woman can participate in decisions about childbearing or be able to negotiate the use of contraceptives (UNICEF 2007:22). Child marriages, according to (UNICEF 2005:71), take away the adolescent girls' educational opportunities that enhance the range of life choices available to them as women. In addition, UNICEF views a girl's education as having a profound and long-lasting benefit for families and entire communities as women with some formal education are more likely to delay marriage and childbirth.

Ruth (1998:242) observes that the primary occupations of married women in patriarchal societies are parenting and housekeeping. Because of the nature of the jobs, women accrue neither savings of their own nor salary nor social security benefits nor workmen's compensation or pension. Studies show that adolescent wives are observed to have little autonomy and decision-making authority in their homes, exposing them to risks, including violence (Burn 2000:18). Social workers reported that many husbands become tired of their marriages after the birth of the third, fourth or fifth child, when their wives are still teenagers. Many such girls, divorced or widowed early, are left to fend for themselves and their children, exposing them to high prospects of poverty.

In relation to decision making in the household, UNICEF (2005:22) observes that decision-making power is determined by the age at marriage. Since the practice of early marriage enables women to marry at a younger age, before they reach the age of majority, the age difference compromises their decision-making capacity (WLSA 2004:24). Another factor is that education is denied by early marriage.

Ruth (1998:243) states that the institution of patriarchy, the low status of women, the economic and social disadvantages, the lack of awareness about the law, the health consequences, the lack of alternatives, the limited political commitment and the traditional and cultural norms all overlap and compound the problems of child marriage. UNFPA (2004) argues that the material cost of the consequences of child marriage is far exceeded by the more intangible costs relating to the quality of life, the suppression of human rights and the denial of women's potential to participate fully in the development process.

2.6.2 Extramarital relationships

According to Burn (2000:19), extramarital relationships are an absolute social taboo for women in many parts of the world whereas men's extramarital affairs are widely accepted and even socially legalised in many cases through the institution of polygamy. The majority of women interviewed in studies believe that even if they wanted to leave, they could not divorce a husband who committed adultery because of the shame and their families' honour (UNAIDS 2005:11). Multiple sexual partnerships, which are highlighted

as among the leading forms of HIV transmission in Swaziland, are a result of the power imbalance in sexual relations and have caused women to endure abusive marriages (Swaziland Ministry of Home Affairs 2008:21).

The consequences of the control of sexuality become evident when societal expectations are not met. In Swaziland, a woman who fails to fulfil her reproductive capacity give the man reason enough to marry a second wife who would bear a son (Hlanze & Mkhabela 1998:30).

Visvanathat *et al* (1997) observe that sexual control is not limited to marriage but also shapes gender relations among workers, rural and urban, and defines poor women's subordination within the family, community and the workplace. These obstacles encountered by women are a barrier to their economic growth, social empowerment and autonomy and keep them trapped in poverty.

2.6.3 Marital rape and physical violence

According to Moyes (2005), throughout history violence has been used as a way of controlling women, both within the family and in the wider society, and of reinforcing their subordinate position to men. A number of cultural, social and political factors increase and worsen the problem. Moyes (2005) affirms this statement by quoting the concern of former UN Secretary General Kofi Annan: 'Violence against women is global in reach, and takes place in all societies and cultures. It affects women no matter what their race, ethnicity, social origin, birth or other status may be.' The worst-case scenario is that there are inadequate laws to prohibit violence against women, government is complacent and educational programmes to address the causes and consequences of violence are absent (Moyes 2005).

In a study conducted in Turkey by Ilkkaracan (2001:10), half the married women interviewed stated that they were subjected to physical, emotional and verbal violence by their husbands. Even the educated women indicated that they experienced some form of domestic violence, including emotional and physical violence, from their husbands. The

extent of domestic violence experienced by women, including marital rape, not only negatively affects women's sexual health and their perception of sexuality but also reduces their chances of creating and applying strategies against the violation of their rights (WHO 2003:14).

According to UNAIDS (2004:45), gender-based violence has a serious consequence for women because

- It undermines progress in stopping HIV/AIDS transmission
- It directly affects women's access to services, including methods of protection
- It endangers informed choice in sexual activities
- It poses serious challenges to sexual negotiations, including the use of condoms
- It is a factor in the spread of HIV
- It burdens and overwhelms health-care systems.

According to Burn (2000:18), the minor status of women impacts on the extent to which they are able to behave in protecting themselves against HIV infection as several of their rights are compromised and they have no recourse to the law in such instances. For instance, with regard to bodily integrity and autonomy, permanent consent is given at marriage to conjugal rights (WLSA 2004:26). In Uganda, Amnesty International (2006:2) declared that most women victims of domestic violence stated that they would not report matters to the police because doing so would be to their detriment as they depended on the husbands, who may be perpetrators, for financial support. In some cases, victims explained that it was the abusive spouse who depended on them and the domestic violence often entailed their husbands depriving them of their property and farm produce. In such cases, these women argued that they required legal remedies that offered them protection and that were not necessarily limited to preferring criminal charges. Hence some of the consequences indicated that marital rape is not recognised as a criminal offence and that a woman does not have the power to decide on her reproductive capacity (Amnesty International 2006:5). This situation culminates in women not being able to

negotiate for safer sex and not sanctioning the husband on sex because of the conjugal rights (WLSA 2004:26).

Amnesty International (2006:2) states that among obstacles to eradicating domestic violence are the widespread impunity enjoyed by its perpetrators and the insufficient measures and services to protect victims, such as temporary shelters; adequate, safe housing; and a sufficient number of crisis centres. Apart from its immediate negative consequences for victims, domestic violence also has a brutalising effect on societies.

2.6.4 Maternal health consequences

UNFPA (2004:53–54) identifies three causes for maternal mortality according to the ‘three delays’ model:

- **The delay in deciding to seek medical care**, which stems from failure to recognise danger signs. This is usually a consequence of the absence of skilled birth attendants but stems from reluctance within the family or community to send the woman to a care facility due to financial or cultural constraints (WLSA 2004:19).
- **The delay in reaching appropriate care**, which is caused by a lack of access to a referral health facility, a lack of available transport or a lack of awareness of existing services.
- **The delay in receiving care at health facilities**, which is related to problems in the referral facility, including inadequate equipment or a lack of trained personnel, emergency medicines or blood.

The above factors indicate that women experience barriers to accessing health care services, which is a basic human right. According to Peterson and Runyan (1993:51), the source of women’s oppression is male domination of females through male-centred marriage including the denial of reproductive rights.

Reproductive health as defined by UNFPA (2004:37) is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all

matters relating to the reproductive system and its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so (Ilkharacan & Jolly 2007:13). Implicit in this last condition are the following: the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice and to other legal methods of their choice to regulate fertility; and the right of access to appropriate health care services that would enable women to safely experience pregnancy and childbirth and provide couples with the best chance of having a healthy infant (Burn 2000:6). However, gender inequalities keep women from utilising and accessing health facilities and information. While the aim of family planning is to help couples and individuals to meet the partners' reproductive goals, to prevent unwanted pregnancies and to reduce high-risk pregnancies, thus leading to a healthy reproductive life (UNFPA 2004:39), women find themselves in difficult situations, such as unwanted pregnancy, because of the social expectations, such as bearing a male (UNAIDS 2005:7).

2.6.5 Unwanted pregnancy and unsafe abortions

According to UNFPA (2004:84), unwanted pregnancies and births have many negative consequences for the children themselves and for their siblings, their parents, and the society as a whole. This is a great concern for older women, and women who have already borne several children and who have an increased risk of complications and death in childbirth, especially in conditions of poverty and where health facilities are far away.

UNFPA (2004) states that more than half of women seeking abortions are married and have children, but in many countries the proportion of young, unmarried women having abortions is increasingly putting more lives at risk. The barriers to reproductive health, access to contraception and sexual education contribute to the state of affairs (Burn 2000:52). The most common result of unwanted pregnancy is the unsafe abortions which lead to death and leave orphans that become not only the family's problem but also that of the community at large.

Reasons for not using contraceptive methods included the woman having no knowledge of them, the husband or the family not allowing her to do so even if she wanted to, and her lack of financial means, and these factors lead to an unplanned or, worse, an unwanted pregnancy (WHO 2003:10). While the Swaziland Central Statistic Office (2006) indicates that 51 per cent of women in the demographic health survey were on contraceptives, the rest were not using any and this was attributed to the low education level and lack of autonomy the women had in decision making in reproductive matters. Surprisingly, most of the women in the study did not want to have children soon but they were not using any contraceptive and some claimed to be using traditional methods. This indicates the predicament in which most rural women find themselves.

Ilkcaracan (2001:4) states that in a study he conducted in Turkey, almost one in 10 married women had tried to induce an abortion at least once in her life through methods such as using injections for certain diseases (one of whose side effects is supposedly a miscarriage), jumping from a high place, inserting soap into the uterus or carrying heavy objects. One woman tried to induce an abortion by inserting a knitting needle into her uterus. Six out of 10 women stated that the method they had used to induce an abortion had seriously damaged their health. This state of affairs puts women's lives in danger as they try to fulfil their reproductive role and live up to the expectations of wifedom and motherhood.

2.6.6 High birthrate

Ilkcaracan (2001:4) states that some of the reasons behind the desire for a high number of children in Africa are the goals of a powerful tribe, the family elders' expectations of a boy child, and the belief that God will provide food for each person. Eguavoen, Odiagbe and Obetoh (2007:46) argue that the low status of women is responsible for the preference for male children. This, in turn, affects family decisions including those on reproduction and fertility (Burn 2000:6). Women keep on having children in an attempt to produce a male child who will continue with the family name; the men do not consider food security issues, which remain the burden of the women, who have to put food on the table (Eguavoen *et al* 2007:43).

According to Ahmed (1990), the low status accorded to the female relative also accounts for high fertility: the male child is the only legitimate future successor in the family (retention of the family name) whereas the female is seen as no more than a potential productive mother and housekeeper. It is not surprising, therefore, that parents invest more in male children more in daughters. The main reason, according to Scholz and Gomez (2005:8), is that ‘investment on a daughter is lost once she marries but investment on a son is permanent in the family.’ The arguments therefore explain why women will not inherit land or be given equal opportunities to education and health: the family will be investing in another man’s property and the woman will only be useful in reproduction (WLSA 2004:30).

2.6.7 Property inheritance rights

Ilkcaracan (2001:6) states that polygamy has become an established part of traditional religious law and practice in many Muslim countries, resulting in polygamous marriages where only one wife would have a civil marriage and the others only religious marriages. This situation immediately creates inequality among the wives as only one of them has access to legally binding rights under the Civil Code, such as rights related to divorce, maintenance, inheritance and custody. Consequently, when the husband dies, the other wives have no claim to the property of their husband because their marriages are not legally recognised.

What happens with the property usually depends on the marriage contract, which is commonly customary law in Africa. These laws treat women unfairly just because they are women. According to Scholz and Gomez (2005:17), women do not even know the legal processes for administering property; hence they fail to gain anything when the spouse dies, plunging the lives of children into poverty.

2.6.8 HIV/AIDS

WHO (2003) states that in countries where women start bearing children early, birth rates remains high and AIDS makes the dependency ratio far worse, as seen in the increased number of households with young children led by the elderly or by older, unplaced children. Whiteside *et al* (2006:72) state that this situation has negative results such as children being withdrawn from school, food insecurity and lack of clothing and medical assistance. Like fast population growth, HIV/AIDS worsens dependency ratios and this seriously hampers development and increases poverty; the younger generation is deprived of basic needs, such as education, that can drastically improve their situation (Jackson 2002:24).

The HIV/AIDS pandemic is plunging millions of people deeper into destitution and desperation as their labour power weakens, incomes dwindle, assets shrink and households disintegrate (UNAIDS 2001:26). AIDS increases household poverty by in different ways. According to WLSA (2004:48), women lose employment because of their caregiver roles. A woman is a nurse to the ailing and in her constant vigil requires more time off work, which increases as the severity of the situation. The woman is thus less productive and a liability to her employer. If she is ill with AIDS-related illnesses, she needs time off and becomes progressively weaker. Insensitivity to her condition costs her her job, relegating her to poverty and perpetuating the cycle of vulnerability.

The following list by Jackson (2002:25) summarises the extent of the impact:

- Loss of income, leading to increased poverty
- Poor nutrition
- Increased expenditure on health care, transport and funerals
- Reduced expenditure on food, clothing, school and other necessities
- Increased workload on women and children
- Increased number of children, especially girls, taken out of school
- Increased drawing of savings and sale of assets
- Increased emotional stress and feelings of loss
- Increased risk of stigma, isolation and rejection.

According to UNAIDS (2004:7), the rates of HIV infection among women and girls are a cause for deep concern. However, when their health problems are combined with the workload they take on in caring for AIDS patients, AIDS orphans and their own families, the situation become indefensible, as it already is in Southern Africa. At the heart of HIV/AIDS is a crisis of gender inequality, with women less able than men to exercise control over their bodies and lives. Burn (2000:29) argues that universally, cultural expectations have encouraged men to have multiple partners while women are expected to abstain or be faithful. UNAIDS (2004:2–3) stresses the culture of silence around sexual and reproductive health. Therefore, by fulfilling their expected gender roles, men and women are likely to increase their risk of HIV infection. However, Burn (2000:18) states that the gender disparities go far deeper than sexual relations and notes that women in many regions do not own property or have access to financial resources and are dependent on men/husbands, fathers, brothers and sons for support. Without resources, women are susceptible to abuses of power as they may give in to male demands for unprotected sexual relations, even when they know the danger (UNIFEM 2001:15).

In addition, with no other options in sight, they may resort to transactional sex work to feed their families. According to WLSA (2004:48), in Southern Africa, many older men seek out young women and adolescent girls for sexual favours while providing them with school fees, food and highly sought-after consumer goods.

2.6 CONCLUSION

According to the literature, women have restricted control in decision making in the family even on those issues that pertain to their lives because of the traditions and cultural practices that are prevalent in traditional marriage. The literature study reveals that customs and traditions such as bride wealth confer upon men marital power that gives them authority over decision making in the marriage. In traditional marriage in particular, marital power is also given to family members to have a say about issues and the running of the family.

The study highlighted several gender issues that put women at a disadvantage, thus resorting to marriage as a way to address their poverty situations. Women are generally disadvantaged in terms of access to education, land, credit and other productive resources; they therefore enter into a marriage contract and remain there because marriage enables them to have access to these resources. The findings of the study reveal that sex in marriage serves different purposes, such as survival, procreation and exchange, and is also used to enhance the control over women by treating them as property. Therefore, one needs to look into the gender-based inequalities that make women vulnerable to the control of their sexuality.

Controlling women's sexual rights militates against development as it plunges women and children deeper into poverty. Practices such as polygamy have been highlighted as contributing factors that make women vulnerable to sexually transmitted infections resulting from multiple partnerships in the marriage. In addition, women and children compete for scarce resources owing to the increase of family members, often resulting in the girls dropping out of school to assist in the creation of household income. Finally, the deprivation of education has a negative bearing on the economic development of the girls.

UNIFEM (2003:13) states that by improving their economic power, women gain more say in household decisions and tend to contribute to decision making on sexual matters. The reviewed literature highlighted cultural practices contributing to women's disadvantaged position in sexuality and these findings will be tested in the field to investigate their relevance and applicability in Swaziland.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

This chapter presents procedures utilised in conducting the study. This includes the research design, research methods, responding population of the study, sample size, manners in which the data collection was undertaken and data analysis. The methodology was meant to verify or investigate the selected groups' experiences in traditional marriage and the degree to which the gender and sexuality issues gleaned from literature applied to their daily lives. In addition, it aimed to ascertain the extent to which these concepts are applied in Swaziland.

3.2 OBJECTIVES OF THE STUDY

The study had the following objectives:

- To determine the amount of control women have over sexual matters in Swazi traditional marriages
- To identify the factors influencing the extent of control women have over sexual matters in traditional marriages
- To analyse the consequences of women's lack of control over sexual matters for the women themselves, their families and their communities with regard to development.

3.3 CLARIFICATION OF TERMS

In this study, the following terms were used:

- **Control**—The term is used first as *having power over*; second, as *being in charge*; and third, as *dominating*. Anderson (2000:87) defines control in the context of sexuality as restricted and repressed choice in sexual relations. The study uses this term in the broader sense to mean restricted choice of deciding whom to marry, when to have sex, how many children to have and whether or not to use contraceptives.
- **Sexuality**—Anderson (2000:80) defines sexuality as an essential part of one's identity and relationship with others, involving emotional feeling as well as power and vulnerability in relationships. Caulfield (cited in Anderson 2000:80) defines sexuality as comprising the culture of sex, the social production and reproduction of sexual beings. Sexuality is therefore expressed and experienced according to the cultural context, and information about it is transmitted across generations and through the institutions of society. Throughout life, sexuality is a central aspect of being human and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction (Ilkkaracan & Jolly 2007:2). In this study, sexuality is discussed first as the right an individual has to decide when and with whom to have sex; and second, whether to bear children, when to bear them, with whom and how many.
- **Reproduction**—This term has been used to mean more than biological reproduction. Taylor and Conradie (1997:9) define biological reproduction as childbearing and nursing of babies, which only women are physiologically capable of doing. They further state that reproduction as a concept can be used to include the care and maintenance of the household and family (household cleaning, food preparation and care of children and the sick), and in this sense the term refers to social reproduction. In this study, reproduction is understood to mean more than the sex leading to maternity but the right to determine childbearing responsibilities.
- **Traditional marriage**—The term refers to marriage according to Swazi law and custom which is symbolised by the smearing of red ochre on the woman and the payment of bride wealth (WILSA 1998:225).

- **Development**—Anand (in ISIS 1983:11) states that development means the production, distribution and consumption of goods and services in the most equitable manner possible, with maximum participation of all people. The key phrase in this definition is ‘participation by all’, which implies involvement in decision making that impact on people’s lives (Chole 1996:1). Another definition which relates to human development states that ‘human development is a process of enlarging people’s choices’ (United Nations Development Programme [UNDP] 1995). In the study, the critical term is used for enlarging people’s choices, which involves access to full participation, as Chole asserts (1996).
- **Rural women**—Rural women are those residing in the villages and are farmers, self-employed and married traditionally (Gordon 1996:138).
- **Polygamy**—Polygamy refers to a system of marriage whereby one person has more than one spouse (WLSA 2008:75). Polygamy can have two forms. The first is polygyny, whereby a man marries more than one woman, and the second is polyandry, whereby a woman marries more than one man. In Swaziland, polygyny to a limitless number of wives is permitted whereas polyandry is completely prohibited. WLSA (2008:76) defines polygamy as a cultural practice whereby males are allowed to marry more than one wife.
- **Wife inheritance/liverate/*kungenwa***—These terms refer to the custom whereby a widow is taken over as wife by her husband’s younger brother or paternal cousin (WLSA 1998b:xviii).
- **Mourning/*kuzila***—These terms describe a complex of cultural set of behaviours’ in which the bereaved participate or are expected to do so. In Swaziland, it involves wearing black clothes; those most affected by the loss of a loved one, especially the wife, often observe a period of grieving marked by withdrawal from social events and quiet, respectful behaviour. Mourning refers to a cultural practice whereby a woman is expected to mourn the death of her husband for a period of two to three years (WLSA 2008:83).
- **Subsidiary wife/sororate /*inhlanti***—These terms refer to a young woman substitute in the case of barrenness and sometimes the death of a sister or an aunt (WLSA 2008:81).

3.4 DESIGN OF THE STUDY

Mouton (2001:55) defines a research design as a plan or blueprint of how one intends to conduct research. The research design is a blueprint that enables the investigator to come up with solutions to problems and guides the various stages of the research (Schulze 2002:28; Schaefer 2004:33). The study employed qualitative research, using focus group discussion and interview guides.

Schaefer (2004:35) observes that qualitative methods are a rich source of data because of their ability to solicit detailed and in-depth information on the subject. Similarly, Creswell (2002:58) states that qualitative research is an inquiry approach useful for exploring and understanding a central phenomenon; the inquirer asks participants general questions, collects the detailed views of participants in the form of words or images, and analyses the information for descriptions and themes. Through this method, the researcher is able to elicit personal reactions on the subject from the respondents and acquire in-depth knowledge about the magnitude of the problem and the nature of the issues that are relevant and still prevalent in the given situation, in this case the Swaziland context.

Qualitative research was employed in the study because traditional marriage is not codified. Since the researcher wanted to obtain the views of women's groups and individuals on the one hand and from custodians of traditions on the other, it was appropriate to engage in discussions and probe respondents to acquire in-depth information on the subject. From the interviews and discussions the researcher was to obtain information about the responsibilities of the parties in traditional marriages; factors influencing the control of women's sexuality; and the impact of the control on the women, their families and their communities.

3.4.1 Sources of data

The study utilised both primary and secondary sources of data. The secondary source of data was literature review, which provided the background to the study and presented an environment for the development of ideas; finally, conclusions were to be established through fieldwork. The primary sources were for verification and localisation of literature through focused group discussions and personal interviews with the following target audiences:

- Traditionally married women from the Phonjwane area, composed of RHMs, ASCA members and the Development Project Executive Committee (DPEC)
- Professional women in traditional marriages
- The Chief's IC (traditional experts) who are custodians of traditional practices
- A women's rights organisation, Women and the Law in Southern Africa, Swaziland Office staff (WLSA Swaziland). A detailed profile of the groups is provided in section 3.6.1

3.4.2 Research procedure

An invitation was extended by means of a letter to the groups (respondents) through the ADP manager of Phonjwane. It explained the purpose of the meetings and the reasons for the request for groups to attend discussions in the area development office.

The focused group interviews were conducted with the target groups of the Phonjwane area, namely the DPEC, RHMs, ASCA members, WLSA Swaziland and the Chief's IC.

Personal interviews on a one-to-one basis were conducted with five individual traditionally married professional women. This was done to establish the influence of customs and practices on women who are educated, employed and not residing in the rural community.

3.5. INSTRUMENTS OF DATA COLLECTION

The instruments of data collection were the following:

- An initial visit was made to the Phonjwane area to create a relationship with the community leadership. An informal meeting was held with the ADP manager (Phonjwane) to explain the purpose of the study and the format of the research. The programme manager is in charge of facilitating development projects in this community and works with different community members and locally based community organisations. He links with the community groups, and his ability to convene meetings enabled the researcher to have appointments with the groups identified for participation in the study.
- In the literature review, themes and ideas were generated to be tested in the field. On the basis of these themes and the objectives of the study, discussion guides were designed to guide the discussions and the interviews.
- The principles of qualitative research were employed in choosing the data collection techniques for this study. They included the focused group discussions with rural women from the community (RHMs, ASCA members and the DPEC) and in-depth interviews with professional women in traditional marriages.
- The two groups that were identified as key informants were WLSA–Swaziland and the Chiefs' IC members.

3.6 SAMPLE DESIGN

This section discusses the population of the study, the profile of the selected participant groups and the population size.

3.6.1 Population of the study

Wiersma (2000:200) defines purposive sampling as selecting units because of their characteristics relative to the phenomenon under study rather than choosing them

randomly. The study used purposive sampling because the selected participants were key informants with knowledge of the topic of the study; hence they would be able to provide information about the problem for the sake of research. The following groups were selected specifically because they fit the characteristics of the purposive sample required in the study:

- A women's rights organisation, WLSA–Swaziland, was selected because some of the literature reviewed was published by this organisation and it has information on research and studies concerning women's issues and traditional marriage.
- The IC was selected because the members are custodians of customs and traditions and they have knowledge of cultural practices in relation to traditional marriage.
- Women residing in Phonjwane area and professional women from Manzini and Mbabane in traditional marriages were selected because they also have personal experience and have gone through traditional marriage.

3.6.1 Profile of the target groups

Specific groups were targeted as informants on traditional marriage and they are discussed in the following subsections.

3.6.1.1 Development Project Executive Committee

The DPEC of Phonjwane with representatives of development committees from different villages within the Phonjwane Chiefdom area was selected for the study. The villagers select members to represent them in the executive committee administering development programmes in the area. Executive committee members are decision makers on ways in which funding received from government, non-governmental organisations (NGOs) and other donors should be utilised, and they select projects to be prioritised for implementation. The committee consists of community chairpersons and secretaries of development committees at village level.

They prioritise community needs and facilitate and monitor the implementation of projects undertaken by communities in their jurisdiction. The group is responsible for transforming the communities and bringing about change that will enable them to realise their potential and improve their livelihoods. This group was selected in their category as agents of change and for their influence in the community in the development process. Projects that have been passed by this group enjoy the commitment and participation of the community members and local leadership. Consequently, once the group realises a need, even one for sensitisation campaigns on issues concerning women, it can grant a budget and implement the project. In this group, women were found to be in the majority (10 females to one male) and they were active participants and decision makers in the planning and implementation of projects.

3.6.1.2 Rural health motivators

RHMs are individuals working for the Swaziland Ministry of Health as motivators for primary health care in communities. Fifteen motivators work in the Phonjwane area and each is responsible for visiting 20 households in the community, as per the Ministry of Health guidelines on community-based care and support. Their role is to mobilise and educate the community on preventive measures including primary health care that promotes basic personal hygiene, sanitation, prevention of mother-to-child transmission of diseases, immunisation and family planning. In addition, they visit and provide care for the terminally ill in the community (home-based care). Motivators are mostly women who have added the community health role to their basic household chores. They are trained in family planning or reproductive health by the ministry these matters are development areas for rural women, so they are instrumental in bringing information on sexual and reproductive health issues to the community. The participation of this group in the study provides information on whether or not women have the freedom to make decisions about their sexual and reproductive health as they provide sexual health information. They have information on the uptake and utilisation of their services as they make follow-up visits to the households and gather information on whether or not the services have been utilised. They can provide reasons why services available at community level are not utilised.

3.6.1.3 Accumulated Savings and Credit Association

The ASCA consists of a group of 10 that represents women involved in income generation as small-scale entrepreneurs. The women meet weekly to deposit their money in the bank and borrow to invest more in their small businesses, which include sewing, the selling of fat cake, the processing of jam and peanut butter, and the vending of vegetables. The group was selected because it represents women who have a source of income and thus contribute to the livelihood of the family. Women in this group are able to provide for the basic needs of the family and do not rely heavily on their husbands for all their economic needs. This group has added the productive to their primary role of reproduction by involvement in income generation or small-scale entrepreneurship outside the home. They represent the woman who does not confine her role merely to the kitchen but who has realised opportunities that can improve her economic status. This group reveal the views of women in traditional marriage who contribute to household groceries by having a source of income, however meagre. They then consider whether this contribution to household income makes their opinions valued when it comes to decisions about sexual matters.

These three rural women groups (RHMs, DPEC, and ASCA) were purposely selected as focus group discussants and respondents respectively because they had personal experience of traditional marriages. This was gathered during focus group discussion introductions by participants.

Chief's IC of the Phonjwane community is the governing body of the Phonjwane area which covers 12 villages and 300 households. It is the 'custodian' of customs and traditions of the community, which is traditionalist. Their role is to look at the general governance and compliance of community members to practices of the community. In addition, they resolve conflicts among families and any other community members. The group does not work independently but is instructed and directed by *indvuna* (headman), who is the Chief's messenger. The IC sometimes makes suggestions about decisions to be taken and through the headman, the Chief receives recommendations before a final

decision is taken by himself and *liguma* (elders) of his family, which includes aunts and elder brothers from the same family. This group was selected for their perceived knowledge of Swazi traditional marriage and its contractual rights, status and obligations. They mete out punitive measures to offenders. The IC of this community was chosen because it is accessible and has the correct information about the provisions of traditional marriage according to customs and traditions. It covers a wide area in terms of villages, and the community is still administered by a Chief to whom members pay allegiance. They do so by carrying out instructions from the Chief as the highest local authority, such as decisions about a conflict or punishment; by working on his fields; and by attending community meetings. The authority and power that the traditional leadership has over community members in terms of the practice of customs and traditions resulted in the type of rural community needed for the study.

WLSA–Swaziland is an organisation that advocates for women’s rights issues in regard to marriage, property inheritance and any form of abuse that affects females either married or single. They bring a legal perspective to the study. Their experience of the cases they have dealt with and their interpretation of the trends leading to the number of cases add value to the study. They have been included for their expertise in matters of contractual rights of the Swazi traditional marriage according to the law of the land. At the national level they advocate for policy change by lobbying government and parliamentarians to address laws and policies that promote gender inequalities. Furthermore, the organisation was selected because it published some of the reviewed literature and has information on research and studies concerning women’s issues and traditional marriage.

The five professional women in traditional marriages are educated individuals. Their number includes two law experts, two gender activists and a development practitioner and they reside in Manzini and Mbabane. These women were selected because they are aware of the legal instruments available for pursuing cases, especially when they are deprived of their rights. They are married traditionally and they share their views in the light of their experience and knowledge of the law, basic human rights and the practice

thereof. The professional women in traditional marriages were also purposely selected as in-depth respondents because of their personal experience.

3.6.2 Sample size

Nachmias and Nachmias (1996) define a sample as any subset of the sampling units from a population. A subset is any combination of sampling units that does not include the entire set of sampling units that has been defined as the population. Four representative groups were used as sources of data in the rural area of Phonjwane. The area was chosen because it is rural, the people still participate in cultural activities and little development activity is evident in the community. The selected groups had members ranging from seven to 11 members. Three community groups were interviewed and key informants came from WLSA–Swaziland and the IC. Five professional women who were married traditionally were interviewed individually. The groups consisted of a total of 45 respondents, broken down as follows:

Table 1. Interviewees

RESPONDENTS		MALE	FEMALE	Total
Rural women groups	DPEC	1	10	11
	ASCA		10	10
	RHMs		8	8
Professional women in traditional marriage		0	5	5
WLSA–Swaziland		0	4	4
Chief’s IC		6	1	7
Total		7	38	45

3.7 DATA COLLECTION TECHNIQUES

Data was collected in the following way:

3.7.1 Literature review

Secondary literature utilised in the study includes government publications, files, pamphlets and policy documents. Reports of United Nations agents were studied. They included documents by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Fund for Children (UNICEF), the Food and Agricultural Organisation (FAO) and NGOs, including WLSA and Women in Law and Development in Africa (WILDAF). The literature provided information on marriage in general and on traditional marriage in different countries, including Swaziland. The information gave the study material about issues to be explored in the field. As a result, themes and issues to be tested in the field were identified from the literature.

3.7.2 Focus group discussions

Focus group discussions were used in the study. This method has particular advantages for qualitative research applications. The central feature of this method of obtaining information from groups of people is relevant to the study as it allows the researcher to explore issues with participants. Nachmias and Nachmias (1996:235) state that the researcher obtains details of personal reactions and specific emotions through interactive interviews. In doing so, the researcher speaks very little and encourages the group to generate the information required by stimulating discussion through terse provocative statements (Dillon et al 1994:124).

The researcher raised issues for discussion, following a discussion guide, and participants were encouraged to discuss the issues among themselves and with the researcher in a relaxed environment (Mason 2002:2; Welch 1985:247). During this time the researcher recorded their comments.

This method was suitable for the study because the participants within a focus group were selected in such a way that they exhibited a high degree of homogeneity with respect to

either background or behaviour or both. The groups also had knowledge of the topic of the study (Wiersma 2000:251).

Focus group interviews were conducted with RHMs, women from the ASCA and members of the DPEC. According to Nachmias and Nachmias (1996:234), a focus group is non-schedule-structured. This form of interview has four characteristics:

- It is carried out with respondents known to have been involved in a particular experience.
- It refers to situations that have been analysed before the interview.
- It is conducted according to an interview guide specifying topics related to the problem.
- It focuses on the subjects' experiences of the situations under study.

The respondents were given liberty in expressing their interpretation of a situation that was presented to them (Nachmias & Nachmias 1996:234). The study used the focus group interview to verify information collected from the literature. This method was relevant because the respondents were purposely selected to talk about the ideas on the basis of their experiences as informants.

3.7.3 Personal interviews

A standardised guideline is administered whereby specific questions are asked in a set order and in a set manner to ensure no variation occurs between interviews. The number of interviews that are required is small but the researcher gains a great deal of information (Dillon et al 1994:125).

Personal interviews with five individual professional women, two law experts, two gender activists and a development practitioner were used in conducting the research and notes were taken. The interviews with the professional women were conducted in English. They were married traditionally and had the necessary experience; they had also been exposed to information on human rights. The women were interviewed privately in

their offices. The researcher had appointments with each of them, and the interviews lasted an average of 60 to 70 minutes. The interviews were conducted in this way to obtain their views on the following:

- The responsibilities of women in traditional marriage and the impact customs and traditions had on them
- The amount of control women exercised over their sexual and reproductive rights in terms of whom they should marry, how many children they should have and whether or not they were able to refuse cultural practices such as wife inheritance and mourning.

3.7.4 Key informants

The first group of key informants were drawn from the Chief's IC as custodians of traditions and customs. Members of the council dealt with cultural issues in the community and were knowledgeable about matters relating to traditional marriages. The second group was drawn from WLSA–Swaziland, a women's rights organisation. The organisation advocated for women's rights and had conducted research on factors contributing to the position of women in society.

3.8 DATA ANALYSIS

Data analysis is a process of categorisation, description and synthesis. Nachmias and Nachmias (1996) define data analysis as one way of noting themes throughout the study. As research progresses, some themes are discarded because of the information collected and others are refined.

In the present study, themes were identified and conclusions were drawn from the literature study. The analysis will be used to confirm or discard information that is not relevant to Swaziland as the area of study. Cresswell (2002:58) states that from the data, the researcher interprets the meaning of the information, drawing from personal reflections and past research. From the field study, interpretations of the responses of the

informants will be used to compare literature and practice and conclusions will be drawn about the position of women in Swaziland.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF THE FINDINGS

4.1. INTRODUCTION

A guide for FGDs and an interview guide for personal interviews were developed specifically for the study with the aid of the reviewed literature. This chapter presents a summary of findings and discussions of views according to the themes and conclusions drawn from the data collected in the field.

4.2. SUMMARY OF FINDINGS

As indicated in Table 2, this section presents the responses of the participants. First, they were encouraged to freely discuss their experiences as traditionally married professional and non-professional women and to examine the issues related to control over sexuality (sexual and reproductive rights) (Columns A and C); second, they were asked to provide insight into the traditional customs and civil laws governing women's control of their sexual relations in traditional marriages (Columns B and D).

Table 2. Responses from participants

Themes	A. Responses from rural women groups	B. Responses from traditional experts (IC)	C. Responses from professional women	D. WLSA–Swaziland
<p>I. Consequences of marrying traditionally</p>	<p>These included the following:</p> <ul style="list-style-type: none"> • Joining the family of the husband as a new member of the group and reporting your issues to your mother-in-law. • Having children and raising them. • Satisfying your husband sexually and never refusing him sex because good relations in the family depend on good sex. • In the traditional marriage the family decides who should execute property, and it is often the male children who do that. Whether the husband or wife dies, it is the male child who will oversee the property. • The fields and cattle that belong to the family cannot be administered by women because it is for <i>lobola</i> and other rituals performed by men. • The man is your king, so he has authority over everything in the home because it belongs to him ('even my labour') and I am only a woman. • Decisions are made by him, especially in the case of the sale of assets such as cattle. 'When 	<p>These included the following:</p> <ul style="list-style-type: none"> • Upon marriage the woman joins the family of the in-laws as part of the family, under the guardianship of the head of the family, until the couple have their own house outside the main compound. • She leaves her home <i>kutokwandzisa tiija</i>: to bear children. • Childbearing is the main role of a married woman and it is emphasised that she does not refuse her husband sex. • She is also expected to do the family chores and work in the fields to produce food for her children. • She is responsible for the general upkeep of the home and care of the children and other family members such as her mother-in-law and all members of the in-laws' family. • The women are expected to help when there are problems, for instance childbearing or a wife's death. • Property belongs to the 	<p>These included the following:</p> <ul style="list-style-type: none"> • You join the family as a minor and a labourer of some kind to assist in household chores and work in the fields. • At the same time, there is a lot of pressure from the family that you bear children, especially boys. • You are regarded to have failed in your marital responsibility if you have not given birth to a son to carry on the family name and be an overseer of the family property at his father's death. • The marriage is out of community of property. However, there is nothing like 'out of community' with the in-laws, especially when you reside within the clan land and you do not have any means to buy title deed land. • Traditional marriage assumes that the man is always in control and has power of property because 	<p>These included the following:</p> <ul style="list-style-type: none"> • The consequences of traditional marriage include the minority status of women as they join the new family. • One of the provisions of the marriage that is communicated is the expectation to have children, especially a male child. • The woman is supposed to be a homemaker taking care of the children, cooking and doing all household chores including looking after the elderly and sick members of the family. • In traditional marriages, proprietary rights are governed by Swazi law and custom, but the wife can register property in her name for any property contracted, such as title deed land. • Traditional marriage has extensive marital power; this is the power of the husband and his family over the wife or wives in terms of decision making, including those pronouncements affecting the

	<p>children have to go to school I can never decide on that. I only recommend.</p> <ul style="list-style-type: none"> • The marriage is polygamous, and you cannot oppose that. But it is difficult as we compete by having more children who end up not going to school. • It is difficult to terminate traditional marriage because each time there is a problem, the families come together to resolve them. 	<p>family, be it movable or non-movable property such as cattle and land.</p> <ul style="list-style-type: none"> • When one of the spouses dies, property remains in the family and it is managed by the children if they are grown up. • In the Swazi culture, the wives are given land for farming under the supervision of the husband. She has to work on it and is not able to sell or improve it. • The husband is the head of the family and he is responsible for providing for all the household needs and interests. This power, however, does not include the right to administer corporal punishment or hit the wife. • The husband may have several wives with several ranks within the greater composite homestead. The rank influences her status, the relationship with the husband's other houses and her children's rights of succession. • There is no dissolution of marriage as the union is not merely between the spouses but between the families. • Death simply ushers in a new phase in the marriage 	<p>in the rural areas, issues pertaining to property and land are all channelled through males.</p> <ul style="list-style-type: none"> • Even when you are educated, marital power exists; you feel it and the expectations and the conduct within the marriage dictate that the man is the head. When you try to negotiate or contribute, it is as if you want to take his authority away, yet he has the final say. As a married woman, you strategise around it in order to survive. • The marriage is indeed polygamous. One of the women said, 'The problem with the marriage now is that it is not the lawful polygamy as having a second wife but it is an opportunity for the man to air his frustrations elsewhere and never really marrying the second wife.' • It is difficult to end traditional marriage because of the many parties involved. • Conjugal rights are the man's right and you are reminded from time to time that the bride wealth was 	<p>wife.</p> <ul style="list-style-type: none"> • It is difficult to end a traditional marriage. As it stands, one can say it was meant to be a lifelong commitment. • Conjugal rights are expected from the woman in marriage, irrespective of any risk, except when she is in mourning, having periods, highly pregnant or nursing a baby.
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		<p>relationships between the families of the spouses.</p> <ul style="list-style-type: none"> • Marriage is merely for sex and procreation, so you do not refuse each other what is deemed the purpose of the union or marriage. 	<p>paid for you to render sexual services.</p>	
<p>II. Practices and customs that influence sexual relations and reproduction in marriage</p> <p>a) Bride wealth</p>	<p>Bride price gives a woman value both at her natal and at her marital home. You are respected as a lawful wife. The expectation from the bride wealth is that you bear children and that among these children you will have a boy child who will continue the family line.</p>	<p>Bride wealth is a compensation for the loss of the bride's presence and her services to her parents. Furthermore, it ensures the legitimacy of her children and their right to benefit from their father's lineage. It is also a sign that the man has the right to have sexual relations with the woman, and both have conjugal rights over the other. It is meant to build the relationship between the two families. If the wife is barren or dies, a subsidiary wife is given to the husband.</p>	<p>Bride wealth is one of the main practices that influence the control through the obligation to have children. Since polygamy is allowed in traditional marriage, it is easy for the man to acquire another wife who is willing to have children. Therefore, somehow the wife is compelled to have children. If she has only two children, the in-laws will often say she cannot mean that the two children were enough return for the herd of cattle that was paid.</p>	<p>Bride wealth influences control of the woman's sexuality by raising expectations that the woman is supposed to have children; failure to do so means her younger sister is supposed to come and bear children on her behalf. These children are also expected to bear the father's surname.</p>
<p>b) Polygamy</p>	<p>Polygamy is a culture, but it makes us wives compete for the man by having children so that you can get attention. You go all out to impress the man and your children never know what a father is: he becomes a king in the homestead. You never question him because of fear that he may take some time before he comes to your house and you will miss the chance of having sex.</p>	<p>According to Swazi custom, the husband's second wife is recommended by the first one looking for someone whom she can get along with. <i>Indvodza iyasonyehwa</i> means the wife proposes love to other women for her husband. The custom is meant for the wives to help each other, especially when the first one is getting old and is unable to do all the household chores.</p>	<p>Polygamy is a practice that allows men promiscuity. When you report this to the in-laws, they tell you that 'men cannot control themselves'. Even girlfriends are allowed and you wonder where that leaves you with sexually transmitted diseases. As a woman you lose control when you confine your sexual relationship to one person as he may have several wives or girlfriends.</p>	<p>Polygamy is sanctioned by Swazi law and custom. The law discriminates against women because it stipulates different sets of standards of sexual behaviour for women and men. It therefore allows men's sexual freedom and denies women the same right. A woman who may desire to have sexual freedom is referred to as a prostitute. This labelling of women is further proof of control over her sexual freedom.</p>

c) Wife inheritance	<p>Wife inheritance oppresses women because it does not give them the right to choose the partner. If you refuse the man the family is providing, the family expect that you remain single and any relations with males will be suspect.</p>	<p>Wife inheritance is meant to take care of the widow and her children. The custom is also followed when the widow does not have a son and it is hoped she can bear one by the brother who can then inherit the estate. The son controls the inheritance on behalf of his mother and sisters.</p>	<p>Wife inheritance is insensitive to women's needs and feelings. Women who do not have any source of income are subject to control, but even some educated women allow it. They want to remain in the family so that they can be called by the surname and maintain the marital status. One of the women said it depends on your values and principles because you can refuse and suffer the consequences of your children not being accepted in the family.</p>	<p>Wife inheritance influences sexuality because the family decides who is supposed to take over the widow. It is also a way of keeping the woman in the family as their property.</p>
d) Mourning	<p>During mourning you are not allowed to mix with people, even in community meetings, because you are unclean. If you refuse the gowns, you are labelled a prostitute rushing to grab the next man you meet. During the two years of mourning, you are expected to abstain from sexual practices.</p>	<p>Mourning is a practice that is meant to allow the woman to grieve for their lost husband. It gives the family time to strategise on how the children will be carted for. lives. This is a way of giving time to the family to decide on what to do next, with the widow and children.</p>	<p>Mourning is a subtle way of controlling women. As a woman, you are expected to wear the gowns even if you do not want to. If you refuse, you are suspected of having affairs with other men and more pressure is applied so that you are deprived of having any relationship. Refusal also means that you do not respect your in-laws. Furthermore, refusal may mean you did not love your husband and you may be accused of having contributed to his death by bewitching him. Therefore, because of all these allegations, you find yourself forced to wear the gowns. One widowed woman said, 'I</p>	<p>Women undergo mourning rites irrespective of their education, income and job circumstances. They wear black attire which sets them apart from the rest of society for two to three years. Men, on the other hand, wear a small black ribbon for a month. The custom requires that the mourner abstain from sexual indulgence. The mourning period for men is short because many of them are in polygamous relationships and they therefore cannot be expected to neglect their sexual and conjugal duties to the other wives in the event of the death of one.</p>

e) Subsidiary wife	<p><i>Inhlanti</i> is the worst thing that can happen to women when they cannot have children or the wife dies. In fact, when your younger sister visits, the husband can simply decide to marry her even when you have fulfilled all the expected wifely duties.</p>	<p><i>Inhlanti</i> is meant to keep the marriage alive between the families even beyond death, because according to traditional marriage, the union is not between the spouses but between the families. It is not a matter of control but of friendship.</p>	<p>managed to escape because of my religion.’</p> <p><i>Inhlanti</i> is not fair to the younger sister who is not given an opportunity to choose her partner neither is it to the wife who is substituted because she cannot bear children. One of the women stated that when a subsidiary wife is taken, they forget about you and you lose the respect given to a wife.</p>	<p><i>Inhlanti</i> contributes to the control over women because it comes as a solution for a woman who cannot have children.</p>
III. Additional factors that influence sexual relations and reproduction in marriage	<ul style="list-style-type: none"> • Women marry too early, when they have not achieved much in life and they completely depend on the husband to provide for the family. • The age at marriage also contributes to the situation because the age difference between the spouses is so wide that the wife automatically surrenders to the husband’s leadership. • Most women are not educated, so the understanding of issues such as family planning and the importance of child spacing is lacking. 	<ul style="list-style-type: none"> • Age is not a problem. A woman is expected to respect her husband. No man will prefer an old woman. • Education does not determine a woman’s value. The man does not marry the education but marries the person who has to pay respect, irrespective of her level of education. • The man is supposed to provide for the family and the woman is expected to deliver food from the fields. 	<ul style="list-style-type: none"> • Age may not necessarily be the only factor. The involvement of the family in the sexual matters of the family is important. • I am educated but I remain powerless. Some of these factors are cultural and the men have been socialised that way, so by merely marrying you are already compromising your rights. • The women claimed that they had their own income and did not live with their in-laws. 	<ul style="list-style-type: none"> • As far as the age at marriage is concerned, the wife is usually too young for the husband and therefore not able to contribute to the decision-making process in general and in sexual matters. • The low level of education makes women dependent on the men for income and livelihood and they therefore give control to the men.
IV. Impact of male control of sexual relations and reproduction on the women, children and	<ul style="list-style-type: none"> • Male control over sexual matters has a great impact on a woman because of the number of children she ends up having as she tries to conceive a male child. The children become a burden as they require more resources for school, food and 	<ul style="list-style-type: none"> • Women are not controlled; they are the ones who decide when they want to have children. A man is only happy to have a male child for the continuation of his family line. • HIV and AIDS are a result of an individual’s behaviour, be 	<ul style="list-style-type: none"> • Women become heads of households as they have to be the sole providers of their children’s education. • The husband is not able to provide the necessary resources to assume the responsibilities of a father 	<ul style="list-style-type: none"> • In traditional marriages, the woman is obliged to maintain the marriage. She has no choice because of her fear to return home. She will be an embarrassment to her family. • Polygamy confers control of the reproduction and

<p>community</p>	<ul style="list-style-type: none"> • clothing. There is a great deal of illness and death in the community. Husbands are refusing to use protection, yet in their work areas they have sexual partners. Most of the illness is HIV-related. • Children lack support in terms of education. Because the many children in the family, they eventually drop out of school. Food is a further problem. One woman said all her female children were maids in teachers' and other people's houses in Manzini because that was the only job they could do to support her. • In the community we are faced with the problem of many households with chronically ill adults. Children are taking care of these patients and as community members we have volunteered our time to support these families. • There are a growing number of orphans and vulnerable children because of the death of the parents. These deaths have left communities with children and adults who are not yet in the productive age group, and they rely on relief handouts as they do not participate in meetings and development projects. 	<p>it a man or a woman.</p> <ul style="list-style-type: none"> • Nowadays every homestead had fields, so families will grow enough food. Now there is a drought, so it is costly to maintain the polygamous family as education and clothing are expensive. • There is also a great deal of illness, which deprives families of labour to work in the fields. The situation is caused by immoral behaviour. Children are dropping out of school to be caregivers for their sick parents and they also look after their siblings. The extended family is no longer there to take care of family members because of modernisation. People, especially children, suffer the consequences. • Communities are failing to cope with the number of orphans as they need shelter, food, school fees, clothing and medical treatment. The Chief's place is able to provide maize-meal only once after the harvest, and that is not enough. • Community burials are on the increase and people are very sick. 	<p>and a spouse.</p> <ul style="list-style-type: none"> • Polygamy entails high risks, in particular with regard to the propagation of HIV and AIDS as there are many partners in the relationship. This affects the subsidiary wife who may enter into marriage without knowing the cause of the late wife's death. • Too many children are born in traditional marriages because of the male child requirement. • The widow might not consent to this marriage, and she or the inheritor may have HIV; they could re-infect each other as the cause of death is not usually made public. When the widow knows she is HIV-positive, she cannot negotiate for safer sex: because of her minority status she cannot make a decision on sexual matters. • Yes, the community has been affected because they have to collectively support the children who have been left without parents. 	<p>production roles of the woman on the man. It is used to exploit her as she has to work hard for the sake of her children's well-being.</p> <ul style="list-style-type: none"> • Some of the cultural practices such as wife inheritance and polygamy expose women to health risks. HIV and AIDS tests are not done before the marriage and one may infect the other if one of them is positive. The same goes for the wife of the inheritor. • Polygamy leads to high-risk behaviour as it entails multiple partnerships in the relationship and protection is not used. • As far as the matter of a subsidiary wife is concerned, the girl's consent is not usually sought and the man she is given to may be much older than she is, rendering decision making difficult for her. Even negotiation for safer sex is difficult because her role is to reproduce and keep the man sexually happy. • Children have suffered in a number of ways. Parents are sometimes unable to pay their medical and school fees. In some families there is even a shortage of food, but the husband will continue to marry younger women.
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<p>V. Necessary reforms</p>	<ul style="list-style-type: none"> • The practice of polygamy should be reviewed because of the high prevalence of HIV in the country. Furthermore, the men are not able to afford maintenance for the children. 	<ul style="list-style-type: none"> • Culture changes and people should not blame it. A person is supposed to look at his coffers before he acts. 'In our days it was not every man who had many wives; it was for the rich man. In our case it was for the one who had many cattle and could afford to pay the bride wealth for all the wives.' 	<ul style="list-style-type: none"> • The consequences of marriage are the following: In traditional marriage it is not documented that marital power exists but the involvement of the families complicates the relationship and the wife becomes a slave of the family. Polygamy should also be reviewed for health reasons. 	<ul style="list-style-type: none"> • The marriageable age should be reviewed to avoid having children given in marriage as part of a culture. • Cultural practices such as wife inheritance and polygamy should end because they promote multiple partners, which has been a major contributing factor in the spread of HIV and AIDS.

4.3. FINDINGS AND DISCUSSIONS

The findings are discussed according to the themes emerging from the data.

4.3.1 Obligations and consequences of traditional marriage

The consequences of traditional marriage were varied and they included the minority status of women, conjugal rites and marital power, polygamy, wife inheritance, mourning, and acquisition of a subsidiary wife.

4.3.1.1 *Minority status*

The majority of respondents agreed that one of the consequences of a traditional marriage is that the woman assumes a minority status and becomes a dependent under the guardianship of her husband and his family. In a focus group discussion at Phonjwane area, the rural women revealed that ‘you join the family as a child and issues arising from the marriage are to be reported to the mother-in-law’. The fact that the wife reports to and does not discuss with her husband means that the couple does not hold equal status in the relationship. The Chief’s IC supported this view and stated that the woman becomes a minor not only to her husband but also to the whole family. Consequently, issues that arise between the couple are not handled only by themselves but by the entire extended family. A child in the Swazi society is someone who cannot make his or her own decisions but consults elders, and in this case the woman is required to consult and decisions are made by the husband and the family. These issues may relate to her sexuality or reproductive capacity if she is barren or may not have children because of medical problems. Her private life is no longer under her control but for the family to discuss and make resolution on her behalf.

Professional women respondents, on the other hand, believed that the status of women in traditional marriages was worse than those of minors. It was stressed that ‘you join the family as a minor and as kind of a labourer to assist in the household chores and working in the fields’. The traditional marriage is perceived as creating expectations that the wife will provide more labour for the family than a child would in her family. Kidd et al (1997:69) assert that women have always been regarded as minors and this view has

resulted in women not being able to contribute in decision making in the marriage even in matters pertaining to their own lives. According to the professional respondents, being a labourer means that one starts work early before anyone else is up, works in the fields, cooks and collects firewood and also takes care of the children. One of the respondents said the following: 'It is worse when you have a full-time job because you are still expected to work in the fields, ferry water, cook and take care of your children.' Formal employment does not replace the traditional role but increases the workload for women. The reviewed literature describes it as their having multiple roles.

4.3.1.2 Procreation, manual labour and care for children

Belair (2006:8) states that a traditional marriage has three main purposes: procreation, the provision of domestic labour by the woman and care for children. The respondents agreed that in the marriage, the woman is expected to have children, do housework and take care of children. The Chief's IC stated that the woman comes to increase the family numbers. This view of marriage discriminates against a barren woman or one who may not be able to conceive because of medical or other reasons. The expectation of children from the wife compromises her status in the family if this is not fulfilled. The rural women's groups stated that in the family, children are described as *umliba*, the future of the family. Children are taken as an indication that the family will grow and ensure its continuity. This is particularly the case with boys, who have to pass the family name to their children. Children are also seen to cement the relationship between the man and the woman who begin the family. As a result of this expectation, a couple is not regarded as a family until children are born.

According to the Chief's IC, it is the responsibility of the boys to look after their parents. Girls, on the other hand, are expected to marry and move away from home and take care of the family-in-law. However, one rural women's group, the health motivators, highlighted that girls continue to support their own parents and they actually do it much better than the boys. WLSA (1998:52) states that the more the women assume roles that traditionally belong to the men, the more they are burdened more than men. This fact calls for the redefinition of the roles and it should begin in the family. It furthermore

reveals that women have the capacity to do so much more than being confined to the kitchen.

The confinement of the women in the domestic arena presupposes that this is what the women prefer and the men prefer being engaged in gainful employment in order to fend for the family. In fact, the general irresponsibility shown by some of the men can be equated to abdication of their duties, and nothing is done by society to address it. WLSA (1998:53) observes that the burden of child maintenance increasingly falls on mothers and realises that societal expectations are now based on ideals rather than on the practical situation. The cost of living requires that both men and women work (have an income) to be able to cater for their own needs and those of their children.

The respondents, excluding the professional women, indicated that providing labour to the family is viewed to be part of the role of the women. The professional women respondents indicated that this expectation was burdensome because women are also currently in full-time employment. Unfortunately, the perception within the local community is that a real wife is the one who stays in the family compound and does all the home chores, such as working in the fields. Although the financial contribution of the women is required, they are not necessarily excused from working in the fields. This translates to women's workload or multiple roles. The submission agrees with Moser (1993:27), who states that women have multiple roles that include the productive, reproductive and community manager's roles. All these roles are fulfilled and no single role replaces another, leaving women with no time for themselves and unable to control the pressures that increase the demand for their services, such as the numbers of children. Having the least number of children would give them time to be productive and involved in community management, thus improving their well-being. However, the roles are neither balanced nor prioritised; everything calls simultaneously for the attention of the woman because she does not have control since her roles are predetermined by the family she joins in marriage.

4.3.1.3 Marital power

According to WLSA (1998:60), in a traditional marriage the husband has extensive marital power, which is undefined. However, marital power appears to be vast and extends not only to the husband but also to his family. This is well understood, as indicated in the presentation by the Chief's IC which said, 'Traditional marriage is viewed more as a union between two families symbolised through the bride wealth.' Similarly, Nhlapo (1992:44) describes traditional marriage as follows:

Swazi marriage is as much a social process as it is a legal one. It seeks to create a strong relationship between two groups of kin and is characterized by the involvement of both families in negotiations leading up to the wedding itself, in the life of the spouses during the subsistence of the marriage, and at its dissolution.

Marital power, which men are perceived to have, extends to and facilitates their ability to dominate the family by making the final decisions on its behalf. This power, according to the rural women's responses and those of the Chief's IC, is absolute. This means that this authority executed by the family is unquestionable and cannot be negotiated. The Chief's IC, as custodians of the culture that has awarded power and control to them, want to maintain the status quo, and therefore they maintain that the power of the husband should not be subject to questioning. However, according to the discussions with the rural women, the power is perceived as absolute because of their dependence on the men in terms of resources (land, housing and finances) and therefore submission to the authority is inevitable.

Men are furthermore the owners of the family resources, particularly those that are valued the most, such as land, money and livestock. The women may have access to these resources but they lack control over them. However, the rural women's groups and the IC believed that it is legitimate for the husband as the head of the family to control the family resources. Professional women respondents challenged this situation and argued that they also contribute to the family's income and the acquisition of the resources and this marital power ignores this contribution. From the views of the respondents, rural women and IC, it was gathered that in Swaziland men in traditional marriages have

absolute power in some families while in others power was subject to certain qualifications.

Furthermore, the respondents viewed small livestock, such as chickens, as within the women's domain. The control by women of minor resources is deemed to be necessary and fitting because these resources are needed to conduct their daily chores. This tallied with the subservient position that women occupy.

According to Armstrong and Nhlapo (cited in WLSA 1998:139) marital power accords the woman multiple roles as wife, mother, child bearer, producer and house manageress. It is surprising, however, to note that professional women in traditional marriages also suffered the consequences of marital power. This indicates how powerful the Swazi culture is to those who uphold it. This is also the reason why women who have contracted traditional marriages have difficulty in influencing decision making in the household because all the power belongs to the men or even the family and the women are the only reapers of the consequences.

4.3.1.4 Property inheritance rights

All the respondents agreed that under customary law the disposition of a deceased man's estate and the guardianship of minor children are decided by the male relatives. They stated that the eldest son usually inherits the estate and the widow is inherited by the deceased's brother, who plays the role of overseer of the deceased's household, to be able to benefit from her husband's property. The professional women respondents and WILSA-Swaziland, however, argue that the widow may not have consented to this act. Moreover, the overseer may be more interested in the widow's property than in assisting her, thus plunging her deeper into poverty.

WLSA (1998:193) states that women in traditional marriages can register property in their names. Traditional marriage is contracted neither in nor out of community of property. For this reason women who are married under this regime can register property in their own names as the Deeds Registry Act precludes only women married in

community of property from registering property. The property that women in traditional marriages can register is that which is outside the rural area or is not administered traditionally, such as title deed land. This is because traditionally, women are regarded as minors and assets of value, such as cattle, are registered in the name of the male partner. Consequently, all that is traditional, such as land acquired through the Chief in the community, cattle or the homestead, can only be registered at the Chief's office in the man's name. The professional women respondents reported that the extensive marital power in the marriage gives the men the authority to administer the property, even that which may have been acquired outside the traditional sphere. The property may be registered in the wife's name but she cannot freely dispose of it without the husband's consent. These provisions only safeguard the interests of the woman on the death of the husband. WLSA–Swaziland also agreed that proprietary rights in traditional marriages benefit the man, except those that include contracts which may be under the wife's name. The rural women respondents also revealed that property in marriage is under the man's supervision. As the husband and wife reside in the community, land or cattle also belong to them; even upon the death of the husband, they benefit through their children who will administer the estate.

This practice works against women who do not have children, especially a male child who is supposed to inherit the property. The Chief's IC stated that property administration is an exclusive prerogative for the man and his family. The other women respondents believed that the family's involvement allowed them to manipulate the practice for personal gain. To avoid a situation such as this, the widow may be forced to agree to being inherited by the younger brother of the deceased. In practice this means an exchange of sexual favours to prevent property grabbing by the family-in-law. As highlighted earlier in the literature, for the woman her sexuality becomes her survival, either by having a male child to administer her property or by agreeing to be inherited, which is not by choice but for her well-being and that of her children.

According to the Chief's IC, the custom allows women to manage small assets and produce of the land because women are farm labourers producing food for their families

and bartering their harvest of peanuts, maize and beans in exchange for the other goods they need in their households for sustenance. It was never conceived that women will one day have a salary and be able to purchase plots or own cars. In the past only men could afford to do so. Since property and assets were channelled through the male line, it was an advantage to men who owned most of the property. This condition no longer pertains as women now own property and they contract traditional marriages so that they can have their assets registered in their names (according to the views of professional women respondents).

One needs to note that according to the discussions, the rural women's groups and the professional women respondents believed that women fail to keep their property in traditional marriages: upon the death of the husband, property is not well inventoried. The women are not knowledgeable about the processes because their education is limited. In addition, they may not have information about the property owned by the husband. Finally, the woman may be preoccupied with the mourning rituals while the family decides on the successor, leaving her with no choice but to accept the decision not to benefit from the property.

4.3.1.5 Dissolution of traditional marriage

The respondents reported that it is difficult to dissolve a traditional marriage. WLSA–Swaziland argued that the woman has no grounds for divorce in the traditional marriage while the man can divorce the woman when she has committed adultery or witchcraft. The Chief's IC saw this arrangement as protecting women's welfare as men in traditional marriage would easily divorce their wives for another woman. The presentation by the respondents agrees with Nhlapo (1992:75), who states that Swazis do not contemplate the possibility that traditional marriage may be dissolved; they put in place measures to prevent any events which may extensively lead to the dissolution of the marriage, namely barrenness of the woman or death.

The rural women respondents from ASCA stated that the difficulty to dissolve the marriage is a result of the families' involvements in trying to resolve problems. This

group seemed to be unaware that even if the families were not fulfilling their role of reconciling the spouses in the marriage, their involvement does not provide any grounds for the woman to divorce the man. What emanated from the discussion was that the man and the woman are in a lifelong relationship and divorce is not an option and usually not even thought of. This could be the case because if the woman returns home, her parents have to give back the cattle paid as bride wealth, which they may not be in a position to do. This state of affairs subjects women to all kinds of hardships in the name of protecting her parents from shame. The IC states that even death does not terminate the marriage but simply ushers in a new phase in the relationship. Therefore, through the payment of the bride wealth (*lobola*), the woman has the obligation to fulfil all the expectations of a 'proper wife' and her family is in a lifelong debt to make sure that she does. Even when she dies, they are expected to provide a younger sister who carries on with the duties of the deceased.

WLSA–Swaziland said this kind of arrangement is a lifelong commitment and the woman has to live up to the expectations of the in-laws. This confirms the minority status of women in marriage: decisions are made for her and according to her marriage contract she has no say about termination of the union. She provides a service to the in-laws, that of carrying out the wifely duty of bearing children as per the expectation, and does not share in the enjoyment of the union. All these statements agree with that of Marwick (1996:33), that for Swazis, divorce is difficult to obtain and it is hard to separate from a man. He states the reason:

The Swazis have almost illimitable capacity to compromise, and it will only be in stubborn case where the grievous cause for complaint that the separation will be affected.

4.3.1.6 Conjugal rights

The rural women's groups and the IC shared the view that marital sex is the main reason for traditional marriage as it leads to childbearing, which is the primary function of women in this kind of marriage. One of the respondents from the rural women's group said, 'Upon marriage you are told that you have come to satisfy your husband's sexual needs and that all things will go right in the marriage if he is satisfied.' Professional

women respondents also stated that men know of their right to have sex with the wife whenever they want to and they continuously remind their wives that they paid a price to enjoy this right and that price is bride wealth. The Chief's IC also agreed that marriage is merely for sex and procreation, and therefore the couple should not refuse each other what is deemed to be the purpose of the union. The discussions show an unequal power balance as the woman is not expected to refuse her husband sex because she is the one who has been 'bought'.

Bentley (2002) states that marital sex is the woman's resource: children are produced through sex, and that holds the man's attention, hence directing his resources towards the woman and her children. Similarly, Watts and Mayhew (2000:3) state that for many women in sub-Saharan Africa, the withdrawal of material benefits when they withhold sex against their partner's wishes acts as a powerful inhibitor of their sexual freedom and safer sex practices.

The woman in the marriage comes to fulfil a sexual obligation while the husband may not necessarily fulfil his. This state of affairs leaves the woman with no room for negotiation for safer sex, refusal or even postponement of sex for any other reason. WLSA–Swaziland argues that since it is the man whose sexual desires are to be fulfilled, the woman completely loses control over her own sexuality as it is only meant to satisfy her husband's sexual needs for children and intimacy.

In addition, the rural women respondents said in marriage, it is the man who invites the woman for sexual pleasure and not vice versa. This is denoted by the siSwati saying '*yewela make*', a signal from the husband to the wife to be aware that he is ready and that she should cross over from her sleeping mat to his to have sexual intercourse. The conjugal rights are those of men and not of women because they are not supposed to invite or make any sexual advances. This presents a scenario where women are caught unprepared to have sex because there is no communication about the matter; it happens when and if the man wants to. The Chief's IC reported that the man proves himself during sexual activity. If the husband quarrels with the wife, he is not supposed to assault

her physically because there is only one 'stick' for the woman, and that is the penis. This brings the notion that sexual activity may be used to punish a woman and refusal can lead to marital rape. According to the professional women respondents, one cannot blame men for the violence in sexual activity but the socialisation which has made him aggressive on sexual issues. The rural women respondents observed that because the men demanded sex, they are mostly not ready for it and it is often not consensual. The rights of women on consensual sex free from violence are undermined as they are coerced to engage in the sexual activity. Discussions with the respondents agree with the opinions of WLSA (2004:25), that in traditional marriages there is irrevocable consent (the couple is bound) on conjugal rights, which are obtainable through the payment of bride wealth.

4.3.2 Cultural practices influencing the control of women's sexual and reproductive rights.

In this section, cultural practices that have an influence on the sexual and reproductive rights of women are discussed. These include polygamy, bride wealth, mourning, wife inheritance, and the taking of a subsidiary wife.

4.3.2.1 Polygamy

The respondents from rural women's groups and the professional women observed that the control of women's bodies is sanctioned by the highest authorities in the community (the Chiefs) through practices such as polygamy. Swazi society has shown displeasure with unmarried women by arranging marriages for them. As a consequence, many women are grateful to partners who marry them. They feel indebted to these men who have elevated their status in the eyes of society by making them wives and as one of them put it, '*Ungente umuntfu*,' meaning 'He has recognised me.' Polygamy gives a man the right to take as many wives as he wishes, and the basis will be the number he can afford to support, as the Chief's IC reported. However, with the present economic pressures, the women in polygamous situations find themselves overburdened with the sole responsibility of providing for the family, including extended family members. This indicates the powerlessness of women in determining a family size that cannot overstretch the family's resources. The Swaziland Ministry of Home Affairs (1996:13)

raised concerns that women in polygamous marriages are overburdened with the responsibility of providing for the family as the husband's resources are thinly stretched amongst the number of women and children. Within the different groups, the rural women respondents who are in polygamous marriages shared the following concern: as wives they are not consulted when another wife is to be taken, yet they would advise in terms of whether or not the family can cope with the increasing numbers in view of the resources at their disposal.

The UNDP (2002:19) asserts that polygamy, in its present form, has been portrayed as an institution that is not only highly discriminatory and oppressive against women but also unproductive for the development process as a whole. It introduces an inequality in the personal relations between the spouses, particularly in the depreciation of a number of values such as fidelity. WLSA–Swaziland agrees that polygamy is discriminatory and reflects, 'As from when does a polygamous man who frequents another woman become unfaithful, if we consider that he has the right to marry another woman.' However, Whiteside et al (2006:17), state that polygamy is meant to safeguard men from engaging in casual sex. The respondents, both the professional women and WLSA–Swaziland, do not agree that polygamy safeguards men but instead causes problems by allowing men to have casual sexual relationships. Professional women respondents stated that polygamous men continue to engage in extra-marital affairs. This, for the women, means a polygamous society is allowing men to have sexual freedom and restricts women to one husband.

In addition, the Chief's IC stated that the woman would have been consulted before the husband took a second wife and will have had an input. This might have happened in the past, but currently the wives compete instead of helping one another. According to the rural women respondents in a polygamous marriage, wives are ranked according to their seniority, which is determined by the order in which they marry, the first wife being the highest in rank. One respondent within the group stated that 'in the marriage you know as the first wife that one day there will be a second wife, and to avoid being taken by surprise, you then bring your younger sister to be the second wife so that you can

maintain your seniority status. If the second wife is a relative you are able to control her and yet another woman that you do not know will not respect you as the elder wife and will not assist you in your fields.’ The three groups of rural women further indicated that a wife requested her husband to marry her relative to prevent the husband from having a wife who will automatically rank higher than her because the second one comes from a rich family (one that has a great deal of cattle or land) or is related to the Chief or King (a Dlamini), and will therefore join the family and start ordering the first wife around. The whole scenario is created by the fact that the wife cannot say no to the man’s bringing a second wife, so in an attempt to cushion herself and to protect her position, she brings in a relative; however, this does not mean that she approves of the situation. This position completely discourages women to participate fully in the decision-making process. Furthermore, the women will risk their lives to keep the men. This fact was well articulated by the rural women respondents who said, ‘The husband becomes your king in the homestead; you never question him because of fear that he may take some time before he visits your household.’ The statement means that the husband is the head of the household and should not be interrogated as that will make him develop a disinterest in visiting that specific woman’s house.

Polygamy is incompatible with development and it impacts negatively on the well-being of the women and the children for several reasons. Its institutionalisation confers on men the control of the reproduction and production roles of women. It is often used in the rural areas, as stated by the rural women respondents, for the exploitation of female and child labour in the man’s fields.

The Swaziland Multisectoral Strategy on HIV/AIDS (Swaziland Ministry of Health and Social Welfare 2006:14) states that polygamy in urban areas in particular, but also in rural areas, partly explains the increasing phenomenon of female-headed households with the attendant difficulties in providing quality education for the children from the women’s single and meagre income. Three groups of respondents, WLSA–Swaziland, the professional and the rural women, agreed that some of the wives of a polygamist are compelled to assume sole responsibility for the upkeep and education of the children

since the polygamous man lacks adequate resources to assume responsibility as a father and spouse.

A respondent from the ASCA group pointed out that the husband will purchase groceries for some of the wives and omit others. This, according to the group, is being neglectful and irresponsible. The husband would do this because some of the wives are involved in income-generating activities, so he assumes that they have enough money to cater for their own needs. The Chief's IC, however, stated that in a polygamous marriage there is *nabondvuku tihlala kakhe*, a favourite wife. This woman gains the man's favour and is visited regularly while the others wait for their turn. This favouritism trickles down to the resources; the favourite wife will have easy access while the others have to follow the protocol of placing a request and being attended to a few days later.

4.3.2.2 Bride wealth

According to WLSA–Swaziland, bride wealth implies that the bride has been transferred to the groom's family along with her reproductive and productive capacities. Once the payment has been made, the in-laws expect the bride to bear children. The respondents all agreed that childbearing is related to the bride wealth. In this case, the practice impinges directly on women's sexual and reproductive rights. Bride wealth purchases the women's reproductive capacity and leaves the woman with no option but to comply as the families have concluded discussions. This practice discriminates against women who may, for medical reasons or out of choice, not bear children. Bride wealth is clearly the main reason why a man can send a barren wife back to her parental home or take a substitute wife. Having a substitute wife is another way of controlling women and their right to choose a partner and to have children.

According to the Chief's IC, this tradition was meant to cement the relationship between the two families and to show appreciation for the raising of the girl. However, the professional women and the rural women's groups interpret it to say the wife has no right to make any reproductive choices, nor does she have the right to end the marriage. The marriage cannot be ended because paying *lobola* means the girl has been purchased and

she can no longer belong to any man but her husband, until death. This practice places a great premium on the woman's procreative capacity but does not recognise her parental rights as legal guardian of her children. As stated by the UN (2003:90), women cannot pass their citizenship to their children. This practice forces women to stay in the marriage to avoid losing the children. It further perpetuates women's subordinate position in decision making on sexual matters as the relationship is cemented by the bride wealth paid for her and tolerance of the marriage.

The Chief's IC further said that the practice is meant to symbolise the establishment of new familial relations. Professional women respondents, however, viewed it differently. They stated that the husband and his family boast about the number of cattle they have paid for their wives and which they say gives them the right to demand sexual favours. This is problematic because it is used as a justification for the violation of women's rights. However, a husband has grounds to initiate divorce if the woman should exert her right to refuse to render conjugal rights.

The decision whether or not to have children and how many should be subject to an agreement between the husband and the wife. The woman owns her body. However, because of bride wealth, a woman does not give full consent to pregnancy and as stated by the rural women respondents, women are not able to decide on the number of children they will bear and the spacing between the births. These factors moreover present a situation where women are not able to control the results of their sexuality: however many children she bears, she is probably the one who will take care of them in the light of the unequal distribution of responsibilities between parents. This responsibility should be changed. Besides the physical impact of pregnancy, the woman is the one who will meet the children's daily needs as far as food, water, clothing, hygiene and probably school fees are concerned. In this regard, she is the one in the household who is able to determine whether the resources (human or financial) exist for a certain number of children at a given moment (WILDAF 2000:40).

Similarly, Russell (1993:51) states that the pressure women are subjected to to have a male child makes women feel guilty, incomplete and ashamed or that she is a bad woman if she does not have one or more boy children. These feelings of failure allow the exercise of marital rights in which the man is empowered to have non-consensual sexual relations with his wife. The rural women respondents agreed that a married woman is expected to have a male child who will continue the family line. In addition, the professional women and WLSA–Swaziland agree that the requirement of a male child puts pressure on women since they do not have control over the sex of a child.

In addition, McFadden (1994:64) states that the marriage and payment of the bride wealth are indications of the loss of personhood for a woman. She observes the following:

The practice speaks loudly to the absence of the recognition that an African woman is a person in herself, of herself, as a human being, as a citizen of a country, and that her right of personhood is as sacred as any other human right.

The bride wealth furthermore buys women's sexual and reproductive capacity in the sense that the husband assumes monopoly over the woman's sexual identity. She can have a sexual relationship with her husband only. The Chief's IC agreed with the aforementioned statement that payment of bride wealth gives the man the right to have sex with the wife. If the wife is found to be having intercourse with another man, the man is fined a number of animals because he has interfered with another man's property. A husband, on the other hand, may have several wives and extra-marital affairs and still expects his wives to be faithful, according to the professional women respondents. Fidelity is thus not a reciprocal duty. Women are restricted while men are at liberty to enter into sexual relations with other women.

From the presentations made by the respondents I conclude that when bride wealth is paid, the in-laws are not truly interested in the woman but in something she owns: her fertility (Astuti cited in WLSA 1998:183). Through the payment, the man gains access to

the woman's fertility and its product, which is children. The children take his name and carry on his lineage.

4.3.2.3 Mourning

The mourning period, as stated by all respondents, ranges from two to three years and during this period the woman is restricted from engaging in sexual relations and economic activities. The professional women respondents asserted that there is so much emphasis on the symbolic dress and so little on the grieving widow. This phenomenon discriminates against women as the mourning gowns bring obligations that inhibit women from engaging in sexual activities. According to WLSA–Swaziland the in-laws reinforce the restrictive procedures in many cases, and yet the marriage is between the two families. Her welfare should be their concern. This lack of feeling indicates the minority status of women in the marriage and their lack of decision-making power. The presentations of the respondents of WILSA (2002:13) confirm that the mourning of a husband in Swaziland is restrictive and alienates women from the rest of society by confining her to the house for a month and by insisting on mourning gowns that restrict her movement as she is not allowed to attend certain community activities.

Mourning sets two standards of behaviour for women and men. The rural women respondent highlighted that 'If you refuse to mourn for your husband, you are labelled as being a prostitute rushing to get another man.' The professional women respondents also stated that refusing the mourning gowns will be taken as a sign of disrespect toward the family. The Chief's IC, on the other hand, viewed the practice as a way of being considerate toward the bereaved women and giving her space to reorganise herself. The myths surrounding the practice as presented by the respondents indicates that the purpose of mourning and the long periods of not interacting with the public are ways of preventing sexual relationships with other men, especially those who do not belong to the family. WLSA–Swaziland argued that instead of the mourning period being time for the women to mourn, it is time for the in-laws to strategise on how they retain the widow and the property in the family.

In addition, professional women respondents asserted that mourning is one way of controlling women's sexuality because the widow is isolated from the rest of society and does not have the opportunity to refuse to follow the custom. The husband is only given seven days to mourn his wife's death because he quickly has to resume his conjugal obligations to the other wives if he is in a polygamous marriage or to take another wife if it was a monogamous marriage. This creates an unequal power balance in sexual matters. It also goes against the Swaziland Constitution (2005) which states that women should not be forced to undergo any cultural practice which they are opposed to. However, the Chief's IC argues that the practice is meant to give women enough time to mourn the death of the husband and plan her life with her children. The husband, on the other hand, is not expected to grieve the death of his wife and his sexual needs are considered. This state of affairs assumes that women do not have sexual needs, and this belief gives men the upper hand in deciding for them when and how their sexuality should be expressed.

During the mourning period a woman is regarded as unclean, and people fear to make sexual advances and to engage in a sexual relationship with her because of certain myths, such as that some evil will befall a man if he should have sexual intercourse with a woman in mourning. This may be the death of cattle or children. The *Times of Swaziland* (2008:14) reported that a woman of the Maphalaleni community refused to mourn her husband claiming that she had agreed with her husband not to wear the gowns. The Chief's IC of the area took offence and fined her five head of cattle. This does not happen to men when they are in mourning: they engage in sexual activities while women have to wait for a long period.

One could ask why the woman was fined, and the simple answer would be that women have to carry out the instructions of the in-laws who are also part of the marriage and that disrespect or refusal is punished. Again, this indicates that for a great deal needs to be done for full implementation of the Constitution and before women can enjoy its provisions. All the respondents agree with the Swaziland gender policy (Ministry of Home Affairs 2008:9) which stipulates that women may not refuse mourning because family and community interests override those of the woman.

4.3.2.4 Wife inheritance (levirate)

According to the respondents, wife inheritance means that a widow is taken over by one of the male relatives of the deceased as his wife. According to the Chief's IC, the practice is understood to have been a way of retaining the deceased's assets in the family and of ensuring that the deceased's children are cared for. Similarly, Whiteside et al (2006:18) state that the widow is allocated to another male within the family to sustain her and her children's livelihood. The rural and professional women respondents, however, do not agree with this statement. They describe the practice as being discriminatory to the woman because if she refuses, her children may not inherit the deceased's property. Thus, as highlighted by WLSA–Swaziland, in some cases many widows are forced by circumstances to enter into the union. The widow may have contributed a great deal to the marriage and may be unwilling to leave what she has attained and start over. Once again it shows that women's sexuality is used to control not only their sexual mobility but also their well-being. Man (1991) observes that a man uses his control over the inherited resources to force his brother's wife to accept him as husband. The Swaziland Constitution (2005) states that women are not to be coerced to follow a practice they are opposed to, but it does not provide a solution for the recovery of the property from the in-laws.

According to the professional women respondents, attitudes in regard to property inheritance are changing in their marriages. One of the respondents stated that there are instances in the nuclear family where the husband, while still alive, had made it clear that his wife should not be subjected to the custom. However, it is possible for the deceased's family to impose all kinds of pressure to persuade the widow to conform to their wishes. The reason could be that the family has a say in the marriage and that decisions are not concluded by the spouses alone. In the marriage the woman therefore completely surrenders her whole being to the control of the in-laws. As a child in the family, the wife has an obligation to submit. The woman's right to choose a partner is overlooked and because of her minority status, she cannot question the in-laws as this is part of the practice in the marriage she has contracted.

If a woman decides to remarry, it is her choice, but her preference must be exercised freely or it ceases to be a one. The rural women respondents said women should not be subjected to violations and humiliations such as having to marry the brother of the husband or be forced to make herself sexually available to members of his family. Widows are considered old women who are no longer interested in sex. The reality, however, is that many widows are young because of early deaths resulting from HIV/AIDS-related illnesses. They find themselves in a precarious situation. The fact that many young people, who have just founded a family, die of AIDS-related illnesses in Swaziland and the entire sub-Saharan African region requires consideration of women's status in marriage. The status of widows therefore requires urgent action. The death of a husband can mean death to the woman if his children and his house are taken from her.

In addition to the challenges posed by the practice, both the rural and the professional women respondents stated that a reversal of roles occurs when a younger brother of the deceased has to take over as husband because he may have had a particular relationship with his sister-in-law who is older and may not be comfortable engaging in a sexual relationship with him.

Moreover, the wife of the younger brother who is her sister in marriage now has to share her husband without her consent. This arrangement is made without the agreement of the parties concerned and compromises the women's ability to decide with whom they want to have sexual relations. Since traditional marriage is polygamous, the wife of the inheritor eventually has to accept the second wife.

4.3.2.5 Subsidiary wife

The system of remarrying within the family and taking a widow as a second wife was pinpointed by the respondents as levirate. The subsidiary wife is normally a younger sister of the wife or cousin and she comes to the family to help out when the wife is barren or dies early in the marriage. At marriage, the groom is given a subsidiary wife who is usually the bride's younger sister. The professional women respondents confirmed

that the husband may demand that the subsidiary wife become his wife and bear him children, especially if his wife cannot.

First, the subsidiary wife does not consent to marry; the marriage is arranged when she is young and therefore she is deprived of the choice of a partner, which is one way of dictating terms for her sexuality (according to the professional women and WLSA–Swaziland). The United Nations Economic Commission for Africa (1995:15) states that ‘marriage shall be entered into only with the free and full consent of the intending spouses’. The subsidiary wife practice is totally opposed to freedom of choice; the respondents show it is meant to save a situation of barrenness and to maintain the friendship between the families, as stated by the Chief’s IC. However, the professional women respondents observed that this practice is demeaning to the first wife as she loses respect the in-laws’ respect. The in-laws do not see any value in a woman who does not bear children. The rural women’s respondents said that the first wife will be called names and regarded as useless because she has not fulfilled her role as a woman, namely that of bearing children.

Second, WLSA–Swaziland and the professional women respondents said that the subsidiary wife comes to the husband to fulfil the reproductive role that her sister could not and, for which she may not be ready or may not even have thought about. She might still be pursuing her studies and have ambitions, but she has to respect the elders’ decision to save her sister from the humiliation of not having children. As UNICEF (2007) states, early marriage prevents girls from acquiring education and keeps them trapped in the cycle of reproduction. Once again, taking the girl out of school indicates the powerlessness of women in making decisions that affects their lives. Ironically, in most cases the woman is considered to be the one with a fertility limitation. In cases where it is the husband who is infertile, the woman will rarely be expected to have sex with her brother in- law to produce children for the man.

WILDAF (2000:16) observes that women have little say in decisions concerning their lives. The apparent marriage continues because the girl gives in as there is no alternative.

Women are neither minors nor incapable persons and should not be treated as such. Marriage is a universal right acknowledged for all. Talking of incapacity is in fact a negation of this right.

The professional women respondents said that the practice of taking a subsidiary wife perpetuates polygamy. The marriage could have been monogamous but bringing in the younger sister turns it into a polygamous marriage with her relative and this may strain the relationship between the two wives. The feelings of both the women are overlooked and the interest of the patriarchal societies prevails, reducing women to objects that have to produce children irrespective of how they feel about the relationship. According to the rural women respondents, it is difficult for the first wife to leave the marriage because of her economic dependence on the man and as a result she succumbs to the situation.

WLSA–Swaziland asserts that the subsidiary wife does not have a right to the children she bears because they belong to the older woman and the husband. She is really in the family as a worker, except that she is not paid for the job and her position is even worse than that of the first wife. However, the Chief's IC views this as a good practice that enables the man to have children, and for them it not an issue who raises them because they belong to the man and not to the woman.

Traditional marriage generally and the payment of the bride wealth specifically makes women powerless in decision making on sexual matters and holds the bride's family ransom to fulfil all the request made by the groom's relations. In the light of these factors, I agree that bride wealth is the cornerstone of the marriage and is used to justify all the customs and practices that women undergo, including mourning, wife inheritance and levirate.

4.3.3 Impact of the lack of control by women over their sexuality

The respondents identified several issues that result from controlling women's sexuality, and they are discussed in the following sections.

4.3.3.1 Marital rape/physical violence

The respondents agree that women have suffered in traditional marriage because of fear to end the marriage. They also alluded to the fact that in traditional marriage, conjugal rights have been used to sexually assault women. The Chief's IC said that men have marital power over their wives and are not entitled to commit physical violence, but in reality they take advantage of their authoritative position and subject their wives to bodily abuse. WLSA–Swaziland stated that many women suffer silently from marital rape, but unfortunately the matter is difficult to pursue. According to the professional women respondents, there is now some discussion about sexual pleasure as a woman's human right to counter the belief some women are brought up with that sex is a marital duty rather than a source of pleasure. In addition, the rural women respondents confirmed that among other expectations in marriage, women are supposed to satisfy their husbands sexually and never refuse them intercourse because it maintains good relations in the family. Even though the Chief's IC stated that men are not expected to assault their wives physically, the notion that women always have to agree to have sex with her husband puts them at a disadvantage and they fear violence should they refuse. UNIFEM (2001:9) concludes that violence and the fear of violence may intimidate women and keep them from trying to negotiate safer sex, discussing fidelity with partners or leaving risky relationships. This indicates the unequal power balance in traditional marriage, giving men an upper hand to control women's sexuality.

4.3.3.2 HIV/AIDS

Women's lack of control over their sexuality has furthermore contributed to the HIV/AIDS pandemic. Since women are not seen to have the right to control their sexuality, they are vulnerable to contracting sexually transmitted infections as a result of their partner's promiscuity. Whiteside et al (2006:17) state that cultural practices in traditional marriage create gender inequalities as they give the husband control over his wife's sexuality. The authors assert that because of this control, there is a danger that women feel unable to insist on precautionary measures such as practicing safe sex. In addition, Whiteside et al (2006:17) write that the spread of HIV has been attributed to

having multiple sexual partner relationships. Professional women respondents agreed with the statement as they argued that polygamy make women vulnerable to contracting HIV/AIDS as there are many partners in the relationship. The respondents highlighted that the state of affairs predisposes the wives to HIV/AIDS because if one of the wives has the virus, it may be passed on to the others as protection is not used.

UNIFEM (2001:27) states that as women are unable to control their sexuality, they are made vulnerable to the HIV/AIDS pandemic which has led to a dramatic increase in female-headed households. They have to survive on woefully inadequate resources and the capacity to care for the sick and dependent is completely exhausted. Their own care, if they are infected, is neglected. Even though the Chief's IC disagreed that cultural practices such as polygamy contribute to the spread of HIV/AIDS, they did acknowledge that people in the community are sick and that in many households parents die leaving children without parental care. Rural women respondents and WLSA–Swaziland reported that many widows strive to keep their families alive from the time the husband falls ill to the time have to struggle on their own to provide for the basic needs of their children.

The rural women respondents highlighted that the care role of social reproduction for women has broadened its scope as they now have to go beyond their homesteads to care for community children who have lost their parents. Professional women respondents also bear witness to the broadened caring role for they are expected to provide for the entire extended family's needs. As wage earners, women in employment are always thought to have enough resources to provide for all.

The high prevalence of HIV/AIDS has left a number of children without parental care as the death of parents is on the increase. Currently the number of orphans and vulnerable children (OVC) in Swaziland is estimated at 63 000 and projected to be 120 000 by 2010 (UNICEF 2007:117). HIV/AIDS has had a great impact on children. Children are now heading households as extended families are no longer able to take care of those who have lost parents to AIDS. Children are consequently forced to drop out of school and take care of their younger siblings. As one of the respondents from the rural women

group reported, her children are all employed as domestic workers to supplement the family's income. This is child labour which is propelled by poverty and lack of sufficient support from the parents.

Children have also suffered from desertion. The professional women respondents argued that since the marriage is polygamous, they become heads of households and the men's resources will be thinly spread among all the children. The Chief's IC, on the other hand, did not blame the practice of polygamy but stressed that certain factors destabilise the polygamous marriage, such as drought, and observed that it is currently expensive to maintain this type of marriage. This, in my view, will form the basis of reviewing the practice as the economic and social environments no longer support it. According to Nhlapo (1992:78), primarily wealthy men were in polygamous marriages in the past.

4.3.3.3 Extramarital relationships

Another issue raised was that the husband may be engaging in sexual relationships with other women who are prospective wives. They may still have other male partners and may not be committed to the relationship until they marry the husband. WLSA–Swaziland and the rural women respondents also mentioned the aspect of women's not being able to negotiate for safer sex or the use of protection. This problem indicates that no matter how knowledgeable one is about HIV transmission, traditional marriage does not provide for the couple to have a discussion because the husband has the final word in decision making. The woman is reduced to being property and subordinate in the relationship. Her voice is not heard, especially about sensitive matters involving sexual activity. The Chief's IC does not share the view that polygamy or multiple sexual partnerships contribute to the spread of HIV but states that it is individual behaviour that puts one's life at risk of contracting HIV/AIDS. The presentation made by the Chief's IC views men as having control of women's sexual and reproductive rights. It also assumes that until a woman is married, she remains pure and does not engage in sexual relationships until the arrival of a man who has committed himself to the relationship and has started negotiations for payment of *lobola* with the family of the bride-to-be. This is unrealistic thinking as the number of infections indicated in the HIV/AIDS prevalence

survey show that children as young as 15 years engage in sexual relationships and they are involved with older men who may not necessarily be interested in marrying them (Central Statistics Office 2006:235). The findings are in agreement with those of the Ministry of Health and Social Welfare (2006:7) that state that one of the drives of HIV/AIDS in Swaziland is trans-generational sex.

Chimbiri (2007:1102) states that condom use is negligible inside marriage. There is considerable talk about condoms and virtually all discussion about condoms is in the context of preventing sexually transmitted infections in extramarital partnerships. Initiating a discussion of condom use to prevent infection in marriage is tantamount to bringing an intruder into the domestic space. The foregoing statement supports polygamous men who believe they are in control of their wives and are faithful within the polygamous marriage, as stated by the Chief's IC. However, for the women respondents, polygamy is an entry point for HIV as it allows men to be promiscuous with no questioning about fidelity. The Ministry of Health and Social Welfare (2006:10) observes that male promiscuity and the abuse of power by men in sexual relationships are celebrated in the country as *bunganwa* (being a stud), while women are expected to be faithful, and should she the test, she could be unceremoniously left, divorced or killed. Women are generally expected to be submissive and accepting of their promiscuous male sexual partners, even if the men's behaviour clearly puts them at risk of becoming infected with HIV.

4.3.3.4 High birthrate

The control of women's sexuality leads to women having many children that they are not able to provide for. As stated by the rural women respondents, they end up having many children as they try to conceive a male child who has to be born to continue the family line. The woman does not control the number of children but simply renders a service according to expectations. However, the Chief's IC stated that women are the ones who control the number of children born in a marriage. This is a challenge as the women fulfil the reproductive role as an obligation and to maintain the marriage, as stated by WLSA–Swaziland. Childbearing has nothing to do with how women feel but is a duty to be

fulfilled to save her family from embarrassment. When women fulfil their reproductive role, the rural and the professional women respondents asserted, the children become too many and women end up not having enough resources to cater for their needs. As a result, children drop out of school, have food shortages and lack clothing. In the event of HIV/AIDS in the family, the burden becomes even heavier as there are many children to look after.

4.3.3.5 Increased number of early marriages and school dropouts

WLSA–Swaziland reported that children have been forced into marriage at a young age as subsidiary wives for a brother-in-law who has lost his wife or a sister who is not able to bear children. Early marriage, as cited earlier, deprives the girl of opportunities for education and economic advancement; they become housewives whose main role is reproduction. The women respondents from all groups understood the desirability for educating the girl child as opposed to having her enter into an early marriage, but they highlighted that they did not have power to refuse when the children were sent into marriage. They stated that a man with many girl children is said to ‘have a big *kraal*’ as future son-in-laws will be paying bride wealth. The Chief’s IC, on the other hand, understood why the girl child should be sent to school but culture compromised their response and they maintained the family was equally important. Two of the respondents from the professional women’s group stated that in their marriages, there was no arrangement for the provision of a younger sister being reserved for their husbands should they have challenges bearing children or die. However, since they have children and their husbands are still alive, it is difficult to conclude that their younger sisters will not become substitute wives. The family ultimately has the right to make the decision as they are part of the marriage even though the spouses may have agreed that substitute wives should not be taken. The involvement of the families in the marriage prevents women from escaping the control; even if they are in a monogamous marriage, they are not able to live and make decision independently.

According to UNIFEM (2001:15) not only does early marriage deprive the girl child of education but it is also responsible for generating unequal power relations within families

and increasing women's vulnerability to disease such as HIV/AIDS. WLSA–Swaziland stated that marriage to an older man sets up significant imbalances between husband and wife in terms of experience, authority and economic autonomy, while professional women respondents said it deprives the younger sister of her childhood and forces her to lifelong dependency on men. In addition, one respondent from the group of rural women said that she was married at sixteen and could not say a word except to show respect for this old man who was her husband. Some of the respondents in the group agreed that early marriage was performed deliberately to ensure that the woman respects the husband and his power and authority in decision making goes unquestioned. As indicated by the rural woman respondent, a girl of sixteen in the rural areas without a source of income or education surrenders to the control of the man in every way, including the use of her body. The consequent termination of their education and employment prospects guarantees that a dynamic of inequality will continue throughout their adulthood unless child marriage is reviewed. UNIFEM (2001:15) concludes that when young girls marry, their education is impeded and their economic autonomy is consequently restricted. This has long-term effects that include the limitation of women's skills development and independence and reduced access to employment. The lack of access to sufficient means for a liveable income compromises the well-being and quality of life of children because the women are food providers.

4.3.3.6 Impact of control over women's sexuality on development

All the respondents agreed that communities have suffered from the consequences of the control over women's sexuality, which includes the high number of orphans and vulnerable children and child-headed households in particular. The Chief's IC as the community leadership observed that the communities are providing assistance through communal gardens and only have one harvest which is not enough to sustain the families throughout the year. The rural women respondents have also seen the impact as they have to be involved in home care visiting the children without parents. The professional women respondents who are employed have also been financially strained to take care of the extended family's needs in terms of food and school requirements. This cycle of

dependency is created in part because of women's lack of control over their sexuality, resulting in a community-wide lack of basic needs, such as food.

The Chief's IC observed that there is lack of productive labour and as a result land is idle, leading to food insecurity. Communities depend on relief handouts from the government and NGOs. According to Ilkkaracan (2007:39), family resources have been completely expended to care for the men, and the women left behind have little independent access to resources. Ilkkaracan (2007:39) further says the situation is worse in rural areas, where women are responsible for subsistence farming; their care burdens result in little productive time on the farm, threatening the family's food security. The women's groups from rural areas and the professional women were in agreement as they reported that the caring role was expanded as a result of children losing their parents. For the rural women respondents, conditions are worse as they do not have employable skills and the drought, as mentioned by the Chief's IC, is limiting the harvest.

4.4 CONCLUSION

Certain practices in traditional marriage discriminate against women. They include access to divorce, inheritance, wife inheritance, polygamy and bride wealth. The women's group respondents (rural and professional) and WLSA–Swaziland stated that control of women's sexuality exists in marriage and this state of affairs has been attributed to the cultural practices that enforce the subordinate status of women in decision making and sexual relations. This report agrees with literature that the laws and practices relegate women to a subordinate status in the family and restrict their autonomy to make decisions about their lives (Whiteside et al 2006:17). The Chief's IC, on the other hand, believes that the cultural practices are not meant to control women's sexual and reproductive rights but to bring order by channelling social reproduction, and the negative impact thereof is brought about by other factors that hinder the correct practice of Swazi customs. Therefore the control of women through cultural practices will continue to prevail as the custodians of the practice deem it necessary and not harmful. There are also different interpretations of each practice, and men in their advantaged position will continue to abuse their power to limit women's autonomy in marriage.

The government will be required to eliminate discrimination against women in the context of marriage and family relations. It also has to ensure that women and men have the same right to enter into marriage, to freely choose a spouse, and to enter into marriage only with their free and full consent. They should have the same rights and responsibilities during marriage and at its dissolution by the domestication of conventions concerning women, such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and communities should be sensitised to their provisions. The Swaziland Constitution was launched in 2005, but the laws to render it operational it are still not reviewed making the Constitution only a desirable dream with regard to women's freedom.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1. INTRODUCTION

In the study, sexuality has been defined as the right to decide when and with whom to have sex, whether or not to bear children, when to bear them, by whom and how many. At present patriarchy controls the sexuality of women, controlling the choice of partners, the expected relationships between spouses, the dependent position of women and the young in the family and the extent to which women are permitted to make decisions. The study has revealed that a woman is always under the dominion of someone: her father, her husband or her son. Before marriage she is under the guardianship of her father, after marriage of her husband and upon death of the husband of her son, or someone from the husband's family who becomes the estate administrator. The study also revealed that the purpose of traditional marriage is to transfer the dominance over the woman from her father to the husband. At times the girl is married off at a young age to ensure that the domination is not questioned. Suppression of the girl is also ensured by marrying the girl to a man who is much older. Seniors in the family then decide on biological reproduction.

Women must be liberated from patriarchal controls. Interviews with respondents showed that women are made to bear more children than they desire and they have no control over sexual matters. This chapter presents conclusions and recommendations according to the study objectives.

5.2. CONCLUSIONS RELATING TO THE FIRST OBJECTIVE

The first objective was to ascertain the extent of women's control over sexual matters in general and in Swazi traditional marriages in particular. WLSA (2004:32) and Nhlapo (1992:47) state that upon marriage, the woman's reproductive rights are transferred to the man and his family and this leaves her with little say about where, when and how many children she will bear. The study revealed that women in traditional marriage do not have control over their sexual and reproductive rights. All the respondents agreed that the marriage transfers her reproductive rights and also confers extensive marital power over the woman on the husband and his family. This leaves her powerless in decision making about issues affecting her life with regard to social reproduction. Traditional marriage also has a consequence for the status of women. The minority status which is inflicted by the marriage on women creates various legal impediments to their full participation in all spheres of life. For instance, the extensive marital power over women compromises their legal capacity. Men are required to be guardians when they access land in the community and in addition, property inheritance is channelled through the male line rendering women without control of productive resources (Swaziland Ministry of Home Affairs 2008:18).

Consequently, the woman's economic power is limited and her participation in the development activities of her family and community is restricted. Narayan et al (2000) observe that because of their minority status, women's power and voice in the household, community, and national decision making tend to have less impact than men's, particularly among the poor, resulting in female-headed households being poorer than male-headed ones.

The study revealed that the obligations of traditional marriage include child bearing, raising the children, cooking and fetching fire wood and also working in the fields to ensure that there is food for the family. The woman does not have control over the number of children she has as it may sometimes depend on son preference, which results in many children born per family. The Swaziland Central Statistics Office (2006:111) states that women prefer to have fewer children than men and the indicated ideal family

is three for women and five for men. The high numbers have economic implications for the household in terms of provision for the health, education and nutritional needs of the children. If the high birth rates are not controlled, the demographic and population impact in terms of service provision for schools and health facilities will render government programmes on family planning irrelevant. Therefore, such programmes should target not only women's use of contraception but also the structures that hinder them from seeking family planning services.

The study revealed that marriage contracted traditionally has no grounds for divorce for women but that men have grounds based on adultery and witchcraft. One may therefore conclude that male traditionalists in Swazi society use traditional marriage as an instrument to perpetrate men's control over women. To maintain the status quo, men initiate the marriage and its dissolution while women are left out in the process of negotiations. It is unjust that women do not have grounds for divorce, irrespective of the circumstances. Widows find it difficult to engage in an alternative marriage because they still belong to the family of the deceased husband, whether or not it is providing for her economic needs. Consequently, widows are among the poorest in the community and eventually agree to being inherited by male relatives for recognition by the family and for survival of their children. According to CEDAW Article 16, Subsection 1(c), men and women have the same rights and responsibilities during marriage and at its dissolution. Swaziland has ratified the CEDAW convention but it has not yet been domesticated. Women therefore do not yet benefit from its provisions, and this process should be accelerated so that women can exercise their fundamental right to dissolve marriage and to remarry if they wish to.

5.3. CONCLUSIONS RELATING TO THE SECOND OBJECTIVE

The second objective was to identify the factors influencing the extent of control women have over sexual matters in traditional marriages. Traditional marriage was identified as the key factor that hinders women's sexual empowerment because it accords an inferior status to women upon marriage. The status of a woman makes her a perpetual minor and

hence she cannot make decisions on her own but requires male guardianship (Lipinge & Lebeau 2005:37). Furthermore, traditional marriage has inherent practices that compromise women's involvement in decision making even on sexual matters, and these include bride wealth, the taking of a subsidiary wife, polygamy, mourning and wife inheritance.

5.3.1. Bride wealth

The traditionalist IC and supporters of the practice of bride wealth argue that it is meant to cement relations between the two families in marriage and was never intended to be a commercial venture. However, the practice now resembles a commercial transaction. A wide range of power imbalances and inequalities between men and women rooted in this cultural expectation have put many women in a position of being unable to negotiate safer sexual practices with their partners. In addition, women's subordinate status under customary law is revealed in marriage rites. As is the case in certain other African countries, traditional marriage in Swaziland involves the payment of bride wealth (Hlanze & Mkhabela 1998:30). Findings from the study highlight that bride wealth transfers the decision-making power over sexual and reproductive rights to the husband, leaving no room for negotiation by the woman. It furthermore gives the man the right to demand sex whenever he wants to because of the authority he has over the woman through the payment of the bride wealth.

This practice of bride wealth has negative implications: women in traditional marriage are unable to exercise the right to make reproductive decisions pertaining to their lives (Swaziland Ministry of Home Affairs 2008:10). The expectation of childbearing and the preference for the son limit negotiations and the woman's participation in decision making on sexual matters as the maintenance of the marriage depends on the woman fulfilling these obligations. In the era of HIV/AIDS where one of the couple or both have AIDS the marriage does not provide for the application of preventive measures for safer practices, such as condom use, and therefore exposes the couple to HIV infection or re-infection if both spouses are HIV positive. Efforts to curb the spread of HIV/AIDS have not been successful and therefore render development initiatives irrelevant. Failure to

adhere to these expectations has repercussions for the woman and her family as she could be sent back to her natal home and the bride wealth returned to her marital family.

5.3.2. Subsidiary wife (*inhlanti*)

A practice contributing to women's lack of control over sexual and reproductive rights is one whereby a younger sister becomes a subsidiary or substitute wife in the case of barrenness or the death of the wife. Respondents observed that this practice discriminates against women and indicates that her role in marriage is childbearing; she could therefore easily be replaced by an alternative wife who can carry out the task. This practice forces young women into marriage prematurely, even before they discover their own sexuality. This state of affairs reveals that nothing is being done from a local leadership perspective to review the practice and that it will continue irrespective of its consequences for the young women who are forced into adulthood simply because they are women and who are robbed of opportunities, such as education and better prospects, of economic development. The Swaziland Gender Policy (Swaziland Ministry of Home Affairs 2008:10) states that this practice limits the right of the young girl to consent to marriage, thus curtailing her self-advancement, and gives her the burden of providing for her marital family.

The consequences of this practice are lack of education, limited chances of being employable and lack of skills and general understanding of issues such as nutrition and her sexual health. It also increases the illiteracy rate among women, resulting in perpetual dependency on men as income earners. The Kingdom of Swaziland has not yet signed the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, possibly giving leeway to those who participate in this practice to put the girl child who might contract a marriage under the age of 18 to a disadvantage (UNHCHR 2007). Moreover, the Swaziland Marriage Act of 1964 is silent about the marriageable age for girls and boys in traditional marriage.

5.3.3. Polygamy

The study revealed that in Swaziland, only polygyny is practiced, which means that it is only the man who can have more than one spouse in a marriage relationship. The study also revealed that polygamous marriages put pressure on women to balance her reproductive and production roles as support from the husband is reduced. The practice stretches family resources to the limit and forces women to produce more for their offspring as the men's contribution is spread thinly among their many children. The practice was identified as taking away women's control over sexual matters by restricting them and giving men the liberty to have several partners. The woman may not have chosen to be in a polygamous marriage, but the husband decides the status of the marriage without consulting the wife.

Since traditional marriage does not have any grounds for divorce for women, they remain in the marriage and fulfil their expected marital obligations, including awarding conjugal rights. Because there are many players in the relationship, an individual woman is not able to influence or have a say on how the relationship is to be conducted. This includes how many children should be born in the family, how sex is to be conducted to protect the husband and the other women from contracting sexually transmitted diseases and how many wives should be in the marriage. The government of Swaziland urgently needs to address this situation if it is serious about curbing the high rates of HIV/AIDS among young women, who are the most affected by the scourge as national statistics indicate. One way of addressing this matter is for the government to abolish polygamy and make it mandatory that each man has only one wife. When there are more than two partners in the relationship, the control of sexuality becomes even more complex, exposing women to sexually transmitted infections, including HIV/AIDS, and the number of children born in the marriage is even harder to control. The Swaziland Central Statistics office (2006:254) asserts that polygamy that entails multiple partnerships contributes to HIV/AIDS prevalence. The Gender Policy (Swaziland Ministry of Home Affairs 2008:9) further states that the following:

The practice tends to create competition for scarce resources and disharmony within the family. Often women find themselves in a disadvantaged position emanating from exclusion in the decision making process within the family. In some cases this leads to alienation and emotional disturbances. Within such relationships family needs are multiplied and as such women find themselves carrying that burden of fulfilling those needs.

Against the backdrop of many family members and children, there are always competing needs for scarce resources. As a result, the quality of the children's education is compromised, especially that of girl children who are the first to be withdrawn from school when there are economic constraints in the family. Finally, the health and nutritional status of children in the family is at risk as the women struggle by themselves to provide food.

5.3.4. Mourning and wife inheritance

Mourning and wife inheritance practices were also identified by this study as factors undermining the women's control of their sexuality. These practices have no consideration for women's sexual needs and desires because the family decides her fate. This finding is in agreement with an observation made by WLSA (1998:30) that a number of cultural practices are meant to please men but tend to place women in a disadvantaged position.

The study revealed that the practice of wife inheritance restricts the widow's sexual freedom of choosing a partner by making arrangements to give her a partner chosen by the family. The practice treats the widow as someone devoid of feeling and merely a servant to the man. The practice contributes to the spread of the HIV infection as it promotes multiple sexual relationships. CEDAW Article 16 requires state parties to eliminate discrimination against women in the context of marriage and family relations. The study revealed that widows give in to being inherited because they fear that if they refuse, the deceased's property will be grabbed by the relatives. They furthermore succumb because they want to have a sense of belonging to the family and because they need a way of protecting their children from losing their identity and their inheritance rights to their father's property.

In Swaziland, the practice of mourning remains a challenge for couples who are in traditional marriage as this it hinders women from participating in economic and sexual activities. The widow is restricted to the home compound for 30 days, and during this period of seclusion she is deprived of opportunities to engage in productive activities. This is especially the case in a polygamous marriage where each wife has to ensure that her children are fed. In addition, most women are involved in small-scale businesses; being absent from the business for a month deprives them of a great deal of income and furthermore puts their families at risk of poverty. Moreover, the widow is prohibited from engaging in sexual activities for two to three years while she is clothed in mourning gowns. During the mourning period, the woman's employment status and income are compromised if she is in formal employment, and her sexual activity restricted. These customs and practices create conflict for women who work in environments where observing such behaviour is difficult; their jobs are threatened, further endangering their economic well-being. Furthermore, in-laws may seek to usurp ownership of land and property because the widow is not allowed inside a courtroom while she is in mourning.

The Gender Policy (Swaziland Ministry of Home Affairs 2008:19) asserts that during mourning, women may be isolated from society because of taboos accompanying symbolic mourning. Her personal and family advancement are therefore limited, as is her participation in national development. While Section 28(3) of the Swaziland Constitution (2005) gives women the freedom to choose whether or not to uphold customary practices, it does not offer them enough protection to exercise the right. One may therefore conclude that the obligations of traditional marriage and the practices enshrined in it prevent women from fully exercising the right to refuse the cultural practices they are opposed to as that will mean that they override family and community interests in favour of their own (Swaziland Ministry of Home Affairs 2008:18).

5.3.5. Property inheritance rights

Customary succession laws in traditional marriage exclude inheritance by women, vesting the authority to administer estate assets in male relatives and thereby making the

women and their children vulnerable to the deprivation of property. The respondents highlighted that property administration is the exclusive preserve for men. Even though the woman may register property in her name on title deed land and may have a small business, the marital power gives the man authority to administer the property and to give approval to buy or sell it. The cultural norms in Swaziland reinforce gender inequality by giving men control over productive resources, such as land, through marriage laws that subordinate wives to their husbands and through inheritance customs that make males the principal beneficiaries of family property (Commonwealth Secretariat Report 2002:28). The state of affairs is an obstacle to development for women in Swaziland and their advancement economically depends on men's approval. One may therefore conclude that this practice perpetuates the dependency of women on men for survival by depriving them of their right to inherit property even though they may have contributed to its acquisition. The resulting state of affairs requires that they exchange sex for property by being taken over by relatives (wife inheritance).

5.4. CONCLUSIONS RELATING TO THE THIRD OBJECTIVE

The last objective was to analyse the consequences of women's lack of control over sexual matters on women themselves, their families, and their communities with regard to development. The study highlighted several issues as consequences resulting from woman's inability to control their sexuality. The consequences are as a result of the obligations of traditional marriage and the cultural practices that women in this marriage experience.

5.4.1. High birthrate

The study revealed that in Swaziland parents still hold the view that the male children support them in their old age whereas girls usually move away from their families and therefore a son is more desirable as an investment. However, from the discussions with the women respondents it is evident that women in traditional marriage do not hold the same view: they actually believe that the girl child is the one who supports her parents in old age. As the study focused on traditional practices, the traditionalist views of the Chief's IC should be taken into account. The council rules that women in traditional

marriages have to bear a male child, whether or not they support traditional beliefs, because cultural views are paramount.

The study revealed that couples' preference for children of a particular sex, especially male ones, seems to have contributed to large families. Especially rural polygamous families are exceptionally large. Similarly, the study conducted by Isiugo-Abanihe (2003:141–142) reveals that the preference for a male child is strong and widespread in Nigeria. The reason for son preference varies 'from concern over successorship which is influenced by traditional marriage, to the persistent belief in the breadwinner system, inheritance rights, and the coarse utilitarian needs for manual labour on the farms'. In polygamous marriages, large family sizes result from a sense of insecurity among wives: they compete for the husband's attention by bearing children.

The consequence of a large family for women is poor spacing between infants and repeated pregnancies. These factors may compromise their health as they compete with the other wives in polygamous marriages. Because the births are not spaced well, she does not have enough time to recover from the last birth. For the family this will mean more unplanned pregnancies resulting in poor nutrition for children as resources become thinly shared among family members. As more women enter into traditional polygamous marriages, more children will be malnourished owing to their numbers and the limited resources. Overstretched resources furthermore limit access to education for children as girls are withdrawn from school and preference is given to boys. One may thus conclude that the high fertility rate in traditional marriage leads to poor health for women, thereby compromising their productive role; most of their time will be spent in pregnancy or caring for a newborn. Taking children from school limits their opportunities to improve the economic conditions of their families, thus recycling poverty.

The study further revealed that the view of women's roles is still limited to those of homemakers, child bearers and community managers. They have not been liberated to explore their potential to be breadwinners, yet many female-headed households are maintained by women as the primary source of livelihood. However, because of the

persistence of patriarchy, most families still deem it necessary to have a son to carry on the family name. It can therefore be concluded that the preference for sons because of their economic role indicates that the current generation of spouses is poised to perpetuate the breadwinner system and to recycle sexual inequality and the low level of education for girls, enlightenment notwithstanding.

5.4.2. Marital rape

The study revealed that a great deal of sexual abuse is experienced in traditional marriage. Women in this marriage suffer in silence as most cases are not reported. Reporting the cases will mean telling the mother-in-law or entire extended family about the maltreatment, but they have the responsibility of enforcing those cultural practices that often lead to the abuse. The respondents highlighted that conjugal rights limit their actions in terms of pursuing rape cases in marriage. The traditionalist view represented by the Chief's IC came out clearly for marriage obligations, which include conjugal rights and the fact that a woman is not supposed to refuse her husband. This presentation assumes that all sex is consensual. In addition, marital power in the marriage makes men the primary decision makers and is used to control women. Marital rape predisposes women to unplanned pregnancy and fear to negotiate for safer sex, even if they know that the men have other relationships. Traditional marriage obligations should be reviewed by traditionalists to allow women to opt out of the marriage should the need arise. The amendment of the marriage can empower women to freely make decisions about their sexuality, thus protecting themselves and their children from a violent relationship and from the birth of even more children who will stretch the meagre resources at the woman's disposal even further.

The fear forces women to accept their condition in marriage and keeps them silent. The state of affairs militates against women taking action against abuse because they fear violence from their husbands; they are also too embarrassed to expose the unsavoury details of their marriage.

In summary, the status of women in traditional marriage is a barrier to women's social and economic development. One may conclude that where the rights and responsibilities of married partners are regulated according to customary law, there can be wide-ranging consequences for women that restrict their right to equal status and responsibility within marriage. The limitations often result in the husband being accorded the status of head of household and of primary decision maker and that contravenes CEDAW, which provides for equal responsibility in marriage. The consequence is low self-esteem that causes women to completely withdraw their involvement in social development. In addition, it not only diminishes women's sexual health and their perception of sexuality but also reduces their chances of creating and applying strategies to combat the violation of their rights.

5.4.3. Early/child marriage

Cultural practices such as the taking of a subsidiary wife and wife inheritance were reported as means of controlling women's sexuality by limiting their choices of sexual partners and destroying their childhood as they are often married off before they reach the age of majority. The Inter-African Committee (IAC) (1993) defines early marriage as follows: 'Any marriage carried out below the age of 18 years, before the girl is physically, physiologically, and psychologically ready to shoulder the responsibilities of marriage and childbearing.' The study revealed that girls as young as 13 have been known to be married traditionally. Child marriage or early marriage is still practised in Swaziland. This practice deprives the girl child of the education that could have led to a better future in terms of employment and economic prospects. As a result of the deprivation, her minority status is perpetuated because of the age difference, and since she does not contribute in the family's income, she cannot participate in decision making or even challenge the husband.

The practice of early/child marriage was also shown to be perpetuated by polygamous marriages where the male takes on several wives who are young under the pretence of bringing in more labour to assist the older wife in household chores. The King of Swaziland (Mswati III) marries girls who are younger than 16 years and who are taken

from school and deprived of their future as professional women. However, the wives from well-off families have been able to access education and complete school and even university through long-distance learning; however, they were supported. Only two of the 13 wives have managed to complete a university education. The Swaziland Central Statistics Office (2006:12) indicates that educational attainment is positively related to the wealth status of the household. Women and men in wealthier households are better educated than those in poorer households. The state of affairs should be remedied immediately by raising the minimum marriageable age to 18 for both boys and girls in marriages contracted traditionally. The Marriage Act of 1964 currently stipulates that the marriageable age for girls is 16 and that for boys is 18 and this restriction only applies to marriage contracted through civil right. Traditional marriage has no age restriction. Revising the marriageable age will ensure meaningful participation by women in the development process.

Increasing the marriageable age of girls will enhance development by reducing the attrition rate among girls in the education system, thus allowing them to gain employable skills. The literature study indicated that women's lack of access to education deprives them of opportunities in formal employment and hence they resort to small-scale businesses while men operate businesses at the macro level. This finding agrees with the study conducted by the Swaziland Ministry of Enterprise and Employment which indicated that 70 per cent of small businesses are owned by women. One may deduce that women's skills are limited and that due to the restrictions they experience in acquiring property, they are relegated to the informal sector (Shongwe 2003:3). This requires structures that will deliberately advocate for women and provide the necessary support to improve their economic status in marriage.

It can therefore be concluded that when minor girls marry and have children, their health can be affected, their education impeded and economic autonomy restricted. The long-term effects include the limitation of women's skills development and independence and reduced access to employment. Because of early marriage more children are born as the woman's reproduction cycle starts early in life (Swaziland Central Statistics Office

2006:86). This increases the illiteracy rates among women in communities further, creating a gap of gender-based inequalities in access to employment, income and credit facilities. Thus female-headed household always struggle to live above the poverty margin. The material cost of the consequences of child marriage is far exceeded by the more intangible costs relating to the quality of life, the suppression of human rights and the denial of women's potential to participate fully in the development process

Lack of education has implications of women in participating in leadership positions. The inadequate participation of women in decision making indicates that women's concerns are either ignored or not dealt with fully at different levels. As a result, very little progress has been made in women's advancement. A similar pattern of gender imbalance is evident in both Houses of Parliament where female representation is very low: 20 per cent for women and 80 per cent for men in the 2003 election (Swaziland Ministry of Home Affairs 2008:30). As women do not participate in decision-making forums, their issues are omitted and only a few programmes are directed to them for development.

5.4.3. HIV/AIDS

Several cultural practices have been revealed by the study as instruments of controlling women's sexuality and thus predisposing women to HIV/AIDS infection. The cultural practices include the taking of a subsidiary wife, wife inheritance and polygamy. The state of affairs was said originate in the abuse of power by men through condoning socio-cultural practices that promote their dominance and thus contribute to the vulnerability of women and children to HIV/AIDS infection. The vulnerability of women to HIV/AIDS through cultural practices has been recorded in *Swaziland Multisectoral Strategic Plan on HIV/AIDS* (Swaziland Ministry of Health and Social Welfare 2006:7) which states that some cultural practices are perceived to have a potential for contributing to the spread of HIV/AIDS. These practices have been reported to increase the number of sexual partners in the marriage relationship making the woman vulnerable to HIV/AIDS infection (Whiteside et al 2006:17). This state of affairs militates against programs targeted at faithfulness among sexual partners, rendering efforts to combat HIV prevention inadequate to address women's vulnerability. This fact calls for men to be educated about

the benefits of and the protection provided by a monogamous marriage and the dangers of having a plurality of sexual partners.

The control of women's sexuality has not only made women vulnerable to HIV/AIDS infection but has also led to the feminisation of HIV/AIDS, increased numbers of female-headed households and wiped parents leaving orphans and vulnerable children to fend for themselves. The study revealed that women are mostly exposed to HIV/AIDS because of their lack of control in sexual matters. Men do not change their behavioural habits and hold on to cultural practices that compromise the ability of women to protect themselves against HIV infection. UNICEF (2007:5) states that more women than men are infected with HIV and are dying of AIDS. It further says 12 to 13 women are infected for every 10 men. These statistics indicate that the pandemic does not impact on women and men in the same way.

5.4.3.1 Female-headed households

HIV/AIDS has added more burdens to the multiple roles of women and the caring role for sick family members leaves them with no time for themselves or for participation in productive activities. This has reduced the workforce in the fields and left the household food-insecure. It is evident that gender inequalities based on roles and social reproduction put women in a disadvantaged position and keep them trapped in roles that are non-productive in terms of income. The number of female-headed households, which are among the poorest in the community, has also increased. Illness and increasing numbers of death in households deplete family resources and leave the family destitute and without income to support any further care by the women. Household resources are mostly exhausted by the care for the sick and the development aspect is undermined as assets are sold to cover funeral costs and medical care, leaving the household in abject poverty. As a consequence, children drop out of school to assist in care giving while household chores limit their prospects of improving their economic conditions. Women therefore earn less than their male counterparts who go through the education system and qualify for high-profile jobs. The roles of women should therefore be reviewed to allow girls to go through the education system and improve their living instead of depending on

men. Improvement in this regard can enhance development as women will no longer need to exchange sex for their livelihood, creating a foundation for interaction with their partners on sexual matters. If women's lack of control over sexual matters persists, poverty will continue to be a female problem in Swaziland. As Wallace and March (1991:70) observe, the poorest group in rural Africa consists of women and children living in female-headed households.

5.4.3.2 Increased number of orphans and vulnerable children

Swaziland has been among the countries with a high prevalence of HIV/AIDS rising to 42,6 per cent among pregnant women in 2004 (Swaziland Ministry of Health and Social Welfare 2004:45). The numbers of women in the clinics presenting with HIV/AIDS indicate that they have an obligation to bear children and cannot negotiate safer sex even if they know their positive status. As Wallace and March (1991:97) observe, HIV-positive women continue to give birth because of fear that their husbands might leave them. The result is children born from HIV-positive mothers who eventually die adding to the numbers of children who need care and support from communities. Communities are thus overwhelmed with the burden of providing care and support; as the Chief's IC stated, they do not have enough resources to provide for them. The child-headed households therefore depend on emergency relief support and food handouts from NGOs, compromising the community's resilience and coping mechanisms and rendering development initiatives unsustainable.

In summary, with the advent of HIV/AIDS, the community is characterised by high poverty levels, especially among female- and child-headed households emanating from HIV/AIDS. Female-headed households are further compromised by restricted access to land and credit, making them relatively poor compared to male-headed households. With the high prevalence rate of HIV/AIDS in Swaziland, more households fall into this category, witnessing to the gender-based inequality resulting from women not being able to control their sexuality. There are furthermore high rates of illiteracy among women because girls are taken from school either because of early marriage or lack of school

fees as a consequence of HIV/AIDS, creating a pool of unskilled labour with no option but to resort to the informal sector for a living.

As more family members fall ill, there is less productive labour in the households, demanding increased social welfare programmes as opposed to development projects that can be sustainable. Upon the death of the husband, women experience even more discrimination as they are deprived of the property of their husbands. The practice in traditional marriage is that inheritance should be channelled through the male line, pushing women further into poverty.

The pandemic is a profoundly destabilising force, destroying families and communities, sowing misery and tragedy on a wide scale and retarding the development prospects not only of communities but also of the entire nation. The state of affairs requires immediate action from the government and decision makers to review the cultural practices that hinder the participation of women in decision making in sexual matters. This step will contribute greatly to the social and economic development of women, children and communities. Literature revealed that improving women's economic conditions benefits themselves and trickles down to the entire household and the community at large.

5.5. CONCLUSION

The study has revealed that women's position in sexual matters is attributed to cultural practices that men use to control women's sexual and reproductive rights. The subordinate status of women in traditional marriage restricts their participation in decision making on sexual matters, thus impacting on their livelihood, families and communities.

The study has exposed an unequal balance of sexual power through the feminisation of HIV/AIDS and poverty indicating the need to elevate the position of women. This finding establishes that women's control of sexuality is directly related to their development or underdevelopment. Therefore, promotion and protection of sexual rights not only are

fundamental to achieving sexual health goals but also are directly relevant to achieving the Millennium Development Goals (MDGs). The presence and accessibility of quality sexual and reproductive health services, information and education in relation to sexual health; the protection of bodily integrity; and the guarantee of the right of people to freely choose sexual and marriage partners, to make decisions about childbearing, and to pursue satisfying, safe and pleasurable sexual lives are grounded in and contribute to gender equality and the empowerment of women (MDG 3); access to primary education, particularly for girls (MDG 2); a decrease in vulnerability to HIV/AIDS, sexually transmitted infections and other health threats (MDG 6); and a reduction of poverty (MDG 1). Thus achieving sexual rights for all people will contribute not only to sexual and reproductive health but also to well-being and quality of life (Bridge 2006:9).

One may therefore conclude that aligning all marriage laws with the Constitution adopted in 2005, which has provisions for liberating women, especially from cultural practices that make them powerless in sexual matters, is of paramount importance. Presently the supremacy of the Constitution and its principles have not been realised and the invalidity of any law, whether customary or general, that is contrary to the Constitution has not been aligned. It can therefore be concluded that until the reviews and reforms of practices and laws are effected, women will be subjected to the hardships of being recipients instead of active participants in issues affecting their lives, especially in sexual matters.

5.6. RECOMMENDATIONS

1. Codification of traditional marriage to ensure consistency in application

In order review and codify traditional marriage of traditionalists, spell out the rights of concerned parties and the procedure for handling conflicts/disputes, the proposed amended Marriage Act is to include the following provisions:

- Inheritance laws should be amended to allow women access to the husband's property in case of death and to register property in their names
- The status of women should be elevated to be equal to that of men in marriage

- Practices that give minority status to women should be abolished, and their lack of decision making power on matters concerning their sexuality should be addressed, for instance bride wealth
- In traditional marriage spouses should be equal and take equal responsibility for the marriage and its consequences
- Grounds for divorce should be afforded to both parties
- Conjugal rights should be reciprocal
- Marriage should be registered.

2. Monogamous marriages

One should see that the provisions of traditional marriage include the provision that the marriage be monogamous. During the marriage, spouses should have the same rights and responsibilities, as well as at its dissolution.

3. Minimum age of marriage

One should prohibit child marriages through laws and raise the marriageable age. A minimum age of marriage should be set at 18 for both girls and boys to avoid younger girls contracting marriage before they reach the age of majority. As CEDAW states, the minimum age of marriage should be set at 18 years for both boys and girls.

I believe that to realise the recommendation stated above, traditional rulers are obliged to educate their citizens on the need to give the girl an equal opportunity for education and to inform them that an educated girl is of benefits not only her children and the larger family but also the community and the nation.

4. Customary practices

One should raise awareness that certain customary practices such as wife inheritance and polygamy and the payment of bride price constitute violence against women and children. The civil society organisations should sensitise and educate communities, especially the traditional leadership, on human rights in general and on gender issues in particular for them to appreciate that women are not secondary citizens but are equal to

men and that they require all the resources and support from the family and community necessary to live a quality life.

Cultural practices that contribute to the lack of women's control over sexual and reproductive rights are discussed in the following section. The Constitution has already indicated that people should not be forced to practice that in which they do not believe, whether they are male or female. This provision in the Constitution provides a foundation for reviewing the practices and indicates that the goal is possible to achieve; furthermore, the government is aware of the steps that need to be taken, but whether the traditionalists will participate remains to be seen.

- Bride wealth should be abolished since it contains aspects that enslave women as it transfers the sexual and reproductive rights of women to men upon payment.
- The mourning practice for women should be abolished or the time should be reduced as it brings in a number of restrictions to which the widow has to adhere, while a widower continues his life.
- Women need special support which includes education on inheritance rights (especially rural women who may not be aware that such laws exist) and the elimination of discrimination in inheritance laws. The government needs to introduce changes to inheritance laws and take additional steps to provide support to rural women through decentralisation of structures handling inheritance and sensitisation of the population on inheritance laws as provided for in the Constitution. In addition, the government should direct rural development programmes toward improving women's access to sustainable livelihoods and providing access to clean water and labour-saving devices to increase the time available for care.
- Polygamy, subsidiary wife and wife inheritance practices promote multiple sexual partnership relationships and should be discouraged through law.

5. Marriage Act of 1964

One should quicken the process of legislative harmonisation (especially of the Marriage Act of 1964) with the Constitution, recognising the rights of women as equal to those of men, and allowing women not to uphold cultural practices which they are opposed to. Furthermore, one should ensure that the new Constitution and new legislation are thoroughly disseminated throughout the country.

6. Constitution

One should review and amend the Constitution in terms of the recognition of polygamous marriages and repeal marriage legislation that legalises early marriage 'under law and custom'. One should ensure that marriage contracted with a girl under the age of 18 is illegal.

7. Status of Women

The role and status of women are central to changes in population and development and therefore development plans must acknowledge women's abilities, rights and needs. The reproductive role of women should be supported by training men on reproductive health so that they can understand the processes and appreciate the need for women to have a reasonable number of children.

8. Programs

The government and NGOs should conduct more educational programmes in the communities on

- Increased access to sex education, especially in the rural areas
- Accessible reproductive health and family planning programmes
- Education on advantages of having smaller families

Skills-building programmes for rural women and support in accessing means of production such as land and credit.

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APPENDICES

APPENDIX 1: DISCUSSION GUIDE (FGDs)

1. Demographic data
 - a) Name of location/community:
 - b) Number of participants: Female ----- Male -----
 - c) FGD type/name:
 - d) Marital status
2. What is Swazi traditional marriage?
3. What are the consequences of traditional marriage for women?
Probe the following:
 - Status
 - Dissolution
 - Conjugal rights
 - Bride wealth
 - Polygamy
4. What is the impact of the obligations and/or the consequences of traditional marriage on women's sexuality?
5. What are some of the cultural practices that influence the control of women's sexuality in traditional marriage?
Probe the following:
 - Bride wealth
 - Polygamy
 - Subsidiary wife
 - Mourning
 - Wife inheritance
6. What is the impact of controlling women's sexuality through cultural practices?
Probe the following:
 - On the women
 - On the family
 - On the community

7. What would you recommend as reforms for traditional marriage status and obligations? Explain your suggestion.
8. Add any other comments on traditional marriage and its impact on women's sexuality.

APPENDIX 2: INTERVIEW GUIDE (PERSONAL INTERVIEWS)

1. Demographic data

- a. Sex _____
- b. Age _____
- c. Marital status (single, married, divorced, widowed)
- d. Type of marriage _____
- e. Type of birth control _____
- f. Number of children _____
- g. Employment status
 - i) Working
 - ii) Not working
 - iii) Other
- h. Education level (primary, secondary, high school, tertiary)
- i. Job title _____

2. In your own words, define Swazi traditional marriage (processes).

3. What are the consequences of traditional marriage on the women? Explain.

Probe the following:

- Status
- Dissolution
- Conjugal rights
- Bride wealth
- Polygamy

4. What is the impact of traditional marriage on women's sexuality?
5. What are some of the cultural practices that contribute to the control of women's sexuality in traditional marriage? Explain them.
Probe the following:
 - Bride wealth
 - Polygamy
 - Subsidiary wife
 - Mourning
 - Wife inheritance
6. What is the impact of the control of women's sexuality through cultural practices?
Probe the following:
 - On the women
 - On the family
 - On the community
7. What are your recommendations on reforms for traditional marriage? Explain your suggestion.
8. Do you have any other comments on traditional marriage and its impact on women's sexuality?