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Employment of People with Disabilities: The Impact of Legislation (Southern Africa)

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1. Introduction

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983). Policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

The effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation or anti-discrimination legislation – is central, not only in terms of the economic rights of disabled people, but also their broader social and political rights, which are closely linked to economic empowerment.

Improving legislation and implementation strategies has been identified as one of the main issues to be tackled in the African Decade of Disabled Persons 1999-2009. Some countries in Africa have made progress in introducing disability-related legislation, but many of these laws have not yet been implemented. In other African countries, existing national laws need to be reviewed in order to achieve equalization of opportunities for persons with disabilities.

The country study for Swaziland is part of the ILO programme component '*Employment of People with Disabilities – the Impact of Legislation*'. The first phase of the programme (2001-2004) aimed at enhancing the capacity of national governments in selected countries of East Africa and Asia¹ to implement effective legislation concerning the employment of people with disabilities. A knowledge base on laws and policies regarding people with disabilities was compiled and a Technical Consultation was held in Addis Ababa on 20-22 May 2002. Technical assistance was provided to selected national governments in implementing necessary improvements. Phase 2 of the programme (2004-2007) is extending coverage to several additional countries (Malawi, South Africa, Swaziland and Zambia in Africa and Viet Nam in Asia), with a broadened focus on provisions for vocational training and skills development. Support to countries that are in the process of improving their legislation will continue.

This country study outlines the main provisions of the laws and policies in place in Swaziland concerning the employment and training of people with disabilities. An initial review of the implementation of the legislation is also provided. Progress made in the country is examined and areas that have been identified by key stakeholders or in the literature as in need of further improvement are highlighted. The study may be read in conjunction with the regional overview for this Consultation *Employment of People with Disabilities - The Impact of Legislation (East Africa), Technical Consultation Report, Addis Ababa, 20-22 May 2002*, ILO 2002.

¹ East Africa: Ethiopia, Kenya, Mauritius, Seychelles, Sudan, Uganda and United Republic of Tanzania. Asia and the Pacific: Australia, Cambodia, China, Fiji, India, Japan, Mongolia, Sri Lanka and Thailand.

2. Context

The Kingdom of Swaziland is a small landlocked southern African country bordered by Mozambique and South Africa. It has a population of 929,717 (1997),² of which three quarters live in rural areas.³ Swaziland obtained its independence from the United Kingdom in 1968 and is a member of the Southern African Development Community (SADC).⁴

Swaziland is classified as a country with a medium level of human development and ranks 137 out of 177 countries on UNDP's Human Development Index (HDI) in 2004.⁵ Key indicators measured to calculate the HDI are the following:

- Life expectancy at birth was 35.7 years, 36.9 for women 34.4 for men
- Gross enrolment ratio (combined for primary, secondary and tertiary education), was estimated at 62 per cent among boys and 59 per cent among girls;
- Adult literacy rate was 80.9 per cent with a slightly higher rate recorded for men (82 per cent) than women (80 per cent); and
- Annual per capita GDP was US\$ 4,550 in 2002, with a huge spread between men (\$7,227) and women (\$2,259)⁶

It is estimated that 66 per cent of the population lives under the national poverty line (2002). Rural areas are more affected than urban areas.⁷ The labour force participation rate (15-64 years old) is 61.2 per cent, with a rate for men (82.2%) almost twice as high as the rate for women (42.8%).⁸ The unemployment rate is 22.8 per cent (1997).⁹

HIV/AIDS prevalence is estimated at 38.8%, the highest estimated prevalence rate in the world.¹⁰ It is estimated that more than 20% of the Swaziland labour force will be lost by 2010 and more than 30% by 2015. Teachers are also dying of AIDS and the cost of hiring and training teachers to replace those lost to AIDS is projected to reach US\$233 million by 2016 – “a cost that exceeds the total 1998–1999 government budget.”¹¹

2.1 People with disabilities

According to the 1997 census, there are 27,698 disabled persons in Swaziland or 3% of the population. 86% of them live in rural areas.¹² This is lower than the WHO estimates for

² Government of Swaziland, Central Statistics Office, <http://www.gov.sz/home.asp?pid=1868>.

³ UNFPA, <http://www.unfpa.org/profile/swaziland.cfm>.

⁴ SADC is a regional organization regrouping 12 Southern African countries that was originally created to reduce their dependency towards apartheid South Africa and that now promotes economic and social development.

⁵ UNDP, *Human Development Report 2004*, Washington, 2004.

⁶ UNDP, *Human Development Report 2004*, Washington, 2004. GDP is measured in purchasing-power parity (PPP) US dollars.

⁷ UN Country Team Swaziland, *MDG Country Report Swaziland*, 2003, p.5.

⁸ UNFPA, <http://www.unfpa.org/profile/swaziland.cfm>.

⁹ Government of Swaziland, Central Statistics Office, <http://www.gov.sz/home.asp?pid=75>. This figure is not disaggregated by sex.

¹⁰ UNDP, *Human Development Report 2004*, Washington, 2004.

¹¹ ILO, *HIV/AIDS and Work: Global estimates, impact and response*, 2004, p.7 and 21.

¹² Government of Swaziland, Ministry of Health and Social Welfare, *Disability Profile in Swaziland*, 2000.

disability prevalence of 7 to 10% of the population, which put the population of disabled persons at between 65,000 and 95,000.

People with disabilities are “marginalized, discriminated against and socially excluded from mainstream activities [with] limited access to opportunities available to non-disabled persons such as education, health, employment, public facilities and transport”.¹³ Nearly half of disabled persons aged 10 years or older have received no formal education and only 15% have post-primary education. Only 768 have received vocational education/training. Three quarters of people with disabilities aged 12 or older are not economically active, while only 17% are employed in wage employment. And those who work generally get “menial and poorly remunerated jobs”. This can be explained by the widespread belief that people with disabilities are unemployable.¹⁴

Women and girls with disabilities face dual discrimination and are often worse off than men. They are particularly vulnerable to sexual violence and there have been reports of cases of forced sterilization.¹⁵

¹³ Government of Swaziland, Ministry of Health and Social Welfare, *Disability Profile in Swaziland*, 2000, p.1.

¹⁴ Government of Swaziland, Ministry of Health and Social Welfare, *Disability Profile in Swaziland*, 2000. The figures are drawn from the 1997 census and refer to the 27,698 disabled persons identified in the census.

¹⁵ Annie Chimusoro, *Research on discrimination of people with disabilities in Swaziland*, FODSWA-Save the Children, 2001, p.20-21.

3. Legislative framework

Swaziland has drafted (2003) a Constitution that would contain, if adopted without amendment, an anti-discrimination provision. Disability issues are discussed the three of the main pieces of labour legislation. The Industrial Relations Act prohibits discrimination in dismissals, while the Workmen's Compensation Act and the Employment Act provide for compensation and retention of people who acquire a disability. In writing this report, no information was found on disability-related provisions in other pieces of legislation. Swaziland has no disability-specific legislation.

3.1 Draft Constitution

Swaziland does not have a Constitution. It drafted a new Constitution (2003) that was approved by the monarch but still has not passed through Parliament and it is not known when it would be adopted. The draft constitution states that "all persons are equal before and under the law" and prohibits discrimination on the grounds of disability, amongst other grounds. It defines discrimination as "to give different treatment to different persons attributable only or mainly to their respective descriptions by gender, race, colour, ethnic origin, birth, tribe, creed or religion, or social or economic standing, political opinion, age or disability." Affirmative actions measures enacted by Parliament "aimed at redressing social, economic or educational or other imbalances in society" are not considered discriminatory.

Article 31 recognizes that people with disabilities "have a right to respect and human dignity and the Government and society shall take appropriate measures to ensure that those persons realise their full mental and physical potential". It states "Parliament shall enact laws for the protection of persons with disabilities so as to enable those persons to enjoy productive and fulfilling lives." The draft Constitution guarantees that people with disabilities will enjoy fundamental human rights on an equal basis with others. However, it states that "a person shall not be deprived of personal liberty save as may be authorised by law... in the case of a person who is, or is reasonably suspected to be, of unsound mind... for the purpose of the care or treatment of that person or the protection of the community" (Article 17). It also states that a person who "is certified to be insane or otherwise adjudged to be of unsound mind under any law" is not qualified to vote or to run for office (Articles 69, 90, 98 and 159).

The Draft Constitution also guarantees the right to join a trade union and to collective bargaining and mandates the Parliament to enact laws to ensure equal pay for work of equal value without discrimination, safe and healthy working conditions and to protect workers from unfair dismissals.

The Draft Constitution provides for the establishment, within one year after its adoption, of a Human Rights Commission. The Commission would have authority to investigate allegations of human rights abuses or violations, and complaints regarding practices by the public service, including "equitable access by all in the recruitment".

3.2 Labour legislation

Labour legislation in Swaziland is concentrated into a few laws, that notably prohibit forced labour, provide for equal pay for work of equal value, compensation in cases of occupational injuries, maternity and sick leave and discuss collective bargaining and labour disputes. Provisions regarding disability issues are found in three pieces of labour legislation: the *Industrial Relations Act, 2000*, the *Employment Act, 1980*, and the *Workmen's Compensation Act, 1983*.

The **Industrial Relations Act, 2000** defines a dismissal as “automatically unfair” when the reason is “that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility” unless “the reason for dismissal is based on an inherent requirement of the particular job”. If the Industrial Court rules a dismissal as unfair, it may order the employer to reengage the dismissed employee or pay compensation.

The **Employment Act, 1980** states that employees working at least 21 hours a week and who have completed their probation period, which cannot exceed three months, cannot be dismissed unfairly. Dismissing an employee who acquires a disability as a result of occupational injury is considered unfair “except where the employer proves that he has no suitable alternative employment to offer that employee”. The burden of proof is placed: on the employee to prove s/he was gainfully employed for more than 21 hours a week and beyond the probation period, and on the employer that the reason for dismissal is fair. If an employee alleges that he was unfairly discriminated against, s/he can file a complain to the Labour Commissioner who will try to settle the dispute and, if incapable of settling it within three weeks, will refer it to the Industrial Court that can then order the employer to reengage the dismissed employee or pay compensation. The Act also contains an anti-discrimination provision that does not mention disability. The Act also guarantees equal pay for work of equal value.

The **Workmen's Compensation Act, 1983** provides for medical cover and compensation of occupational injuries or diseases in the workplace. The Act ensures that a worker is entitled to claim for: loss of wages while temporarily disabled;¹⁶ medical expenses related to the occupational injury or disease, and compensation for any permanent disablement as a result of occupational injury or diseases.¹⁷

3.3 Industrial and Vocational Training Act, 1982

The Act establishes the Industrial and Vocational Training Board. The Board's function is to advise the Minister responsible for Labour on all matters relating to vocational training. The Board is described in greater detail in section 4.1.4. The Act also allows the Minister to establish a Directorate of Industrial and Vocational Training. The latter was set up in 1987 and is described in section 4.1.4.

¹⁶ In this case, the employee would receive 75% of his wage at the time of the accident for the period he/she is temporarily disabled.

¹⁷ In case of permanent disablement, compensation to be paid equals 54 times the monthly earnings of the worker at the time of disablement, multiplied by the percentage of disablement. The latter is defined in the Second Schedule of the Act, or assessed by a medical practitioner in cases not specified in the second Schedule.

The Act establishes the Industrial and Vocational Training Fund, administered by the Minister responsible for Labour. The Fund shall serve to finance industrial and vocational training and can notably be used to reimburse employers for their costs of training employees. The Act provides for the Minister to issue training levies orders, on recommendation of the Board. Levies collected go into the Fund. Levies cannot be higher than one percent of the payroll of the employer.

The Act also discusses the employment of apprentices and trainees. Apprentices and trainees must be at least 15 years of age, have completed compulsory education and must do a medical examination, paid for by the employer, to ensure s/he is “medically fit to be employed” Such a provision risks excluding *de facto* disabled persons from entering apprenticeships and traineeships, as medical practitioners may not be aware of the working environment and may have negative attitudes toward disabled persons. Before hiring apprentices or trainees, employers must get the permission from the Directorate of Industrial and Vocational Training.

3.4 International commitments

Swaziland is a State Party to 31 ILO Conventions, including all eight Fundamental Conventions: Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182). Swaziland has not yet ratified the ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159).

4. Implementation

4.1 Institutional framework

While overall responsibility for disability issues lies with the Ministry of Health and Social Services, the Ministry of Education has a Special Education Unit and the Ministry of Home Affairs provides vocational rehabilitation. Responsibility for vocational training is scattered though several institutions: the Industrial and Vocational Training Board; the Directorate of Industrial and Vocational Training and the Handicraft Promotion Department within the Ministry of Enterprise and Employment; while the education policy (falling under the Ministry of Education) contains measures on vocational training and the Ministry of Home Affairs is providing training for people with disabilities.

4.1.1 Ministry of Health and Social Services

The Ministry of Health and Social Services has the overall responsibility for disability issues. It has a National Disability Unit that serves as the government focal point for disability issues. The mission of the Unit is “to champion significant improvements in the quality of life for persons with disabilities”. Its objectives include: the empowerment of people with disabilities “through the identification of income generating projects and fundraising”; awareness raising; the review of government policies and programmes that affect people with disabilities; and collaboration with DPOs on advising the government on disability issues, including with the view to enact legislation. The Unit is in the process of drafting a national disability policy, although it is not clear when that would be ready. It is also conducting advocacy programmes and “is expected to facilitate the review of legislation that discriminate against persons with disabilities and make recommendations to the relevant authorities”.¹⁸

4.1.2 Ministry of Home Affairs

The Ministry’s activities touch on many topics, from immigration to gender equality. Its mission is “to provide services pertaining to immigration, passports, citizenship and refugees; to mainstream gender into all areas of national development and to promote sporting, recreational, youth and cultural activities; to provide vocational rehabilitation services and coordinate all NGO issues” and is the main Ministry in charge of gender and youth issues.¹⁹

The Ministry of Home Affairs provides vocational rehabilitation services for people with disabilities and notably operates three vocational rehabilitation centres for people with disabilities: Nhlanguano Vocational Rehabilitation Centre; Mbabane Vocational Rehabilitation Centre; and Malkers Rehabilitation Centre. The first two give training in sewing, carpentry and leather craft while the latter gives training in farming. Most courses last between 18 and 24 months and are free of cost (as of 2003). Disabled persons must first take an evaluation and those identified as “non-trainable” are not admitted.²⁰

¹⁸ Government of Swaziland, Ministry of Health and Social Welfare, *National Disability unit: Operational Guidelines and Organizational Structure*, 2002.

¹⁹ Ministry of Home Affairs, <http://www.gov.sz/home.asp?pid=70>.

²⁰ Ministry of Home Affairs, <http://www.gov.sz/home.asp?pid=1011>.

4.1.3 Ministry of Education

The Ministry's mission is "to provide relevant and affordable education and training opportunities for the entire populace of the Kingdom of Swaziland in order to develop all positive aspects of life for self-reliance, social and economic development and global competitiveness." The Ministry's National Education Policy is described below in section 4.2.2.

The Ministry of Education includes a Special Education Unit that "seeks to provide special education and early intervention services to children with learning disabilities". The Unit operates three special schools: Ekwetsembeni School for Children with learning exceptionalities; Siteki School for the Deaf; and St. Joseph School (for children with learning disabilities). The Ministry's stated objective is to promote inclusive education.

4.1.4 Ministry of Enterprise and Employment

The Ministry is responsible for all issues relating to labour, employment and enterprise development. It was established in 1996 in replacement of the Ministry of Commerce and Industry. The Ministry comprises eight main departments: Labour; Commerce; Industry; Metrology; Standards and Quality Assurance; Handicraft Promotion; Small and Medium Enterprise unit; and Administration and Human Resources Management.

The Department of Labour's mission is "to create, maintain and improve a conducive environment for harmonious industrial relations, decent and safe working environment, fair conditions of work, compensation of insured workman, regulation of localisation, regulation of industrial and vocational training and elimination of all forms of discrimination at the workplace, so as to accomplish industrial peace and a fertile climate for investment."²¹ Amongst its objectives are: the promotion and improvement of vocational training; the promotion of health, safety and well-being of workers at the workplace; and the promotion of social dialogue.

The Industrial and Vocational Training Board was established by the *Industrial and Vocational Training Act, 1982*, described above. The Board's function is to advise the Minister responsible for labour (currently the Minister for Enterprise and Employment) on all matters relating to vocational training. The Board comprises at least 11 members, all appointed by the Minister, including three members representing employers and three representing employees, appointed following recommendations by, respectively, organizations of employers and of employees. Trade Advisory Committees for particular sectors of the economy, established by the Board, advise the Board on all matters relating to vocational training in that particular sector. Employers and employees are equally represented on the Committees.

The Board's decisions are implemented through the Directorate of Industrial and Vocational Training that acts as the administrative arm of the Industrial and Vocational Training Board. The Directorate of Industrial and Vocational Training was established in 1987 and is located within the Department of Labour. The Director, who heads the Directorate, is also the Secretary of the Board. The Board's activities are mostly confined to Trades testing and to the administration of the Apprenticeship scheme.

²¹ Ministry of Enterprise and Employment, <http://www.gov.sz/home.asp?pid=2100>.

The Handicraft Promotion Department's mission is the creation of an enabling environment for the development of handicraft enterprises, notably by providing training to that end. The Department is in charge of the National Handicraft Training Centre. The aim of the Centre is to provide handicraft skills to low educated students and high school dropouts in order to promote self-employment. The Centre, established in 1974, offers courses to about 150 students a year in sewing and design, leather craft, ceramic/clay, drawing and painting, wood carving, metal work and machinery, computer and word processing, and electricity and plumbing. Most courses have a length of nine months. Although it targets low educated students, literacy is a prerequisite for all courses.

4.1.5 Ministry of Economic Planning and Development

The Ministry's mission is "to promote sound macro-economic management that will provide an enabling environment for sustainable economic growth and for an efficient and cost-effective delivery of services." The Ministry has the overall responsibility of coordinating development activities, including the National Development Strategy (NDS), described below in section 4.2.1. The Ministry is currently drafting a Poverty Reduction Strategy and Action Plan.

4.2 Policy

Disability issues have been mainstreamed into the National Development Strategy, the education policy, and the HIV/AIDS policy. Swaziland does not have a national disability-specific policy.

4.2.1 National Development Strategy (NDS)

Swaziland has developed a 25-year national development strategy (1997-2022). The NDS was officially launched in 1999 and aims at making Swaziland one of the countries in the top 10% of countries in the medium human development group, by the year 2022. The underlying vision of the strategy is to improve the quality of life of the population, with a focus on poverty eradication, employment creation, gender equity, social integration and environmental protection.

The National Development Strategy includes a short section on people with disabilities. The strategy “recommends” measures to improve the situation of people with disabilities: the enactment of legislation to ensure equal opportunities for people with disabilities and to protect them from discrimination; ensuring the built environment and public transport are accessible; the integration of programmes for people with disabilities into mainstream education; the creation of institutional mechanisms to rehabilitate and integrate people with disabilities into society; ensuring adequate and accessible sanitation facilities; the introduction of social security payments to disadvantaged groups; the promotion of cooperatives for women, youth and people with disabilities. The strategy calls for “special attention to members of society with disabilities” in human resources development.

The strategy also calls for the inclusion of a poverty alleviation perspective into all policies, better access to credit by women, the introduction of labour-intensive public works projects, and the encouragement of small-scale income-generating activities and micro, small and medium sized enterprises (MSMEs). The Ministry of Economic Planning and Development (described above in section 4.1.5) is responsible for the coordination of the Strategy.

4.2.2 National Education Policy 1999

The National Education Policy is the official policy of the Ministry of Education and is based on the overall objective of “the provision of opportunities for all pupils of school-going age and adults to develop themselves in order to improve the quality of their own lives and the standard of living of their communities”.

The education policy contains a section on special needs education. The policy aims at including children with disabilities in the mainstream school system. The policy states that “the Ministry of Education shall facilitate access to education for all learners with disabilities by improving the infrastructure to make it user-friendly from basic through tertiary level [and] shall support the integration and inclusion of children with special learning needs in the Education System.”

The policy also contains a section on vocational education and training (VET). The policy lists four goals of the VET system:

- “Development of a functional gender sensitive, affordable and efficient VET-System of sufficient capacity according to the needs of the economy, the society and the individual.
- Enhancement of VET as an attractive and integrated component of a permeable comprehensive System of Education.
- Promotion of entrepreneurial skills and values as an integral element of VET at all stages, sectors and areas.
- Contribution to a foresighted and coordinated National Skills Development Planning and to Business and Employment Promotion Programs.”

The policy aims at reducing unemployment, by (1) ensuring that “vocational training becomes an important element in efforts at eradicating inequity and inequality among the people of Swaziland and includes groups thus far neglected, such as women and disabled [persons]”; and (2) change the focus of the VET system from formal economy wage employment to self-employment, thereby balancing skills demand and supply. Another objective is to provide training to the “widest possible range of citizens, irrespective of their level of formal education”.

4.2.3 Swaziland National Strategic Plan for HIV/AIDS 2000-2005

Swaziland has adopted a comprehensive multi-sectoral HIV/AIDS strategy. All government sectors have obligations under this policy. One of the strategies falling under the responsibility of the Ministry of Health is to “ensure that disabled people and their families have access to appropriate HIV/AIDS information and support”.²² For its part, the Ministry of Home Affairs has, as its objective, “to prevent and control the spread of HIV/AIDS among staff members, students, sports people, out of school youth, disabled persons, clients, refugees and their families”, and in this respect should “develop policies to protect vulnerable groups from sexual exploitation”.²³

The HIV/AIDS Crisis Management and Technical Committee (CMTC) is responsible for the coordination of the HIV/AIDS strategy. The Committee comprises 20 members representing: Government ministries, NGOs, workers’ and employers’ organizations, the Church, people living with HIV/AIDS, youth, women, Media, Traditional Healers, Chiefs and Donor agencies.

The mainstreaming of disability into the HIV/AIDS policy is very important, as people with disabilities are probably more likely to contract HIV than non-disabled persons because they often do not have access to information on HIV/AIDS and are often targeted for sexual abuse.²⁴

²² Swaziland National Strategic Plan for HIV/AIDS 2000-2005, p.71.

²³ *Ibid.*, p.74.

²⁴ Nora Grace, *HIV/AIDS and Disability: Capturing Hidden Voices*, World Bank-Yale University Global Survey on HIV/AIDS and Disability, 2004.

4.3 Organizations off/for people with disabilities

4.3.1 Disabled People's Organizations (DPOs)

The Federation of Organizations of the Disabled in Swaziland (FODSWA) is an umbrella organization of DPOs founded in 1993. Its functions consist mainly of advocacy and awareness raising. Its member organizations are the Swaziland National Association of the Deaf (SNAD), Swaziland National Association of the Physically Disabled Persons (SNAPDPe), Swaziland Association of the Visually Impaired (SAVIP) and the Parents of Children with Disabilities in Swaziland. FODSWA is a member of the Southern Africa Federation of the Disabled (SAFOD).

4.3.2 Non-governmental organizations (NGOs)

Cheshire Homes of Swaziland runs a boarding rehabilitation centre for people with physical disabilities in Matsapha. The services it provides include: vocational training in tailoring, leather work and knitting; a physiotherapy department; employment placement for those who have received vocational training; and orthopedic appliances advice.

St. Joseph's Mission, a Church organization, operates the Ekululameni Training Centre that provides vocational training for adults with disabilities. The Centre provides training in wood carving, sewing, fence making, vegetable production, weaving, and cabinet making and joinery.

Save the Children Swaziland has a Disability Programme aimed at strengthening and empowering DPOs. It notably provided training to DPOs mentioned in section 4.3.1 in strategic planning and resource mobilization. Save the Children is also promoting inclusive education and has helped some children by covering school fees. It also conducted an educational workshop on HIV/AIDS for visually impaired people.

5. Concluding comment

Swaziland has succeeded in mainstreaming disability into several of its national policies, including in the important fields of education and HIV/AIDS. The Government of Swaziland is to be commended for its policy of inclusive education, although the implementation of this policy has been reported to be slow while mainstream schools are often inaccessible to people with disabilities.²⁵

At present, Swaziland does not have legislation that prohibits discrimination on the grounds of disability, except for two clauses regarding the dismissal of employees, although it will if and when the draft Constitution is adopted, as the latter does contain an anti-discrimination provision. The National Development Strategy (NDS) calls for the enactment of legislation “to protect disadvantaged groups from abuse and discrimination”, but this has not been done so far. The lack of legislation on disability issues “means that access to services and rights of the disabled people depend on the goodwill of government officials and individuals”.²⁶

In Swaziland, the responsibility for vocational training lies with various departments and, as a result, the VET system is “uncoordinated and fragmented”. According to the Ministry of Enterprise and Employment, the current structure is “unworkable” and the VET system needs to be restructured and put under the responsibility of a single ministry or department.²⁷ As regards segregated vocational training centres for people with disabilities, there are few and the quality of training they offer is reported to be “below standard”, not preparing disabled students to the labour market.²⁸

²⁵ Annie Chimusoro, *Research on discrimination of people with disabilities in Swaziland*, FODSWA-Save the Children, 2001, p.11-13.

²⁶ FODSWA, *Swaziland Decade Strategic Plan 2004-2009(Draft)*, 2003.

²⁷ Ministry of Enterprise and Employment, *Performance Report 2002-2003*.

²⁸ *Ibid.*, p.16.