

*In 2015, Swaziland made efforts to eliminate the worst forms of child labor, but was also complicit in the use of forced child labor. While the Government continued its Free Public Education Program by paying school fees for children to attend primary school and expanded this program to cover grade seven, Swaziland is receiving an assessment of no advancement because the Minister of Education and Training closed schools for 7 days and forced more than 30,000 children and adults to carry out national duties, including weeding the King's fields. In addition, local chiefs forced children to engage in agricultural work throughout the year. Penalties for refusing to perform this work included evicting families from their village, confiscating livestock, and withholding family wages. Children in Swaziland are also engaged in child labor, including in domestic work and herding cattle. Significant gaps in laws remain, including the lack of a compulsory education age, and social programs do not adequately address child labor in domestic work and livestock herding.*



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Swaziland are engaged in child labor, including in domestic work and herding cattle.(1-4) Table 1 provides key indicators on children's work and education in Swaziland.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5-14 yrs.	11.7 (35,368)
Attending School (%)	5-14 yrs.	92.5
Combining Work and School (%)	7-14 yrs.	13.0
Primary Completion Rate (%)		79.0

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2015.(5)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 4, 2010.(6)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Growing corn,* picking cotton,* and harvesting sugarcane* (1, 3, 4)
	Herding cattle* and other livestock* (1, 3, 4, 7)
Services	Domestic work (1, 3, 4, 7)
	Serving alcohol *†(4)
	Street work, including as vendors, bus attendants, taxi conductors, portering, and washing cars (2-4, 7-9)
Categorical Worst Forms of Child Labor‡	Forced labor in livestock herding,* domestic work,* farming,* and market vending,* each sometimes as a result of human trafficking (2, 10)
	Commercial sexual exploitation sometimes as a result of human trafficking (1, 2, 10)
	Use in illicit activities, including growing, manufacturing, and selling drugs* (11)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)-(c) of ILO C. 182.

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Since 2000, the Government closed schools as part of the *Incwala* ceremony so that children, ages 13 and older, and adults could weed the fields of King Mswati III. (12-15) From January 20–27, 2015, the Government once again closed schools and required more than 30,000 children and adults to weed the King’s field with their bare hands during morning hours. (12, 16-18) Private schools that were open on January 13, 2015, were ordered to close so that children could weed the King’s fields. The Government maintains a register of all workers and provided food and a token, referred to as the *imbasha*, after the work was completed. Children and adults who refused to weed the fields were threatened with high fines, eviction from their village, and the confiscation of livestock. (15, 17, 19)

Act No. 6 of the 1998 Administrative Order gave local chiefs the authority to force residents to perform agricultural work and other essential tasks. The Swaziland High Court declared this law null and void in 2000, but it has yet to be formally repealed. (20) In 2015, local chiefs and their inner councils required residents, including children, to perform agricultural and other work deemed necessary. (10, 14, 18, 20) Residents who refused to perform this work were threatened by the local chiefs with eviction, confiscation of livestock, and wage withholding. (15, 16)

Children in Swaziland, especially girls and orphans, are trafficked within the country and externally to South Africa for commercial sexual exploitation and forced labor in agriculture and domestic work. Some Mozambican boys migrate to Swaziland to conduct street work or to work in herding livestock, and subsequently become victims of human trafficking. Local NGOs explained that child abuse cases, including child labor, frequently occur in regions such as Manzini and Lubombo.




Swaziland has one of the world’s highest HIV/AIDS prevalence rates, affecting more than a quarter of the population. According to the UNICEF 2010 Multiple Indicator Cluster Survey, 23.6 percent of children under age 18 have lost at least one parent, mostly as a result of HIV/AIDS. (21-23) A source also indicates that orphans face unfair and unequal treatment in schools. Although the Government paid school fees for some vulnerable children to attend primary school under the Free Primary Education Program, top-up fees required by school officials create barriers to education that further increase children’s vulnerability to exploitative labor.

Although the Government has conducted general labor force surveys, these surveys did not cover child labor; the Government also has not made it a policy to collect data on the worst forms of child labor. (24-26)

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Swaziland has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 234 of the Children’s Protection and Welfare Act (27)
Minimum Age for Hazardous Work	Yes	18	Article 236 of the Children’s Protection and Welfare Act (27)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 16, 233, 236, and 237 of the Children’s Protection and Welfare Act (27)

**Table 4. Laws and Regulations Related to Child Labor (cont)**

Standard	Yes/No	Age	Related Legislation
Prohibition of Forced Labor	Yes		Article 17 of the Constitution; Article 75 of the Children's Protection and Welfare Act; Article 13 of the People Trafficking and People Smuggling (Prohibition) Act (27-29)
Prohibition of Child Trafficking	Yes		Article 75 of the Children Protection and Welfare Act; Article 13 of the People Trafficking and People Smuggling (Prohibition) Act (27, 29)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 43-46 of the Crimes Act; Sections 1-5 and 7 of the Obscene Publications Act; (8, 30)
Prohibition of Using Children in Illicit Activities	Yes		Articles 16 and 49 of Children's Protection and Welfare Act (27)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Section 17(3) of the Ubutfo Swaziland Defense Force Order (31)
Compulsory Education Age	No		
Free Public Education	Yes		Article 29(6) of the Constitution (??); Section 3 of the Free Primary Education Act (28, 32, 33)

\* No conscription. (31)

The Sexual Offenses and Domestic Violence Bill is still under review in Parliament and has yet to be passed into law. Sections 13–15 and 23–28 of the bill would criminalize using, procuring, and offering a child for commercial sexual exploitation.(30) Section 97 of the Employment Act applies minimum age protections to children working in industrial undertakings, but it does not cover children working in domestic and agricultural work.(34) Under Articles 233, 236, and 237 of the Children's Protection and Welfare Act, children are prohibited from engaging in hazardous work in industrial undertakings, including in mining, manufacturing, and doing electrical work; however, these prohibitions do not extend to children in domestic and agricultural work; evidence indicates that children may be working long hours, using dangerous machines, carrying heavy loads, receiving exposure to harmful pesticides, and working alone in remote areas.(4, 27)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations related to child labor, including its worst forms (Table 5).

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Security	Enforce child labor laws and promote relations between labor, government, and business through tripartite dialogue.(1, 35)
Royal Swaziland Police	Enforce child labor laws.(1, 35) The Domestic Violence and Protection Unit primarily focuses on addressing child labor by educating police officers on how to identify child labor violations and the obligation to report violations. Enforce child labor laws.(1, 35)
Department of Social Welfare	Enforce child labor laws and look out for the interests of vulnerable populations, including orphans, children, and elderly people.(1, 35)

#### *Labor Law Enforcement*

In 2015, labor law enforcement agencies in Swaziland took actions to combat child labor, including its worst forms (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown* (3)	Unknown* (3)
Number of Labor Inspectors	30 (3)	30 (3)
Number of Child Labor Dedicated Inspectors	3 (3)	3 (3)
Inspectorate Authorized to Assess Penalties	No (3)	No (3)

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**Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)**

Overview of Labor Law Enforcement	2014	2015
Training for Labor Inspectors		
■ Initial Training for New Employees	Yes (3)	N/A (3)
■ Training on New Laws Related to Child Labor	Yes (3)	N/A (3)
■ Refresher Courses Provided	No (3)	No (3)
Number of Labor Inspections	Unknown* (3)	Unknown* (3)
■ Number Conducted at Worksite	Unknown* (3)	Unknown* (3)
■ Number Conducted by Desk Reviews	0* (3)	0* (3)
Number of Child Labor Violations Found	2 (3)	0* (3)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown* (3)	0* (3)
■ Number of Penalties Imposed That Were Collected	Unknown* (3)	0* (3)
Routine Inspections Conducted	Yes (3)	Yes (3)
■ Routine Inspections Targeted	Yes (3)	Yes (3)
Unannounced Inspections Permitted	Yes (3)	Yes (3)
Unannounced Inspections Conducted	Yes (3)	Yes (3)
Complaint Mechanism Exists	No (3)	No (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (3)	Yes (3)

\* The Government does not make this information publicly available.

The Ministry of Labor and Social Security and NGOs noted that labor inspectors lacked sufficient resources, such as vehicles to conduct inspections.(3)

### *Criminal Law Enforcement*

In 2015, criminal law enforcement agencies in Swaziland took actions to combat the worst forms of child labor (Table 7).

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor**

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Unknown (3)	Unknown (3)
■ Training on New Laws Related to the Worst Forms of Child Labor	Unknown (3)	Unknown (3)
■ Refresher Courses Provided	Yes (3)	Yes (7)
Number of Investigations	2 (3)	Unknown (3)
Number of Violations Found	2 (3)	0 (3)
Number of Prosecutions Initiated	0 (3)	0 (3)
Number of Convictions	0 (3)	0 (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (3)	Yes (3)

\* The Government does not make this information publicly available.

The Royal Swaziland Police Domestic Violence and Child Protection Unit trained police officers using the Children’s Protection and Welfare Act orientation package for police officers that was developed in collaboration with UNICEF to clarify the role of police officers in addressing child labor.(7)

## IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

**Table 8. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Trafficking in Persons Secretariat	Coordinate, monitor, and implement programs to combat trafficking in persons, with the assistance of the Anti-Human Trafficking Task Force.(37)
Anti-Human Trafficking Task Force	Exchange information on cases of human trafficking between relevant stakeholders, including the police, immigration, social services, and prosecutors. Comprises a conglomerate of NGOs and government entities, including the Royal Swaziland Police; Director of Public Prosecutions; Attorney General’s Office; Department of Social Welfare; Department of Health; Ministry of Foreign Affairs; and MLSS.(1, 38)

## V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Swaziland has established policies related to child labor, including its worst forms (Table 9).

**Table 9. Policies Related to Child Labor**

Policy	Description
National Plan of Action for Children	Implements the Children's Protection and Welfare Act mandate by developing a plan to address child labor, especially in hazardous work.(32)
National Children's Policy	Represents the policy framework of the Children's Protection and Welfare Act.(32)
National Plan of Action for Orphans and Vulnerable Children	Provides strategic objectives, such as providing education, psychosocial support, child protection, research and monitoring, and support to help orphans and vulnerable children enroll in school. Identifies child laborers as a vulnerable group of children.(36)
National Strategic Framework and Action Plan to Combat People Trafficking	Assigns responsibilities to relevant Government agencies on trafficking in persons.(36)
UN Development Assistance Framework (2011–2015)*	Improved access to social services, especially for women, children, and disadvantaged groups.(37)
National Social Development Policy*	Provides protections for children, including orphans and vulnerable children, street children, children with disabilities, and others.(32)
Education Sector Policy*	Seeks to provide equitable access to education.(32)

\* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

Although the National Task Team drafted an Action Program on the Elimination of Child Labor (APEC) in 2008 and made additional changes in 2012, it has not been approved. APEC includes the legal protections outlined in the Children's Protection and Welfare Act.

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Swaziland participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Social Programs to Address Child Labor**

Program	Description
Global Action Program on Child Labor Issues (2011–2017)	USDOL-funded project, implemented by the ILO in approximately 40 countries, to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016, established by the Hague Global Child Labor Conference in 2010. Aims to improve the evidence base on child labor through data collection and research in Swaziland.(41) During the year, IPEC-SIMPOC reviewed the data collected, in collaboration with the Swaziland national statistical office in preparing a report on the findings.(42)
Decent Work Country Program (2010–2017)	ILO program seeking to raise awareness of and provide training programs on international labor standards, with the aim of developing national laws related to the ratified ILO conventions. (38, 39)
Free Primary Education Program (2009–2015)†	Government program provided free primary education to children. In 2015, the program was extended from grade six to grade seven.(3)

† Program is funded by the Government of Swaziland.

Government resources allocated to education, the fight against HIV/AIDS, and other social protection programs that may affect the worst forms of child labor are still limited. The Government, in collaboration with NGOs, provided trafficking victims with basic necessities, such as food, clothing, shelter, toiletries, counseling, and medical care.(18) Although Swaziland has programs that target child labor, research found no evidence that it has carried out programs specifically designed to assist children working in livestock herding and domestic work.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Swaziland (Table 11).

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**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a compulsory education age that is consistent with the minimum age for employment.	2009 – 2015
	Ensure that the minimum age provisions in the law apply to children working in all industries, including in agriculture and domestic work.	2013 – 2015
	Ensure that the hazardous occupations and activities prohibited for children are comprehensive and include agriculture and domestic work.	2012 – 2015
	Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation.	2009 – 2015
Enforcement	Provide adequate resources, including transportation, to conduct labor inspections.	2013 – 2015
	Develop a system to record child labor complaints.	2009 – 2015
	Make civil and criminal enforcement information publicly available on the number of inspections, violations, investigations, prosecutions, convictions, and penalties issued.	2013 – 2015
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2015
Government Policies	Integrate child labor elimination and prevention strategies into relevant development and education policies.	2010 – 2015
	Adopt a policy, such as APEC, that addresses the worst forms of child labor.	2012 – 2015
Social Programs	Collect data on the worst forms of child labor.	2009 – 2015
	Ensure that children are guaranteed access to free education, including by addressing illegal school fees.	2013 – 2015
	Ensure that local chiefs are not illegally imposing Act No. 6 of the 1998 Administrative Order to force children to perform agricultural work.	2010 – 2015
	Develop programs to mitigate the impact that HIV/AIDS may have on access to education and a child's vulnerability to the worst forms of child labor.	2010 – 2015
	Develop social protection programs for the withdrawal from or prevention of children working in domestic work and livestock herding.	2014 – 2015

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