

In 2012, Swaziland made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government enacted the Children's Protection and Welfare Act and redrafted its Action Plan to Eliminate Child Labor (APEC) to better align with the new law. The Government also ratified the Palermo Protocol and both of the Optional Protocols on the Convention of the Rights of the Child. Despite continuing financial constraints as a result of a severe financial crisis in 2011, the Government expanded its free education program from grade four to five. There are, however, significant gaps in the laws, including the lack of a hazardous task list and a compulsory education age. Additionally, the roles and responsibilities of coordinating agencies to combat the worst forms of child labor are not clear. Children continue to engage in the worst forms of child labor, many of them working in dangerous forms of agriculture and in livestock herding.

### Statistics on Working Children and Education

Children	Age	Percent
Working	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		76.9

#### Sources:

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from MICS 4 Survey, 2010.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Swaziland, many of them working in dangerous activities in agriculture and livestock herding.(3-5) Although evidence is limited, there are reports that children pick cotton and harvest sugarcane.(5, 6) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(7, 8) Reports indicate that in addition to agriculture, working children are primarily engaged in herding.(3-6) Children herding livestock may suffer injuries such as being bitten, butted, gored, or trampled by animals.(9, 10) Boys who migrate from Mozambique to Swaziland to work in herding may subsequently become victims of forced labor, as their employers reportedly do not allow them to leave.(11, 12) Children also reportedly work in domestic service.(3-6) Child domestics may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. These



children may be isolated in private homes and are susceptible to physical and sexual abuse.(7, 13)

Children are used for illicit activities and commercial sexual exploitation. Reports suggest that children may grow, manufacture, and sell drugs and may engage in commercial sexual exploitation at truck stops, brothels, and bars in which some children serve alcohol.(5, 14)

Anecdotal evidence suggests that Swaziland is a source, destination, and transit country for child trafficking for the purposes of domestic service, sexual exploitation and forced labor in agriculture.(3, 12) Swazi girls are trafficked internally into the cities of Mbabane and Manzini, and internationally to South Africa and Mozambique for domestic service and commercial sexual exploitation.(11, 12)

While primary education is free through grade five, parents are expected to contribute to the costs of education through payment of student fees, as well as contributions for infrastructure improvements, school supplies, and uniforms.(5, 15-17) The inability to make these contributions and pay the fees charged by schools create additional challenges impacting students' ability to remain enrolled in school, increasing the potential of their engagement in child labor.(18)

Swaziland has one of the world's highest HIV/AIDS prevalence rates, affecting more than a quarter of the population. According to UNICEF's 2010 Multiple Indicator Cluster Survey, 23.6 percent of children under 18 have lost at least one parent, mostly as a result of HIV/AIDS, and are therefore at risk of entering into the worst forms of child labor.(15, 19, 20)

There are reports of children working on the streets, but specific information on hazards is unknown.(4, 5)

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## Laws and Regulations on the Worst Forms of Child Labor

In 2012, the Government of Swaziland passed the Children’s Protection and Welfare Act, which strengthened labor protections for children. The law defines a child as a person under 18 years old and sets the minimum age for employment at 15 years.(21) The law sets the minimum age for night work at 16, and prohibits the employment of children under the age of 18 in any form of hazardous work.(21) A list of activities that are considered hazardous will be adopted through regulation by the Minister of Labor and Social Security.(22) The law establishes that a child has the right to protection from exploitative labor. Exploitative labor is defined as labor that deprives or hinders access to health, education, or development.(21) The Employment Act of 1980 states that children may not work during school hours, at night, for more than 6 hours a day or 33 hours a week, or for more than 4 hours continuously.(23) The employment of a child is prohibited in places mainly used for the sale and consumption of alcohol, places in which their morals may be impaired, and in underground, dangerous, or unhealthy places.(23)

### International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Swaziland lacks a compulsory education law that is consistent with the minimum age of employment.(4, 11) The lack of standards in this area may increase the risk of children’s involvement in the worst forms of child labor.

The Crimes Act criminalizes child prostitution. The draft Sexual Offenses and Domestic Violence Bill aims to provide more stringent penalties; however, the Bill has yet to be enacted.(4, 24) The General Pornography Act prohibits pornography, including child pornography.(4) The Child Protection and Welfare act prohibits the use of children from being involved in the production, trafficking, or distribution of harmful substances. In addition, the law prohibits any person from procuring or using a child to carry out illicit activities.(21)

The Trafficking and People Smuggling (Prohibition) Act criminalizes trafficking, covering both internal and international forms of trafficking and providing penalties for violators, including up to 25 years’ imprisonment for the trafficking of children for any purpose.(12, 25) The Act also provides for victim compensation through a fine on convicted offenders.(12, 25)

The Constitution prohibits slavery and forced labor. It also states that a child has a right to be protected from engaging in work that constitutes a threat to the health, education, or development of the child.(26) However, a 1998 Administrative Order, Act No. 6, granted local chiefs the power to require residents to perform work, for example agricultural work, enforceable with penalties for noncompliance. The High Court has declared the order null and void, stating that it was overridden by the constitution. However, the ILO recommends that it be repealed.(5, 27) The Umbutfo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.(28)

During the reporting period, the Government ratified the Palermo Protocol on Trafficking in Persons, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, and the Optional Protocol on Armed Conflict.(29-31)

### Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Swaziland has established a coordinating mechanism to specifically combat the worst forms of child labor. The government established a Child Labor Unit under the Ministry of Labor and Social Security (MLSS) and also maintained a National Children’s Coordination Unit under the Deputy Prime Minister’s Office. These entities are a part of the newly established National Task Team designated to develop a new child labor policy.(22) However, the distinct roles and activities of each body are not clear. In addition, community-

based child labor committees are responsible for coordinating and monitoring activities to combat child labor at the local level.(32)

The Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling, established by the Prime Minister, coordinates the implementation of the recent trafficking legislation and includes representatives from multiple government and law enforcement agencies, as well as NGOs. The Task Force held regular meetings and encouraged information sharing during the reporting period.(12, 33-35) The Task Force's Secretariat is spearheading efforts to develop a national strategy and action plan.(16)

The MLSS, the Deputy Prime Minister's Office through the National Children's Coordination Unit, the Department of Social Welfare and the Royal Swaziland Police Services are the federal agencies designated to enforce child labor laws.(4) The MLSS employs 32 labor inspectors and conducted 2,100 labor inspections in the formal sector during the 2012 reporting year. Child labor issues are included on the routine labor inspection questionnaire, but no violations were reported nor were any children removed or assisted as a result of the inspections.(4, 16, 22) However, child labor occurs primarily in the informal sector.(4) While complaints regarding child labor can be made to the above mentioned entities, reports indicate that a system to record child labor complaints does not exist.(22, 36) It is not yet clear what the role and impact of the establishment of a new Child Labor Unit under the MLSS will have on efforts to eliminate the worst forms of child labor.

Within the Royal Swaziland Police Service, the Domestic Violence and Sexual Offenses Unit is responsible for the enforcement of criminal laws relating to the worst forms of child labor, including trafficking.(37) The Sexual Offences Unit also includes child-focused resources, such as a child friendly interview room.(38) The ILO-IPEC provided some training for these enforcement agencies during the period, but these trainings did not include child labor issues.(4)

### **Government Policies on the Worst Forms of Child Labor**

During the reporting period, the Government worked with the ILO to revise its APEC.(4) The APEC, first developed in 2008, is intended to serve as the primary policy framework for the prevention and elimination of child labor, with the goal of eradicating the worst forms by 2015.(3, 39) As originally drafted, it included specific roles for the Ministry of Education and the MLSS to ensure its implementation in national institutions; however, the policy was never implemented.(4, 32, 36, 40) The new APEC is designed

to improve implementation as a result of the passage of the Children's Protection and Welfare Act. The new APEC was drafted by the National Task Team and is currently awaiting approval by the Cabinet.(4, 22). This APEC focuses on six key areas: legislation and enforcement; empowerment of vulnerable households; education and training; public awareness and social community mobilization; withdrawal, rehabilitation, and social reintegration; and institutional capacity.(4) Although the Government has conducted general labor force surveys, the surveys did not cover child labor, and the Government has not made it a policy to collect data on the worst forms of child labor.(3, 41, 42)

Although the National Plan of Action for Orphans and Vulnerable Children (2011-2015) does not explicitly address child labor, it does include child laborers as among the most vulnerable children. The Plan has nine strategic objectives, including education, psychosocial support, child protection, and research and monitoring.(16) The Plan also supports orphans and vulnerable children's (OVC's) enrollment in school.(16)

Swaziland has a National Policy on Children (2009), a National Social Development Policy (2009), a National Development Strategy, and an Education Sector Policy (2011); however, the question of whether these policies have an impact on child labor does not appear to have been addressed.(27, 43, 44)

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

In the beginning of 2013, the Government expanded its Free Primary Education (FPE) program to all children in grades one through five. In the previous reporting period, the FPE only extended to children in grades one through three. The goal of the FPE is to extend free education to grade seven by 2015.(22) The Government also provided free textbooks to primary school students, supported school feeding programs, and paid the school fees of OVC.(3, 4, 15, 22, 37, 45)

With the enactment of the Children's Protection and Welfare Act as part of the National Policy on Children, the National Plan for Action (NAP) for Children (2011-2015) is currently being implemented. The NAP for Children covers children engaged in harmful, hazardous, and exploitative work.(22)

In 2012, Swaziland participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project, which is active in approximately 40 countries. In Swaziland, the project aims to improve the evidence base on child labor and forced labor through data collection and research.(46)

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During the reporting period, however, the Government continued to suffer from the remnants of a severe fiscal crisis in 2010 and 2011 that impacted its ability to provide social services.(4, 47) As a result, resources allocated to education, the fight against HIV/AIDS, and social protection programs that

may combat the worst forms of child labor are still limited, and existing social programs lack components on child labor.(4, 48) In 2012, the Government continued to experience issues with temporary school closings due to teachers strikes over pay.(49)

**Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Swaziland:**

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Implement the Child Protection and Welfare Act and create a list of hazardous occupations.	2012
	Establish a compulsory education age that is consistent with the minimum age of employment.	2009, 2010, 2011, 2012
	Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation and prostitution.	2009, 2010, 2011, 2012
	Repeal 1998 Administrative Order, Act No. 6	2010, 2012
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor and clarify the role and report the activities of the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling and other child labor-related entities.	2010, 2011, 2012
	Explore mechanisms to include the informal sector within the country's enforcement process.	2011, 2012
	Develop a system to record child labor complaints.	2009, 2010, 2011, 2012
Policies	Pass and implement the revised Action Program on the Elimination of Child Labor.	2012
	Collect data on the worst forms of child labor.	2009, 2010, 2011, 2012
	Assess the National Policy on Children, the National Social Development Policy, the Education Plan, and the National Development Strategy and their impact on the worst forms of child labor.	2010, 2011, 2012
Social Programs	Expand and improve programs to combat the worst forms of child labor, including <ul style="list-style-type: none"> <li>• Integrate a child labor component into existing social programs to support vulnerable children; and</li> <li>• Prioritize spending on education and social protection programs to avoid disruptions of children's schooling, and increase efforts to provide free primary education for children beyond grade five.</li> </ul>	2010, 2011, 2012 2010, 2011, 2012



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