

Swaziland

In 2011, Swaziland made no advancement in efforts to eliminate the worst forms of child labor. A severe financial crisis in 2011 negatively impacted the Government's ability to initiate priority programs on education and social protection. As a result, the Government agencies responsible for paying student fees for orphans and vulnerable children could not send these payments to schools. Because schools are dependent on such student fees to operate, this caused many schools to temporarily close. In addition, the Government did not implement its Action Plan to Eliminate Child Labor (APEC) in 2011 as planned. Gaps still exist in the country's laws, including the lack of a minimum age for hazardous work and a compulsory education age. The Government did begin work on a draft Child Protection and Welfare Bill to address these gaps; however, the legislation was not enacted into law during the reporting period. Children continue to engage in the worst forms of child labor in dangerous forms of agriculture and livestock herding.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		76.9

Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(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, 4) Children pick cotton and harvest sugarcane.(5, 6) Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides and herbicides.(7) Although information about the worst forms of child labor in Swaziland is limited, reports indicate that in addition to agriculture, working children are primarily engaged in herding, which may expose them to disease or injury, and in domestic service.(3, 5) Child domestics



may work long hours and be subjected to physical and sexual exploitation by their employer.(8)

Children work as porters, transporting heavy loads in self-made carts, and as bus attendants and taxi conductors, collecting fees and calling out routes while climbing in and out of moving vehicles.(9, 10) Boys who migrate from Mozambique to Swaziland also work in portering and herding and some of these boys may subsequently become victims of forced labor, as their employers reportedly do not allow them to leave.(11, 12) Swazi boys also work in market vending. Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and crime.(13) A report from 2006 suggests that children work 14-hour days in textile factories, where they are exposed to dangerous machinery in addition to long hours, but more recent reports on whether this is an ongoing problem are unavailable.(9)

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, bars and brothels.(9, 14) Limited evidence suggests children are also employed to distribute alcohol in stores, where they are reportedly exposed to sexual harassment, but research found no information on whether this is an ongoing problem.(9, 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, 9, 11) 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 four, 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.(15-17) The inability to make these contributions may serve as a barrier to education.

Swaziland has one of the world's highest HIV/AIDS prevalence rates, affecting almost a quarter of the population. According to UNICEF's 2010 Multiple Indicator Cluster Survey, 23.6 percent of children ages 0 to 17 have lost at least one parent, mostly as a result of HIV/AIDS, and are at risk of entering into the worst forms of child labor.(15, 18-20)

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 1980 sets the minimum age for employment in "industrial undertakings" at 15, but it does not set a minimum age for other sectors. As many working children in Swaziland are not employed in industrial undertakings, they may engage in work starting at any age, although there are restrictions on when and how many hours a day they may work.(10, 12, 21) A child, defined as anyone under age 15, 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.(21) The employment of both a child or young person (defined as between ages 15 and 18) is prohibited in places mainly used for the sale and consumption of alcohol, places where their morals may be impaired, and underground or in dangerous or unhealthy places.(21) The Employment Act also excludes children in non-contract work, leaving children who work in such a capacity in agriculture and in domestic service unprotected by the law. Further, the Employment Act does not specify the types of work considered hazardous or the worst forms of child labor.(5, 21, 22) The draft Child Protection and Welfare Bill of 2010 addresses many of these gaps in legislation, including a minimum age for all work of 15, a minimum age for hazardous work of 18 and a list of occupations considered hazardous. Both houses of Parliament have approved the Bill, but it is awaiting the King's signature.(17, 23)

There is no law establishing compulsory education in Swaziland.(12) The lack of standards in this area may increase the risk of children's involvement in the worst forms of child labor. In addition, late payment or nonpayment of school fees by the Government impacts students' ability to remain enrolled

in school, increasing the potential of their engagement in child labor.(16, 24)

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

The Crimes Act criminalizes prostitution. The draft Sexual Offenses and Domestic Violence Bill aims to specifically prohibit child prostitution and to provide more stringent penalties; however, the Bill has yet to be enacted. The General Pornography Act prohibits pornography.(2, 25) Laws in Swaziland do not appear to prohibit the use, procuring or offering of a child for illicit activities.(12)

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.(11, 26) The Act also provides for victim compensation through a fine on convicted offenders.(11, 26)

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.(27) The Umbutfo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.(28)

Institutional Mechanisms for Coordination and Enforcement

The Program Advisory Committee on Child Labor (PACC) is charged with developing a national policy to address the worst forms of child labor, with the Ministry of Enterprise and

Employment as its Secretariat.(19, 29) It is not clear whether the PACC serves to ensure that activities to combat child labor are implemented in a coordinated manner across the government and no information on PACC's activities during the reporting period is available. Community-based child labor committees are responsible for coordinating and monitoring activities to combat child labor at the local level.(30)

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.(11, 31-34) The Task Force's Secretariat is spearheading efforts to develop a national strategy and action plan.(17)

The Ministry of Labor and Social Security, 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.(3) The Ministry of Labor and Social Security employs 16 labor inspectors and conducted 1,800 labor inspections during the 2011 reporting year. Child labor issues are included on the routine labor inspection questionnaire, but as child labor occurs primarily in the informal sector and labor inspections take place in the formal sector, no violations were reported nor were any children removed or assisted as a result of the inspections.(3, 17) While complaints regarding child labor can be made to the abovementioned entities, reports indicate that there are no records of child labor complaints.(35)

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.(3, 29) The Government has also established a Gender Unit within the Deputy Prime Minister's Office to coordinate government actions with respect to gender mainstreaming.(36) The ILO-IPEC provided some training for these enforcement agencies during the period, but these trainings did not include child labor issues.(3) In May 2011 charges were filed against two people over the rape of a prostituted child. But they were dropped due to insufficient evidence.(34)

Government Policies on the Worst Forms of Child Labor

APEC, developed in 2008, specifically serves as the primary policy framework for the prevention and elimination of child

labor.(3, 37) Through APEC, Swaziland aims to eradicate the worst forms of child labor by 2015. APEC includes specific roles for the Ministry of Education and the Ministry of Labor and Social Security to ensure its implementation in national institutions.(1, 18, 30, 35) However, little action was taken to implement APEC in 2011.(3) Although the Government has conducted general labor force surveys, this survey 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, 22, 38).

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. The Plan also supports Orphans and Vulnerable Children's (OVC) enrollment in school.(17)

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.(39-41)

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

At the start of 2011, the Government continued to implement a program to provide free primary education to all children for those in grades one through three, provided free textbooks to primary school students, supported school feeding programs and paid the school fees of OVC.(3, 15, 29, 42)

During the reporting period, however, the Government of Swaziland suffered a severe financial crisis that impacted its ability to provide social services.(43). 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 were severely affected.(44) By September 2011, schools in Swaziland were forced to shut down temporarily as a result of the Government's inability to cover the cost of student fees for OVC, who compose approximately 60 percent of all Swazi school children. Schools cannot buy sufficient supplies without these fees, and many teachers went on strike to protest the lack of funding.(45) In April 2011, the IMF worked with the Government to create a plan for better budget management and spending; and to allocate more resources to education, prevention of HIV/AIDS, and protections for OVC.(44) However, the Government failed to make sufficient progress under the plan and the IMF deemed it a failure.(17)

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	Enact the Child Protection and Welfare Bill of 2010 to apply the minimum age for work to all sectors, prohibit the worst forms of child labor, include a list of hazardous occupations, and extend protections to children in non-contract work and non-industrial undertakings.	2009, 2010, 2011
	Establish a compulsory education age that is consistent with the minimum age of employment.	2009, 2010, 2011
	Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation and prostitution.	2009, 2010, 2011
	Enact legislation to prohibit using, procuring or offering a child for illicit activities.	2009, 2010, 2011
Coordination and Enforcement	Clarify the roles and report the activities of PACC and the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling.	2010, 2011
	Explore mechanisms to include the informal sector within the country's enforcement process.	2011
	Develop a system to record child labor complaints.	2009, 2010, 2011
Policies	Implement the Action Program on the Elimination of Child Labor.	2011
	Increase efforts to provide free and compulsory education, including expanding free primary education for children beyond grade four.	2010, 2011
	Collect data on the worst forms of child labor.	2009, 2010, 2011
	Assess the National Policy on Children, the National Social Development Policy, the Education Plan and the National Development Strategy and their impact on the worse forms of child labor.	2010, 2011
Social Programs	Expand and improve programs to combat the worst forms of child labor, including:	2010, 2011
	Integrate a child labor component into existing social programs to support vulnerable children.	2010, 2011
	Implement recommendations in the Fiscal Adjustment Roadmap	2011
	Prioritize spending on education and social protection programs, and provide timely delivery of school fees for OVC to avoid disruptions of children's schooling.	2011

REFERENCES

- UNESCO Institute for Statistics. Gross intake ration to the last grade of primary. Total.; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. Mbabane, Swaziland: February 2, 2012. Reliable statistical data on the worst forms of child labor are especially difficult to collect, given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- U.S. Embassy- Mbabane. *reporting, January 19, 2012*.
- ICF Macro. *Child Labor in the Sugarcane Industry in Paraguay: Quantitative Research and Data Collection*. Calverton, MD; October 2011.
- U.S. Embassy- Mbabane. *reporting, January 20, 2009*.
- Solidarity Center. *Justice for All: The Struggle for Worker rights in Swaziland*. Washington, DC; September 2006. <http://www.solidaritycenter.org/files/SwazilandFinal.pdf>.

7. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
8. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in domestic work is not available, research studies and other reports have documented the dangerous nature of tasks in domestic work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
9. ILO-IPEC. *Implementation plan of the programme Towards the Elimination of worst forms of Child Labour (TECL) in Swaziland 2004-2007 (TECL Paper 12)*. Geneva; March 2006. <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=4287>.
10. U.S. Department of State. Swaziland. In: *Country Reports on Human Rights Practices- 2011*. Washington, DC; May 24, 2012; http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186248.
11. U.S. Department of State. Swaziland. In: *Trafficking in Persons Report-2011*. Washington, DC; June 27, 2011; <http://www.state.gov/g/tip/rls/tiprpt/2011/164233.htm>.
12. International Trade Union Confederation. *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*. Geneva; November 4-6, 2009. http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf.
13. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in street work is not available, research studies and other reports have documented the dangerous nature of tasks in street work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
14. Keregero JB Keregero and Mariam M. Keregero. *Commercial Sexual Exploitation of Children in Swaziland*. Mbabane; 2007. Report No.: TECL Report No. 71. www.child-labour.org.za.
15. Nordtveit B. "Schools as Agencies of Protection in Namibia and Swaziland: Can They Prevent Dropout and Child Labor in the Context of HIV/AIDS and Poverty?" *Comparative Education Review*, 54(2):223-242 (2010); [hard copy on file].
16. Integrated Regional Information Network. *Swaziland: Judge rules for free education*. March 25, 2009. <http://www.irinnews.org/Report.aspx?ReportID=83640>.
17. U.S. Embassy-Mbabane official. E-mail communication to. USDOL official. June 18, 2012.
18. Turton YJ, Kamidza R. *Draft Final Evaluation Report: Supporting the time-bound programme for the elimination of the worst forms of child labour in South Africa and laying the basis for concerted action in Botswana, Lesotho, Namibia and Swaziland TECL I*; June-July 2008. [hard copy on file].
19. Nordtveit B. *Independent Final Evaluation of RECLISA: Swaziland Country Report*; June 10, 2008. [hard copy on file].
20. UNICEF. *Swaziland Multiple Indicator Cluster Survey 2010 Final Report*; December 2011. [source on file].
21. Government of Swaziland. *King and Parliament of Swaziland: The Employment Act, (1980)*; [http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-\(Excerpts\).pdf](http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-(Excerpts).pdf).
22. ILO Committee of Experts. Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Swaziland (ratification: 2002) Submitted: 2010; February 24, 2011; <http://www.ilo.org/ilolex/english/iloquery.htm>
23. Government of Swaziland. *Children's Protection and Welfare Bill, (DRAFT)*; [hard copy on file].
24. Nordtveit B. "Discourses of education, protection, and child labor: case studies of Benin, Namibia, and Swaziland." *Discourse: Studies in the Cultural Politics of Education*, 31(5):699-712 (2010); [hard copy on file].
25. allAfrica. "Swaziland: Help Sex Workers- Senator." allafrica.com [online] November 12, 2009 [cited February 24, 2011]; <http://allafrica.com/stories/200911130001.html>.
26. Government of Swaziland. *The People Trafficking and People Smuggling (Prohibition) Act, Act No. 7 (November 10, 2009)*; [hard copy on file].
27. Government of Swaziland. *An Act to provide for the Constitution of the Kingdom of Swaziland, (2005)*; <http://www.southernafricanlawcenter.org/salc/library/Librarydetail.aspx?id=341449205>.
28. Coalition to Stop the Use of Child Soldiers. Swaziland. In: *Child Soldiers Global Report 2008*. London; 2008; http://www.child-soldiers.org/library/global-reports/root_id=159&directory_id=216.
29. U.S. Embassy- Mbabane. *reporting, January 27, 2011*.
30. American Institutes for Research. *Reducing Exploitive Child Labor in Southern Africa (RECLISA)*. Final Technical Progress Report. Washington, DC; December 8, 2008
31. UNDP. *Human Trafficking- Red Light 2010*, [online] September 1, 2009 [cited February 24, 2011]; http://www.undp.org.sz/index.php?option=com_content&view=article&id=142:human-trafficking-red-light-2010&catid=116:gender&Itemid=121.
32. Ndlangamandla N. "Zim child kidnapped at Mahamba." *The Swazi Observer*, Mbabane, March 10, 2010. <http://www.observer.org.sz/index.php?news=12260>.
33. Masilela C. "Let's Fight For Tier 1." *The Swazi Observer*, Mbabane, August 3, 2010. <http://www.observer.org.sz/index.php?news=15152>.
34. U.S. Department of State. Swaziland. In: *Trafficking in Persons Report-2012*. Washington, DC; June 19, 2012; <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm>.
35. U.S. Embassy- Mbabane. *reporting, February 3, 2010*.
36. UNICEF. *Swaziland Fulfills a Promise to Children: Kingdom Launches First Sexual Offences Unit*, [online] [cited February 24, 2011]; <http://www.unicef.org/swaziland/media.html>.
37. allAfrica. "Swaziland: Plan to Address Child Labour." allafrica.com [online] April 3, 2009 [cited March 1, 2011]; <http://allafrica.com/stories/200804030175.html>.
38. U.S. Embassy- Mbabane. *reporting, February 17, 2011*.
39. UNAIDS. *Monitoring on the Declaration of the Commitment on HIV and AIDS: Swaziland Country Report*; March 2010. <http://www.unaids.org/es/dataanalysis/monitoringcountryprogress/2010progressreportsubmittedbycountries/file,33656.es.pdf>.
40. ILO Committee of Experts. Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Swaziland (ratification: 2002) Submitted: 2010; February 24, 2011; <http://www.ilo.org/ilolex/english/iloquery.htm>.
41. Government of Swaziland. *National Development Strategy*, [online] [cited February 24, 2011]; http://www.ecs.co.sz/nds/nds_chapter4.htm.
42. IRIN (Integrated Regional Information Network). *Swaziland: Orphans' doomsday scenario fails to materialize*. January 26, 2011. <http://www.irinnews.org/PrintReport.aspx?ReportID=91741.html>.
43. IMF. *Kingdom of Swaziland: 2011 Article IV Consultation—Staff Report; Staff Supplement; Public Information Notice on the Executive Board Discussion; and Statement by the Executive Director for Swaziland* [online] [cited 03/01/2012 2012]; <http://www.imf.org/external/pubs/ft/scr/2012/cr1237.pdf>.
44. IMF. *Customs revenue, Fiscal Steps an power Swaziland Recovery*, IMF, [online] [cited March 1, 2012] <http://www.imf.org/external/pubs/ft/survey/so/2012/CAR02101B.htm>.
45. BBC. *Swaziland's financial crisis 'forcing schools to shut'*. March 1, 2012 2011. <http://www.bbc.co.uk/news/world-africa-14921799>.