

In 2016, 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 up to grade seven, Swaziland is receiving an assessment of no advancement because local chiefs continued to force children to engage in agricultural and domestic work. Penalties for refusing to perform this work included evicting families from their village and confiscating livestock. Children in Swaziland are also engaged in the worst forms of child labor, including in forced domestic work and livestock herding. 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 engage in the worst forms of child labor, including in forced domestic work and livestock herding.(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 to 14	11.7 (35,368)
Attending School (%)	5 to 14	92.5
Combining Work and School (%)	7 to 14	13.0
Primary Completion Rate (%)		79.0

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2016.(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, 7)
	Herding cattle and other livestock (1, 3, 4, 7-9)
Services	Domestic work (1, 3, 4, 7, 8)
	Street work, including as vendors, bus attendants, taxi conductors, portering, and washing cars (2-4, 7, 8, 10, 11)
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, 9, 12)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1, 2, 12)
	Use in illicit activities, including growing, manufacturing, and selling drugs (7, 13)

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

Due to a lack of law enforcement, local chiefs continue to operate under Act No. 6 of the 1998 Administrative Order that was declared null and void by the Swaziland High Court in 2000.(14) The Administrative Order gave local chiefs the authority to force residents to perform agricultural work and other essential tasks.(9, 15) In 2016, local chiefs and their inner councils continued to force residents, including children, to perform agriculture and domestic work.(9, 15-17) Residents who refused to perform this work were threatened by the local chiefs with eviction and confiscation of livestock. (18, 19)

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Swazi children, especially girls and orphans, are trafficked within and outside the country to neighboring countries like South Africa for commercial sexual exploitation and forced labor in agriculture and domestic work.(9, 20) Some Mozambican boys migrate to Swaziland and become victims of human trafficking and are subsequently forced to conduct street work and herd livestock.(20) In addition, local NGOs identified regions such as Lubombo and Manzini where children are most vulnerable to the worst forms of child labor.(9) To compound the issue, Swazi children have become increasingly vulnerable to the worst forms of child labor due to the high prevalence of HIV, low economic growth, and high poverty levels.(20-24) Children, especially those with disabilities, have difficulty accessing education due to top-up fees or stigmatization by the public.(14, 24) The Government has yet to collect comprehensive data on child labor to inform policies and social programs.

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). However, gaps exist in Swaziland’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	15	Article 234 of the Children’s Protection and Welfare Act (25)
Minimum Age for Hazardous Work	Yes	18	Article 236 of the Children’s Protection and Welfare Act (25)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 16, 233, 236, and 237 of the Children’s Protection and Welfare Act (25)
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 (25-27)
Prohibition of Child Trafficking	Yes		Article 75 of the Children’s Protection and Welfare Act; Article 13 of the People Trafficking and People Smuggling (Prohibition) Act (25, 27)
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; (10, 28)
Prohibition of Using Children in Illicit Activities	Yes		Articles 16 and 49 of Children’s Protection and Welfare Act (25)
Minimum Age for Compulsory Military Recruitment	N/A*		
State Compulsory	N/A*		Section 17(3) of the Umutfo Swaziland Defence Force Order (29)
State Voluntary	Yes	18	Section 17(3) of the Umutfo Swaziland Defence Force Order (29)
Non-state Compulsory	No		Umutfo Swaziland Defence Force Order (29)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Compulsory Education Age	No		
Free Public Education	Yes		Section 3 of the Free Primary Education Act (30)

* No conscription (29)

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.(28) 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.(31) 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 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, exposed to harmful pesticides, and working alone in remote areas.(4, 25)

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

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Security (MLSS)	Enforce child labor laws and promote relations between labor, government, and business through tripartite dialogue.(1, 32)
Royal Swaziland Police	Enforce child labor laws. The Domestic Violence and Protection Unit focuses primarily on addressing child labor by educating police officers on how to identify child labor violations and on their obligation to report violations.(1, 32)
Department of Social Welfare	Enforce child labor laws and protect the interests of vulnerable populations, including orphans, children, and elderly people.(1, 32)

Labor Law Enforcement

In 2016, 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	2015	2016
Labor Inspectorate Funding	Unknown* (3)	Unknown* (14)
Number of Labor Inspectors	30 (3)	20 (14)
Number of Child Labor Dedicated Inspectors	3 (3)	1 (14)
Inspectorate Authorized to Assess Penalties	No (3)	No (14)
Training for Labor Inspectors		
Initial Training for New Employees	N/A (3)	Yes (14)
Training on New Laws Related to Child Labor	N/A (3)	N/A (14)
Refresher Courses Provided	No (3)	Unknown* (14)
Number of Labor Inspections	Unknown* (3)	Unknown* (14)
Number Conducted at Worksite	Unknown* (3)	Unknown* (14)
Number Conducted by Desk Reviews	0* (3)	0 (14)
Number of Child Labor Violations Found	0* (3)	0 (14)
Number of Child Labor Violations for Which Penalties Were Imposed	0* (3)	N/A (14)
Number of Penalties Imposed That Were Collected	0* (3)	N/A (14)

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

Overview of Labor Law Enforcement	2015	2016
Routine Inspections Conducted	Yes (3)	Yes (14)
Routine Inspections Targeted	Yes (3)	Unknown* (14)
Unannounced Inspections Permitted	Yes (3)	Yes (14)
Unannounced Inspections Conducted	Yes (3)	Yes (14)
Complaint Mechanism Exists	No (3)	No (14)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (3)	Yes (14)

* The Government does not make this information publicly available.

The Ministry of Labor and Social Security (MLSS) and NGOs noted that labor inspectors lacked sufficient resources, such as vehicles to conduct inspections.⁽³⁾ The number of labor inspectors is insufficient for the size of Swaziland’s workforce, which comprises more than 446,000 workers. According to the ILO’s recommendation of 1 inspector for every 15,000 workers in developing economies, Swaziland should employ roughly 30 labor inspectors.⁽³³⁻³⁵⁾

Criminal Law Enforcement

In 2016, 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	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown (3)	N/A (14)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (3)	Unknown (14)
Refresher Courses Provided	Yes (8)	Unknown (14)
Number of Investigations	Unknown (3)	Unknown (14)
Number of Violations Found	0 (3)	0 (14)
Number of Prosecutions Initiated	0 (3)	0 (14)
Number of Convictions	0 (3)	0 (14)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (3)	Yes (14)

In 2016, the Government of Swaziland, in collaboration with UNODC, developed a Victim Identification Guidelines and Referral Mechanism to assist victims of trafficking. The guidelines are used by law enforcement agencies and include tips on identifying, protecting, investigating, documenting, and reuniting victims of trafficking.⁽³⁶⁾ During the reporting year, a Swazi man was arrested for trafficking three minors across the South African border.⁽³⁷⁾

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. Key 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)

Although the Government has coordinating mechanisms that focus on TIP, there are no coordination bodies that focus on child labor issues such as children working in agriculture and domestic work.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

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

Table 9. Key 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.(38)
National Children’s Policy	Represents the policy framework of the Children’s Protection and Welfare Act.(38)
National Plan of Action for Orphans and Vulnerable Children	Supports 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.(39)
National Strategic Framework and Action Plan to Combat People Trafficking	Assigns responsibilities to relevant government agencies on trafficking in persons.(40)

The Government’s National Task Team developed a draft Action Program on the Elimination of Child Labor (APEC) in 2008, but it has yet to be approved. A new draft APEC was developed in 2014, but the MLSS has yet to present it to the tripartite body, the Labor Advisory Board, for consultations.(3, 14) Child labor elimination and prevention strategies are not included in the Education Sector Policy and National Social Development Policy.(38, 41)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key 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) Additional information is available on the USDOL Web site .
Decent Work Country Program (2010–2017)	ILO program 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.(42, 43)
Free Primary Education Program†	Government program that provides free primary education to children up 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.(14, 17) 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 the same as the minimum age for work.	2009 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Ensure that the minimum age provisions in the law apply to children working in all industries, including in agriculture and domestic work.	2013 – 2016
	Ensure that the hazardous occupations and activities prohibited for children are comprehensive and include agriculture and domestic work.	2012 – 2016
	Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation.	2009 – 2016
Enforcement	Ensure that local chiefs are not illegally imposing Act No. 6 of the 1998 Administrative Order to force children to perform agricultural work.	2010 – 2016
	Authorize the labor inspectorate to assess penalties.	2016
	Increase the number of labor inspectors to meet the ILO recommendation.	2016
	Provide adequate resources, including transportation, to conduct labor inspections.	2013 – 2016
	Develop a system to record child labor complaints.	2009 – 2016
Coordination	Make civil and criminal enforcement information publicly available on the number of inspections, violations, investigations, prosecutions, convictions, and penalties issued.	2013 – 2016
Coordination	Establish coordinating mechanisms that specifically address child labor issues such as children working in agriculture and domestic work.	2015 - 2016
Government Policies	Integrate child labor elimination and prevention strategies into relevant development and education policies.	2010 – 2016
	Adopt a policy, such as APEC, that addresses the worst forms of child labor.	2012 – 2016
Social Programs	Collect data on child labor, including its worst forms.	2009 – 2016
	Ensure that children are guaranteed access to free education, including by addressing top-up school fees.	2013 – 2016
	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 – 2016
	Develop social protection programs for the withdrawal from or prevention of children working in domestic work and livestock herding.	2014 – 2016

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