

Swaziland

The Government of Swaziland strengthened its enforcement mechanism and policy framework through the establishment of the Human Trafficking Task Force and the Strategy and Action Program on the Elimination of Child Labor. However, gaps still exist in the country's child labor laws, and the integration of child labor into its existing social programs is limited. Children continue to engage in work in agriculture and livestock herding.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.6*
Attending School	5-14 yrs	74.3
Combining Work and School	7-14 yrs	8.1

* Population of working children: 27,102



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Swaziland,⁵⁴⁵⁵ many of them working in agriculture and livestock herding. Children are employed to pick cotton and harvest sugarcane. Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides and herbicides.⁵⁴⁵⁶ 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 in remote locations and domestic service.⁵⁴⁵⁷ Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁵⁴⁵⁸

Children also 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.⁵⁴⁵⁹ Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents, and criminal

elements.⁵⁴⁶⁰ Children also work 14-hour days in textile factories.⁵⁴⁶¹

Children are used for illicit activities and commercial sexual exploitation, including to commit crimes and to distribute alcohol in liquor outlets, where they are exposed to sexual harassment.⁵⁴⁶² Reports suggest that children may also grow, manufacture and sell drugs and may engage in commercial sexual exploitation at truck stops, bars and brothels.⁵⁴⁶³ Swazi boys, as well as boys who migrate from Mozambique to Swaziland, work in commercial agriculture, market vending, herding and portering. Some of these boys subsequently become victims of forced labor, as their employers reportedly do not allow them to leave.⁵⁴⁶⁴

Anecdotal evidence suggests that Swaziland is a source, destination and transit country for child trafficking for the purposes of domestic servitude, sexual exploitation and forced labor in agriculture.⁵⁴⁶⁵ Swazi girls are trafficked internally into the cities of Mbabame and Manzini and internationally to South Africa and Mozambique

for domestic service and commercial sexual exploitation.⁵⁴⁶⁶

While primary education is free, parents are expected to contribute to the costs of education through payment of fees or building funds for the construction of schools.⁵⁴⁶⁷ 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. As a result, there are over 100,000 orphans who are at risk of entering into the worst forms of child labor.⁵⁴⁶⁸

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 most working children in Swaziland are not employed in industrial undertakings, many are therefore left unprotected by the law.⁵⁴⁶⁹ The law distinguishes between a child—under age 15—and a young person—between ages 15 and 18.⁵⁴⁷⁰ A child may not work more than four hours continuously or six hours a day. The employment of a child or young person is prohibited in places mainly used for the sale and consumption of alcohol, places where their morals may be impaired, underground or in dangerous or unhealthy places.⁵⁴⁷¹ Despite the above protections, the Employment Act does not include children in contract work, leaving children who work in agriculture and as domestic servants unprotected by the law. Further, the Employment Act does not specify the types of work considered to be hazardous or the worst forms of child labor.⁵⁴⁷²

Children are required to attend school until age 12.⁵⁴⁷³ This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

	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	12
	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.⁵⁴⁷⁴ The General Pornography Act prohibits pornography.⁵⁴⁷⁵ Laws in Swaziland do not appear to prohibit the use, procuring or offering of a child for illicit activities.⁵⁴⁷⁶

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.⁵⁴⁷⁷ The Act also has provisions for victim compensation through the surrender of convicted offenders’ moveable property.⁵⁴⁷⁸

The Constitution prohibits slavery and forced labor, but under the Swazi Administration Order No. 6 of 1998, the Government may demand compulsory work from its citizens for cultivation,

road construction and anti-soil erosion works, with stringent penalties for noncompliance. It is unclear whether children are engaged in Government-sponsored compulsory work.⁵⁴⁷⁹ The Umbutfo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.⁵⁴⁸⁰

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. No information on PACC's activities during the reporting period is available.⁵⁴⁸¹ Community-based child labor committees are responsible for coordinating and monitoring activities to combat child labor at the local level.⁵⁴⁸²

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, including UNICEF, UNDP and NGOs. The Task Force held human trafficking workshops during the reporting period.⁵⁴⁸³ No information is available on the Task Force's efforts to develop a national plan of action and operating procedures. The Task Force is to meet regularly and provide quarterly reports to the Prime Minister's office.⁵⁴⁸⁴ No information on whether these meetings have taken place is available.

The Ministry of Enterprise and Employment, the Department of Social Welfare under the Deputy Prime Minister's Office and the police are the federal agencies designated to enforce child labor laws.⁵⁴⁸⁵ It is unknown how many labor inspectors are responsible for the enforcement of labor laws, including those related to child labor,

or if they receive training. However, child labor issues are included on the routine labor inspection questionnaire.⁵⁴⁸⁶ While complaints regarding child labor can be made to the abovementioned entities, reports indicate that there are no records regarding child labor complaints.⁵⁴⁸⁷ In addition, at the time of reporting, the Government did not conduct investigations into child labor violations.⁵⁴⁸⁸

Within the Royal Swaziland Police Service, the Domestic Violence, Child Protection and Sexual Offenses Unit is responsible for the enforcement of criminal laws relating to the worst forms of child labor, including trafficking.⁵⁴⁸⁹ No specific child labor inspections took place in 2010, and no information is available on funding and training for these enforcement agencies.⁵⁴⁹⁰

No trafficking prosecutions were made during the reporting period; however, trafficking cases involving minors were investigated, and two arrests were made. No information is available on funding and training for these enforcement agencies.⁵⁴⁹¹ The Government also established a Sexual Offenses Unit to combat sexual violence against children and women and to provide services to victims.⁵⁴⁹²

Government Policies on the Worst Forms of Child Labor

The Strategy and Action Program on the Elimination of Child Labor (2008) in Swaziland serves as the primary policy framework for the prevention and elimination of child labor.⁵⁴⁹³ This plan aims to eradicate the worst forms of child labor by 2015 and includes specific roles for the Ministry of Education and the Ministry of Enterprise and Employment to ensure its implementation in national institutions.⁵⁴⁹⁴ Though it plans to conduct a Labor Force Survey, the Government has not made it a policy to collect data on the worst forms of child labor.⁵⁴⁹⁵

The Government integrated child labor concerns into its National Plan of Action for Orphans and Vulnerable Children (OVC) (2006-2010), which provides children in this population with counseling, psychosocial support, access to shelter and protection from exploitation, including trafficking. The plan also supports OVCs' enrollment in school.⁵⁴⁹⁶

Swaziland has a National Policy on Children (2009), a National Social Development Policy (2009), an Education Plan and a National Development Strategy; however, the question of whether these policies have an impact on child labor does not appear to have been addressed.⁵⁴⁹⁷

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

The Government launched its Red Light 2010 Campaign to combat the trafficking and sexual exploitation of children leading up to and during the FIFA 2010 World Cup.⁵⁴⁹⁸ In addition, the Swaziland Action Group Against Abuse, in partnership with World Hope South Africa, began a series of workshops throughout Swaziland

to educate people on human trafficking and preventative measures.⁵⁴⁹⁹

In 2010, the Government launched a program to provide free primary education to all children for those in first through third grade.⁵⁵⁰⁰ During the reporting period, the government instituted a shoe and clothing collection campaign for poor school children.⁵⁵⁰¹ The Government also provides free textbooks to primary school students, supports school feeding programs and exempts OVCs from payment of school fees and pays these fees on their behalf.⁵⁵⁰² Late payment or nonpayment of school fees by the Government may impact students' ability to remain enrolled in school.⁵⁵⁰³

The Government works with WFP on Protracted Relief and Recovery Operations, targeting vulnerable children and providing school feeding and improved access to education for OVCs.⁵⁵⁰⁴

Despite the initiatives described here, the Government has not implemented social protection programs specifically targeting the elimination of the worst forms of child labor in agriculture, herding, domestic service or other sectors where children work.

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

IN THE AREA OF LAW AND REGULATIONS:

- Amend the Employment Act to prohibit the worst forms of child labor, include a list of hazardous occupations and extend its protections to children working under contracts and in nonindustrial undertakings.
- Raise the compulsory education age to 15.
- Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation and prostitution.
- Enact legislation to prohibit the use, procuring or offering of a child for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that children are not engaged in government-sponsored compulsory work permitted by Order No. 6 of 1998.
- Report the activities of PACC and the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling.
- Strengthen measures to investigate, prosecute and convict individuals involved in the worst forms of child labor, which includes:
 - Developing a system to record child labor complaints.
 - Ensuring adequate training for law enforcement officers, judges and prosecutors on child labor laws and the newly enacted Trafficking and People Smuggling Prohibition Act.

IN THE AREA OF GOVERNMENT POLICY ON CHILD LABOR:

- Assess current government social policies and their impact on child labor.
- Increase efforts to provide free and compulsory education, including expanding free primary education for children beyond third grade.
- Continue efforts under the OVC plan and extend activities to serve vulnerable children engaged in child labor.
- Collect data on the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Expand and improve programs to combat the worst forms of child labor, which includes:
 - Developing social protection programs for the elimination of child labor in agriculture, herding and domestic service.
 - Integrating a child labor component into existing social programs to support vulnerable children.

⁵⁴⁵⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2000. Reliable 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 and information on children's work in general are reported in this section, 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.

⁵⁴⁵⁶ U.S. Embassy- Mbabane, reporting, January 20, 2009, para e. See also Solidarity Center, Justice for All: The Struggle for Worker rights in Swaziland, Washington, DC, September 2006; available from <http://www.solidaritycenter.org/files/SwazilandFinal.pdf>. See also 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, 5; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=4287>.

⁵⁴⁵⁷ U.S. Embassy- Mbabane, reporting, January 20, 2009, paras e-f. See also U.S. Embassy- Mbabane, reporting, February 23, 2010, section 3a. See also U.S. Embassy- Mbabane, reporting, February 3, 2010, section 2a. See also U.S. Department of State, "Swaziland," in Country Reports on Human Rights Practices- 2009, Washington, DC, March 11, 2010, section 7d.; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135979.htm>. See also International Trade Union Confederation, Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland, Geneva, November 4-6, 2009, 20; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf. See also U.S. Embassy- Mbabane, reporting, January 27, 2011, para 5.

⁵⁴⁵⁸ U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d. See also U.S. Embassy- Mbabane, reporting, February 3, 2010, section 2a.

⁵⁴⁵⁹ ILO-IPEC, TECL Paper 12, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

⁵⁴⁶⁰ U.S. Embassy- Mbabane, reporting, February 3, 2010, section 2.5. See also ILO-IPEC, TECL Paper 12, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

⁵⁴⁶¹ ILO-IPEC, TECL Paper 12, 7.

⁵⁴⁶² Ibid., 7. See also Government of Swaziland, Monitoring the Declaration of Commitment on HIV/AIDS (UNGASS): Swaziland Country Report, January 2008; available from http://data.unaids.org/pub/Report/2008/swaziland_2008_country_progress_report_en.pdf. See also Miriam and Keregero Keregero, TECL Paper No. 45: Commercial sexual exploitation of children in Swaziland, Rapid Assessment, Geneva, 2006, 4, 9. See also International Trade Union Confederation, Internationally Recognized Core Labour Standards. See also 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; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25341&chapter=9&query=Swaziland%40ref&highlight=&querytype=bool&context=0>.

⁵⁴⁶³ ILO-IPEC, TECL Paper 12, 6-7. See also Government of Swaziland, Monitoring the Declaration of Commitment on HIV/AIDS. See also Miriam and Keregero Keregero, TECL Paper No. 45, 6-9. See also International Trade Union Confederation, Internationally Recognized Core Labour Standards, 19. See also Integrated Regional Information Network, "Swaziland: Growing number of children working", IRINnews.org, [online], November 10, 2006 [cited June 17, 2011]; available from <http://newsite.irinnews.org/Report.aspx?ReportID=61535>.

⁵⁴⁶⁴ U.S. Department of State, "Swaziland," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/category,COI,,,SWZ,4c1883c323,0.html>. See also International Trade Union Confederation, Internationally Recognized Core Labour Standards, 22. See also U.S. Embassy- Mbabane, reporting, February 23, 2010, section 3b.

⁵⁴⁶⁵ ILO-IPEC, TECL Paper 12, 7. See also U.S. Embassy- Mbabane, reporting, February 23, 2010, section 3b. See also Integrated Regional Information Network, "Swaziland: Hard times raise levels of abuse", IRINnews.org, [online], August 01, 2007 [cited June 17, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=73530>. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Swaziland."

⁵⁴⁶⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Swaziland." See also International Trade Union Confederation, Internationally Recognized Core Labour Standards, 22. See also U.S. Embassy- Mbabane, reporting, February 23, 2010, section 3b.

⁵⁴⁶⁷ Bjorn Nordtveit, "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, no. 2 (May 2010); available from [hard copy on file]. See also Integrated Regional Information Networks, "Swaziland: Judge rules

for free education”, IRINnews.org, [online], 2009 [cited February 24, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=83640>.

⁵⁴⁶⁸ Yasmin Jessie Turton and Richard Kamidza, 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, 4; available from [hard copy on file]. See also Bjorn Nordtveit, Independent Final Evaluation of RECLISA: Swaziland Country Report, June 10, 2008, 2; available from [hard copy on file]. See also Nordtveit, “Schools as Agencies of Protection in Namibia and Swaziland.”

⁵⁴⁶⁹ U.S. Department of State, “Country Reports- 2009: Swaziland,” section 6d. See also Government of Swaziland, King and Parliament of Swaziland: The Employment Act, (1980), Part I: Preliminary, article 97(1); available from [http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-\(Excerpts\).pdf](http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-(Excerpts).pdf). See also International Trade Union Confederation, Internationally Recognized Core Labour Standards, 19. See also U.S. Embassy- Mbabane, reporting, January 27, 2011, para 4.

⁵⁴⁷⁰ U.S. Embassy- Mbabane, reporting, February 3, 2010, para 1.3.

⁵⁴⁷¹ Government of Swaziland, Employment Act article 97-99.

⁵⁴⁷² U.S. Embassy- Mbabane, reporting, January 20, 2009. See also Government of Swaziland, Employment Act. See also ILO Committee of Experts, Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Swaziland (ratification: 2002) Submitted: 2010, February 24, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24838&chapter=9&query=Swaziland%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Mbabane, reporting, January 27, 2011, para 4.

⁵⁴⁷³ UNESCO, Education for All Global Monitoring Report: 2009: Overcoming inequality: Why governance matters, Oxford University Press, Paris, 2008, 298; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

⁵⁴⁷⁴ allAfrica, “Swaziland: Help Sex Workers- Senator”, [allafrica.com](http://allafrica.com/stories/200911130001.html), [online], November 12, 2009 [cited February 24, 2011]; available from <http://allafrica.com/stories/200911130001.html>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Swaziland.” See also U.S. Department of State, “Country Reports- 2009: Swaziland,” section 6. See also Jacqui Gallinetti, Harmonisation of laws relating to children: Swaziland, The African Child Policy Forum, Addis Ababa, 2005, 14-15; available from <http://www.africanchildinfo.net/documents/Swaziland%20final%20Sarah.doc>.

⁵⁴⁷⁵ U.S. Department of State, “Country Reports- 2009: Swaziland,” section 6. See also Government of Swaziland, “Swaziland,” in Legislation of Interpol Member States on Sexual Offences against Children, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSwaziland.pdf>.

⁵⁴⁷⁶ International Trade Union Confederation, Internationally Recognized Core Labour Standards, 19.

⁵⁴⁷⁷ Government of Swaziland, The People Trafficking and People Smuggling (Prohibition) Act, Act No. 7 (November 10, 2009), articles 3, 12-13; available from [hard copy on file]. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Swaziland.” See also Lunga Masuku, “PM sets ball rolling on combating human trafficking and smuggling”, [swazilive.com](http://www.swazilive.com/Swaziland_News/Swaziland_News_Stories.asp?News_id=1466), [online], March 6, 2010 [cited February 24, 2011]; available from http://www.swazilive.com/Swaziland_News/Swaziland_News_Stories.asp?News_id=1466.

⁵⁴⁷⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Swaziland.” See also Government of Swaziland, The People Trafficking and People Smuggling Act, articles 12-18.

⁵⁴⁷⁹ International Trade Union Confederation, Internationally Recognized Core Labour Standards, 22. See also Government of Swaziland, An Act to provide for the Constitution of the Kingdom of Swaziland, 2005, article 17; available from <http://www.southernafricalawcenter.org/salc/library/Librarydetail.aspx?id=341449205>.

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⁵⁴⁸³ UNDP, Human Trafficking- Red Light 2010, [online] September 1, 2009 [cited February 24, 2011]; available from http://www.undp.org.sz/index.php?option=com_content&view=article&id=142:human-trafficking-red-light-2010&catid=116:gender&Itemid=121. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Swaziland.” See also Nelsiwe Ndlangamandla, “Zim child kidnapped at Mahamba,” *The Swazi Observer*, March 10, 2010; available from <http://www.observer.org.sz/index.php?news=12260>. See also Calsile Masilela, “Let’s Fight For Tier 1,” *The Swazi Observer*, August 3, 2010; available from <http://www.observer.org.sz/index.php?news=15152>.

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- ⁵⁴⁸⁵ U.S. Embassy- Mbabane, reporting, February 3, 2010, para 2c.
- ⁵⁴⁸⁶ Ibid., para 2c.
- ⁵⁴⁸⁷ Ibid., para 2c.1-2.
- ⁵⁴⁸⁸ U.S. Department of State, “Swaziland,” in Country Reports on Human Rights Practices- 2008, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119027.htm>. See also U.S. Embassy- Mbabane, reporting, February 3, 2010, para 2c.
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- ⁵⁴⁹¹ Ibid., para 10, 5-10.
- ⁵⁴⁹² UNICEF, Swaziland Fulfills a Promise to Children: Kingdom Launches First Sexual Offences Unit, [online] [cited February 24, 2011]; available from <http://www.unicef.org/swaziland/media.html>.
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- ⁵⁴⁹⁹ U.S. Embassy- Mbabane, reporting, February 23, 2010, section 7a.
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- ⁵⁵⁰¹ U.S. Embassy- Mbabane, reporting, January 27, 2011, para 12, 6-8.
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