

# Swaziland

## MINIMAL ADVANCEMENT

*In 2013, Swaziland made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government extended free education through grade five and designated three newly hired labor inspectors as child labor investigators. However, children in Swaziland continue to engage in child labor in agriculture and livestock herding. While the Government has improved the legal framework on the worst forms of child labor in recent years, significant gaps in laws remain, including the lack of a list of hazardous occupations prohibited for children or a compulsory education age. Additionally, the roles and responsibilities of coordinating agencies in combatting the worst forms of child labor are not clear.*



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

Children in Swaziland are engaged in child labor, including in agriculture and livestock herding.(3-5) 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 (%)		76.8

Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2014.(1)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from MICS 4 Survey, 2010.(2)

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 maize,* picking cotton,* and harvesting sugarcane* (3-5)
	Herding cattle* and other livestock* (3, 4)
Industry	Work in factories* (6)
Services	Domestic service (3, 4)
	Work on the streets as vendors, bus attendants, taxi conductors, and porters (4, 6)
Categorical Worst Forms of Child Labor‡	Herding livestock,* domestic service, agriculture, and market vending as a result of human trafficking (6-8)
	Commercial sexual exploitation (3, 7)
	Growing, manufacturing, and selling drugs* (4)
	Serving alcohol in alcohol selling establishments* (4)

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

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







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.(9-11) Furthermore, a source indicates that orphans face unfair and unequal treatment in schools.(3) These factors may increase the risk of children’s involvement in the worst forms of child labor. 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.(12-14)

## II. LEGAL FRAMEWORK ON 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 relevant 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	Children's Protection and Welfare Act (15)
Minimum Age for Hazardous Work	Yes	18	Children's Protection and Welfare Act (15)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Constitution (16)
Prohibition of Child Trafficking	Yes		People Trafficking and People Smuggling (Prohibition) Act (17)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Crimes Act and General Pornography Act (6)
Prohibition of Using Children in Illicit Activities	Yes		Children's Protection and Welfare Act (15)
Minimum Age for Compulsory Military Recruitment	Yes	18	Umbutfo Swaziland Defense Force Act (3, 18)
Minimum Age for Voluntary Military Service	Yes	18	Umbutfo Swaziland Defense Force Act (3, 18)
Compulsory Education Age	No		
Free Public Education	Yes		Constitution; Free Primary Education Act (16, 19)

Swaziland lacks a list of hazardous occupations that are prohibited for children, but the Government has indicated its intention to adopt such a list through regulation by the Minister of Labor and Social Security (MLSS).(19) The Employment Act excludes domestic employment, agricultural, and family undertakings from the minimum age provisions.(20) Swaziland also lacks a compulsory education law.(6, 8, 19) Children's vulnerability is further increased by illegal and substantial school fees that are required by school officials and create a barrier to education.(3) In addition, while the Government has drafted a Sexual Offenses and Domestic Violence Bill, it is yet to be enacted.(3) Finally, a 1998 Administrative Order, Act No. 6, grants local chiefs the power to require any resident, including children, to perform agricultural and other work, or else be penalized, is reported to still be used, despite the High Court's declaration that it's null and void.(4, 7, 21, 22)

## 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. However, the specific roles of agencies in enforcing child labor laws and whether the

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mechanisms for referral to social welfare and other agencies exist, is not clear (Table 5).

**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.(3, 23)
Department of Social Welfare	Enforce child labor laws by looking out for the interests of vulnerable populations, including orphans, children, and elderly people.(3, 23)
Royal Swaziland Police	Enforce child labor laws, including any related to children, and participate in the National Children's Coordination Unit (NCCU).(3, 23)

Labor law enforcement agencies in Swaziland took actions to combat child labor, including its worst forms. However, research found no evidence that criminal law enforcement agencies took such actions.

### *Labor Law Enforcement*

In 2013, the MLSS hired 14 new labor inspectors and now employs a total of 30 labor inspectors.(3) However, the Government reported that it employed 32 labor inspectors during the previous reporting period.(19) Three of the new inspectors were designated as child labor investigators and provided specialized child labor training by the International Labor Organization.(3) The MLSS conducted 3,028 labor inspections during the year.(3) A source indicates that no child labor violations were reported although children are working in the informal sector. The MLSS indicates that it does not have sufficient resources, including transportation, to conduct inspections.(3) In addition, there does not appear to be a system to record child labor complaints.

### *Criminal Law Enforcement*

In 2013, research found no actions taken to enforce criminal laws pertinent to child labor, including its worst forms. No information was available on the number of investigations, prosecutions, or convictions.

## 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 6).

**Table 6. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Children's Coordination Unit under the Deputy Prime Minister's Office	Coordinate efforts on child labor including policy and advocacy and oversee implementation and monitoring of the National Plan of Action (NAP) for Children.(23)
Anti-Human Trafficking Task Force	Exchange information on cases of trafficking between relevant stakeholders.(3)

In 2013, the Government continued to work on establishing a Child Labor Unit under the MLSS to coordinate issues related to child labor.(3) The Government has also created of a National Task Team that includes all ministries that deal with children.(19) However, the roles and activities of these different entities and how they relate to child labor, are not clear.

## 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 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
Action Program on the Elimination of Child Labor (APEC) of 2008	Serves as the primary policy framework for the prevention and elimination of child labor, with the goal of eradicating the worst forms by 2015. The 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.(6, 12)
National Plan of Action for Orphans and Vulnerable Children (2011-2015) *	Includes nine strategic objectives, including education, psychosocial support, child protection, and research and monitoring and supports orphans and vulnerable children's (OVC's) enrollment in school. Does not explicitly address child labor, but includes child laborers as among the most vulnerable children.(24)
National Children's Policy (2009)*	Represents the policy framework of the Children's Protection and Welfare Act.(19)
National Social Development Policy (2010)*	Provides protections for children including OVCs, street children, children with disabilities, and others.(19)
Education Sector Policy (2011)*	Seeks to provide equitable access to education.(19)
National Strategic Framework and Action Plan to Combat People Trafficking†	Assigns responsibilities to relevant Government agencies on trafficking in persons.(25)

\* The impact of this policy on child labor does not appear to have been studied.

† Policy was launched during the reporting period.

The Action Program on the Elimination of Child Labor (APEC) of 2008 was never implemented and technically expired in 2012.(3, 6, 19) The new APEC was drafted by the National Task Team and aims to improve implementation of the APEC and better reflect new legal requirements due to the passage of the Children's Protection and Welfare Act in 2013 but was not adopted.(3, 6, 19)

## VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Swaziland participated in and funded programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

**Table 8. Social Programs to Address Child Labor**

Program	Description
Free Primary Education Program (FPE)*‡	Government program to provide free primary education expanded in 2013 to children in grades one through five and will extend to grade six in early 2014.(3)
NAP for Children‡	Government NAP that implements the Children's Protection and Welfare Act and covers children engaged in harmful, hazardous, and exploitative work.(19)
Global Action Program on Child Labor Issues	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.(26)

\* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Swaziland.

Despite the Government's efforts to provide free education through grade five, the Government has yet to provide free education up to grade seven as the Constitution and the free primary education act require.(3, 16, 19) Government resources allocated to education, the fight against HIV/AIDS, and other social protection programs that may impact the worst forms of child labor are still limited, and existing social programs lack components on child labor.(3, 27)

## 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 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Enact into law or regulation a list of hazardous occupations that are prohibited for children.	2012 – 2013
	Ensure that minimum age laws apply to domestic employment, agricultural, and family undertakings.	2013
	Establish a compulsory education age that is consistent with the minimum age for employment.	2009 – 2013
	Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation and prostitution.	2009 – 2013
	Repeal 1998 Administrative Order, Act No. 6.	2010, 2012, 2013
Enforcement	Clarify the roles of institutional mechanisms for the enforcement of laws and regulations related to child labor, including its worst forms.	2013
	Provide adequate resources, including transportation, to conduct labor inspections.	2013
	Develop and implement a labor inspection strategy that targets locations where children are found working and conducts inspections with sufficient frequency.	2011 – 2013
	Enforce the law that guarantee's a child's right to a free education.	2013
	Develop a system to record child labor complaints.	2009 – 2013
	Make information publicly available on the number of investigations, prosecutions, and convictions.	2013
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor, clarify the roles of member agencies, and report their activities.	2010 – 2013
Government Policies	Pass and implement the new APEC.	2012 – 2013
	Assess the National Action Plan on Orphans and Vulnerable Children, National Policy on Children, the National Social Development Policy, and the Education Sector Policy and their impact on the worst forms of child labor.	2010 – 2013
Social Programs	Expand primary education beyond grade five.	2010 – 2013
	Collect data on the worst forms of child labor.	2009 – 2013
	Expand and improve programs to combat child labor, including the integration of a child labor component into existing social programs such as those on HIV/AIDS.	2010 – 2013

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