

In 2017, Eswatini made a minimal advancement in efforts to eliminate the worst forms of child labor. Eswatini is receiving an assessment of minimal advancement because, in contrast to previous years, evidence suggests that local chiefs did not force children to participate in Kuhlehla, through which residents carry out communal work, including in chiefs' houses or fields, or other customary practices. Additionally, the government provided training to criminal investigators on human trafficking and continued paying for school fees under its Free Public Education program. However, children in Eswatini engage in the worst forms of child labor, including in forced domestic work and herding livestock. Significant gaps in the legal framework remain, including a lack of legislation regulating the labor conditions under Kuhlehla and other customary practices and a defacto compulsory education age that does not meet international standards. In addition, social programs do not adequately address child labor in the agriculture sector.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Eswatini engage in the worst forms of child labor, including in forced domestic work and herding livestock. (1; 2; 3; 4) Table 1 provides key indicators on children's work and education in Eswatini.

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 (%) | | 80.6 |

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2018. (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 (7; 2; 8) |
| | Herding livestock, including cattle, buffalo, goats, swine, horses, donkeys, and sheep (7; 2; 9; 10; 8; 4) |
| Services | Domestic work (7; 2; 9; 11; 8) |
| | Street work, including as vendors, bus attendants, taxi conductors, portering, and washing cars (1; 2; 9; 12; 13; 3) |
| 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 (1; 3; 14; 15) |
| | Commercial sexual exploitation, sometimes as a result of human trafficking (7; 1; 11; 3; 15) |
| | Use in illicit activities, including growing, manufacturing, and selling drugs such as marijuana (4) |

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

Beginning in 2012, there were reports that local chiefs forced residents, including children, to perform agricultural work and other essential tasks, such as household chores, through the customary practice of “Kuhlehla,” through which residents carry out communal work, including in chiefs' houses or fields. (16; 3; 17; 18; 15; 19) Previous reporting also indicated that residents who refused to work were subjected to either a fine, eviction, confiscation of livestock, and/or refusal of educational scholarships for children. (11; 20; 10) However, in 2017, there were no reports that local chiefs forced residents or children to work, only anecdotal reports that this practice happened in previous years. (16; 3; 17; 18; 15; 17; 18; 15; 21; 22)

Eswatini

MINIMAL ADVANCEMENT




In 2018, the Government of Eswatini and the ILO published results from the 2014 Survey on Child Labor in Herding in Rural Areas in Eswatini. (23) The results show that an estimated 72,332 child laborers below the age of 15 years raise bovines, and 20,680 raise sheep and goats primarily in the rural areas of Hhohho, Manzini, Shiselweni, and Lumbobo. (23) Children perform physically arduous tasks while herding in the grasslands and mountainous regions, and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides. Children's injuries sustained during livestock herding include fractures, dislocations and sprains, burns, frostbite, breathing problems, skin problems, extreme fatigue, and snake bites. (23)

Eswatini children, especially girls and orphans, are trafficked within and outside the country to neighboring countries, such as South Africa, for commercial sexual exploitation and forced labor in agriculture and domestic work. (3) Some Mozambican boys migrate to Eswatini, become victims of human trafficking, and subsequently are forced to engage in street work and herd livestock, including cattle. (3; 15) Although Eswatini has a high HIV prevalence, social programs supported by civil society groups have assisted children orphaned or made vulnerable by family members' illnesses or deaths and reduced their vulnerabilities to child labor. (24; 25; 15) However, children, especially those with disabilities, have difficulty accessing education because of school fees and stigmatization by the public. (20; 25)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Eswatini 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 (Table 4). However, gaps exist in Eswatini's legal framework to adequately protect children from child labor, including minimum age law protections.

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; Section 97 of the Employment Act (26; 27) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 236 of the Children's Protection and Welfare Act (26) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | Yes | | Articles 16, 233, 236, and 237 of the Children's Protection and Welfare Act (26) |
| 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 (26; 28; 29) |
| 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 (26; 29) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Sections 42–46 of the Crimes Act; Sections 1–5 and 7 of the Obscene Publications Act (30; 31) |
| Prohibition of Using Children in Illicit Activities | Yes | | Articles 16 and 49 of Children's Protection and Welfare Act (26) |

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

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|-------------------------------------|---------------------------------------|--------|---|
| Prohibition of Military Recruitment | | | |
| State Compulsory | N/A* | | Section 17(3) of The Umbutfo Swaziland Defence Force Order (32) |
| State Voluntary | Yes | 18 | Section 17(3) of The Umbutfo Swaziland Defence Force Order (32) |
| Non-State | No | | |
| Compulsory Education Age | No | 12/13‡ | Section 10 of the Free Primary Education Act (33) |
| Free Public Education | Yes | | Section 3 of the Free Primary Education Act (33) |

* No conscription (32)

‡ Age calculated based on available information (34)

Previous reports indicated that local chiefs required residents, including children, to participate in non-communal tasks such as seasonal weeding. This work was performed through the customary practice of *Kuhlehla*, which was initially established by Administrative Order No. 6 of 1998. (11; 20) The ILO has requested that the government issued legislation to regulate the nature and conditions of *Kuhlehla*, and ensure the law explicitly states the voluntary nature of participation in such work. (11)

Although Section 10 of the Free Primary Education Act requires parents to send their children to school for the completion of primary education, this educational attainment is typically at ages 12 or 13. As a result, children between the ages of 12 and 13 are vulnerable to child labor, as they are not required to be in school but cannot legally work because they are under age 15, the minimum age for work. (33; 34)

Additionally, 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. (35) Similarly, the Children's Protection and Welfare Act prohibits hazardous work for children in industrial undertakings, including in mining, manufacturing, and electrical work; however, these prohibitions do not cover domestic work or agricultural work. Child laborers engaged in agricultural labor often work long hours, carry heavy loads, work in remote areas, and risk exposure to harmful pesticides. (23) In addition, Sections 13–15 and 23–28 of the Sexual Offenses and Domestic Violence Bill, which the Parliament passed in June 2018 but awaits the King's assent, criminalizes using, procuring, and offering a child for commercial sexual exploitation. (36)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor and Social Security that may hinder adequate enforcement of child labor laws.

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. (7; 37) |
| Royal Eswatini Police | Investigate cases involving the worst forms of child labor. (7; 37) |
| Department of Social Welfare | Refer suspected cases of child labor to the Royal Eswatini Police or Ministry of Labor and Social Security. Offer rehabilitative services to victims of child labor, including orphans. (7; 37) |
| Director of Public Prosecutions | Prosecute cases involving the worst forms of child labor. (15) Responsible for implementing victim identification guidelines and referral mechanisms for actual and potential victims of human trafficking. (34) |

Labor Law Enforcement

In 2017, labor law enforcement agencies in Eswatini took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor and Social Security that may hinder adequate labor law enforcement, including the authority to assess penalties.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2016 | 2017 |
|--|---------------|--------------|
| Labor Inspectorate Funding | Unknown* (20) | Unknown* (4) |
| Number of Labor Inspectors | 20 (20) | 15 (4) |
| Inspectorate Authorized to Assess Penalties | No (20) | No (4) |
| Training for Labor Inspectors | | |
| Initial Training for New Employees | Yes (20) | Yes (4) |
| Training on New Laws Related to Child Labor | N/A (20) | N/A (4) |
| Refresher Courses Provided | Unknown* (20) | No (4) |
| Number of Labor Inspections Conducted | Unknown* (20) | 2,220 (4) |
| Number Conducted at Worksites | Unknown* (20) | 2,220 (4) |
| Number of Child Labor Violations Found | 0 (20) | 0 (4) |
| Number of Child Labor Violations for Which Penalties Were Imposed | N/A (20) | 0 (4) |
| Number of Child Labor Penalties Imposed That Were Collected | N/A (20) | N/A (4) |
| Routine Inspections Conducted | Yes (20) | Yes (4) |
| Routine Inspections Targeted | Unknown* (20) | Yes (4) |
| Unannounced Inspections Permitted | Yes (20) | Yes (4) |
| Unannounced Inspections Conducted | Yes (20) | Yes (4) |
| Complaint Mechanism Exists | No (20) | Yes (4) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (20) | Yes (4) |

* The government does not publish this information.

The Ministry of Labor and Social Security (MLSS) budget was decreased in 2017 by the Cabinet, which resulted in a decline in the number of labor inspectors. The MLSS and NGOs also noted that labor inspectors lacked sufficient resources to conduct inspections, such as vehicles. (2; 34) In addition, the number of labor inspectors is slightly insufficient for the size of Eswatini's workforce, which comprises more than 446,000 workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, Eswatini would employ about 30 labor inspectors - which would require the hiring of 15 additional inspectors to meet this threshold. (38; 39; 40)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Eswatini appeared to function effectively with regard to addressing child labor (Table 7). However, gaps exist within the operations of the Director of Public Prosecutions that may hinder adequate criminal law enforcement, including the lack of convictions for crimes involving the worst forms of child labor.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

| Overview of Criminal Law Enforcement | 2016 | 2017 |
|---|--------------|---------|
| Training for Investigators | | |
| Initial Training for New Employees | N/A (20) | Yes (4) |
| Training on New Laws Related to the Worst Forms of Child Labor | Unknown (20) | Yes (4) |
| Refresher Courses Provided | Unknown (20) | Yes (4) |
| Number of Investigations | Unknown (20) | 2 (4) |
| Number of Violations Found | 0 (20) | 1 (4) |
| Number of Prosecutions Initiated | 0 (20) | 1 (4) |
| Number of Convictions | 0 (20) | 0 (4) |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (20) | Yes (4) |

In 2017, 598 new investigators received training on combatting human trafficking, which included segments on child trafficking and online child sexual abuse and exploitation. (41)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efforts to address all forms of child labor.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role and Description |
|--|---|
| Trafficking in Persons (TIP) Secretariat | Coordinate, monitor, and implement programs to combat trafficking in persons, with the assistance of the Anti-Human Trafficking Task Force. (42) The TIP Secretariat, police, and prosecutor's office continue to lack sufficient resources for effective coordination. (15) During the year, the Secretariat sheltered two minors suspected to be victims of trafficking, updated its national action plan, allocated 80,000 Eswatini emalangeneni (\$6,000 USD) to the victim protection fund, cooperated with the South African government on TIP investigations, and raised awareness about human trafficking via media outlets. (34) |
| 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 Eswatini Police, Director of Public Prosecutions, Attorney General's Office, Department of Social Welfare, Department of Health, Ministry of Foreign Affairs, and MLSS. (7; 43) The Task Force was reestablished in January, met three times during the year, and held public awareness activities on the prevention of child trafficking. (34) |

Although the government has coordinating mechanisms that address human trafficking, the government does not have a coordinating mechanism to address all child labor issues, including child labor in agriculture and domestic work.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including implementing relevant child labor policies.

Table 9. Key Policies Related to Child Labor

| Policy | Description |
|---|---|
| National Children's Policy (2009-present) | Represents the policy framework of the Children's Protection and Welfare Act. Objectives include the promotion of the rights of children and the protection of children from all types of abuse and exploitation, including child labor. (44) In addition, the policy outlines strategies for the government to improve quality education to children. (44) Research was unable to determine whether actions were taken to implement this policy in 2017. |
| National Strategic Framework and Action Plan to Combat People Trafficking | Assigns responsibilities to relevant government agencies on trafficking in persons. (45; 46) Research was unable to determine whether actions were taken to implement this policy in 2017. |

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (47)

In 2014, the government developed a draft Action Program on the Elimination of Child Labor (APEC), but the MLSS has yet to present it to the tripartite body, the Labor Advisory Board, for consultations. The Labor Advisory Board must first approve the policy before it can be adopted. (2; 20; 34) Moreover, child labor elimination and prevention strategies are not included in the Eswatini Education and Training Sector Policy. (48)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the child labor problem.

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. Aimed to improve the evidence base on child labor through data collection and research in Eswatini. In 2017, the project published a survey about child labor used in herding activities in rural areas. Additional information is available on the USDOL website. |

Table 10. Key Social Programs to Address Child Labor (cont)

| Program | Description |
|---|---|
| Decent Work Country Program (2010–2017) | ILO program that raised awareness of and provided training programs on international labor standards, resulting in the development of national laws related to the ratified ILO conventions. (49; 50) Research was unable to determine whether actions taken during the year. |
| Free Primary Education Program† | Government program that provides free primary education to approximately 24,000 children starting from age six for a period of seven years or up to grade seven. (2; 51; 34) |

† Program is funded by the Government of Eswatini.

Although the government, in collaboration with NGOs, provided child trafficking victims with basic necessities, such as food, clothing, toiletries, counseling, and medical care, programs are not sufficient to address the scope of problem. (20; 52) During the year, a USG-funded project implemented by Heartland Alliance trained judges, magistrates, prosecutors, border agents, and law enforcement officials on victim-centric approaches to investigation, prosecution, and conduction of hearings related to human trafficking. (34) The government has yet to partner with an institution with the appropriate conditions to serve as a shelter for victims of human trafficking and law enforcement personnel need training on victim rights. (15; 34) Moreover, research found no evidence of social programs to address child labor in herding and domestic work.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Eswatini (Table 11)

Table 11. Suggested Government Actions to Eliminate Child Labor

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Legal Framework | Adopt legislation that regulates the work performed through the customary practice of Kuhllehla. | 2017 |
| | Establish a compulsory education age that is consistent with the minimum age for work. | 2009 – 2017 |
| | Adopt legislation that prohibits the recruitment of children under 18 by non-state armed groups. | 2016 – 2017 |
| | Adopt minimum age provisions for children working in all industries, including in agriculture and domestic work. | 2013 – 2017 |
| | Ensure that the hazardous occupations and activities prohibited for children are comprehensive and cover agricultural undertakings and domestic work. | 2012 – 2017 |
| Enforcement | Publish information about the Labor Inspectorate's funding. | 2017 |
| | Authorize the Labor Inspectorate to assess penalties. | 2016 – 2017 |
| | Provide labor inspectors with refresher courses on the worst forms of child labor. | 2017 |
| | Increase the number of labor inspectors to meet the ILO's technical advice. | 2016 – 2017 |
| | Provide adequate resources, including vehicles, to conduct labor inspections. | 2013 – 2017 |
| Coordination | Establish coordinating mechanisms that address all child labor issues, such as children working in agriculture and domestic work. | 2015 – 2017 |
| | Provide sufficient resources for effective coordination between the TIP Secretariat, police, and DPP to address child labor. | 2017 |
| Government Policies | Implement child labor related policies, such as the National Children's Policy. | 2017 |
| | Integrate child labor elimination and prevention strategies into the Eswatini Education and Training Sector Policy. | 2010 – 2017 |
| Social Programs | Ensure that children, including disabled children, are able to access free education, including by paying or eliminating school fees. | 2013 – 2017 |
| | Develop social protection programs to assist children engaged in child labor in domestic service and herding. | 2014 – 2017 |
| | Identify an appropriate partner to provide shelter for victims of trafficking, and ensure all government and partner staff members receive sufficient training to address victims of human trafficking. | 2017 |

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