

In 2014, Swaziland made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government paid some school fees for orphans and vulnerable children and also announced plans to cover the fees for the final year of primary school in 2014. However, children in Swaziland are engaged in the worst forms of child labor in commercial sexual exploitation and livestock herding as a result of human trafficking. The Government was delinquent in paying school fees in half of the country's schools and significant gaps in laws remain, including the lack of a compulsory education age. Additionally, Government officials cited a lack of clarity on the definition of child labor, which hinders their ability to effectively combat the worst forms of child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Swaziland are engaged in the worst forms of child labor, including in commercial sexual exploitation and livestock herding.(1, 2) 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.(3)

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

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* (1, 5)
	Herding cattle* and other livestock* (1, 5)
Services	Domestic work* (1, 5)
	Serving alcohol in alcohol selling establishments*† (5)
	Street work, including as vendors,* bus attendants,* taxi conductors,* and haggling* (5, 6)
Categorical Worst Forms of Child Labor‡	Herding livestock,* domestic work,* farming,* and market vending,* as a result of human trafficking (2, 6, 7)
	Commercial sexual exploitation* (1, 2, 7)
	Used in illicit activities, including growing, manufacturing, and selling drugs* (5)

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

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3 (d) of ILO C. 182.

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

Swaziland is a destination and transit country for trafficking of children, specifically for commercial sexual exploitation, forced domestic work, and forced labor in agriculture. Some Mozambican boys migrate to Swaziland to conduct street work or to work in herding livestock and subsequently become victims of trafficking.(7) 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 age 18 have lost at least one parent, mostly as a result of HIV/AIDS.(8-10) Furthermore, a source indicates that orphans face unfair and unequal treatment in schools.(1) These factors may increase the risk of children being

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involved in the worst forms of child labor. Although the Government has conducted surveys on the general labor force, the surveys did not cover child labor; the Government also has not made it a policy to collect data on the worst forms of child labor.(11-13) Children's vulnerability to exploitative labor is further increased by illegal and substantial school fees required by school officials, which create a barrier to education.(1) However, the Government paid some school fees for orphans and vulnerable children. Although the Government had announced plans to cover the fees for the final year of primary school during the year, it was delinquent in paying school fees in half of the country's schools.(14)

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).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 234 of the Children Protection and Welfare Act (15)
Minimum Age for Hazardous Work	Yes	18	Article 236 of the Children Protection and Welfare Act (15)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 233, 236 and 237 of the Children Protection and Welfare Act (15)
Prohibition of Forced Labor	Yes		Article 17 of the Constitution (16)
Prohibition of Child Trafficking	Yes		Article 75 of the Children Protection and Welfare Act; Article 13 of the People Trafficking and People Smuggling (Prohibition) Act (15, 17)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Crimes Act; Obscene Publications Act (6)
Prohibition of Using Children in Illicit Activities	Yes		Articles 16 and 49 of Children's Protection and Welfare Act (15)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Section 17(3) of the Umbutfo Swaziland Defense Force Order (1977) (18)
Compulsory Education Age	No		
Free Public Education	Yes		Article 29 (6) of the Constitution; section 3 of the Free Primary Education Act (2010) (16, 19)

*No conscription (18)

Swaziland has no law that mandates compulsory education for children. This may increase the risk of children's involvement in the worst forms of child labor, as they are not required to be in school.(6, 19) Section 97 of the Employment Act prohibits the employment of children in industrial undertakings but does not prohibit the employment of children in domestic and agricultural work.(20) Likewise, Articles 233, 236, and 237 of the Children Protection and Welfare Act prohibit hazardous work for children in industrial undertakings including mining, manufacturing, and electrical work but these prohibitions do not extend to children working in the agricultural sector.(15) In previous years, the Government indicated its intention to adopt more comprehensive

hazardous work prohibitions for children through a regulation issued by the Ministry of Labor and Social Security (MLSS). (19) Article 16 of the Children Protection and Welfare Act prohibits using children in illicit activities, such as producing and distributing drugs, alcohol, and tobacco but it does not prohibit other illicit activities, including the use of children in gang-related activities. (15) The Government drafted a Sexual Offenses and Domestic Violence Bill, but it has yet to enact the Bill. (1) Act No. 6 of the 1998 Administrative Order grants local chiefs the power to require any resident, including children, to perform agricultural and other work, or to face penalties. There are reports that local chiefs continue to implement this Order, despite the High Court's declaration that it is null and void. (2, 5, 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 (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. (1, 23)
Department of Social Welfare	Enforce child labor laws by looking out for the interests of vulnerable populations, including orphans, children, and elderly people. (1, 23)
Royal Swaziland Police	Enforce child labor laws, including those related to children's rights. (1, 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. (24, 25)

Labor Law Enforcement

In 2014, the MLSS employed 30 labor inspectors during the reporting period. (24) Three of the labor inspectors were designated to address the worst forms of child labor. (25) During the year, the MLSS was allocated \$3 million for its budget. (24) Two alleged violations of child labor laws occurred during the reporting period and were reported to the police and the MLSS; these cases remain under investigation. (25) Research did not find information on the total number of inspections carried out during the year, the number of unannounced inspections, and whether the labor inspectorate has authority to issue penalties. (24, 25) The Ministry of Labor and Social Security (MLSS) has indicated that it does not have sufficient resources, including transportation, to conduct inspections. (1) There also does not appear to be a system to record child labor complaints.

Criminal Law Enforcement

Research was unable to find information on the number of criminal law enforcement officials and the overall number of investigations performed. During the year, the Trafficking in Persons (TIP) Secretariat conducted a series of trainings for police and the Ministry of Labor and Social Security's (MLSS) labor inspectors on coordination mechanisms, victim identification, and processing to enable them to better address trafficking cases. (7) During the reporting period two alleged violations of child labor laws were reported to the police and the Ministry of Labor and Social Security (MLSS); these cases remain under investigation. (25) In 2014, a child was trafficked domestically and sexually exploited; the case is pending. The second case involved a child who was trafficked to Mozambique, which resulted in the child's repatriation to Swaziland. (7) There were no convictions for trafficking of children during the year. (7)

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
Trafficking in Persons Secretariat	Coordinate, monitor, and implement programs to combat trafficking of persons, with the assistance of the Anti-Human Trafficking Task Force. (26)

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Table 6. Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role & Description
Anti-Human Trafficking Task Force	Exchange information on cases of trafficking between relevant stakeholders, including the police, 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 Ministry of Labor and Social Security.(1, 25)

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
National Action Plan (NAP) for Children	Government plan that implements the Children's Protection and Welfare Act and covers children engaged in harmful, hazardous, and exploitative work.(19)
National Plan of Action for Orphans and Vulnerable Children (2011–2015)*	Includes nine strategic objectives, including providing education, psychosocial support, child protection, research and monitoring, and support to help orphans and vulnerable children (OVCs) enroll in school. Does not explicitly address child labor, but includes child laborers among the most vulnerable children.(27)
UN Development Assistance Framework (2011–2015)*	Seeks to improve access to quality basic social services, especially for women, children, and disadvantaged groups.(28)
National Children's Policy*	Represents the policy framework of the Children's Protection and Welfare Act.(19)
National Social Development Policy*	Provides protections for children including OVCs, street children, children with disabilities, and others.(19)
Education Sector Policy*	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.(26)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

The Government has not progressed to implement the Action Program on the Elimination of Child Labor (APEC).(25) The National Task Team drafted an Action Program on the Elimination of Child Labor (APEC), in 2008, which includes legal protections outlined in the Children's Protection and Welfare Act. However, the APEC was not adopted during the reporting period.(1, 6, 19)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Swaziland participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Decent Work Country Program (2010–2014)*	ILO program seeking to raise awareness of and provide training programs on international labor standards, with the aim of domesticating the ratified ILO conventions. ILO has been assisting the Government with the adoption of the APEC.(29)
Free Primary Education Program (FPE) (2009–2015)*‡	Government program to provide free primary education to children through grade six; was extended from grade five to grade six in 2014.(1)
Global Action Program on Child Labor Issues (2011–2015)	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.(30)

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

‡ 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 impact the worst forms of child labor are still limited, and existing social programs lack components on child labor.(1, 31) Although the Government expanded the Free Primary Education Program to extend coverage to children up to grade six, it was delinquent in paying school fees throughout the year, resulting in the children being susceptible to child labor for not attending school.(14) The Government, in collaboration with NGOs, provided trafficking victims with basic necessities, such as food, clothing, shelter, toiletries, counseling, and medical care.(7) Research found no evidence of social protection programs for the withdrawal from or prevention of children working in agriculture and livestock herding.

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
Legal Framework	Establish a compulsory education age that is consistent with the minimum age for employment.	2009 – 2014
	Ensure laws or regulations comprehensively address and identify hazardous occupations that are prohibited for children in all relevant sectors, including prohibitions on the use of children in all illicit activities.	2012 – 2014
	Ensure that the law's minimum age provisions apply to children working in all industries, including in agriculture and domestic work.	2013 – 2014
	Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation and prostitution.	2009 – 2014
Enforcement	Provide adequate resources, including transportation, to conduct labor inspections.	2013 – 2014
	Develop and implement a labor inspection strategy that targets locations where children are found working and conducts inspections with sufficient frequency.	2011 – 2014
	Develop a system to record child labor complaints.	2009 – 2014
	Make information publicly available on the number of investigations, prosecutions, convictions, and penalties issued.	2013 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into relevant development and education policies.	2010 – 2014
	Adopt a policy that addresses all relevant worst forms of child labor, such as the Action Program on the Elimination of Child Labor. (APEC)	2012-2014
Social Programs	Assess the impact that the Free Primary Education Program may have on child labor.	2014
	Collect data on the worst forms of child labor.	2009 – 2014
	Ensure that children are guaranteed access and have a right to a free education.	2013 – 2014
	Develop programs to ensure that local chiefs are not illegally imposing the repealed Act No. 6 of the 1998 Administrative Order on children.	2010 – 2014
	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 – 2014
	Develop social protection programs for the withdrawal from or prevention of children working in agriculture and livestock herding.	2014

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