

In 2019, Eswatini made a moderate advancement in efforts to eliminate the worst forms of child labor. The government launched a program with IOM to Strengthen the Coordination Mechanism to Respond to Trafficking in Persons and Ensure Justice and Protection for all Victims of Trafficking in Eswatini. The government also approved and formally launched a new Trafficking in Persons National Strategic Framework and Action Plan. In addition, the government sentenced one individual to 15 years in prison for subjecting a 16 year old to forced labor and arrested a senior government official for the sex trafficking of a minor. 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 de facto compulsory education age that does not meet international standards. In addition, minimum age protections do not extend to children engaged in domestic work and agriculture, which does not conform to international standards that require all children to be protected by the minimum age to work.



### 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, each sometimes as a result of human trafficking. (1-4) 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 (%)		95.8

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2020. (5)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 4 (MICS 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	Farming, including growing corn and harvesting sugarcane (2)
	Raising and herding livestock, including cattle, buffalo, goats, swine, horses, donkeys, and sheep (2,4,7)
Services	Domestic work (2,8-10)
	Street work, including working as vendors, bus attendants, taxi conductors, porters, and car washers (1-3,8)
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 (1,3,11,12)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1,3,10,12,13)
	Use in illicit activities, including growing, manufacturing, and selling drugs such as marijuana (4,10)

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

According to results from the 2014 Survey on Child Labor in Herding in Rural Areas in Eswatini published by the Government of Eswatini and the ILO, an estimated 72,332 child laborers under the age of 15 raise bovines and 20,680 raise sheep and goats, primarily in the rural areas of Hhohho, Manzini, Shiselweni, and Lumbobo. (7) Children perform physically arduous tasks while herding in the grasslands and mountainous regions, and risk

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occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides. Children's injuries sustained during livestock herding include open wounds, fractures, dislocations and sprains, fever, extreme fatigue, and snake bites. (7)

The government provides free primary education from grade one through grade seven, and subsidizes secondary education for the approximately 70 percent of Eswatini's children who are orphaned or vulnerable. At the lower secondary and upper secondary levels, however, the cost of school fees was a barrier for students whose families lacked sufficient funds to sustain their enrollment. (14)

## 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 the worst forms of child labor, including the minimum age for work.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	15	Article 234 of the Children's Protection and Welfare Act; Section 97 of the Employment Act (15,16)
Minimum Age for Hazardous Work	Yes	18	Article 236 of the Children's Protection and Welfare Act; Article 29 of the Constitution (15,17)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 233 and 236–237 of the Children's Protection and Welfare Act (15)
Prohibition of Forced Labor	Yes		Article 75 of the Children's Protection and Welfare Act; Sections 144 and 145 of the Employment Act; Article 13 of the People Trafficking and People Smuggling (Prohibition) Act; Articles 17 and 29 of the Constitution (15,16,17,18)
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 (15,18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 42–46 of the Crimes Act; Sections 13–15 of the Sexual Offences and Domestic Violence Act (19,20)
Prohibition of Using Children in Illicit Activities	Yes		Articles 16 and 49 of the Children's Protection and Welfare Act (15)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 17 of The Umbutfo Swaziland Defence Force Order (21)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Section 17 of The Umbutfo Swaziland Defence Force Order (21)
Prohibition of Military Recruitment by Non-state Armed Groups	No		

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Compulsory Education Age	No	12/13‡	Section 10 of the Free Primary Education Act (22)
Free Public Education	No		Section 3 of the Free Primary Education Act (22)

\* No conscription (21)

‡ Age calculated based on available information (23)

Both the Children's Protection and Welfare Act and Section 97 of the Employment Act apply minimum age protections to children working in industrial undertakings, but neither covers children working in domestic and agricultural work. (15,16) Children working in the agricultural sector often work long hours, carry heavy loads, work in remote areas, and risk exposure to harmful pesticides. (7) There is also no identification of hazardous occupations or activities prohibited for children based on the current legislation. (9,15,16)

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 who complete primary education at ages 12 to 14 are vulnerable to child labor, as they are not required to be in school but also cannot legally work because they are under age 15, the minimum age for work. (9,22,23) In addition, the Free Primary Education Act provides for free schooling for 7 years, although basic education is a total of 9 years and includes lower secondary education. The failure to provide complete free basic education may increase the risk of children's involvement in the worst forms of child labor. (22,24)

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*. (25) In 2019, there were no reports that local chiefs forced residents or children to work, and research indicates that the practice is rare or non-existent, and not innate to the customary practice of *Kuhlehla* (a practice in which people render services to the local chief or king). Still, the ILO has requested that the government issue legislation to regulate the nature and conditions of *Kuhlehla*, and ensure that the law explicitly states the voluntary nature of participation in such work. (25)

In 2019, a draft amendment to the Employment Act No. 5/1980 received initial feedback from Eswatini's Labor Advisory Board (LAB), and is awaiting a final review from the ILO and a second review by the LAB before being sent to the Cabinet and Parliament for approval. The draft bill would extend minimum age protections to children working in agriculture and domestic service, allow labor inspectors to enter private homes and farms to carry out inspections, and criminalize the recruitment of children by non-state armed groups. (14)

### 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 authority of the Ministry of Labor and Social Security (MLSS) 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)	Enforces child labor laws and promotes relations between labor, government, and business through tripartite dialogue. (14)
Royal Eswatini Police Services (REPS)	Investigate cases involving the worst forms of child labor. Inform victims of sexual offenses, including commercial sexual exploitation, of available counseling and other support services, including Post Exposure Prophylactics. (26,20,27)
Department of Social Welfare	Offers rehabilitative services to victims of child labor, including orphans, and refers suspected cases of child labor to REPS or MLSS. (14)
Director of Public Prosecutions	Prosecutes cases involving the worst forms of child labor, and refers child victims to social and legal support services. (12,20) Responsible for implementing victim identification guidelines and referral mechanisms for victims of human trafficking and those at risk. (23)

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### Labor Law Enforcement

In 2019, labor law enforcement agencies in Eswatini took actions to combat child labor (Table 6). However, gaps exist within the authority of MLSS 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	2018	2019
Labor Inspectorate Funding	\$1,023,128 (28)	\$900,000 (29)
Number of Labor Inspectors	15 (27)	15 (29)
Inspectorate Authorized to Assess Penalties	No (27)	No (14)
Initial Training for New Labor Inspectors	Yes (27)	Yes (14)
Training on New Laws Related to Child Labor	Yes (27)	N/A (14)
Refresher Courses Provided	No (27)	No (14)
Number of Labor Inspections Conducted	2,278 (27)	1,580 (29)
Number Conducted at Worksites	2,278 (27)	1,580 (29)
Number of Child Labor Violations Found	0 (27)	0 (29)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (27)	N/A (29)
Number of Child Labor Penalties Imposed that Were Collected	N/A (27)	N/A (29)
Routine Inspections Conducted	Yes (27)	Yes (14)
Routine Inspections Targeted	Yes (27)	Yes (14)
Unannounced Inspections Permitted	Yes (27)	Yes (14)
Unannounced Inspections Conducted	Yes (27)	Yes (14)
Complaint Mechanism Exists	Yes (27)	Yes (14)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (27)	Yes (14)

Research indicates that labor inspectors lacked sufficient resources, such as vehicles, to conduct inspections. (2,10,23,27) In addition, the number of labor inspectors is insufficient for the size of Eswatini's workforce, which includes approximately 427,900 workers. (30) 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 29 labor inspectors, and would require the hiring of 14 additional inspectors to meet this threshold. (31,32)

### Criminal Law Enforcement

In 2019, criminal law enforcement agencies in Eswatini took actions to combat child labor (Table 7). However, gaps exist within the operations of the Royal Eswatini Police Services (REPS) that may hinder adequate criminal law enforcement, including allocating financial resources.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Yes (27)	Yes (14)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (27)	Yes (14)
Refresher Courses Provided	Yes (27)	Yes (14)
Number of Investigations	5 (27)	5(29)
Number of Violations Found	5 (27)	0 (29)
Number of Prosecutions Initiated	1 (27)	4(33)
Number of Convictions	0 (27)	1 (33)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	No (34)	No (29)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (27)	Yes (14)

In 2019, security forces arrested one senior government official in the Deputy Prime Minister's Office on charges of trafficking in persons, rape, and kidnapping of a minor. He is currently awaiting trial. (35) In addition, another individual was prosecuted for forced child labor and sentenced to 15 years in prison. (35) Research indicates the Royal Eswatini Police Services (REPS) lacked sufficient resources to fulfill its full mandate in terms of carrying out investigations. (14)

#### 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 efficacy in accomplishing mandates.

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

Coordinating Body	Role & Description
Children's Services Department	Evaluates and reviews existing national legal instruments governing the treatment of children to ensure compliance with international child treatment standards, provisions, and practices. Also monitors and evaluates national policies, plans, and programs, and ensures that stakeholders collaborate and contribute toward a national child development agenda. (27) Research was unable to determine whether the Children's Services Department was active during the reporting period.
Task Force for the Prevention of People Trafficking and People Smuggling	Coordinates the implementation of the People Trafficking and People Smuggling (Prohibition) Act of 2009 with the support from the Trafficking in Persons Secretariat. Formulates policies and programs to prevent and suppress human trafficking and people smuggling, including programs to provide assistance to victims and increase the public's awareness of the causes and consequences of human trafficking and smuggling, and exchanges information on cases of human trafficking among relevant stakeholders, including the police, immigration officers, social workers, and prosecutors. (18) In 2019, the government approved and formally launched a new National Strategic Framework and Action Plan to Combat People Trafficking. (33)

Although the government has coordinating mechanisms that address human trafficking, the government does not have a coordinating mechanism to address all relevant child labor issues, including child labor in agriculture and domestic work. In addition, resource constraints, poor communication, and a lack of coordination between staff working on the Task Force for the prevention of People Trafficking and People Smuggling has resulted in confusion about the mandates of these bodies, how to accomplish their missions, and the overall effectiveness of the task force. (10,14)

#### 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 a lack of implementation.

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Strategic Framework and Action Plan to Combat People Trafficking (2019–2023) <sup>†</sup>	Assigns responsibilities to relevant government agencies on trafficking in persons and provides services to victims. (36) Aims to improve protection for victims, prosecution for offenders, and on continued prevention efforts. (36)
National Children's Policy (2009–Present)	Represents the policy framework of the Children's Protection and Welfare Act and aims to promote the rights of children, protect children from all types of abuse and exploitation, including child labor, and improve the quality of education. (37) Research was unable to determine whether actions were taken to implement this policy in 2019.

<sup>†</sup> Policy was approved during the reporting period.

The government worked with ILO to draft a new Action Plan on the Elimination of Child Labor for 2019–2025. The Action Plan has been reviewed and approved by the LAB and the Social Dialogue Committee, and will be presented to the Cabinet for adoption in 2020. (14)

Although the Government of Eswatini has adopted a policy related to human trafficking, research found no evidence of a policy on other relevant worst forms of child labor, including commercial sexual exploitation and the use of children in illicit activities. (14) Child labor elimination and prevention strategies are not included in the Eswatini Education and Training Sector Policy. (38)

#### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, 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.

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**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Strengthen the Coordination Mechanism to Respond to Trafficking in Persons and Ensure Justice and Protection for All Victims of Trafficking in Eswatini*	IOM-funded, 2 year project that aims to improve protection of trafficking victims by developing regulations and guidelines, including for shelters for human trafficking victims, and training staff from relevant Task Force ministries. (14)
Technical Assistance for Development of a Social Protection System in Swaziland (2016–2019)	\$46.8 million EU-funded, 3 year capacity building project that supported the development of a social protection system through strengthening government coordination, regulatory, and oversight functions. A component of the project directly addressed the needs of children, which included education support services to vulnerable populations. (38) Research was unable to determine whether activities were undertaken to implement this program during the reporting period.
Free Primary Education Program†	Provides funding to ensure free primary education to approximately 24,000 children starting from age 6 for a period of 7 years or up to grade seven. (2,23,27,40) Research was unable to determine whether activities were undertaken to implement this program during the reporting period.

\* Program was launched during the reporting period.

† Program is funded by the Government of Eswatini.

During the year, the offices of the Prime Minister and the Deputy Prime Minister worked with the Trafficking in Persons Secretariat, and the Catholic Church to explore the establishment of a trafficking shelter in order to improve the quality of care available to victims. (33) Although the government is developing shelter policies and creating training programs for shelter staff, currently a minimum quality of standard care is not provided to all human trafficking victims. (10,12,23) Although the government collaborated with NGOs to provide child trafficking victims with necessities such as food, clothing, toiletries, counseling, and medical care, programs are not sufficient to address the problem consistently. (41,33,39)

## 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 in Eswatini (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that minimum age provisions extend to all children, including those working in agriculture and domestic work.	2013 – 2019
	Ensure that the hazardous occupations and activities prohibited for children are comprehensive and cover agricultural undertakings and domestic work.	2012 – 2019
	Adopt legislation that prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2019
	Establish a compulsory education age that is consistent with the minimum age for work.	2009 – 2019
	Establish by law free basic public education through lower secondary education.	2018 – 2019
	Adopt legislation that regulates the work performed through traditional practices like <i>Kuhlehla</i> .	2017 – 2019
Enforcement	Authorize the labor inspectorate to assess penalties.	2016 – 2019
	Provide labor inspectors with refresher courses on the worst forms of child labor.	2017 – 2019
	Provide adequate resources to labor inspectors and criminal investigators so they can fulfill their mandates.	2013 – 2019
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 – 2019
Coordination	Ensure all coordinating bodies are active and able to fulfill their mandates as intended.	2019
	Establish a coordinating mechanism that addresses all child labor issues, including children working in agriculture and domestic work.	2015 – 2019
	Improve coordination and communication among coordinating bodies to clarify mandates to combat all forms of child labor.	2018 – 2019
Government Policies	Implement child labor-related policies, including the National Children's Policy.	2017 – 2019
	Adopt a policy that addresses all relevant worst forms of child labor, including commercial sexual exploitation and the use of children in illicit activities.	2019
	Integrate child labor elimination and prevention strategies into the Eswatini Education and Training Sector Policy.	2010 – 2019



**Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Social Programs	Ensure that children are able to access free basic education, including paying or eliminating school fees for lower secondary education.	2013 – 2019
	Ensure that social programs to address child labor are implemented in accordance with their mandates.	2018 – 2019
	Ensure a minimum quality of standard care in shelters for victims of child trafficking.	2017 – 2019
	Develop social protection programs to assist children engaged in child labor in domestic work and herding.	2014 – 2019

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