# 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.

# Prevalence and Sectoral Distribution of Child Labor

Children in Swaziland are engaged in child labor, including in agriculture and livestock herding.([1-3](#_ENREF_1)) Table 1 provides key indicators on children’s work and education in Swaziland.

**Table 1. Statistics on Children’s Work and Education**

|  |  |
| --- | --- |
| **Working children, ages 5 to 14 (% and population):** | 11.7 (35,368) |
| **School attendance, ages 5 to 14 (%):** | 92.5 |
| **Children combining work and school, ages 7 to 14 (%):** | 13.0 |
| **Primary completion rate (%):** | 76.8 |

*Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2014.*([4](#_ENREF_4))

*Source for all other data: Understanding Children’s Work Project’s analysis of statistics from MICS 4 Survey, 2010.*([5](#_ENREF_5))

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](#_ENREF_1), [3](#_ENREF_3), [6](#_ENREF_6)) |
| Herding cattle\* and other livestock\* ([1](#_ENREF_1), [6](#_ENREF_6)) |
| Industry | Work in factories\* ([7](#_ENREF_7)) |
| Services | Domestic service ([1](#_ENREF_1), [6](#_ENREF_6)) |
| Work on the streets as vendors, bus attendants, taxi conductors, and porters ([6](#_ENREF_6), [7](#_ENREF_7)) |
| Categorical Worst Forms of Child Labor‡ | Herding livestock,\* domestic service, agriculture, and market vending as a result of human trafficking ([2](#_ENREF_2), [7](#_ENREF_7), [8](#_ENREF_8)) |
| Commercial sexual exploitation ([1](#_ENREF_1), [2](#_ENREF_2)) |
| Growing, manufacturing, and selling drugs\* ([6](#_ENREF_6)) |
|  | Serving alcohol in alcohol selling establishments\* ([6](#_ENREF_6)) |

\* 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](#_ENREF_9)) Furthermore, a source indicates that orphans face unfair and unequal treatment in schools.([1](#_ENREF_1)) 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](#_ENREF_12))

# 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](#_ENREF_15)) |
| Minimum Age for Hazardous Work | Yes | 18 | Children’s Protection and Welfare Act ([15](#_ENREF_15)) |
| List of Hazardous Occupations Prohibited for Children | No |  |  |
| Prohibition of Forced Labor | Yes |  | Constitution ([16](#_ENREF_16)) |
| Prohibition of Child Trafficking | Yes |  | People Trafficking and People Smuggling (Prohibition) Act ([17](#_ENREF_17)) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes |  | Crimes Act and General Pornography Act ([7](#_ENREF_7)) |
| Prohibition of Using Children in Illicit Activities | Yes |  | Children’s Protection and Welfare Act ([15](#_ENREF_15)) |
| Minimum Age for Compulsory Military Recruitment | Yes | 18 | Umbutfo Swaziland Defense Force Act ([1](#_ENREF_1), [18](#_ENREF_18)) |
| Minimum Age for Voluntary Military Service | Yes | 18 | Umbutfo Swaziland Defense Force Act ([1](#_ENREF_1), [18](#_ENREF_18)) |
| Compulsory Education Age | No |  |  |
| Free Public Education | Yes |  | Constitution; Free Primary Education Act ([16](#_ENREF_16), [19](#_ENREF_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](#_ENREF_19)) The Employment Act excludes domestic employment, agricultural, and family undertakings from the minimum age provisions.([20](#_ENREF_20)) Swaziland also lacks a compulsory education law.([7](#_ENREF_7), [8](#_ENREF_8), [19](#_ENREF_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.([1](#_ENREF_1)) In addition, while the Government has drafted a Sexual Offenses and Domestic Violence Bill, it is yet to be enacted.([1](#_ENREF_1)) 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.([2](#_ENREF_2), [6](#_ENREF_6), [21](#_ENREF_21), [22](#_ENREF_22))

# 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 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.([1](#_ENREF_1), [23](#_ENREF_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](#_ENREF_1), [23](#_ENREF_23)) |
| Royal Swaziland Police | Enforce child labor laws, including any related to children, and participate in the National Children’s Coordination Unit (NCCU).([1](#_ENREF_1), [23](#_ENREF_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.([1](#_ENREF_1)) However, the Government reported that it employed 32 labor inspectors during the previous reporting period.([19](#_ENREF_19)) Three of the new inspectors were designated as child labor investigators and provided specialized child labor training by the International Labor Organization.([1](#_ENREF_1)) The MLSS conducted 3,028 labor inspections during the year.([1](#_ENREF_1)) 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.([1](#_ENREF_1)) 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.

# 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](#_ENREF_23)) |
| Anti-Human Trafficking Task Force | Exchange information on cases of trafficking between relevant stakeholders.([1](#_ENREF_1)) |

In 2013, the Government continued to work on establishing a Child Labor Unit under the MLSS to coordinate issues related to child labor.([1](#_ENREF_1)) The Government has also created of a National Task Team that includes all ministries that deal with children.([19](#_ENREF_19)) However, the roles and activities of these different entities and how they relate to child labor, are not clear.

# 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.([7](#_ENREF_7), [12](#_ENREF_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](#_ENREF_24)) |
| National Children’s Policy (2009)\* | Represents the policy framework of the Children’s Protection and Welfare Act.([19](#_ENREF_19)) |
| National Social Development Policy (2010)\* | Provides protections for children including OVCs, street children, children with disabilities, and others.([19](#_ENREF_19)) |
| Education Sector Policy (2011)\* | Seeks to provide equitable access to education.([19](#_ENREF_19)) |
| National Strategic Framework and Action Plan to Combat People Trafficking† | Assigns responsibilities to relevant Government agencies on trafficking in persons.([25](#_ENREF_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.([1](#_ENREF_1), [7](#_ENREF_7), [19](#_ENREF_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.([1](#_ENREF_1), [7](#_ENREF_7), [19](#_ENREF_19))

# 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.([1](#_ENREF_1)) |
| 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](#_ENREF_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](#_ENREF_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.([1](#_ENREF_1), [16](#_ENREF_16), [19](#_ENREF_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.([1](#_ENREF_1), [27](#_ENREF_27))

# 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 |

1. U.S. Embassy- Mbabane. *reporting, January 17, 2014*.

2. U.S. Department of State. "Swaziland," in *Trafficking in Persons Report- 2013*. Washington, DC; June 19, 2013; <http://www.state.gov/j/tip/rls/tiprpt/2013/>.

3. U.S. Embassy- Mbabane. *reporting, January 20, 2009*.

4. UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.* [accessed February 10, 2014]; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the “Children's Work and Education Statistics: Sources and Definitions” section of this report.

5. UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. Original data from MICS 4 Survey, 2010. Analysis received February 13, 2014. Reliable statistical 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 on children’s work in general are reported in this chart, 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.

6. U.S. Department of State. "Swaziland," in *Country Reports on Human Rights Practices- 2013*. Washington, DC; February 27, 2014; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

7. U.S. Embassy- Mbabane. *reporting, January 29, 2013*.

8. International Trade Union Confederation. *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*. Geneva; November 4-6, 2009. <http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf>.

9. UNICEF. *Swaziland Multiple Indicator Cluster Survey 2010 Final Report*; December 2011. [source on file].

10. Nordtveit, B. "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):223-242 (2010); [hard copy on file].

11. Ulandssekretariatet, LO/FTF Council. *Swaziland - Labour Market Profile 2013*; 2013. <http://www.ulandssekretariatet.dk/sites/default/files/uploads/public/Afrika/Landeanalyser/labour_market_profile_2012_-_swaziland_web.pdf>.

12. U.S. Embassy- Mbabane. *reporting, January 19, 2012*.

13. ILO Committee of Experts. *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Swaziland (ratification: 2002) Submitted: 2013*; accessed April 14, 2014; <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0>

14. U.S. Embassy- Mbabane. *reporting, February 17, 2011*.

15. Government of Swaziland. *Children's Protection and Welfare Act*, enacted 2012. [source on file].

16. Government of Swaziland. *An Act to provide for the Constitution of the Kingdom of Swaziland*, enacted 2005. [www.ide.uniswa.sz/documents/resources/constitution2004.pdf](http://www.ide.uniswa.sz/documents/resources/constitution2004.pdf).

17. Government of Swaziland. *The People Trafficking and People Smuggling (Prohibition) Act*, Act No. 7 enacted November 10, 2009. [source on file].

18. Child Soldiers International. *Louder Than Words: An agenda for action to end state use of child soldiers*. London; September 2012. <http://www.child-soldiers.org/global_report_reader.php?id=562>.

19. Government of Swaziland. *Progress Report on the Elimination of Child Labour in Swaziland*; January 16, 2013. [source on file].

20. ILO Committee of Experts. *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Swaziland (ratification: 2002) Submitted: 2013*; accessed April 14, 2014; <http://www.ilo.org/ilolex/english/iloquery.htm>

21. ILO Committee of Experts. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Swaziland (ratification: 2002) Submitted: 2010*; accessed April 14, 2014; <http://www.ilo.org/ilolex/english/iloquery.htm>.

22. allAfrica. "Swaziland: King Exploits Forced Child Labour." allafrica.com [online] Novermber 15, 2013 [cited May 27, 2014]; <http://allafrica.com/stories/201311151200.html>.

23. U.S. Embassy- Mbabane official. E-mail communication to USDOL official. March 24, 2014.

24. U.S. Embassy- Mbabane official. E-mail communication to USDOL official. June 18, 2012.

25. U.S. Embassy- Mbabane. *reporting, February 13, 2014*.

26. ILO-IPEC. *Global Action Program on Child Labor Issues*. Technical Progress Report. Geneva; April 2014.

27. Basdevant, O. "Customs revenue, Fiscal Steps can power Swaziland Recovery." imf.org [online] February 10, 2012 [cited April 14, 2014]; <http://www.imf.org/external/pubs/ft/survey/so/2012/CAR021012B.htm>.