

In 2018, Eswatini made a moderate advancement in efforts to eliminate the worst forms of child labor. The King signed the Sexual Offenses and Domestic Violence Act, which provides new legal protections for child victims of commercial sexual exploitation. Additionally, the government drafted a revised Employment Act that will expand the authority of labor inspectors and criminalize the non-state recruitment of children. During the reporting period, investigators and officers received refresher training on handling cases of child labor, including the worst forms of child labor. 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, 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. (1-4) Table 1 provides key indicators on children's work and education in Eswatini. Data on some of these indicators are not available from the sources used in this report.

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 (%)		85.8

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2019. (5)

Source for all other data: International Labor Organization'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 and harvesting sugarcane (2,7)
	Herding livestock, including cattle, buffalo, goats, swine, horses, donkeys, and sheep (2,4,7,8)
Services	Domestic work (2,7,9-11)
	Street work, including as vendors, bus attendants, taxi conductors, porters, and car washers (1-3,9)
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 (1,3,12,13)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1,3,7,11,13,14)
	Use in illicit activities, including growing, manufacturing, and selling drugs such as marijuana (4,11)

‡ 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*, which forces residents to carry out communal work, including in chiefs' houses or fields. (13,15-18) However, in 2018, there were no reports that local chiefs forced residents or children to work. Although anecdotal reports

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indicate that chiefs may have used coercion or intimidation in previous years to extract work from residents, including children, research indicates that this practice is rare or nonexistent, and not innate to the customary practice of *Kuhehla*. (13,15,16,19,20)




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. (8) The results show that 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. (8) 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 open wounds, fractures, dislocations and sprains, fever, extreme fatigue, and snake bites. (8)

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 herding livestock, including cattle. (3,13) 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. (13,21)

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	Age	Legislation
Minimum Age for Work	No	15	Article 234 of the Children’s Protection and Welfare Act; Section 97 of the Employment Act (22,23)
Minimum Age for Hazardous Work	Yes	18	Article 236 of the Children’s Protection and Welfare Act; Article 29 of the Constitution (22,24)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 15,16, 233, 236, and 237 of the Children’s Protection and Welfare Act; Article 29 of the Constitution (22,24)
Prohibition of Forced Labor	Yes		Article 75 of the Children’s Protection and Welfare Act; Article 13 of the People Trafficking and People Smuggling (Prohibition) Act; Articles 17 and 29 of the Constitution (22,24,25)

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

Standard	Meets International Standards	Age	Legislation
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 (22,(25))
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 (26,27)
Prohibition of Using Children in Illicit Activities	Yes		Articles 16 and 49 of the Children's Protection and Welfare Act (22)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 17 of The Umutfo Swaziland Defence Force Order (28)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Section 17 of The Umutfo Swaziland Defence Force Order (28)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	No	12/13‡	Section 10 of the Free Primary Education Act (29)
Free Public Education	No		Section 3 of the Free Primary Education Act (29)

* No conscription (28)

‡ Age calculated based on available information (30)

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*. (31,32) In 2018, there were no reports that local chiefs forced residents or children to work, and research indicates that the practice is rare or nonexistent, and not innate to the customary practice of *Kuhlehla*. (33) 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. (31)

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 cover children working in domestic and agricultural work. (10,22,23) Children working in the agricultural sector often work long hours, carry heavy loads, work in remote areas, and risk exposure to harmful pesticides. (8) 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. (10,29,30) 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. (29,34)

Through consultations with the ILO, the government drafted a revised Employment Act, which is expected to come into force in 2019. The revised Employment Act would extend to all children, including those working in agriculture and domestic service; allow labor inspectors to enter private homes and farms to conduct inspections; and criminalize the non-state military recruitment of children. (10,19,35) In addition, on August 1, 2018, the Sexual Offences and Domestic Violence (SODV) Act entered into force. The SODV Act establishes new legal protections for victims of gender-based violence and exploitation, and criminalizes using, procuring, and offering a child for commercial sexual exploitation, with a penalty of up to 25 years' imprisonment. (11,19,27)

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.

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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. (7,36)
Royal Eswatini Police Services (REPS)	Investigates cases involving the worst forms of child labor. Informs victims of sexual offenses, including commercial sexual exploitation, of available counseling and other support services, including Post Exposure Prophylactics. (7,19,27,36)
Department of Social Welfare	Offers rehabilitative services to victims of child labor, including orphans, and refers suspected cases of child labor to the REPS or MLSS. (7,36)
Director of Public Prosecutions	Prosecutes cases involving the worst forms of child labor, and refers child victims to social and legal support services. (13,27) Responsible for implementing victim identification guidelines and referral mechanisms for actual and potential victims of human trafficking. (30)

Labor Law Enforcement

In 2018, 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 (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	2017	2018
Labor Inspectorate Funding	Unknown (4)	\$1,023,128 (37)
Number of Labor Inspectors	15 (4)	15 (19)
Inspectorate Authorized to Assess Penalties	No (4)	No (19)
Initial Training for New Labor Inspectors	Yes (4)	Yes (19)
Training on New Laws Related to Child Labor	N/A (4)	Yes (19)
Refresher Courses Provided	No (4)	No (19)
Number of Labor Inspections Conducted	2,220 (4)	2,278 (19)
Number Conducted at Worksite	2,220 (4)	2,278 (19)
Number of Child Labor Violations Found	0 (4)	0 (19)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (4)	0 (19)
Number of Child Labor Penalties Imposed that Were Collected	N/A (4)	N/A (19)
Routine Inspections Conducted	Yes (4)	Yes (19)
Routine Inspections Targeted	Yes (4)	Yes (19)
Unannounced Inspections Permitted	Yes (4)	Yes (19)
Unannounced Inspections Conducted	Yes (4)	Yes (19)
Complaint Mechanism Exists	Yes (4)	Yes (19)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (4)	Yes (19)

The MLSS and NGOs noted that labor inspectors lacked sufficient resources, such as vehicles, to conduct inspections. (2,11,19,30) In addition, the number of labor inspectors is insufficient for the size of Eswatini's workforce, which comprises approximately 427,900 workers. (38) 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. (39,40)

Criminal Law Enforcement

In 2018, 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 prosecution, particularly in gathering evidence for prosecution of trafficking cases involving children.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Yes (4)	Yes (19)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (4)	Yes (19)
Refresher Courses Provided	Yes (4)	Yes (19)
Number of Investigations	2 (4)	5 (19)
Number of Violations Found	1 (4)	5 (19)
Number of Prosecutions Initiated	1 (4)	1 (19)
Number of Convictions	0 (4)	0 (19)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	No (33)	No (33)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (4)	Yes (19)

In 2018, 597 new investigators received initial training and 47 officers received refresher training on how to address child labor, forced child labor, child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities. Additionally, in October and December 2018, 74 front line personnel and 40 senior officers of the REPS Domestic Violence, Child Protection, and Sexual Abuse Unit received training on duties mandated under the SODV Act. (19,41)

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 & Description
Children's Services Department	Evaluates and reviews all existing national legal instruments governing the treatment of children to ensure compliance with international child treatment standards, provisions, and practices. Monitors and evaluates all national policies, plans, and programs, and ensures that all stakeholders collaborate and contribute toward a national child development agenda. (19) The Department was established in late 2016, and spent 2018 hiring staff and conducting research on national policies, plans, and programs relating to child labor. (42)
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. Formulates policies and programs to prevent and suppress people trafficking or people smuggling, including programs for rendering assistance to trafficked or smuggled persons. (25) Formulates protective programs for trafficked or smuggled persons, and initiates education programs to increase public awareness of the causes and consequences of human trafficking and smuggling. (25) Exchanges 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 REPS, Director of Public Prosecutions, Attorney General's Office, Department of Social Welfare, Department of Health, Ministry of Foreign Affairs, and the MLSS. (7,43) The taskforce met regularly in 2018. (44)
Trafficking in Persons (TIP) Secretariat	Provides a support role to assist the Task Force for the Prevention of People Trafficking and People Smuggling. (25,33) In 2018, conducted public awareness and outreach programs through a bi-monthly newspaper column and a weekly call-in radio program covering human trafficking issues. In addition, the Secretariat expanded outreach initiatives to raise awareness of human trafficking by answering questions and distributing pamphlets to new audiences including church conventions, schools, traditional gatherings, rural community child care centers, and young women participating in the annual national reed dance ceremony. (11) However, reports indicate that the leadership issues within the Secretariat have hampered its ability to fulfill its statutory responsibilities. (11,13,33,44)

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. In addition, poor communication and coordination between the anti-human trafficking task force and the TIP Secretariat has resulted in confusion among some government officials and civil society groups about the mandates of these bodies and the function of a national referral mechanism. (11)

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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 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. (45) Research was unable to determine whether actions were taken to implement this policy in 2018.
National Strategic Framework and Action Plan to Combat People Trafficking (2013–2018; 2019–2023)	Assigns responsibilities to relevant government agencies on trafficking in persons. (46,47) Actions undertaken in 2018 focused on the prevention and protection of victims. During the reporting period, the government enacted the Sexual Offenses and Domestic Violence (SODV) Act which expands protections for child victims of exploitation, including sex trafficking. (33) The government also increased training for frontline responders on victim identification and referral and trained prosecutors and magistrates on the SODV Act. The government also conducted an increased number of awareness-raising activities throughout the country, including incorporating chiefdoms and traditional systems of governance for the first time. (33)

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (48)

Since 2014, the government has been developing an Action Plan on the Elimination of Child Labor (APEC), and in 2018, the ILO provided guidance on the plan and updated the implementation dates to 2019–2025. However, APEC is currently awaiting approval by the tripartite body, the Labor Advisory Board, and the Social Dialogue Committee before being forwarded to the Cabinet for review and adoption. (2,19,30,32) Moreover, child labor elimination and prevention strategies are not included in the Eswatini Education and Training Sector Policy. (49)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, 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 with regard to 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
Technical Assistance for Development of a Social Protection System in Swaziland (2016–2019)	\$46.8 million EU-funded, 3-year capacity building project to support the development of a social protection system through strengthening government coordination, regulatory, and oversight functions. A component of the project directly addresses needs of children, including education support services to vulnerable populations. (50) 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. In June 2018, the government took over the funding of this program from the European Union. (2,19,30,52)

† Program is funded by the Government of Eswatini.

Although the government in collaboration with NGOs provided child trafficking victims with necessities such as food, clothing, toiletries, counseling, and medical care, programs are not sufficient to address the problem consistently. (32,33,53) The government has yet to partner with an institution with the appropriate conditions to serve as a shelter for victims of human trafficking, and additionally law enforcement personnel need training on victims' rights. Furthermore, the government does not have any shelter policies or guidelines in place to ensure that a minimum quality of standard care is provided to victims. (11,13,30) As a result, during the reporting period child victims of human trafficking were often placed in makeshift shelters where they had limited freedom of movement. (11) 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 in Eswatini (Table II).

Table II. 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 service.	2013 – 2018
	Ensure that the hazardous occupations and activities prohibited for children are comprehensive and cover agricultural undertakings and domestic work.	2012 – 2018
	Adopt legislation that prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
	Establish by law free basic public education through grade nine.	2018
	Establish a compulsory education age that is consistent with the minimum age for work.	2009 – 2018
	Adopt legislation that regulates the work performed through traditional practices.	2017 – 2018
Enforcement	Authorize the labor inspectorate to assess penalties.	2016 – 2018
	Provide labor inspectors with refresher courses on the worst forms of child labor.	2017 – 2018
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 – 2018
	Provide adequate resources, including vehicles, to conduct labor inspections.	2013 – 2018
Coordination	Establish coordinating mechanisms that address all child labor issues, such as children working in agriculture and domestic work.	2015 – 2018
	Provide sufficient resources for effective coordination within the Trafficking in Persons Task Force to address child labor.	2017 – 2018
Government Policies	Implement child labor-related policies, such as the National Children's Policy and the National Strategic Framework and Action Plan to Combat People Trafficking.	2017 – 2018
	Integrate child labor elimination and prevention strategies into the Eswatini Education and Training Sector Policy.	2010 – 2018
Social Programs	Ensure that children are able to access free basic education, including by paying or eliminating school fees for lower secondary education.	2013 – 2018
	Ensure that social programs to address child labor are implemented in accordance with their mandates.	2018
	Develop social protection programs to assist children engaged in child labor in domestic service and herding.	2014 – 2018
	Identify an appropriate partner to provide shelter for victims of human trafficking, and ensure all government and partner staff members receive sufficient training to address victims of human trafficking.	2017 – 2018

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