

In 2020, Eswatini made minimal advancement in efforts to eliminate the worst forms of child labor. The Government of the Kingdom of Eswatini published their first-ever uniform guidelines for providing shelter and care for victims of human trafficking and gender-based violence. However, children in Eswatini are subjected to the worst forms of child labor, including in forced domestic work, forced livestock herding, and commercial sexual exploitation, each sometimes as a result of human trafficking. Significant gaps in the legal framework remain, including gaps in minimum age protections, 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 only apply to children working in industrial undertakings, 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 are subjected to the worst forms of child labor, including in forced domestic work and forced livestock herding, 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 (%)		94.5

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2021. (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 (1)
	Raising and herding livestock, including cattle, buffalo, goats, swine, horses, donkeys, and sheep (1,3,7,8)
Services	Domestic work (1,8-10)
	Street work, including working as vendors, bus attendants, taxi conductors, porters, and car washers (1,2,4,8)
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 (2,4,11-13)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2,4,8,10,12-14)
	Use in illicit activities, including growing drugs such as marijuana (3,8,10,13)

‡ 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 the Kingdom 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 Lubombo. (7) 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.

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Children’s injuries sustained during livestock herding include open wounds, fractures, dislocations and sprains, fever, extreme fatigue, and snake bites. (7) In addition, there is evidence of children’s current and growing participation in the production—but not the dealing or trafficking—of marijuana, which remains illegal under Swati law. (8,13)

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. (8,15)

## 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 (16,17)
Minimum Age for Hazardous Work	Yes	18	Article 236 of the Children's Protection and Welfare Act; Article 29 of the Constitution (16,18)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Articles 233 and 236–237 of the Children's Protection and Welfare Act (16)
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 (16-19)
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 (16,19)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 42–46 of the Crimes Act; Sections 13–15 and Sections 23-28 of the Sexual Offences and Domestic Violence Act (20,21)
Prohibition of Using Children in Illicit Activities	Yes		Articles 16 and 49 of the Children's Protection and Welfare Act (16)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 17 of The Umbutfo Swaziland Defence Force Order (22)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Section 17 of The Umbutfo Swaziland Defence Force Order (22)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	No	12/13‡	Section 10 of the Free Primary Education Act (23)
Free Public Education	No		Section 3 of the Free Primary Education Act (23)

\* No conscription (22)

‡ Age calculated based on available information (24)

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. (16,17) 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. (9,16,17)

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. (9,23,24) 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. (23,25)

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*. (26) In 2020, 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. (26)

A draft amendment to the Employment Act No. 5/1980 received initial feedback from Eswatini's Labor Advisory Board (LAB) in 2019 and is still 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. (15)

### 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 enforcement agencies 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	Enforces child labor laws and promotes relations between labor, government, and business through tripartite dialogue. (15)
Royal Eswatini Police Services	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. (21,27)

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

Organization/Agency	Role
Trafficking in Persons Secretariat	Plays the lead role in coordinating anti-trafficking efforts. Coordinates some of the outreach programs along with the other elements of the prevention. (28)
Director of Public Prosecutions	Prosecutes cases involving the worst forms of child labor, and refers child victims to social and legal support services. (12,21) Responsible for implementing victim identification guidelines and referral mechanisms for victims of human trafficking and those at risk. (24)

The Department of Social Welfare offered rehabilitative services to victims of child labor, including orphans, and referred suspected cases of child labor to the Royal Eswatini Police Services (REPS) or to the Ministry of Labor and Social Services (MLSS). (8,15)

### Labor Law Enforcement

In 2020, 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	2019	2020
Labor Inspectorate Funding	\$900,000 (29)	Unknown (8)
Number of Labor Inspectors	15 (29)	Unknown (8)
Inspectorate Authorized to Assess Penalties	No (15)	No (17)
Initial Training for New Labor Inspectors	Yes (15)	Yes (8)
Training on New Laws Related to Child Labor	N/A (15)	N/A (8)
Refresher Courses Provided	No (15)	No (8)
Number of Labor Inspections Conducted	1,580 (29)	Unknown (8)
Number Conducted at Worksites	1,580 (29)	N/A (8)
Number of Child Labor Violations Found	0 (29)	Unknown (8)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (29)	N/A (8)
Number of Child Labor Penalties Imposed that Were Collected	N/A (29)	N/A (8)
Routine Inspections Conducted	Yes (15)	Yes (8)
Routine Inspections Targeted	Yes (15)	Yes (8)
Unannounced Inspections Permitted	Yes (15)	Yes (17)
Unannounced Inspections Conducted	Yes (15)	Yes (8)
Complaint Mechanism Exists	Yes (15)	Yes (8)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (15)	Yes (8)

Research indicates that labor inspectors lacked sufficient resources, such as vehicles, to conduct inspections. (1,8,10,24,27) In addition, based on the number of labor inspectors in the previous year, there remains a lack of labor inspectors 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 approximately 14 additional inspectors to meet this threshold. (31,32)

Although research indicates that some inspections were conducted during the reporting period, it is unknown how many total inspections were conducted. Inspectors are not, however, allowed to assess penalties; labor inspectors instead have to identify the labor violations and report them to the appropriate law enforcement authority. (8)

### Criminal Law Enforcement

In 2020, criminal law enforcement agencies in Eswatini took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including allocation of financial resources.

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

Overview of Criminal Law Enforcement	2019	2020
Initial Training for New Criminal Investigators	Yes (15)	Yes (8)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (15)	N/A (8)
Refresher Courses Provided	Yes (15)	Yes (8)
Number of Investigations	5 (29)	1 (8)
Number of Violations Found	0 (29)	1 (8)
Number of Prosecutions Initiated	4 (33)	1 (8)
Number of Convictions	1 (33)	Unknown (8)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	No (29)	Unknown (8)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (15)	Yes (8)

The government provided limited information during the reporting period.

Research continues to indicate that REPS lacked sufficient resources to fulfill its full mandate in terms of carrying out investigations. (8, 15)

## 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.
The Anti-Human Trafficking Task Force	Coordinates the implementation of the People Trafficking and People Smuggling (Prohibition) Act of 2009 with the support of 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. (19) Staff received one training session during the reporting period that was hosted by IOM. (8, 13)

During the reporting period, a tripartite committee, consisting of the Royal Eswatini Police Services, the Director of Public Prosecutions, and the Trafficking in Persons Secretariat, met to report on cases and ensure appropriate interventions were being taken. However, due to the COVID-19 pandemic, in-person meetings were canceled or postponed. (13)

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 Anti-Human Trafficking Task Force has resulted in confusion about the mandates of these bodies, how to accomplish their missions, and the overall effectiveness of the task force. (10, 15)

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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 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)	Assigns responsibilities on combating human trafficking to relevant government agencies and provides services to victims. (34) Aims to improve protection for victims, prosecution for offenders, and continued prevention efforts. (34) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.
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. (35) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.

The Government of the Kingdom of Eswatini published their first-ever uniform guidelines for providing shelter and care for victims of human trafficking and gender-based violence. (8) In addition, the government worked with ILO to draft a new Action Plan on the Elimination of Child Labor for 2019–2025. While the Action Plan has been reviewed and approved by LAB and the Social Dialogue Committee, it has yet to be presented to the Cabinet for adoption due to the pandemic. (8,15)

Although the Government of the Kingdom of Eswatini has adopted a policy related to human trafficking, research found no evidence of an adopted policy on other relevant worst forms of child labor, including commercial sexual exploitation and the use of children in illicit activities. (8,15) Child labor elimination and prevention strategies are also not included in the Eswatini Education and Training Sector Policy. (8)

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, 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
Strengthen the Coordination Mechanism to Respond to Trafficking in Persons and Ensure Justice and Protection for All Victims of Trafficking in Eswatini (2019–2021)	IOM-funded, 2-year project that aims to improve protection of human trafficking victims by developing regulations and guidelines, including for shelters, and training staff from the Anti-Human Trafficking Task Force. (8)
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 7. (1,24,27,37) Research was unable to determine whether activities were undertaken to implement this program during the reporting period.

† Program is funded by the Government of the Kingdom of Eswatini.

The offices of the Prime Minister and the Deputy Prime Minister continued to work with the Trafficking in Persons Secretariat and the Catholic Church to explore the establishment of a shelter to improve the quality of care available to victims of human trafficking. (33) Although Eswatini has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem. (33,38,39)

### 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 – 2020
	Ensure that the hazardous occupations and activities prohibited for children are comprehensive and cover agricultural undertakings and domestic work.	2012 – 2020
	Adopt legislation that prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2020
	Establish a compulsory education age that is consistent with the minimum age for work.	2009 – 2020
	Establish by law free basic public education through lower secondary education.	2018 – 2020
	Adopt legislation that regulates the work performed through traditional practices like <i>Kuhlehla</i> .	2017 – 2020
Enforcement	Collect and publish comprehensive statistics on enforcement efforts, including labor inspectorate funding, the number of inspectors, the number of inspections conducted at worksites, the number of violations, the number of convictions, and the number of penalties imposed and collected.	2020
	Authorize the labor inspectorate to assess penalties.	2016 – 2020
	Provide labor inspectors with refresher courses on the worst forms of child labor.	2017 – 2020
	Provide adequate resources to labor inspectors and criminal investigators so they can fulfill their mandates.	2013 – 2020
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 – 2020
Coordination	Ensure that all coordinating bodies are active and have the necessary resources to be able to fulfill their mandates as intended.	2019 – 2020
	Establish a coordinating mechanism that addresses all child labor issues, including children working in agriculture and domestic work.	2015 – 2020
	Improve coordination and communication among coordinating bodies to clarify mandates to combat all forms of child labor.	2018 – 2020
Government Policies	Implement child labor-related policies, including the National Children's Policy, National Strategic Framework, and Action Plan to Combat People Trafficking.	2017 – 2020
	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 – 2020
	Integrate child labor elimination and prevention strategies into the Eswatini Education and Training Sector Policy.	2010 – 2020
Social Programs	Ensure that children are able to access free basic education, including paying or eliminating school fees for lower secondary education.	2013 – 2020
	Ensure that social programs to address child labor are implemented in accordance with their mandates.	2018 – 2020
	Ensure a minimum quality of standard care in shelters for victims of child trafficking.	2017 – 2020
	Develop social protection programs to assist children engaged in child labor in domestic work and herding.	2014 – 2020

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