

In 2021, Eswatini made minimal advancement in efforts to eliminate the worst forms of child labor. The Government of Eswatini launched a National Action Plan on the Elimination of Child Labor and created an interagency task force to oversee its implementation. The Deputy Prime Minister (DPM)'s office, which oversees child welfare, launched a campaign to ensure that children in Eswatini are issued identity documents, which will help orphaned and vulnerable children gain a greater access to education. 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. 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. (1,2) 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 (%)		88.6

Source for primary completion rate: Data from 2019, published by UNESCO Institute for Statistics, 2022. (3)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 4 (MICS 4), 2010. (4)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Raising and herding livestock, including cattle, buffalo, goats, swine, horses, donkeys, and sheep (2,5,6)
Services	Domestic work (2,6)
	Street work, including working as vendors, bus attendants, taxi conductors, porters, and car washers (1,6-8)
Categorical Worst Forms of Child Labor‡	Forced labor in livestock herding, domestic work, farming, and market vending (1,7-11)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1,6-8,10-13)
	Use in illicit activities, including growing drugs such as marijuana (6,11,12)

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

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. (5) In addition, there is evidence that children are increasingly involved in the production—but not the dealing or trafficking—of marijuana, which remains illegal. (2,6,11)

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Research suggests that in recent years, children from neighboring countries have been trafficked through Eswatini for purposes of sexual exploitation. There are also reports that Swati children, particularly orphaned and vulnerable girls from poor families, have been lured into sexual exploitation through promises of good jobs in neighboring countries, particularly South Africa. (2)

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. (2,6,14)

## 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 at or above that required by international standards.

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

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	15	Articles 234 and 238 of the Children's Protection and Welfare Act; Section 97 of the Employment Act (15,16)
Minimum Age for Hazardous Work	Yes	18	Articles 236 and 238 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, 236, and 237 of the Children's Protection and Welfare Act (15)
Prohibition of Forced Labor	Yes		Articles 2, 13, 232, and 238 of the Children's Protection and Welfare Act; Sections 144 and 145 of the Employment Act; Articles 2, 12, and 13 of the People Trafficking and People Smuggling (Prohibition) Act; Article 17 of the Constitution (15-18)
Prohibition of Child Trafficking	Yes		Article 2 of the Children's Protection and Welfare Act; Articles 2, 3, 12, and 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 2, 13–15, 24, 25, and 38 of the Sexual Offences and Domestic Violence Act; Articles 2, 12, and 13 of the People Trafficking and People Smuggling (Prohibition) Act (18-20)
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 Defense Force Order (21)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Section 17 of The Umbutfo Swaziland Defense Force Order (21)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
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)

\* Country has no conscription (21)

‡ Age calculated based on available information (22)

Both the Children's Protection and Welfare Act and the Employment Act apply minimum age protections to children working in industrial undertakings, but neither covers children working in domestic or agricultural work. (15,16) Children working in the agricultural and informal sectors often work long hours, carry heavy loads, work in remote areas, and risk exposure to harmful pesticides. (5) There is also no identification of hazardous occupations or activities prohibited for children based on the current legislation. (15,16,23)

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. (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*, a practice in which people render services to the local chief or king. (14,25) There have been no recent reports that local chiefs forced residents or children to work, and research indicates that the practice is rare or non-existent. 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)

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. (6)

### 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 their 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)	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. (20,26)

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**Table 5. Agencies Responsible for Child Labor Law Enforcement (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. (27)
Director of Public Prosecutions	Prosecutes cases involving the worst forms of child labor, and refers child survivors to social and legal support services. (2,20) Responsible for implementing survivor identification guidelines and referral mechanisms for victims of human trafficking and those at risk. (2)

The Department of Social Welfare offered support 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). (6,14)

### Labor Law Enforcement

In 2021, labor law enforcement agencies in Eswatini took actions to address child labor (Table 6). However, gaps exist within the authority of the MLSS that may hinder adequate labor law enforcement, including financial and human resource allocation.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	Unknown (6)	Unknown (2)
Number of Labor Inspectors	Unknown (6)	14 (2)
Mechanism to Assess Civil Penalties	Yes (16)	Yes (16)
Initial Training for New Labor Inspectors	Yes (6)	Yes (2)
Training on New Laws Related to Child Labor	N/A (6)	N/A (2)
Refresher Courses Provided	No (6)	Yes (2)
Number of Labor Inspections Conducted	Unknown (6)	Unknown (2)
Number Conducted at Worksite	N/A (6)	N/A (2)
Number of Child Labor Violations Found	Unknown (6)	0 (2)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (6)	N/A (2)
Number of Child Labor Penalties Imposed that Were Collected	N/A (6)	N/A (2)
Routine Inspections Conducted	Yes (6)	Yes (2)
Routine Inspections Targeted	Yes (6)	Yes (2)
Unannounced Inspections Permitted	Yes (16)	Yes (16)
Unannounced Inspections Conducted	Yes (6)	Yes (2)
Complaint Mechanism Exists	Yes (6)	Yes (2)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (6)	Yes (2)

Although the amount of funding for the labor inspectorate is unknown, research indicates that there was no funding for labor inspections during the reporting period. (2) In previous years, research indicated that labor inspectors lacked sufficient resources, such as vehicles, to conduct inspections. (2,6,12,26) In addition, based on the number of labor inspectors, there remains a lack of labor inspectors for the size of Eswatini's workforce, which includes approximately 427,900 workers. (28) 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 24 labor inspectors, and would require the hiring of 11 additional inspectors to meet this threshold. (29,30)

Due to civil unrest, spikes in COVID-19 cases, and restrictions in movement put in place by the government, there were limited inspections conducted by the labor inspectorate, although the total number is unknown. (2)

While a mechanism to assess civil penalties exists, inspectors are not allowed to assess penalties. They must refer the matter to the police, who in turn refer to the office of the Director of Public Prosecutions (DPP) for framing formal charges against a company or individual. (2) If the case is prosecuted and concluded against the employer, then the courts will determine the fines. (2)

### Criminal Law Enforcement

In 2021, criminal law enforcement agencies in Eswatini took actions to address 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	2020	2021
Initial Training for New Criminal Investigators	Yes (6)	Yes (2)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (6)	N/A (2)
Refresher Courses Provided	Yes (6)	Yes (2)
Number of Investigations	1 (6)	0 (2)
Number of Violations Found	1 (6)	N/A (2)
Number of Prosecutions Initiated	1 (6)	N/A (2)
Number of Convictions	Unknown (6)	0 (2)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (6)	N/A (2)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (6)	Yes (2)

REPS lacked sufficient resources to fulfill its full mandate and carry out child labor investigations and likely will continue to lack sufficient resources due to the ongoing economic crisis and budget cuts in Eswatini. (2,6,14)

## 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. (26) 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 survivors 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 2021, the Government of Eswatini assumed management of a new shelter for human trafficking survivors, which involved coordination across government and non-government entities; the shelter is expected to be fully operational in 2022. (2,31)

During the reporting period, a tripartite committee, consisting of REPS, the DPP, and the Trafficking in Persons Secretariat, met to report on cases and ensure appropriate interventions were being taken. (11)

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 its mandate, how to accomplish their mission, and the overall effectiveness of the task force. (12)

## 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.

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

Policy	Description
National Strategic Framework and Action Plan to Combat People Trafficking (2019–2023)	Assigns responsibilities for addressing human trafficking to relevant government agencies and provides services to survivors. Aims to improve protection for survivors, prosecution for offenders, and continued prevention efforts. (32) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.
National Action Plan on the Elimination of Child Labor (2019–2025)†	An interagency task force was established to oversee the implementation of the new policy. A hard copy of the policy was not available for review. (2)
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. (33) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.

† Policy was adopted during the reporting period.

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, 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 inadequacy 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 aimed 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. (6) In December 2021, the program trained law enforcement officials on countertrafficking to build their capacity to screen, identify, and refer victims to the appropriate services. (31)
Free Primary Education Program†	Provides funding to ensure free primary education to children for a period of 7 years, starting from age 6 and ending at grade seven. (26,34) Research was unable to determine whether activities were undertaken to implement this program during the reporting period.

† Program is funded by the Government 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. (8) In addition, the Deputy Prime Minister's office, which oversees child welfare, launched a campaign to register children to help them gain access to schools. (2) Although Eswatini has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem. (8,35)

## 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 – 2021
	Ensure that the hazardous occupations and activities prohibited for children are comprehensive and cover agricultural undertakings and domestic work.	2012 – 2021
	Adopt legislation that prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2021
	Establish a compulsory education age that is consistent with the minimum age for work.	2009 – 2021
	Establish by law free basic public education through lower secondary education.	2018 – 2021
	Adopt legislation that regulates the work performed through traditional practices like <i>Kuhlehla</i> .	2017 – 2021

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

Area	Suggested Action	Year(s) Suggested
Enforcement	Collect and publish comprehensive statistics on enforcement efforts, including labor inspectorate funding, the number of inspections conducted at worksites, the number of convictions, and the number of penalties imposed and collected.	2020 – 2021
	Provide adequate resources to labor inspectors and criminal investigators so they can fulfill their mandates.	2013 – 2021
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 – 2021
Coordination	Ensure that all coordinating bodies are active and have the necessary resources to be able to fulfill their mandates as intended.	2019 – 2021
	Establish a coordinating mechanism that addresses all child labor issues, including children working in agriculture and domestic work.	2015 – 2021
	Improve coordination and communication among coordinating bodies to clarify mandates to address all forms of child labor.	2018 – 2021
Government Policies	Implement child labor-related policies, including the National Children's Policy and National Strategic Framework and Action Plan to Combat People Trafficking.	2017 – 2021
	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 – 2021
	Integrate child labor elimination and prevention strategies into the Eswatini Education and Training Sector Policy.	2010 – 2021
Social Programs	Ensure that children are able to access free basic education, including paying or eliminating school fees for lower secondary and upper secondary education.	2013 – 2021
	Ensure that social programs to address child labor are implemented in accordance with their mandates.	2018 – 2021
	Ensure a minimum quality of standard care in shelters for victims of child trafficking.	2017 – 2021
	Develop social protection programs to assist children engaged in child labor in domestic work and herding.	2014 – 2021

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