

In 2022, Eswatini made minimal advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the Ministry of Labor and Social Security began conducting a review of their offices with the International Labor Organization to evaluate the effectiveness of their efforts in addressing child labor. 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 a lack of legislation regulating the labor conditions under *Kuhlehla* and other customary practices. In addition, the *de facto* compulsory education age does not meet international standards.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

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, 2023. (1)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 4 (MICS 4), 2010. (2)

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, and sheep (3-6)
Services	Domestic work (6)
	Street work, including working as vendors, bus attendants, taxi conductors, porters, and car washers (5,7-9)
Categorical Worst Forms of Child Labor‡	Forced labor in livestock herding, domestic work, farming, and market vending (7-11)
	Commercial sexual exploitation, sometimes as a result of human trafficking (5,7-13)
	Use in illicit activities, including growing drugs such as marijuana (11)

‡ 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 and chemicals. Children's injuries sustained during livestock herding include open wounds, fractures, dislocations and sprains, fever, extreme fatigue, and snake bites. (4) In addition, there is evidence that children are involved in the production—but not the dealing or trafficking—of marijuana, which remains illegal. (3) Research suggests that in recent years, children from neighboring countries have been trafficked through Eswatini for purposes of commercial sexual exploitation. There are also reports that children from Eswatini, particularly orphaned and vulnerable girls from poor families, have been lured into sexual exploitation through promises of employment in neighboring countries, particularly South Africa. (3)

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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 is a barrier for students whose families lacked sufficient funds to sustain their enrollment. (3,5,14) In addition, there is a shortage of teachers in numerous areas throughout the country. (6)

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 deficiencies with the country's compulsory age provisions as they are below the minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Articles 2, 234, and 238 of the Children's Protection and Welfare Act; Section 2, 97, 98, 109 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	Yes		Articles 2, 97, 98, and 109 of the Employment Act; Articles 2, 233, and 236-238 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		Articles 2, 75, and 76 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	Sections 5 and 17 of The Umbutfo Swaziland Defense Force Order (21)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Sections 5 and 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 Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	No	12/13‡	Sections 10 of the Free Primary Education Act (22)
Free Public Education	No		Section 3, 6, 7, and 10 of the Free Primary Education Act (22)

‡ Age calculated based on available information (22)

Section 10 of the Free Primary Education Act requires parents to send their children to school for the completion of primary education, which is typically around ages 12 or 13. As a result, children who complete primary education between 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 citizens for seven years, although basic education is a total of nine years and includes lower secondary education. The failure to provide free basic education for the full nine years may increase the risk of children's involvement in the worst forms of child labor. (22)

While there is some identification of hazardous occupations or activities prohibited for children based on the current legislation, the list is not comprehensive to all hazardous jobs in Eswatini. The Employment Law does not cover herding, for which there is evidence of exposure to dangerous substances and temperatures. (4,6,16)

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. (14,24) 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. (24)

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 enforcement agencies that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role & Activities
Ministry of Labor and Social Security	Enforces child labor laws and promotes relations between labor, government, and business through tripartite dialogue. (14) During the reporting period, began conducting a review of their offices with the ILO to evaluate the effectiveness of their efforts in addressing child labor. (6)
Royal Eswatini Police Services	Investigate cases involving the worst forms of child labor. Inform victims of sexual offenses, including commercial sexual exploitation, of available counseling and other support services. (20,25) During the reporting period, police forces received training on how to properly respond to suspected victims of human trafficking. (26)
Director of Public Prosecutions	Prosecutes cases involving the worst forms of child labor and refers child survivors to social and legal support services. (3,20) Responsible for implementing survivor identification guidelines and referral mechanisms for victims of human trafficking and those at risk. (3,20)

Labor Law Enforcement

In 2022, labor law enforcement agencies in Eswatini took actions to address child labor (Table 6). However, gaps exist that may hinder adequate labor law enforcement, including financial and human resource allocation.

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Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2021	2022
Labor Inspectorate Funding	Unknown (3)	Unknown
Number of Labor Inspectors	14 (3)	18 (6)
Mechanism to Assess Civil Penalties	Yes (16)	Yes (16)
Training for Labor Inspectors Provided	Yes (3)	Unknown
Number of Labor Inspections Conducted at Worksite	Unknown (3)	Unknown
Number of Child Labor Violations Found	0 (3)	Unknown
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (3)	Unknown
Number of Child Labor Penalties Imposed that Were Collected	N/A (3)	Unknown
Routine Inspections Conducted	Yes (3)	Unknown
Routine Inspections Targeted	Yes (3)	Unknown
Unannounced Inspections Permitted	Yes (16)	Yes (16)
Unannounced Inspections Conducted	Yes (3)	Unknown
Complaint Mechanism Exists	Yes (3)	Yes (6)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (3)	Yes (6)

The number of labor inspectors is likely insufficient for the size of Eswatini's work force, which includes approximately 396,000 workers. (3)

In previous years, research indicated that labor inspectors lacked sufficient resources, such as vehicles, to conduct inspections. (3,5,6,12,25)

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 for framing formal charges against a company or individual. (3) If the case is prosecuted and concluded against the employer, then the courts will determine the fines. (3)

Criminal Law Enforcement

In 2022, 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	2021	2022
Training for Criminal Investigators Provided	Yes (3)	Unknown
Number of Investigations	0 (3)	Unknown
Number of Prosecutions Initiated	N/A (3)	Unknown
Number of Convictions	0 (3)	Unknown
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	N/A (3)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (3)	Yes (6)

The Royal Eswatini Police Services lacked sufficient resources to carry out investigations related to the worst forms of child labor and likely will continue to lack sufficient resources due to the ongoing economic crisis and budget cuts in Eswatini. (3,5,14)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established a key mechanism 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 Mechanism to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Activities
Child Labor Task Force	A multi-sectoral team comprising different ministries along with private members and NGOs. The task force is responsible for overseeing the Action Program for Combating Child Labor in Eswatini and takes the lead on child labor issues throughout the country. (6,28) Research was unable to determine whether this group took actions during the reporting period to coordinate efforts to address child labor.

The Anti-Human Trafficking Task Force 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. The task force also exchanges information on cases of human trafficking among relevant stakeholders, including the police, immigration officers, social workers, and prosecutors. (18) Although the government has coordinating mechanisms that address child labor and human trafficking, resource constraints, poor communication, and a lack of coordination between agencies has resulted in confusion about its mandate, how to accomplish their mission, and the overall effectiveness of the task force. (6,12)

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.

Table 9. Key Policies Related to Child Labor

Policy	Description & Activities
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. (29) Aims to improve protection for survivors, increase prosecution for offenders, and support continued prevention efforts. (29) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.
Action Program on Combating Child Labor in Eswatini (2021–2026)	Outlines key strategies that the government should use to prevent children from engaging in child labor and for withdrawing those already in child labor situations. (6,28) The task force responsible for this policy continued to meet during the reporting period. (6)
National Children's Policy	Represents the policy framework of the Children's Protection and Welfare Act and aims to promote the rights of children, protect children from abuse and exploitation, including child labor, and improve the quality of education. (30) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2022, 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 & Activities
Free Primary Education Program†	Provides funding to ensure free primary education to children for a period of seven years, starting from age six and ending at seventh grade. (25,31) Research was unable to determine whether activities were undertaken to implement this program during the reporting period.

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

† 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 survivors of human trafficking. (9) In addition, the Deputy Prime Minister's office, which oversees child welfare issues, launched a campaign to register children to help them gain access to schools. Along with this, the Eswatini Broadcast Service runs a radio program that focuses on raising awareness on the worst forms

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of child labor. (3) Although Eswatini has programs to improve education access, it lacks programs to address child labor, including in domestic work and herding. (9,32)

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	Adopt legislation that prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2022
	Ensure that the hazardous occupations and activities prohibited for children under 18 are comprehensive and include herding.	2012 – 2022
	Establish the compulsory education age to 15 so that is consistent with the minimum age for work.	2009 – 2022
	Establish by law 9 years of free basic public education to cover lower secondary education for all children, including non-citizens.	2018 – 2022
	Adopt legislation that regulates the work performed through traditional practices like <i>Kuhlehla</i> and ensure that the law explicitly states the voluntary nature of participation in such work.	2017 – 2022
Enforcement	Collect and publish comprehensive statistics on labor law enforcement efforts, including information about the labor inspectorate's budget, training for labor inspectors, number of inspections conducted, and the number of penalties imposed and collected.	2020 – 2022
	Provide adequate resources, including transportation and fuel, to labor inspectors and criminal investigators so they can fulfill their mandates.	2013 – 2022
	Increase the number of labor inspectors from 18 to about 26 to ensure adequate coverage of the labor force.	2016 – 2022
	Collect and publish comprehensive statistics on criminal enforcement efforts, including information about training for law enforcement personnel, number of investigations, number of prosecutions, number of convictions, and the number of penalties imposed and collected.	2022
Coordination	Ensure that all coordinating bodies are active and have the necessary resources to be able to fulfill their mandates as intended.	2019 – 2022
	Improve coordination and communication among staff of coordinating bodies.	2018 – 2022
Government Policies	Implement child labor-related policies, including the Action Program on Combating Child Labor in Eswatini, the National Strategic Framework and Action Plan to Combat People Trafficking, and the National Children's Policy.	2017 – 2022
Social Programs	Ensure that children are able to access free basic education, including by eliminating school fees for lower secondary and upper secondary education and hiring the necessary number of teachers for all areas.	2013 – 2022
	Publish updates on the implementation of the Free Primary Education Program on an annual basis.	2018 – 2022
	Ensure a minimum quality of standard care in shelters for victims of child trafficking.	2017 – 2022
	Develop social protection programs to assist children engaged in child labor in domestic work and herding.	2014 – 2022

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