

ESWATINI (SWAZILAND)

MINIMAL ADVANCEMENT

In 2023, Eswatini made minimal advancement in efforts to eliminate the worst forms of child labor. The Department of Social Welfare launched a child protection and information management system to enhance data collection and standardize operating procedures for child protection across different government agencies. However, significant gaps in the legal framework remain, including a lack of legislation regulating the labor conditions under *Kuhlehla* and other customary practices. In addition, 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. The government also has not published comprehensive statistics on their labor law enforcement efforts.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children's Work and Education

Children	Age	Percent of Population
Working	5 to 14	11.7% (35,368)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	92.5%
Combining Work and School	7 to 14	13.0%

Children in Eswatini are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in child labor in the agriculture sector.

Overview of Children's Work by Sector and Activity



Agriculture

Rearing and herding livestock, including bovines.



Services

Domestic work; street work, including working as vendors, porters, and car washers.



Categorical Worst Forms of Child Labor[‡]

Forced labor in livestock herding, domestic work, farming, portering, and market vending; commercial sexual exploitation, sometimes as a result of human trafficking; use in illicit activities, including growing drugs.

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



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Eswatini's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Criminalize the recruitment of children under age 18 by non-state armed groups.

Ensure that the hazardous occupations and activities prohibited for children under 18 are comprehensive and include herding.

Increase the compulsory education age to 15 to align with the minimum age for work.

Establish by law 9 years of free basic public education to cover lower secondary education for all children, including non-citizens.

Adopt legislation that regulates the work performed through traditional practices like *Kuhlehla* and ensure that the law explicitly states the voluntary nature of participation in such work.

Ensure laws provide criminal penalties for use of children in prostitution.

Suggested Government Actions to Eliminate Child Labor (Cont.)

Enforcement

Collect and publish comprehensive statistics on labor law enforcement efforts, including information about the labor inspectorate's budget, number of investigations, number of violations found, and the number of penalties imposed and collected.

Provide adequate resources, including transportation and fuel, to labor inspectors and criminal investigators so they can fulfill their mandates.

Increase the number of labor inspectors from 17 to 27 to ensure adequate coverage of the labor force of approximately 399,100 workers.

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.

Coordination

Ensure that all coordinating bodies, including the Combating of Child Labor Task Force, are active and have the necessary resources to be able to fulfill their mandates as intended.

Government Policies

Implement child labor-related policies, including ensuring that the Action Program on Combating Child Labor in Eswatini is active and working towards the elimination of child labor.

Social Programs

Ensure that children are able to access free basic education, including by eliminating school fees for lower secondary and upper secondary education, reducing barriers related to obtaining documents required for enrollment, hiring the necessary number of teachers for all areas, and ensuring that schools are free from sexual violence.

Publish updates on the implementation of the Free Primary Education Program on an annual basis.

Ensure a minimum quality of standard care in shelters for survivors of child trafficking.

Develop social protection programs to assist children engaged in child labor in domestic work and informal agricultural work, including herding.



CHILDREN AT HIGHER RISK

Boys 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. Traffickers exploit Swati and Mozambican boys in forced labor in agriculture, including cattle herding within the country. Injuries sustained during livestock herding include open wounds, fractures, dislocations and sprains, fever, extreme fatigue, and snake bites. In addition, there are reports that orphaned and vulnerable girls from poor families have been lured into sexual exploitation through promises of employment in neighboring countries, particularly South Africa.



BARRIERS TO EDUCATION ACCESS

The government provides funding for free primary education from grade one through grade seven and subsidizes secondary education for a portion of the approximately 70 percent of Eswatini's children who are orphaned or vulnerable; barriers exist to receiving subsidized education including challenges in applying and obtaining documentation. At the lower secondary and upper secondary levels, however, the cost of school fees is a barrier for students whose families lack sufficient funds to sustain their enrollment. Primary schools frequently charge fees in excess of the government grant, requiring families to pay out of pocket. Free primary education grants are also only available to citizens, leaving refugee and migrant children susceptible to exploitation. In addition, there is a shortage of teachers in numerous areas throughout the country and there are difficulties accessing transportation in remote areas, especially during the rainy season.

Furthermore, the rate of children unregistered at birth for personal identification numbers remains high, and there were instances where the lack of national identification resulted in children not receiving the assistance they needed to be admitted into schools.



LEGAL FRAMEWORK FOR CHILD LABOR

Eswatini has ratified all key international conventions concerning child labor. However, Eswatini's laws do not meet international standards on compulsory education, free public education, and prohibition of military recruitment by non-state armed groups.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 15 Years	✓	Articles 2, 234, and 238 of the Children's Protection and Welfare Act; Section 2, 97, 98, and 109 of the Employment Act
Minimum Age for Hazardous Work, 18 Years	✓	Articles 236 and 238 of the Children's Protection and Welfare Act; Article 29 of the Constitution
Identification of Hazardous Occupations or Activities Prohibited for Children	✓	Articles 2, 97, 98, and 109 of the Employment Act; Articles 2, 233, and 236–238 of the Children's Protection and Welfare Act
Prohibition of Slavery, Debt Bondage, and Forced Labor	✓	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
Prohibition of Child Trafficking	✓	Articles 2, 3, and 13 of the People Trafficking and People Smuggling (Prohibition) Act
Prohibition of Commercial Sexual Exploitation of Children	✗	Sections 42–46 of the Crimes Act; Sections 2, 13–15, 24, and 25 of the Sexual Offences and Domestic Violence Act; Articles 2, 12, and 13 of the People Trafficking and People Smuggling (Prohibition) Act
Prohibition of Using Children in Illicit Activities	✓	Articles 16 and 49 of the Children's Protection and Welfare Act
Minimum Age for Voluntary State Military Recruitment, 18 Years	✓	Sections 5 and 17 of The Umbutfo Swaziland Defense Force Order
Prohibition of Compulsory Recruitment of Children by (State) Military	✓	Sections 5 and 17 of The Umbutfo Swaziland Defense Force Order
Prohibition of Military Recruitment by Non-state Armed Groups	✗	
Compulsory Education Age, 12/13 Years ‡	✗	Section 10 of the Free Primary Education Act
Free Public Education	✗	Section 3, 6, 7, and 10 of the Free Primary Education Act

‡ Age calculated based on available information

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

unrestricted work. In addition, the Free Primary Education Act funds schooling for citizens for 7 years. The failure to provide free basic education, which is 9 years and includes lower secondary education under international standards, may increase the risk of children’s involvement in the worst forms of child labor. Laws related to commercial sexual exploitation of children do not meet international standards because the use of children in prostitution is not criminalized.

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. For example, the Employment Law does not cover herding, for which there is evidence of exposure to dangerous substances and temperatures. In addition, 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. 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.

 **ENFORCEMENT OF LAWS ON CHILD LABOR**

In 2023, labor and criminal law enforcement agencies in Eswatini took actions to address child labor. However, a lack of financial and human resources hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Labor and Social Security: Enforces child labor laws and promotes relations between labor, government, and business through tripartite dialogue. Accepts walk-ins and written complaints from workers, as well as complaints from other government agencies. In 2023, coordinated with agencies working on child labor issues, including the Prime Minister’s Trafficking in Persons Office, Human Rights Commission, and Social Welfare Department in the Deputy Prime Minister’s Office.

Royal Eswatini Police Services: Investigates cases involving the worst forms of child labor and informs victims of sexual offenses, including commercial sexual exploitation, of available counseling and other support services. In March, 25 government officials, including representatives from the Royal Eswatini Police Services, attended a 5-day training organized by the International Organization for Migration Development Fund. This training included sessions on child migration and trafficking in persons.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	Unknown
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Unknown
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Unknown

In 2023, **17** labor inspectors conducted **1,242** worksite inspections. It is **unknown** how many investigations were conducted into suspected worst forms of child labor crimes, whether any prosecutions were initiated, or perpetrators convicted.



COORDINATION, POLICIES, AND PROGRAMS

<p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>Eswatini established a mechanism to coordinate its efforts to address child labor. However, there is confusion about mandates that reduces efficacy.</p>	<p>Combating of Child Labor and Anti-Human Trafficking Task Forces: The Combating of Child Labor Task Force is a multi-sectoral team comprising different ministries along with private members and NGOs. Responsible for overseeing the Action Program on Combating Child Labor in Eswatini and takes the lead on child labor issues throughout the country. In 2023, the Department of Social Welfare, a member of the Combating of Child Labor Task Force, launched the Primero Child Protection and Information Management System, which aims to enhance data collection and standardize operating procedures for child protection across different government agencies. Despite this effort, the Combating of Child Labor Task Force did not regularly meet in 2023. In addition, the Anti-Human Trafficking Task Force formulates policies and programs to prevent and suppress human trafficking and people smuggling, including programs to help survivors and raise awareness of the issue, and shares information on human trafficking cases with the police, immigration officers, social workers, and prosecutors. However, resource constraints and a lack of coordination between the two task forces has impacted their effectiveness and resulted in confusion about their mandates.</p>
<p>Key Policies Related to Child Labor</p> <p>Eswatini established a policy related to child labor. However, it is unclear if this policy is being implemented.</p>	<p>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. Research was unable to determine whether activities were carried out to implement the plan during the reporting period.</p>
<p>Key Social Programs to Address Child Labor</p> <p>Eswatini funded and participated in a program that includes the goal of preventing child labor. However, this social program is inadequate because it does not address the full scope of the child labor problem.</p> <p><i>† Program is funded by the Government of Eswatini.</i></p>	<p>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 seventh grade. While the program was still active during the reporting period, there were reports that schools were charging additional fees, making the program less effective.</p>

For information about USDOL’s projects to address child labor around the world, visit dol.gov/ILABprojects



WORKER RIGHTS SPOTLIGHT

In Eswatini, freedom of association and collective bargaining rights are limited, with authorities supporting pro-government unions and denying registration to independent unions. The Commissioner of Labor must approve union registrations. Further, workers in export processing zones (EPZ) are prohibited from forming unions. Finally, strikes are only permitted if disputes are unresolved. There have also been instances of police using excessive force against trade unionists during protests, leading to injuries and arrests. These actions have created an environment of fear that hinders workers’ ability to organize, advocate for their rights, and report labor abuses, including child labor.

For references, please visit dol.gov/ChildLaborReports