

Swaziland

Incidence and Nature of Child Labor

An estimated 9.6 percent of children ages 5 to 14 years were counted as working in Swaziland in 2000. In this age group, the percentage of all boys working was approximately the same compared to girls.⁴⁴⁵⁹ Children work in agriculture (particularly in the eastern region), and as domestic workers and herders.⁴⁴⁶⁰ Children are also found working on the streets as traders, hawkers, bus and taxi conductors, load bearers, and car washers.⁴⁴⁶¹ There are reports that girls from Swaziland and Mozambique are increasingly found working in child prostitution in Swaziland.⁴⁴⁶²

Education is not free, universal, or compulsory in Swaziland. In 2002, the gross primary enrollment rate was 98 percent, and the net primary enrollment rate was 75 percent.⁴⁴⁶³ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 74.3 percent of children ages 5 to 14 years were attending school.⁴⁴⁶⁴ As of 2002, 77 percent of children who started primary school were likely to reach grade five.⁴⁴⁶⁵ The government pays teacher salaries, while students are required to pay fees for books, transportation, uniforms, boarding, and building upkeep.⁴⁴⁶⁶ School fees can range from USD 40 to USD 160 per year per pupil. These fees make it difficult for poor children, especially those affected by HIV/AIDS, to attend school.⁴⁴⁶⁷

⁴⁴⁵⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the "Data Sources and Definitions" section of this report.

⁴⁴⁶⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Swaziland*, Section 6d, Washington, D.C., February 25, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41629.htm>.

⁴⁴⁶¹ ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September 30, 2003, Annex 2, 22-23.

⁴⁴⁶² U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 5. ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex 2, 22-23.

⁴⁴⁶³ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed October 2005).

⁴⁴⁶⁴ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

⁴⁴⁶⁵ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁴⁴⁶⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Swaziland*, Washington, D.C., February 25, 2004, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27754.htm>. See also Integrated Regional Information Network, "Swaziland: AIDS and economic decline hamper school enrolments", January 12, 2004; available from http://www.irinnews.org/report.asp?ReportID=38872&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

⁴⁴⁶⁷ Integrated Regional Information Network, "Swaziland: Tempers Flare as Government Pays Ophans' School Fees", January 12, 2005; available from http://www.irinnews.org/report.asp?ReportID=45268&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

Child Labor Laws and Enforcement

The minimum age of employment is set at 15 years for industrial work, although children may work in the commercial sector beginning at age 13. The minimum age for light work varies between 13 and 15 years of age depending on the sector.⁴⁴⁶⁸ Children under 15 are also allowed to work in family industrial firms or in technical schools under supervision of a teacher or other authorized person.⁴⁴⁶⁹ The Employment Act prohibits children and young persons under 18 years from working in mines, quarries or underground, in premises that sell alcohol for consumption on site, or in any sector that is dangerous to their safety, health or moral development.⁴⁴⁷⁰ The Employment Act also prohibits children from working during school hours, between the hours of 6 pm and 7 am, and for more than 4 hours continuously.⁴⁴⁷¹ Children are limited to 6 hours of work per day and 33 hours per week.⁴⁴⁷² Since 1999, the Government of Swaziland has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.⁴⁴⁷³ The Ministry of Labor is responsible for enforcing child labor laws, but its effectiveness is limited by shortages of personnel, according to the U.S. Department of State.⁴⁴⁷⁴

The worst forms of child labor may be prosecuted under different statutes in Swaziland. The Penal Code prohibits the procurement of a girl unless she is a “common prostitute” or “of known immoral character” for purposes of prostitution.⁴⁴⁷⁵ Forced and bonded labor, including by children, is also prohibited. Children are protected by law against child pornography and sexual exploitation.⁴⁴⁷⁶ There is no law prohibiting trafficking in persons.⁴⁴⁷⁷

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Swaziland’s Children’s Unit collaborates with law enforcement on child protection issues, has developed guidelines for management of child abuse cases, and has established professional networks through cooperation with the government’s legal branch and NGOs.⁴⁴⁷⁸ The government is

⁴⁴⁶⁸ See ILO-IPEC, *Report VI (1) Child Labour: Targeting the Intolerable*, Geneva, 1998, 77; available from <http://www.ilo.org/public/english/comp/child/publ/target/target.pdf>.

⁴⁴⁶⁹ U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6d.

⁴⁴⁷⁰ ILO-IPEC, *Child Labour: Targeting the Intolerable*, 74, 77. See also ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa’s Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 21.

⁴⁴⁷¹ ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa’s Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 21.

⁴⁴⁷² U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6d.

⁴⁴⁷³ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

⁴⁴⁷⁴ U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6d.

⁴⁴⁷⁵ The Protection Project, “Swaziland,” in *Human Rights Report on the Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Swaziland.pdf>. See also *The Crimes Act*, 6/1889, Section V, Article 42, n.d. 15.

⁴⁴⁷⁶ U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6c.

⁴⁴⁷⁷ *Ibid.*, Section 6f.

⁴⁴⁷⁸ The Honorable Dr. Phetsile Dlamini, Minister of Health and Social Welfare, Statement at the United Nations Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/swazilandE.htm>.

participating in two USDOL-supported regional child labor projects in Southern Africa that include Swaziland. ILO-IPEC is implementing a USD 5 million project, which is focused on piloting small action programs aimed at children who are working or at risk of working in exploitative labor; conducting research on the nature and incidence of child labor; and building the capacity of governments in the region to address child labor issues.⁴⁴⁷⁹ American Institutes for Research is implementing a USD 9 million Child Labor Education Initiative project that aims to combat exploitative child labor through education.⁴⁴⁸⁰

The government continues to fund a program to keep children already attending school in class when they become at risk of dropping out for financial reasons. In 2004, an additional USD 3 million was allotted to the program to allow children who dropped out of school due to AIDS in the family to re-enroll.⁴⁴⁸¹ The government allocated USD 7.6 million to the education of orphans and vulnerable children for 2004, the most recent time period for which such information is available, while UN agencies are providing additional assistance through targeted programs.⁴⁴⁸² It is reported that 70,000 children under the age of 15 have lost parents to HIV/AIDS.⁴⁴⁸³ UNICEF estimates that the number of AIDS orphans in Swaziland is projected to rise to around 150,000 by 2010.⁴⁴⁸⁴ At least 44 new community schools and 198 Neighborhood Care Points that provide nutritional, medical, and counseling needs for orphans and vulnerable populations opened in 2004.⁴⁴⁸⁵ In 2004, the Swaziland Schools Head-teachers Association changed its policy to guarantee that girls who become pregnant will no longer be expelled from school.⁴⁴⁸⁶

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/23/2002	✓
Ratified Convention 182	10/23/2002	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The government collaborates with UNICEF on the “Shoulder to Cry On” volunteer program. The program receives financial and technical assistance from UNICEF. The Deputy Prime Minister’s office trains community volunteers through the Women’s Resource Center. The volunteers assist orphans and vulnerable children with their nutritional, medical, educational, and psychological needs.⁴⁴⁸⁷ The government also receives assistance from UNICEF on a pilot program aimed at collecting data on orphans and vulnerable children. Information from the data collection will be used to identify which children will

⁴⁴⁷⁹ ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa’s Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex 2, 38-39.

⁴⁴⁸⁰ The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See Government of the Central African Republic, *Decision No. 190*, Ministry of Education, Bangui, September 4, 2004, 1.2.

⁴⁴⁸¹ Integrated Regional Information Network, "Swaziland: Campaign to Help Aids-Hit Education System", March 31, 2004; available from <http://allafrica.com/stories/200403310055.html>.

⁴⁴⁸² Integrated Regional Information Network, *Child Rights Advocates Highlight Plight of Under-Fives*, November 10, 2005 2005; available from

http://www.irinnews.org/report.asp?ReportID=46731&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

⁴⁴⁸³ Ibid.

⁴⁴⁸⁴ Integrated Regional Information Network, *Swaziland: NGO’s UNICEF call for Implementation of National Children’s Policy*, November 10, 2005 2005; available from

http://www.irinnews.org/report.asp?ReportID=47701&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

⁴⁴⁸⁵ Integrated Regional Information Network, "Swaziland: Plight of orphans and vulnerable children highlighted", 2003. See also Integrated Regional Information Network, "Swaziland: Innovative project cares for AIDS orphans", May 25, 2004; available from http://www.irinnews.org/report.asp?ReportID=41260&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

⁴⁴⁸⁶ Integrated Regional Information Network, "Swaziland: Pregnant school girls no longer face expulsion", June 21, 2004; available from http://www.irinnews.org/report.asp?ReportID=41797&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

⁴⁴⁸⁷ Integrated Regional Information Network, "Swaziland: Community provides "shoulders to cry on"", December 11, 2003; available from

http://www.irinnews.org/report.asp?ReportID=38365&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

receive government assistance for school expenses.⁴⁴⁸⁸ UNICEF is also implementing the "Education for All Community Grants" initiative, which assists the most vulnerable children in reenrolling in school.⁴⁴⁸⁹

Save the Children Swaziland implements a program to promote inclusive education for disabled children, provides technical advice on school feeding programs, and carries out awareness-raising sessions on HIV/AIDS for children.⁴⁴⁹⁰ The UN-supported local branch of the Global Campaign for Education was established in Swaziland in 2004. The goal of the group is to ensure that Swazi children are provided with free and quality education.⁴⁴⁹¹

⁴⁴⁸⁸ Integrated Regional Information Network, "Swaziland: Project aims to identify vulnerable children", May 27, 2004; available from http://www.irinnews.org/report.asp?ReportID=41302&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

⁴⁴⁸⁹ Integrated Regional Information Network, *Southern Africa: UNICEF appeals for assistance for region's children*, December 2, 2003 [cited February 5, 2004]; available from

http://www.irinnews.org/report.asp?ReportID=38196&SelectRegion=Southern_Africa&SelectCountry=southern%20africa.

⁴⁴⁹⁰ Save The Children, *Swaziland: What we do*, [website] November 18, 2003 [cited March 26, 2004]; available from

<http://www.savethechildren.net/swaziland/>.

⁴⁴⁹¹ Integrated Regional Information Network, "Swaziland: Campaign to Help Aids-Hit Education System."