



# Swaziland

## Country Overview

### Politics

Swaziland is a monarchy.<sup>1</sup> According to the U.S. Department of State, parliamentary elections held in 2013 “did not meet international standards.”<sup>2</sup> However, overall the country remains politically stable.<sup>3</sup>

### Economy

Swaziland is classified by the World Bank as a lower middle income country with a gross domestic product (GDP) per capita of USD 3,000.<sup>4</sup> This is unequally distributed however; 80 percent of the nation’s wealth is held by the wealthiest fifth of the population.<sup>5</sup> Economic growth has been slow since 2013. Much of the downturn has been attributed to a decline in the agricultural sector, corresponding with an ongoing drought.<sup>6</sup> The drought has particularly impacted rain-fed crops including maize and cotton.<sup>7</sup>

Manufacturing is the biggest sub-sector of the economy, and includes apparel and textile manufacturing as well as agro-processing.<sup>8</sup> The textile industry in the country has experienced a severe decline in the past five years, due to the revocation of African Growth and Opportunity Act (AGOA) status.<sup>9</sup>

### Social/Human Development

Approximately 63 percent of the population lives below the poverty line in Swaziland. Swaziland has the world’s highest prevalence of HIV/AIDS, which has led to decreasing life expectancy between 1990 and 2015. Over half of adults have HIV/AIDS.<sup>10</sup> So many adults suffer from HIV/AIDS that agricultural output has declined.<sup>11</sup> There is a shortage of technically skilled labor, and in urban areas one out of five young people are unemployed—a rate of 44.8 percent.<sup>12</sup> Swaziland is ranked at 150 out of 188 on the UN Human Development Index rankings, and its score has stagnated, indicating a lack of progress against human development goals.



U.S. Department of State TIP Report Summary (2017)

U.S. Department of State TIP Ranking: Tier 2 Watch List

According to the *Trafficking in Persons Report*, trafficking risk may be found among Swazi and foreign children in export supply chains including agriculture and livestock (meat and live animals). Swazi boys and foreign children are vulnerable to forced labor in agriculture and cattle herding.

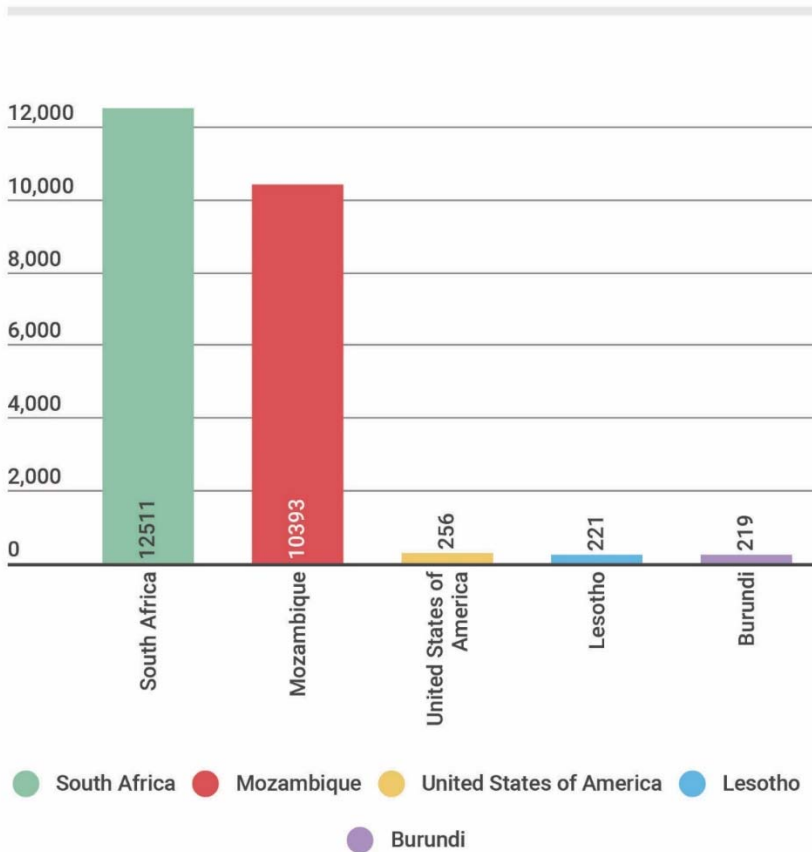
Read the full TIP Report at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271290.htm>

Migrant and Other Vulnerable Populations

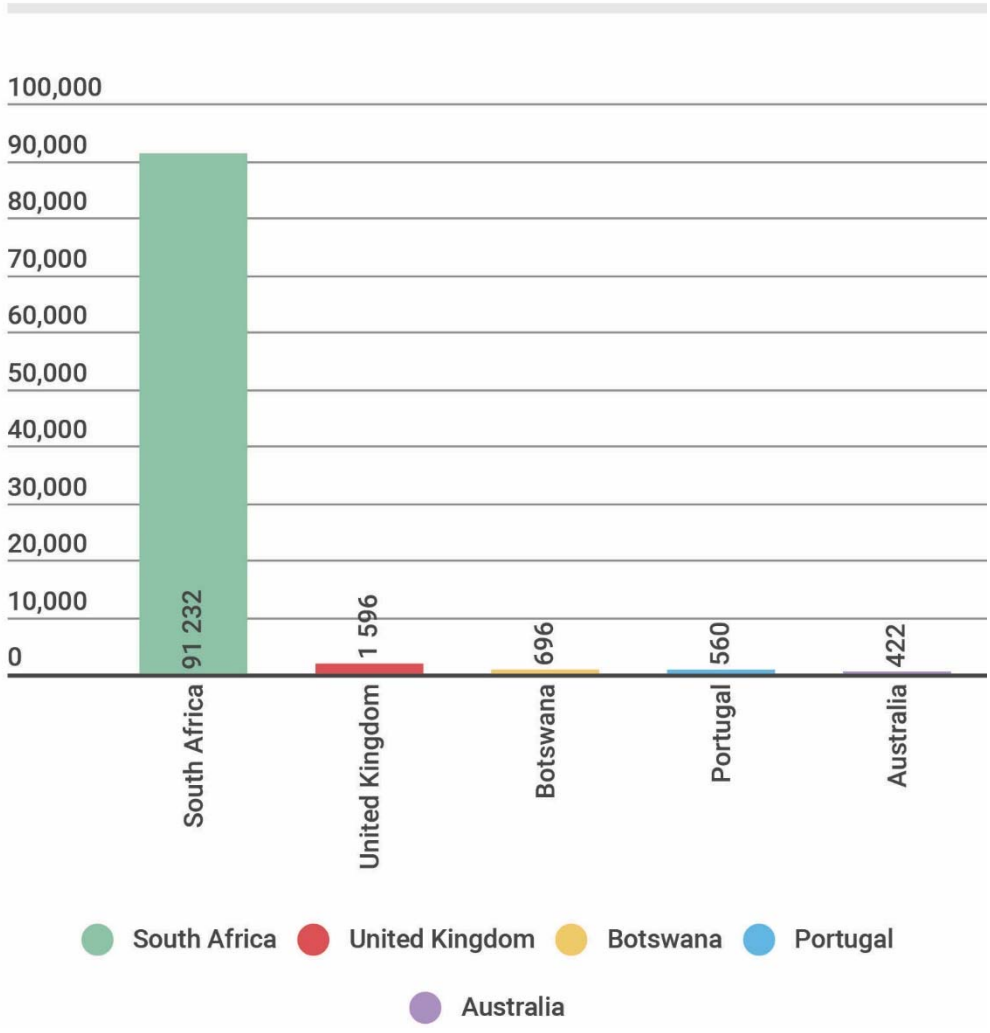
Swaziland has negative net migration, and 2.5 percent of the population are migrants.<sup>13</sup> South Africa and Mozambique are the primary migrant sending countries. According to the UNHCR, there were 2,205 “persons of concern” in 2016.<sup>14</sup>

Migrants from Swaziland most commonly migrate to South Africa.<sup>15</sup>

**Migrants to Swaziland**



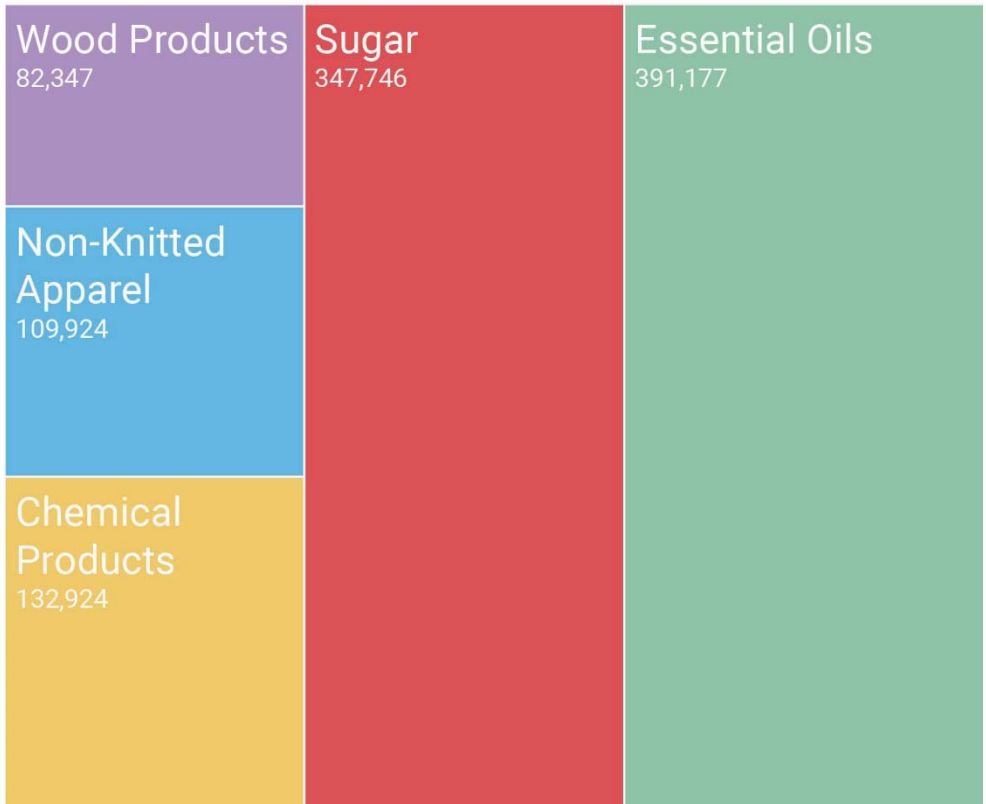
## Migrants from Swaziland



## Exports and Trade

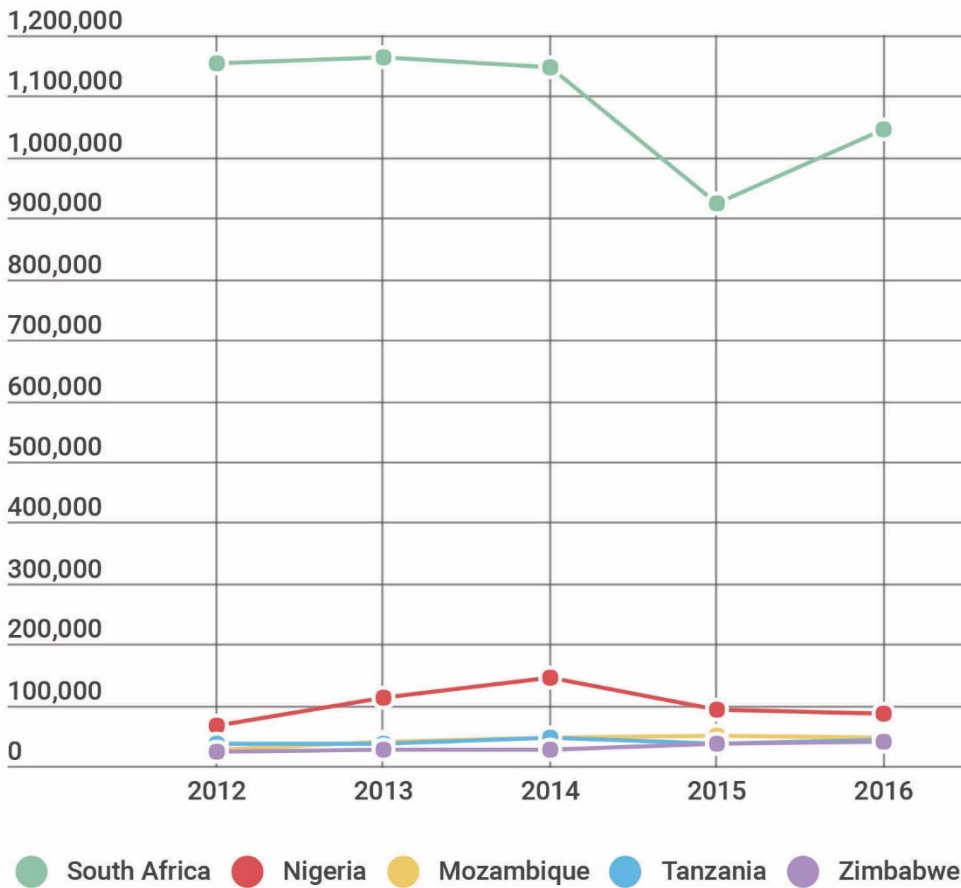
The top exported products from Swaziland include essential oils, sugar, chemical products, apparel, and wood.<sup>16</sup>

### Top Commodity Exports (USD/Thousands)



South Africa is the largest trade partner with Swaziland by far, followed by Mozambique, Zimbabwe and the United Kingdom.<sup>17</sup>

## Swaziland Export Partners (USD/Thousands)



## Trafficking in Persons Risk Factors Analysis

### Legal/Policy Risk Factors

#### Level of Legal Protection for Civil Liberties and Workers' Rights

##### Freedom of Association

Workers, except those in essential services, have the right to form and join independent unions, conduct legal strikes, and bargain collectively under the law.<sup>18</sup> Employers have discretion in determining the validity of a labor organization as collective employee representation if less than 50 percent of employees are members of the organization.<sup>19</sup> The law provides that workers may seek redress if wrongfully dismissed, but this right does not apply to those who are dismissed for engaging in union activity.<sup>20</sup>

##### Working Conditions

There is no national minimum wage. Instead, the Ministry of Labor and Social Security sets wage scales for each industry. There is no minimum wage for the informal sector.

In the garment sector, minimum wage is SZL 1,488 (USD 114.5) per month.<sup>21</sup> There is a standard 48-hour work week.<sup>22</sup>

The government provides for workers' safety through the Occupational Safety and Health Act but reportedly has not enforced it consistently.<sup>23</sup>

##### Discrimination

Labor law prohibits discrimination in employment and occupation based on race, gender, language, HIV-positive status or other communicable diseases, religion, political views, or social status. However, the law does not have a stance on discrimination based on disability, age, sexual orientation, or gender identity, and the government reportedly has not effectively enforced anti-discrimination laws.<sup>24</sup> Gender-based discrimination in employment is prevalent, particularly in the private sector, and women's wages are generally below the wage rates of the average man.<sup>25</sup>

##### Forced Labor

In Swaziland, the law prohibits most forms of compulsory or forced labor, but it exempts "communal services" from the definition of forced labor.<sup>26</sup> Communal services encompass all services that benefit the community and are not remunerated.<sup>27</sup>



## Child Labor

Fifteen is the legal minimum age for work. Children under 18 may not engage in hazardous industrial work but may engage in agricultural work. 16 is the minimum age for children to work at night. Children may not work more than 33 hours per week.<sup>28</sup> At age 15, 13 percent of girls and nine percent of boys are out of school.<sup>29</sup>

According to the U.S. Department of State, the government has not been able to effectively enforce laws combatting child labor due to a lack of information and resources.<sup>30</sup>

## Civil Society Organizations

Civil society organizations have reported harassment, illegal searches, arrests and violent interrogations by the police.<sup>31</sup>

## Ratification of ILO Conventions Related to Human Trafficking or Rights of Workers and Migrants

Conventions	Status
ILO 29 Forced Labor	In force
ILO 87 Freedom of Association and Protection of the Right to Organize	In force
ILO 98 Right to Organize and Collective Bargaining	In force
ILO 100 Equal Remuneration	In force
ILO 105 Abolition of Forced Labor	In force
ILO 111 Discrimination	In force
ILO 138 Minimum Age	In force
ILO 181 Private Employment Agencies	Not ratified
ILO 182 Worst Forms of Child Labor	In force
ILO 97 Migration for Employment	Not ratified

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## Political Risk Factors

### Political Instability or Conflict

Swaziland scores an 87.6 on the 2016 Fragile States Index, placing it in the “High Warning” Category.<sup>33</sup> The non-democratic political situation is reportedly a strong deterrent to international investment.<sup>34</sup>

### Level of Crime and Violence

Swaziland faces a relatively high number of violent murders.<sup>35</sup>

### State Persecution

People from minority ethnic groups have reportedly faced barriers in obtaining passports and other citizenship documents.<sup>36</sup>

### Level of Corruption

Corruption is a major issue in Swaziland and occurs most frequently in public contracting and government procurement,<sup>37</sup> government appointments, and school admissions. While the country does have an Anti-Corruption Commission (ACC), all staff are appointed by the king.<sup>38</sup>

## Socio-Economic Risk Factors

### Level of National Economic Development

Swaziland scored in the low human development category, per the UN Human Development Index, with a rank of 148 out of 188 countries.<sup>39</sup> The HDI is 0.541, but when adjusted for inequality, the HDI falls to 0.361, a loss of 33.3 percent due to inequality.<sup>40</sup>

### Level and Extent of Poverty

According to the *US Department of State Human Rights Report*, 63 percent of the population lives below the poverty line. The most recent figures for the multidimensional poverty index (MPI) in Swaziland are from 2010, when 25.9 percent of the population (309,000 people) were multidimensionally poor while an additional 20.5 percent lived near multidimensional poverty (245,000 people).<sup>41</sup>

### Degree of Gender Inequality

The constitution grants women equal rights and legal status as adults, but these rights remain limited in practice, due in part to the dualistic nature of the legal system. Unwritten customary law and custom





govern traditional marriage and matters of inheritance and family law.<sup>42</sup> Traditional social systems discriminate against women in their ability to control and own land, and 84 percent of the poor population live in rural areas.<sup>43</sup>

There are two types of land, Swazi Nation Land and Title Deed Land. Although Swazi Nation Land can be accessed free of charge through the traditional *kukhonta* system from the chief of the area, women must do so through a male relative.<sup>44</sup> However, there is an emerging practice in which chiefs circumvent traditional rules and allocate land to women if a male figure is not available as a result of the HIV/AIDS epidemic and an increase in female-headed households.<sup>45</sup>

Given that women in Swaziland have difficulty accessing resources and securing bank credit, accessing Title Deed land is also a challenge for women, despite an absence of discriminatory language in the law.<sup>46</sup>

In rural areas, women have less access to education and up to 70 percent of adult females in certain areas are illiterate compared to the national average of 21 percent.<sup>47</sup>

Women are guaranteed freedom of movement by the constitution, but are required to secure their husbands' permission for passports and other travel documents.<sup>48</sup>

There are reportedly high rates of domestic violence against women, and two-thirds of Swazi women report having experienced sexual violence.<sup>49</sup>

## Landlessness and Dispossession

Most of the land in Swaziland is referred to as Swazi Nation Land, governed by traditional structures and overseen by the king.<sup>50</sup> The Constitution permits citizens to own property, but most Swazis reside on Swazi Nation Land, which is susceptible to eminent domain.<sup>51</sup> Compensation for seized property is guaranteed by law but inconsistent in practice.<sup>52</sup> Land grabs associated with sugar production have been reported.<sup>53</sup>

## Environmental Factors

Recurring drought is a serious issue.<sup>54</sup> In 2015, over 20,000 cattle died because of the drought, compromising the livelihoods of many subsistence farmers.<sup>55</sup>



## Documented Trafficking in Persons Risk Factors in Key Commodity Supply Chains

### Apparel

#### Apparel Overview

The textile industry in the country has experienced a severe decline in the past five years, due to a revocation of Swaziland's African Growth and Opportunity Act (AGOA) status. While AGOA was still in effect, the textile industry employed 16,000 workers.<sup>56</sup>

#### Documented Trafficking in Persons Risk Factors in Apparel

The U.S. Department of State reports that a “downturn in the textile industry [in Swaziland] has led textile workers to follow promises of employment in neighboring countries, potentially increasing their vulnerability to trafficking.”<sup>57</sup> Media reports from South Africa confirmed this account, profiling a Swazi migrant worker who, after losing her job in Swaziland, travelled to South Africa in search of apparel sector work. Upon her arrival, she met an informal labor broker who procured a job in a factory. Although the worker felt that she was paid relatively well (as a result of working long hours), Swazi migrant workers in South Africa are vulnerable because most cannot afford to properly maintain their migration documentation status, and thus live in fear of police raids.<sup>58</sup> In 2017, 72 people were allegedly trafficked from Mozambique, Swaziland, and Lestho to apparel factories in South Africa.<sup>59</sup>

### Sugar

#### Sugar Overview

Sugar accounts for nearly 60 percent of Swaziland's agricultural production, and in 2014-2015 the country produced 5.6 million metric tons of sugar cane on approximately 10,000 hectares of land. The sugar industry is broken up into four major sectors: large mills/estates (77 percent of production), large growers (17 percent of production), medium-sized growers (five percent of production), and small growers (one percent of production). The largest number of individuals are employed by the medium-small scale operations, regardless of their relatively small contribution to overall production.<sup>60</sup>

#### Documented Trafficking in Persons Risk Factors in Sugar

In Swaziland, many families have been forcibly evicted from their land without compensation and resettled in areas with poorer quality land.<sup>61</sup> Relocated communities often face severe poverty.<sup>62</sup> The ITUC reports that workers in the sugar sector frequently work over 60 hours per week, though government regulations state that a normal work week is 54 hours, and most do not receive the overtime rate mandated by the government, with some not receiving any payment for overtime work. While seasonal workers are legally entitled to maternity leave, in practice, female employees must take a pregnancy test and are not employed the following season if they are found to be pregnant. Most



workers do not receive personal protective equipment.<sup>63</sup> Deaths at sugar mills due to unsafe working conditions have also been reported.<sup>64</sup>

Seasonal employees in Swaziland who engage in union activities often are not hired back the next season.<sup>65</sup> In one case in 2011, around 30 workers were dismissed from a sugar cane cutting company following their attempts to establish a union. Workers at the company also complained of sexual harassment by a manager.<sup>66</sup> Strikes by workers have turned violent and damaged property in recent years. In 2014, demanding a pay increase, 3,000 employees at Ubombo Sugar, owned by Illovo, participated in a strike, and 170 hectares of cane were burned.<sup>67</sup>

Allegations were made against employers who were accused of using labor brokers to hire individuals on contracts in order to avoid hiring workers entitled to collective bargaining rights. According to the U.S. Department of State, the retail industry tends to use contract workers for jobs that are not temporary in nature to avoid paying benefits to employees and to evade certain taxes.

## Forestry/Wood

### Forestry/Wood Overview

Logging in Swaziland is conducted on large-scale commercial plantations on land that was formerly grassland or evergreen forest. About 9-10 percent of land in Swaziland is dedicated to these plantations. The original establishment of over 100,000 hectares of plantations have reportedly contributed to the displacement of indigenous populations.<sup>68</sup>

### Documented Trafficking in Persons Risk Factors in Forestry/Wood

Commercial timber plantations use large amounts of water resources, which is particularly challenging in terms of Swaziland's propensity for drought and contributes to food insecurity for local people. Pollution from timber mills reportedly contributes to asthma and other illnesses for local populations.<sup>69</sup>

Although there is no complete data, companies reportedly use many contract/outsourced workers, particularly for tasks such as transport and security.<sup>70</sup>





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## Endnotes

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