

In 2016, South Sudan made efforts to eliminate the worst forms of child labor, but was also complicit in the use of forced child labor. Despite initiatives to address child labor, South Sudan is receiving an assessment of no advancement because its national army—the Sudan People’s Liberation Army—recruited, sometimes forcibly, children to fight the opposition group supporting former Vice President Riek Machar. Otherwise, the Government made efforts by removing soldiers from the grounds of 19 schools and assisting in the demobilization of child soldiers from the national army and armed groups. Children in South Sudan are also engaged in other worst forms of child labor, including in commercial sexual exploitation. The Government neither brought to justice those who recruited or used children in armed conflict, nor held accountable perpetrators of any other form of child labor. It also failed to convene its National Steering Committee on Child Labor, conduct any labor inspections, or accede to the UN CRC’s two optional protocols.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Sudan engage in the worst forms of child labor, including in armed conflict and commercial sexual exploitation.(1-9) Table 1 provides key indicators on children’s work and education in South Sudan.

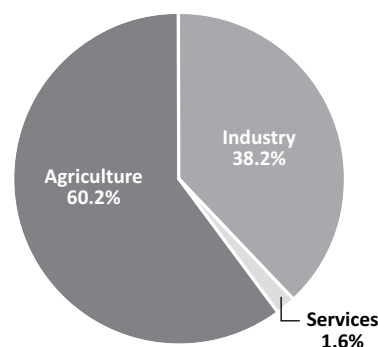
Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	10 to 14	45.6 (463,624)
Attending School (%)	6 to 14	31.5
Combining Work and School (%)	10 to 14	10.9
Primary Completion Rate (%)		36.7

Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2016.(10)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Fifth Housing and Population Census, 2008.(11)

Figure 1. Working Children by Sector, Ages 10-14



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	Farming activities, including planting and harvesting (2, 12, 13)
	Cattle herding† (2, 4, 13, 14)
Industry	Breaking rocks to make gravel† (15-17)
	Construction,† including building and transporting materials (12, 13, 17, 18)
	Making bricks (4, 17, 18)
	Mining,† activities unknown (13, 19)
Services	Domestic work (1, 13, 14, 20)
	Voluntarily recruited children used in hostilities by state armed groups (4-6, 21)
	Street work, including vending, washing cars, polishing shoes, begging, collecting empty bottles, preparing tea, selling gasoline, ticket-taking for group transport companies, and pushing delivery carts (1, 4, 13, 17, 18, 22-25)
	Cooking and cleaning in restaurants or food stands (1, 4)

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Services	Scrap metal and cow dung collection (14, 26) Work in slaughterhouses, including transporting livestock and meat (1, 12)
Categorical Worst Forms of Child Labor [‡]	Forced labor in cattle herding, domestic work, construction, brick making, rock breaking, begging, shoe shining, car washing, delivery cart pushing, and market vending (17, 18, 27, 28) Commercial sexual exploitation, sometimes as a result of human trafficking (1, 4, 17, 18, 29) Forced recruitment of children by state and non-state armed groups for use in armed conflict (4-9, 30)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

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

In 2016, the national army—the Sudan People’s Liberation Army (SPLA)—and its aligned forces recruited child soldiers as young as age 12, sometimes forcibly or with the aid of senior politicians and community leaders, to fight against the SPLA-In Opposition (SPLA-IO)—led by former Vice President Riek Machar—and its aligned militias, including the recently formed South Sudan People’s Patriotic Front (Arrow Boys).(4, 7, 8, 30, 31) The South Sudan National Police and Wildlife Services also recruited children during the year.(30) More than 17,000 children are estimated to have been recruited by government and opposition forces since the conflict began in December 2013, with 1,300 being recruited in 2016.(4, 9) Recruitment of children was reported throughout the country, including in Unity, Jonglei, Lakes, and Warrap states, and in the Greater Upper Nile, Greater Bahr el Ghazal, and Greater Equatoria regions.(4, 9, 30, 31)

Boys were forcibly recruited for use in armed conflict, including through abduction at gunpoint from their homes and schools and as a result of coercive threats to confiscate their family’s cattle.(4, 5, 7, 9, 21, 30) Children who joined willingly to protect their communities or after the loss of family members or shelter were ultimately unable to leave the groups at will and instead were used in combat roles.(30) Other boys did not fight, but cooked, collected firewood, herded cattle, washed clothes, carried water and ammunition, carried out patrols, or served as bodyguards.(21, 30) The SPLA and other government security services forcibly recruited girls to serve as child soldiers, during which time they were often coerced into performing sex acts.(4) During the year, families also increasingly placed girls into prostitution to augment household income.(4)




The ongoing conflict continued to impair the Government’s ability to deliver aid, provide education, and address the worst forms of child labor.(2) More than 1 million primary school-age children—more than half of the school-age population—are not attending school.(32-34) Although the Constitution and the Child Act provide for free primary education, in practice many families cannot afford to send their children to school because parents often pay teachers’ salaries—a prohibitive cost for many families.(4, 35-37) Uniform costs, chronic food insecurity, and low levels of birth registration may also impede access to education in South Sudan.(1, 4, 37-42) Many children, particularly those in rural areas, do not have access to schools, often because of the lack of infrastructure, such as roads and school buildings.(35, 36) Other barriers to education include unpaid teacher salaries, high truancy rates among teaching staff, and a shortage of qualified teachers.(4, 37)

During the reporting period, there were 17 incidents of attacks on schools in Jonglei, Upper Nile, Unity, Northern Bahr el Ghazal, and the Equatoria region, which resulted in lootings, destruction of learning materials and infrastructure, attacks on students and teachers, and recruitment of children.(6, 30, 43) The UN also verified 21 new incidents of occupancy and use of schools for military purposes by the SPLA, the South Sudan National Police Service, county authorities, Government-aligned militias, and the SPLA-IO.(30, 43) Despite 19 schools being vacated during the year, in December 2016, 38 schools were still being used for military purposes. The lack of access to education may increase the risk of children’s involvement in the worst forms of child labor.(17) There has not been a comprehensive child labor survey in South Sudan.(4, 44)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

South Sudan has ratified some 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 did not deposit the necessary documents to accede to the UN CRC's two optional protocols, despite the national Legislative Assembly's passage of a bill in 2013 allowing it to do so.(4, 45)

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in South Sudan's legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Article 25(3) of the Child Act (46)
Minimum Age for Hazardous Work	Yes	18	Articles 22(3), 24(1), and 25(1) of the Child Act (46)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 25(2) of the Child Act; Article 21(1) of the Sudan Labour Code (46, 47)
Prohibition of Forced Labor	No		Articles 276–278 of the Penal Code; Article 13 of the Constitution (48, 49)
Prohibition of Child Trafficking	Yes		Article 22(3)(b) of the Child Act; Articles 276 and 278–281 of the Penal Code (46, 48)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 22(3)(c) and (d) and 22(4) of the Child Act; Articles 258 and 276 of the Penal Code (46, 48)
Prohibition of Using Children in Illicit Activities	No		Article 24(1) of the Child Act; Article 383(3)(d) of the Penal Code (46, 48)
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	Article 31(1) of the Child Act; Sections 20, 22(2), and (7) of the Sudan People's Liberation Army Act (46, 50)
State Voluntary	Yes	18	Article 31(1) of the Child Act; Section 22(2) of the Sudan People's Liberation Army Act (46, 50)
Non-state Compulsory	Yes	18	Article 31(1) of the Child Act (46)
Compulsory Education Age	No	13	Article 9.1(b) of the General Education Act (51)
Free Public Education	Yes		Article 6(a) of the General Education Act; Article 14(1) of the Child Act; Article 29.2 of the Constitution (46, 49, 51)

In 2013, the Government drafted an updated list of hazardous work for children, but the list has not yet been finalized.(4, 33, 52) In South Sudan, the minimum age provision for work in the Child Act does not apply to children outside of a formal employment relationship, such as to children performing domestic work.(33, 46, 47) Laws related to illicit activities are also not sufficient because the offering or procurement of children for the production and trafficking of drugs is not criminally prohibited. (51, 53, 54) Children are only required to attend school until age 13. This standard makes children between ages 13 and 14 particularly vulnerable to the worst forms of child labor, considering they are not required to be in school but are also not legally permitted to work.(53) The legal framework lacks penalties for violating provisions prohibiting children under age 18 from engaging in types of hazardous work.(46)

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III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Public Service, and Human Resource Development (MOL)	Develop labor policies, enforce child labor laws, conduct workplace inspections, and oversee the operation of vocational training centers.(4, 46, 55) Through its Child Labor Unit, investigate cases of child labor; however, the Unit was inactive throughout 2016.(4)
Ministry of Gender, Child, and Social Welfare	Coordinate activities on children’s rights and act as the focal ministry for child protection.(56)
Sudan People’s Liberation Army (SPLA) Child Protection Unit	Headed by a Brigadier General. Prevent the recruitment of children into the army, monitor barracks, identify and assist with the release of child soldiers, investigate allegations of child soldiering, and provide training on children’s rights to child protection officers and members of the SPLA.(17, 57, 58) Serve as liaison between the SPLA and the international community.(57)
Ministry of Interior	Enforce criminal laws to combat human trafficking and maintain a database on crime statistics.(59)
Ministry of Justice	Protect citizens’ rights and enforce the Comprehensive Peace Agreement and the Constitution, including child protection provisions in those laws.(60)
South Sudan Police Services	Enforce criminal laws related to the worst forms of child labor.(53)

Labor Law Enforcement

In 2016, labor law enforcement agencies in South Sudan did not take actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown (2)	Unknown (4)
Number of Labor Inspectors	Unknown (2, 61)	6 (4)
Inspectorate Authorized to Assess Penalties	Unknown	Yes (4)
Training for Labor Inspectors		
Initial Training for New Employees	No (2)	N/A (4)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	No (2)	No (4)
Number of Labor Inspections	0 (2, 61)	0 (4)
Number Conducted at Worksite	0 (2, 61)	0 (4)
Number Conducted by Desk Reviews	0 (2, 61)	0 (4)
Number of Child Labor Violations Found	0 (2)	0 (4)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (2)	0 (4)
Number of Penalties Imposed that Were Collected	N/A	N/A
Routine Inspections Conducted	No (2)	No (4)
Routine Inspections Targeted	N/A	N/A
Unannounced Inspections Permitted	Yes (47)	Yes (4)
Unannounced Inspections Conducted	No (2)	No (4)
Complaint Mechanism Exists	No (2)	No (4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (2)	Unknown (4)

Officials from the Ministry of Labor, Public Service, and Human Resource Development reported that they lacked sufficient resources, such as vehicles for transport, to conduct labor inspections during the reporting year.(4) Statistics regarding the number of people in South Sudan’s labor force are unavailable; regardless, six labor inspectors are insufficient to address the scope of the country’s child labor problem.(4, 62-64)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in South Sudan took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown (2)	Unknown (4)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (2)	N/A (4)
Refresher Courses Provided	Unknown (2)	Unknown (4)
Number of Investigations	0 (17)	0 (4)
Number of Violations Found	1,759 (57, 65-67)	177 (4)
Number of Prosecutions Initiated	0 (2, 17)	0 (4)
Number of Convictions	0 (2, 17)	0 (4)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	No (2)	Unknown (4)

Although both the Joint Action Plan to Combat the Use of Child Soldiers and the September 2014 Punitive Order commit the SPLA to holding its military officers accountable for the recruitment or use of children, research found no indication that the Government had either investigated or prosecuted the officers who had allegedly committed such crimes.(4)

In August 2015, the SPLA and SPLA-IO signed the Agreement on the Resolution of the Conflict in South Sudan, in which they committed to immediately and unconditionally releasing all child soldiers under their command or influence to UNICEF; however, these groups released only 177 children in 2016.(4, 9, 68) In October, UNICEF organized the release of 145 children from the Cobra Faction and the SPLA-IO to the National Disarmament, Demobilization and Reintegration Commission (NDDRC) in Jonglei State’s Pibor area.(4, 69-71) UNICEF also organized smaller releases throughout 2016 in Unity State, involving a total of 32 boys associated with the SPLA and other national security forces. Prior to each release, UNICEF and the NDDRC disarmed, screened, and verified each child before transporting the children to an interim care center, tracing the children’s families, and reuniting them with their families.(4, 70, 71)

All child labor violations found in 2016 were related to the identification and removal of children associated with armed groups carried out by the NDDRC in partnership with UN entities.(4) Criminal law enforcement officials failed to investigate any other violations related to the worst forms of child labor.(4)

South Sudan’s justice system faces enormous challenges, such as low capacity, funding shortages, interference by the Government and the SPLA, and a scarcity of judges, prosecutors, and defense attorneys.(17, 37, 57) Prosecutors and law enforcement officials are not familiar with the Child Act’s prohibitions on the worst forms of child labor because the Act has not been adequately disseminated.(53, 56, 72)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Coordinate efforts to combat the worst forms of child labor across government ministries; led by the MOL.(2) The National Steering Committee on Child Labor did not convene or coordinate activities to combat child labor in 2016.(4)
National Disarmament, Demobilization, and Reintegration Commission (NDDRC)	Oversee and coordinate the implementation of the Joint Action Plan to Combat the Use of Child Soldiers and reintegrate children formerly engaged in armed conflict.(73) Partnered with UNICEF to release child soldiers from various armed groups.(4, 69-71, 74)

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V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
Joint Action Plan with the United Nations to Combat the Use of Child Soldiers	Requires the SPLA to demobilize children within its ranks.(75) Aims to improve efforts to verify the age of new recruits and provide reintegration services, such as vocational training, to demobilized children.(18, 76, 77) In June 2014, the Government signed an agreement of recommitment to the implementation of the Plan, followed by a work plan in August 2014 and an extension of both in mid-2015.(17, 43, 67, 78, 79) The SPLA-IO signed an action plan with the UN in December 2015.(17, 57, 80) Implementation of the Plans signed by the SPLA and SPLA-IO stalled in the aftermath of the escalation of fighting in July 2016.(30)
Agreement on the Resolution of the Conflict in the Republic of South Sudan	Establishes the structure of a Transitional Government of National Unity and outlines actions to be taken by signatories. Article 1.7.3 prohibits the recruitment and use of child soldiers by armed forces or militias. Article 1.10 requires warring parties to immediately and unconditionally release all child soldiers under their command or influence.(68)
MOL's Policy Framework and Strategic Plan (2012–2016)	Aims to eliminate child labor and support workplace best practices in occupational safety and health.(81, 82) The Government made no efforts to eliminate child labor under this framework during the year.(4)
UNDAF (2012–2016)	Seeks to improve access to and quality of education; includes provisions for social protection and the reintegration of child ex-combatants.(12, 83)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor

Program	Description
UNICEF Country Program (2016–2018)	\$115.4 million UNICEF-funded program implemented by the Government that aims to develop child protection systems, with an emphasis on birth registration; develop a child-sensitive justice system; provide basic social services to conflict-affected children and communities (including demobilized children); and provide return, reintegration, and resettlement services for children affected by armed conflict.(37) In May 2016, for example, UNICEF and the UN Mission in South Sudan conducted a series of workshops with the SPLA in Bentiu and Bor to continue dissemination of the UN-SPLA Action Plan and initiate screening, registration, release, family tracing, reunification, and community reintegration for released children. The workshop identified a total of 25 child soldiers at SPLA barracks that were registered for demobilization.(74) Reunified 1,170 unaccompanied, separated, or missing children with their families in 2016.(43)
Children, Not Soldiers Campaign	Ministry of Defense program to raise public and SPLA awareness of child protection principles, and to hold perpetrators accountable for recruiting child soldiers. Also aims to end the recruitment and use of children in armed conflict.(75) In 2016, the United Nations Mission in the Republic of South Sudan trained 670 government officials on child protection under this campaign, including the SPLA, national police, and judicial officers.(84)
Transition Center	State Ministry of Education, Gender, and Social Welfare-administered, UNICEF-funded center in Yambio that provides interim care and support to children and mothers rescued from the Lord's Resistance Army.(17, 43) Further information regarding the work undertaken by this center during the reporting period was unavailable.(84)

Although South Sudan has programs that target child labor, the scope of these programs is insufficient to fully address the scope or extent of the problem, including in commercial sexual exploitation and child soldiering. Reports suggest that the reintegration and rehabilitation services provided to child soldiers are insufficient to meet the total need.(2, 17)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in South Sudan (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Complete ratification of the UN CRC Optional Protocol on Armed Conflict and UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography by delivering the necessary documents to the UN. Ratify the Palermo Protocol on Trafficking in Persons.	2013 – 2016
	Extend the protection of minimum age for work to all children.	2012 – 2016
	Ensure that the compulsory education age is equivalent to the minimum age for work.	2013 – 2016
	Ensure that sufficiently dissuasive penalties are established for offenses related to the employment of children in hazardous work.	2016
	Ensure that the use of children for illicit activities is sufficiently defined and criminalized in relevant laws.	2015 – 2016
Enforcement	Ensure that the Child Act’s minimum age of 18 years for voluntary military recruitment is enforced by ending all recruitment and use of children under age 18 by the SPLA, the SPLA-IO, or associated militias.	2012 – 2016
	Cease all military use of schools and school compounds.	2015 – 2016
	Significantly increase the number of labor inspectors responsible for enforcing laws related to child labor in accordance with the ILO’s standards.	2016
	Provide sufficient human and financial resources and train personnel for effective inspection and enforcement efforts. Ensure that prosecutors and law enforcement officials are familiar with the Child Act’s prohibitions on the worst forms of child labor and are trained in implementing all laws related to child labor. Institutionalize training for labor inspectors and criminal law enforcement personnel, as well as new employees.	2012 – 2016
	Strengthen the inspectorate’s role to include investigating worksites (onsite), conducting unannounced inspections, and initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents.	2015 – 2016
	Establish a mechanism to receive child labor complaints.	2015 – 2016
	Establish referral mechanisms for labor inspectors, criminal law enforcers, and social services providers to facilitate effective enforcement of labor and criminal laws and to implement social programs that address child labor issues.	2014 – 2016
	Prosecute perpetrators of child labor violations, including government officials.	2015 – 2016
	Track and make publicly accessible information on the number of child labor investigators; types of investigations; areas of investigations; and citations, penalties, prosecutions, and convictions for crimes involving child labor, including its worst forms.	2012 – 2016
	Investigate, prosecute, and punish with adequate penalties that constitute an effective deterrent officers in all former warring parties responsible for the recruitment or use of children in armed conflict. Pending investigations, suspend from their positions any commanders who are credibly alleged to have recruited and used child soldiers or who have allowed soldiers to occupy schools.	2013 – 2016
Coordination	Ensure that the National Steering Committee on Child Labor convenes and is able to coordinate activities to combat child labor.	2013 – 2016
Government Policies	Ensure that policies, such as the Joint Action Plan to Prevent the Use of Child Soldiers, Article 1.10 of the Agreement on the Resolution of the Conflict in South Sudan, and the MOL’s Policy Framework and Strategic Plan, are implemented.	2012 – 2016
Social Programs	Strengthen efforts to lessen the potential impact of food insecurity and the high cost of living on rural populations’ ability to educate children.	2012 – 2016
	Improve access to education by addressing the lack of school infrastructure in rural areas and registering all children at birth.	2012 – 2016
	Ensure that children complete their primary education by subsidizing or defraying the cost of school uniforms and teachers’ salaries. Resume paying teacher salaries in areas that have been under the control of opposition forces during the conflict.	2014 – 2016
	Conduct a national child labor survey, including research to determine the activities carried out by children, in order to inform policies and social programs.	2013 – 2016
	Cooperate with child protection agencies, pursuant to Article 1.10 of the Agreement on the Resolution of the Conflict in South Sudan, to disarm and immediately release children within armed forces and aligned militias, and transfer them to appropriate civilian rehabilitation and reintegration programs that include education and vocational training, as well as necessary counseling. Ensure that the rehabilitation services provided to child soldiers are sufficient.	2014 – 2016
	Increase the scope of social programs to reach more children at risk of child labor, including in commercial sexual exploitation.	2012 – 2016

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