

In 2013, South Africa made a significant advancement in efforts to eliminate the worst forms of child labor. The Government amended the Basic Conditions of Employment Act to include protections for children working without a contract; approved the third phase of the National Child Labor Action Program; and established guidelines for acceptable household chores. In addition, the Government approved the 2013 Prevention and Combating of Trafficking in Persons Act, which is a comprehensive national anti-trafficking law that includes specific provisions for child trafficking; but the Act has yet to be promulgated and take effect. The Government also trained labor inspectors on child labor issues and maintained programs that assist vulnerable children, including no-fee schools and school feeding programs. Studies also indicate that the Government's Child Support Grant and the Old Age Pension may help reduce child labor. However, children in South Africa continue to engage in child labor in agriculture and domestic service. In addition, Government social programs to address child labor do not match the scope of the problem. Some families are required to pay local school fees, and all families must pay for books, uniforms, and other school-related expenses, which may affect children's access to education. Also, the Government does not publish comprehensive results of child labor enforcement efforts.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Africa are engaged in child labor, including in agriculture and domestic service.(1-5) Table 1 provides key indicators on children's work and education in South Africa. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		98.5

Source for primary completion rate: Data from 2004, UNESCO Institute for Statistics, 2014.(6)

Source for all other data: Understanding Children's Work Project's analysis, 2014.(7)

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	Harvesting sugarcane,* mango,* lychee,* bananas,* grapes,* citrus,* and other fruits* (1, 2, 4)
	Forestry,* activities unknown (1)
	Domestic work (1, 2, 5)
Services	Scavenging*† (1)
	Food service, activities unknown (2, 8, 9)
	Production and selling of liquor*† (1)
	Street work, including vending and begging (2, 3, 5, 8, 9)

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

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Use of children in illicit activities, including drug trafficking, home burglaries, and gang-related activity (5, 10)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2, 5, 8-11)
	Domestic service, farming, food service, street vending, and begging, as a result of human trafficking (2, 5, 8-11)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.




Children in South Africa are trafficked from rural areas to urban areas, including Johannesburg, Cape Town, Durban, and Bloemfontein.(9) South African girls are trafficked for commercial sexual exploitation and domestic service.(9) South African boys are trafficked internally for farm work, food service, begging, and street vending.(8, 9) Reports indicate that orphaned children in South Africa are especially vulnerable to trafficking.(5)

The Government reports that South African girls are more likely than boys to be involved in child labor.(12) However, the Government does not collect comprehensive data on the number of children engaged in the worst forms of child labor.(2, 5, 13, 14) Although birth certificates are required to qualify for services, including education, more than 20 percent of babies are not registered by their first birthday.(2, 15)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

South Africa 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 relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Basic Conditions of Employment Act 75 of 1997 (16)
Minimum Age for Hazardous Work	Yes	18	Basic Conditions of Employment Act 75 of 1997; Regulations on Hazardous Work by Children in South Africa (16-18)
List of Hazardous Occupations Prohibited for Children	Yes		Regulations on Hazardous Work by Children in South Africa (17, 18)
Prohibition of Forced Labor	Yes		Chapter 2 of the Constitution; Children’s Amendment Act (19, 20)
Prohibition of Child Trafficking	Yes		Children’s Amendment Act; Criminal Law Amendment Act 32 of 2007 (10, 19, 21)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Children’s Amendment Act (19, 21)
Prohibition of Using Children in Illicit Activities	Yes		Children’s Amendment Act; Child Justice Act of 2008 (1, 19, 21, 22)
Minimum Age for Compulsory Military Recruitment	N/A*		

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Minimum Age for Voluntary Military Service	Yes	18	Defense Act 42 of 2002 (23, 24)
Compulsory Education Age	Yes	15	1996 South African Schools Act (2, 25, 26)
Free Public Education	Yes		1996 South African Schools Act (2, 25, 26)

* No conscription or no standing military.

In 2013, the Government amended the Basic Conditions of Employment Act (BCEA) to cover all forms of work. Previously, the BCEA only covered formal employment relationships.(1, 27) This change will provide protection to children working without a contract.(1, 27) The Government also established guidelines for acceptable household chores.(1, 28) In 2013, the Government approved the 2013 Prevention and Combating of Trafficking in Persons Act (PCTPA), which is a comprehensive national anti-trafficking law that includes specific provisions for child trafficking, but the Act has yet to be promulgated and take effect.(1, 5, 29) In June 2013, the Government ratified the ILO Domestic Workers Convention Number 189. Following ratification, the Convention awaits implementation in South Africa.(30)

Although access to free education is mandated by law, school fees vary depending on the municipality and region.(1) The Government implements a no-fee school program that covers the poorest primary schools.(1, 31, 32) According to the Government, 81 percent of schools are “no fee.”(1, 31, 32) The Government also provides some fee waivers to children receiving government grants.(15, 26, 33) The Government provides books, but all families must pay for stationery, uniforms, and other school-related expenses, which may affect children’s access to education.(8, 26, 33, 34)

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).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
South African Department of Labor (SADOL)	Enforce child labor laws.(1, 35) Inspectors identify suspected cases of child labor and human trafficking and forward evidence to South African Police Service (SAPS) officials, who investigate and forward cases to the South African Department of Justice and Constitutional Development (SADODJ) for prosecution.(8, 11) Coordinate a report entitled “State of Child Labor in South Africa.”(34)
Department of Social Development (DSD)	Provide child protection and social services to vulnerable children, including victims of trafficking.(2, 9)
South African Department of Justice and Constitutional Development (SADODJ)	Enforce criminal laws, including child labor laws.(1, 35)
National Prosecuting Authority (NPA)	Prosecute criminal cases, including human trafficking cases.(1)
South African Police Service’s (SAPS) Human Trafficking Desk	Monitor and evaluate efforts to investigate trafficking crimes, train human trafficking investigators, and refer human trafficking cases to provincial SAPS units.(1)
Labor Centers	Serve as field offices for inspectors to investigate child labor violations. Operated by Child Labor Intersectoral Support Groups (CLIGs).(1, 34)

Law enforcement agencies in South Africa took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, South African Department of Labor (SADOL) employed 1,542 labor inspectors and conducted over 101,792 routine inspections to protect vulnerable workers, including child laborers. The compliance level for these inspections was 54 percent.(1) A limited number of sources indicate that labor inspectors do not inspect farms without an invitation due to concerns of entering private property and concern over safety, which may leave children working in agriculture unprotected.(1, 34) SADOL does not have a central unit responsible for delivering training programs for labor inspectors.(1) However, SADOL trained labor inspectors on child labor issues in 2013.(1) The Government

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allocated over \$40 million to SADOL for inspection and enforcement service during the year.(1) In the beginning months of 2013, SADOL publicized a number of child labor cases through a press release to highlight the severity of child labor-related offenses.(36) However, the Government does not make complete statistics publicly available on the number of child labor investigations opened, closed or resolved, or the number of citations and convictions made.(1) Depending on the type of offense, child labor violations are tried in either a criminal or labor court.(11)

When cases involve foreign nationals, inspectors send the cases to the Department of Home Affairs (DHA) before the cases are taken on by the South African Department of Justice and Constitutional Development (SADOJ). Inspectors also refer these cases to social workers to determine if a child worker is in need of care or protection.(1, 37) However, a shortage of social workers may delay this practice. The Department of Social Development (DSD) has acknowledged the shortage of social workers and is working to address the need for more social workers by offering scholarships to students interested in pursuing that field of study.(34, 37)

Criminal Law Enforcement

In 2013, the National Prosecuting Authority (NPA) trained 150 prosecutors and 60 additional staff on the new trafficking law. During the reporting period, the Government supported the IOM's training of 950 officials on trafficking issues, including legal frameworks, agency roles, and identification criteria.(5) In 2013, the Government had five ongoing cases involving child trafficking. Also, during the reporting period, the Government convicted one child trafficker.(5) However, the Government does not publish comprehensive data on human trafficking cases, prosecutions, or convictions. In addition, investigators lack sufficient training on how to identify human trafficking situations.(10)

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 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Implementation Committee on Child Labor (ICCL)	Monitors and supports advocacy and awareness raising; mainstreaming of child labor into government policies; and the implementation of child labor programs, legislation, and enforcement.(1, 35, 38, 39) Chaired by SADOL; members include representatives from commercial agriculture, trade unions, government agencies, and SAPS.(1) Includes provincial level child labor coordinating structures that fully participate in the Committee's efforts.(4, 38).
Child Labor Intersectoral Support Groups (CLIGs)	Aims to prevent child labor, including in scavenging and trafficking. Established by SADOL, members include multiple Government agencies and are managed by child labor coordinators in each province.(1, 34)
Trafficking in Persons Task Team (TPT)	Coordinates the Government's anti-trafficking efforts. Led by the NPA's Sexual Offenses and Community Affairs Unit and SADOJ's Victim Support Directorate, members include SADOL, DSD, and DHA, as well as other representatives of national law enforcement.(1, 5)

In 2013, ICCL met on a bimonthly basis, and members submitted progress reports on efforts to implement the country's national strategy to eliminate child labor to the executive branch.(1) During the reporting period, members of TPT took lead roles in coordinating agency efforts to comply with the new Trafficking Law.(5)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of South Africa has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Child Labor Action Program for South Africa, Phase III (CLPA)†	Serves as the primary policy instrument to prevent and eliminate child labor in South Africa.(11, 26) Calls for activities across the Government and the promotion of new laws against the worst forms of child labor.(1, 11, 26) Also includes a list of indicators to monitor the Government's efforts against child labor.(26)

Table 7. Policies Related to Child Labor (cont)

Policy	Description
South African Education Action Plan to 2014*	Serves as the first phase of a comprehensive national education plan through 2025. Focuses on addressing 27 education goals, including ensuring that all students stay enrolled in school through age 15.(40)
National Development Plan 2030*	Provides a comprehensive development plan for South Africa, including economic development, education, and social protection.(41)

* The impact of this policy on child labor does not appear to have been studied.

† Policy was launched during the reporting period.

During the reporting period, SADOJ began drafting a new anti-trafficking National Action Plan.(5)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of South Africa funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Child Support Grant‡	Government program that provides monthly direct cash transfer to primary caregivers vulnerable children.(1, 2, 15, 34, 38, 42, 43) Helps alleviate economic pressures and lower the cost of raising a child.(1, 2, 11, 15, 38, 42, 43) Reaches more than 10 million children.(34) Sources have indicated that as a result of the Child Support Grant, recipients may be less likely to send their children away for child labor and are more likely to have positive educational outcomes.(1, 2, 34, 44)
Old Age Pension‡	Government program that provides cash transfers to eligible adults over age 60. Assessments of the Pension's impact indicate that children's school attendance and completion increase and child labor decreases in rural households with male pension recipients, especially for boys in households with male recipients.(1, 43, 45) Studies also indicate a decrease in the total hours worked by children, especially among girls.(1, 43, 45)
Care Dependency Grants and Foster Care Grants*‡	Government program that helps families and children, including those vulnerable to the worst forms of child labor, by encouraging children to remain in school and not enter the labor market.(1)
Social Service Program*‡	DSD program that administers social services to vulnerable individuals, including child laborers, based on referrals from social workers.(1, 14, 15, 37)
National School Nutrition Program*‡	Government program that provides school meals to vulnerable children.(33, 34, 46)
Hotline‡	Government program that funds an NGO-operated hotline, which refers child labor complaints to government protection agencies or the SAPS.(1)
Shelters and Care Centers*‡	DSD program that funds 13 shelters and oversees 17 NGO-operated care centers for victims of abuse and trafficking, including children.(5, 9, 10)
Awareness Raising Campaigns‡	Government program that conducts anti-trafficking awareness campaigns. In 2013, the Government conducted 22 trainings to more than 1,700 students.(5)
Global Action Program on Child Labor Issues Project	USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to improve the evidence base on child labor through data collection and research.(47)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of South Africa.

The Government has identified constraints on its capacity to offer social protection for children. For example, the child protection system still lacks the skilled staff to assist the majority of children who need care.(15, 37) Although South Africa has programs that target child labor, the scope of these programs is insufficient, including in agriculture and domestic work.(1, 2) In addition, it is unknown how many complaints related to child labor were made to the Government's hotline.

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 Africa (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Promulgate the 2013 Trafficking in Persons Bill.	2013
Enforcement	Establish and enforce appropriate procedures to protect the safety of labor inspectors and allow for and facilitate labor inspections in all regulated areas, including on farms.	2009 – 2013
	Publicly report the number of child labor cases and child trafficking cases opened, closed, and resolved, and the number of convictions or penalties assessed.	2009 – 2013
	Provide sufficient training and systems for law enforcement personnel to identify the worst forms of child labor, including human trafficking cases.	2009 – 2013
	Increase the number of social workers to ensure protections against hazardous work for children of legal working age.	2011 – 2013
	Assess the impact that existing policies may have on addressing child labor.	2013
Government Policies	Assess the impact that existing policies may have on addressing child labor.	2013
Social Programs	Conduct research to determine the activities carried out by children working in forestry to inform policies and programs.	2013
	Collect systematic data on the number of child laborers and on the worst forms of child labor.	2010 – 2013
	Implement programs to ensure that all children have birth certificates.	2010 – 2013
	Ensure that education is freely available and accessible to all children.	2009 – 2013
	Assess the impact that existing social programs may have on addressing child labor.	2013
	Dedicate sufficient resources to better ensure support to children in the social protection system.	2011 – 2013
	Institute programs to address the worst forms of child labor in agriculture and domestic work.	2010 – 2013
	Disaggregate the number of complaints made to the Government's hotline that relate to child labor.	2013

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