

*In 2017, South Africa made a significant advancement in efforts to eliminate the worst forms of child labor. The government amended the Children’s Act to prohibit persons convicted of child trafficking from working with children, adopted Phase IV of the National Child Labor Program of Action for South Africa, and increased funding for the Child Support Grant which provides monthly direct cash transfers to primary caregivers who have vulnerable children. The Child Labor Intersectoral Groups were also active during the year and assisted with human trafficking awareness campaigns throughout the country. In addition, the South African Department of Labor and the South African Police Service entered into a memorandum of understanding to facilitate labor inspections in hostile workplaces. However, children engage in the worst forms of child labor, including in commercial sexual exploitation and forced begging. Government social programs are not sufficient to address the scope of child labor and barriers to education remain, especially among children with disabilities.*



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Africa engage in the worst forms of child labor, including in commercial sexual exploitation and forced begging. (1; 2) Data on key indicators on children’s work and education 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)	7 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		83.7

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2018. (3)

Data were unavailable from Understanding Children’s Work Project’s analysis, 2018. (4)

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, including harvesting corn, mangos, lychees, bananas, grapes, citrus, and other fruits (1; 5; 6)
Services	Domestic work (7; 5)
	Garbage scavenging for food items and recyclable items† (8)
	Food service, activities unknown (2)
	Street work, including transportation services, vending, and begging (2; 5)
Categorical Worst Forms of Child Labor‡	Use in illicit activities, including gang-related activity (9; 10; 11)
	Use in the production of pornography (12; 13; 14; 15; 16)
	Commercial sexual exploitation, sometimes as a result of human trafficking (17; 18; 19; 20; 16; 21; 22; 2; 23; 24)
	Forced labor in domestic work, agriculture, food service, street vending, illicit activities, and begging, each sometimes as a result of human trafficking (25; 2)

† 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.

South Africa is a source, transit, and destination country for child trafficking. Children are trafficked from rural areas to the cities of Bloemfontein, Cape Town, Durban, and Johannesburg. (2) Girls are mainly victimized for commercial sexual exploitation and domestic work, while boys are forced to work in street vending, food service, and begging. (17; 26; 27; 28; 2)

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Every five years, the government publishes data on youth activities, including on child labor. (1) In March 2017, the government released its 2015 Survey of Activities of Young People; the survey results stated that 557,000 child laborers were identified in the country. In KwaZulu-Natal province, approximately 1 out of 10 children were engaged in child labor, the highest percentage of all provinces. (5) Additionally, the 2015 UNAIDS report, which was published in 2017, showed that 2.1 million South African children were newly orphaned due to AIDS in 2015; this number has not declined since 2011. (29; 30) Orphaned children and those with disabilities are especially vulnerable to child labor, such as forced begging. (9; 31)




In South Africa, education is free through the primary level and every child has a constitutional right to basic education. However, not all public schools are free and some schools charge fees; this varies by municipality and region. (7; 32) South Africa waives tuition for the poorest primary schools and provides students with school supplies, including books. (33; 34) However, for public schools, families must pay for uniforms and other school-related expenses, which may affect children’s access to education. (8; 35; 36)

In May 2017, the Department of Basic Education reported that South Africa had a total of 464 “special needs” schools for children with disabilities and a further 715 full-service inclusive schools in the country that have, as part of their mission, provisions to support children with disabilities. (37) In addition, since 2015, the government has provided some students with disabilities transportation assistance to school. However, several reports suggest that children in South Africa with disabilities have limited access to education because mainstream educational facilities and teachers, particularly in poorer neighborhoods, are not equipped to educate children with disabilities. (38; 39; 40; 41) As a result, some parents are forced to enroll their children with disabilities in special schools that require the payment of fees, thereby increasing the likelihood that these children will not receive an education. (42; 43; 44; 45; 1) Additionally, a NGO reported that children without unabridged birth certificates (birth certificates with information about both parents) are sometimes denied access to school. Education officials in the Western Cape Province confirmed this practice in 2017. (37)

## II. LEGAL FRAMEWORK FOR 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 laws and regulations related to child labor (Table 4). However, gaps exist in South Africa’s legal framework to adequately protect children from child labor, including the prohibition of the use of children by non-state armed groups in armed conflict.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 43 of the Basic Conditions of Employment Act (BCEA) (46)
Minimum Age for Hazardous Work	Yes	18	Regulations on Hazardous Work by Children in South Africa (47)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 4-10 of the Regulations on Work by Children in South Africa; Part II, Articles 6-9 of the BCEA; Regulations on Hazardous Work by Children in South Africa (47; 48)

**Table 4. Laws and Regulations on Child Labor (cont)**

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Forced Labor	Yes		Article 13 of the Constitution; Article 141 of the Children’s Amendment Act; Article 48 of the BCEA; (48; 49; 38)
Prohibition of Child Trafficking	Yes		Article 141 of the Children’s Amendment Act; (49)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 141 of the Children’s Amendment Act; Chapter 3 of Criminal Law Amendment Act 32 (49; 50)
Prohibition of Using Children in Illicit Activities	Yes		Article 141 of the Children’s Amendment Act (49)
Prohibition of Military Recruitment			
State Compulsory	N/A*		Article 52 of the Defense Act (51)
State Voluntary	Yes	18	Article 52 of the Defense Act (51)
Non-state	No		
Compulsory Education Age	Yes	15	Chapter 2, Articles 1–5 of the South African Schools Act (32)
Free Public Education	Yes		Chapter 2, Article 5 of the South African Schools Act (32)

\* No conscription (51)

In January 2017, the government amended the Children’s Act to determine that persons convicted of egregious criminal offenses, such as child trafficking and child pornography, must be “deemed unsuitable to work with children.” (1; 52; 53)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the South African Department of Labor that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
South African Department of Labor (SADOL)	Enforce child labor laws by conducting inspections of worksites. Report child labor violations to the South African Police Service (SAPS) for further investigation and the South African Department of Justice and Constitutional Development for prosecution. (54) Operates 142 labor centers; these centers accept labor complaints, assign inspectors to address reported violations, and have designated child labor coordinators who focus on child labor inspections. (7; 36)
South African Police Service (SAPS)	Enforce legislative mandate under the Children’s Act to investigate cases involving the worst forms of child labor. (55) The SAPS’s Human Trafficking Desk monitors and evaluates police efforts to investigate human trafficking crimes, trains investigators, and refers human trafficking cases to provincial SAPS units. (7)
South African Department of Justice and Constitutional Development	Enforce criminal laws on the worst forms of child labor. (1) The Children’s Court specifically focuses on litigation involving children accused of or victimized by crimes, and cases involving child abuse, abandonment, and neglect. (56)
National Prosecution Authority	Prosecute criminal cases, including human trafficking and other worst forms of child labor cases. (7; 57)
Department of Social Development (DSD)	Provide child protection and social services to vulnerable children, including victims of human trafficking. (1) Manage 57 shelters for children living and working on the streets. (58)

#### *Labor Law Enforcement*

In 2017, labor law enforcement agencies in South Africa took actions to combat child labor (Table 6). However, gaps exist within the operations of the SADOL that may hinder adequate labor law enforcement, including penalty assessment authorization.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	\$35 million (59)	\$34.7 million (1)
Number of Labor Inspectors	1,533 (59)	1,295 (1)
Inspectorate Authorized to Assess Penalties	No (59)	No (1)

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**Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)**

Overview of Labor Law Enforcement	2016	2017
Training for Labor Inspectors		
Initial Training for New Employees	Yes (59)	Yes (1)
Training on New Laws Related to Child Labor	Yes (59)	No (1)
Refresher Courses Provided	Yes (59)	Yes (1)
Number of Labor Inspections		
Number Conducted at Worksites	Unknown (59)	Unknown* (1)
Number of Child Labor Violations Found	0 (59)	45 (1)
Number of Child Labor Violations for Which Penalties were Imposed	N/A (59)	N/A (1)
Number of Child Labor Penalties Imposed that were Collected	N/A (59)	N/A (1)
Routine Inspections Conducted		
Routine Inspections Targeted	Yes (59)	Yes (1)
Unannounced Inspections Permitted		
Unannounced Inspections Conducted	Yes (59)	Yes (1)
Complaint Mechanism Exists	Yes (59)	Yes (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (59)	Yes (1)

\* The government does not publish this information.

During the year, the SADOL identified 45 children who were victims of labor law violations and it is unclear whether these offenses included the worst forms of child labor. (1) During the year, the number of labor inspectors declined from 1,533 to 1,295 due to budget constraints and high turnovers. (1) Currently, the number of labor inspectors is likely insufficient for the size of South Africa's workforce, which includes more than 22 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, South Africa would employ roughly 1,497 inspectors. (60; 61)

According to Section 65 of the Basic Conditions of Employment Act, SADOL inspectors are unauthorized to assess penalties, but can conduct inspections, issue compliance orders, and enter establishments such as private homes used for business. It is also unclear whether the number of labor inspections reported include both desk review and worksite inspections. (37) The government continued funding an NGO-operated hotline that refers child labor complaints to government protection agencies or SAPS. (7) However, it is unknown how many child labor complaints the hotline received, as this information was not disaggregated from the larger dataset. (62; 37)

SADOL inspectors report labor law violations that carry criminal penalties to the South African Police Service (SAPS). SAPS conducts criminal investigations involving child labor and ultimately refers cases for prosecution to the National Prosecution Authority. (63; 1) Additionally, SADOL inspectors address labor rights concerns of foreign nationals and refer those cases to the Department of Home Affairs (DHA), which then transfers the cases to the South African Department of Social Development for social services. Inspectors also refer cases that may involve child labor to social workers who are able to refer the child to organizations that provide shelter, food and clothing, and rehabilitation services. (7; 33; 1) The government reported that SAPS employed forensic social workers, who assess child victim's emotional, mental, and physical health and obtain uncontaminated information from child victims, to collaborate with investigators and provide care to victims of the worst forms of child labor and other crimes against children. The government also reported that SAPS has established victim-friendly rooms in over 1,000 of its police stations nationwide. (59; 37)

The South African Department of Labor provided in-house training to its inspectors during the year, but NGOs and government officials noted that it was insufficient. Sources also indicate that the Inspectorate has limited resources to carry out investigations. (1) In addition, some labor inspectors encounter difficulty accessing farms due to concerns for their own safety or fear of entering private property. As a result, in 2017, the SADOL and SAPS entered into a memorandum of understanding for police to escort inspectors to areas deemed dangerous or hostile. In addition, SADOL continues to conduct random inspections and files a criminal report when there are suspected violations. (62; 1)

### *Criminal Law Enforcement*

In 2017, criminal law enforcement agencies in South Africa took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including with regard to prosecution planning.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Yes (59)	Yes (1)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (59)	Yes (1)
Refresher Courses Provided	Yes (59)	Yes (1)
Number of Investigations	75 (59)	2 (1)
Number of Violations Found	75 (59)	45 (1)
Number of Prosecutions Initiated	0 (59)	1 (1)
Number of Convictions	3 (59)	1 (1)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (59)	Yes (1)

During the year, the government did not disaggregate data regarding child victims of human trafficking, resulting in the low number reported for 2017. (37) NGOs reported that the SAPS has difficulties properly identifying victims of human trafficking during law enforcement activities, despite assistance from the NGO community. As a result of improper screening, police sometimes arrested child trafficking victims instead of referring them to receive assistance from social services. (2)

### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor. (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including coordination among national and provincial task teams.

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

Coordinating Body	Role and Description
Implementation Committee on Child Labor	Monitor and support advocacy and awareness-raising; mainstreaming of child labor into government policies; and the implementation of child labor programs, legislation, and enforcement. (1) Chaired by SADOL, members include representatives from commercial agriculture, trade unions, and government agencies, including SAPS. (7) Includes provincial-level child labor coordinating structures. (64; 1) In 2017, the Committee met on a bimonthly basis. (1)
Provincial Child Labor Intersectoral Support Groups	Facilitate the prevention of all types of child labor. Established by SADOL and managed by child labor coordinators in each province, members include the SADOL Head Office, SADOL Provincial Child Labor Coordinators, the Department of Justice (DOJ), the National Prosecuting Authority, the Department of Home Affairs (DHA), the DSD, and the Department of Education; NGOs; and labor federations. (7; 36) In 2017, the groups met quarterly, participated in the national child protection week with a speech by Home Affairs Minister Hlengiwe Mkhize and assisted with human trafficking awareness campaigns. (1) The national and provincial task teams lack training on human trafficking resulting in unlawful arrests and detentions of human trafficking victims. Moreover, some teams fail to meet and communicate during the year. (65)
National Trafficking in Persons Task Team	Coordinate the government's anti-human trafficking efforts, including overseeing strategy and policy decisions made at the provincial level in Gauteng, Mpumalanga, KwaZulu-Natal, Western Cape, Limpopo, and Eastern Cape. Led by the NPA's Sexual Offenses and Community Affairs Unit and DOJ's Victim Support Directorate, members include SADOL, the DSD, and the DHA, as well as other representatives of national law enforcement. (7; 9) Reports indicate that the team lacks a budget, has no funding for permanent staff, and provides no training to enforcement agencies to ensure adequate enforcement of anti-human trafficking laws. (1)

### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including with regard to mainstreaming child labor issues into relevant policies.

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**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Child Labor Programme of Action for South Africa, Phase IV (2017–2021)	Serves as the primary policy instrument to prevent and eliminate child labor in South Africa. (34; 66) Promotes government activities by outlining the mandate of each agency to combat child labor. (7; 66) Lead agencies identified in the program include: Departments of Labor, Basic Education, Justice and Constitutional Development, Social Development and Provincial Departments, Water and Sanitation, and the South African Police Service, and National Prosecuting Authority, and Statistics SA. In 2017, the government adopted and published Phase IV that expanded on the action steps identified in the previous iteration of the program. (1) The program does not include a timeframe to meet identifiable benchmarks to assess the progress and adequacy of implementation efforts.

The government has not included child labor elimination and prevention strategies into the South African Education Action Plan or the National Development Plan. (67; 68)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Child Support Grant†	Government program, led by the DSD and the South African Social Security Agency, which provides monthly direct cash transfers to primary caregivers who have vulnerable children. Helps alleviate economic pressures and lower the cost of raising a child. (7; 1) In 2017, the budget increased from R 4.15 billion to R 5.15 billion, resulting in \$31 per month for qualifying families, which benefited 12 million children. (1)
Foster Care Grants†	Government program that encourages children in the foster care system to remain in school, as a preventive technique to combat child labor. (7) To date, about 440,295 children benefited from the foster care grant. (1)
National School Nutrition Program†	Government program that provides school meals to vulnerable primary and secondary school children from poor families. (69; 1) (70) Over 80 percent of needy children were benefiting from the program during the 2016–17 fiscal year. (1) According to the Department of Basic Education's 2016-2017 annual report, the Department provided 6.006 billion rand (approximately \$455 million as of June 2018) for the National School Nutrition Programme Grant, providing meals to 9.045 million students at 20,300 primary, secondary, and special schools nationwide. (37)
Food Relief Program†	Food relief program of the DSD and the South African Social Security Agency to assist vulnerable and orphaned children, as well as child-headed households with insufficient income. (33; 34) To date, the program supported financially 140 community nutrition development centers and provided food to half a million people. (62)
Shelters and Care Centers†	DSD program that funds 13 shelters and oversees 17 NGO-operated temporary safe care centers for victims of abuse and human trafficking, including children. (9; 2) In addition, the government continues to operate 53 Thuthuzela Care Centers that provide assistance to rape and sexual violence victims including minors, but no data is available on whether victims received were minors. (37)
Awareness-raising Campaigns†	Government program that conducts training on anti-human trafficking initiatives and regulations governing social service providers. (9) Through awareness raising campaigns, DSD trainers reached 114 DSD provincial officials, 2 officials from the Commission for Gender Equality, and 35 NGO social service providers. As a result of the anti-human trafficking campaigns, suspected cases of the worst forms of child labor were identified and investigated. (62) During the year, SADOL signed a memorandum of understanding with an agricultural industry association, Agri South Africa, to raise awareness about child labor in the agricultural sector. (1)

† Program is funded by the Government of South Africa.

In October 2017, the Gauteng Department of Social Development hosted an event at Turffontein Race Course in Johannesburg to raise awareness about trafficking in persons and assistance to victims of human trafficking. (71)

During the year, Agri South Africa developed a policy to address child labor in agriculture but this policy has yet to be published. Although South Africa has programs that target child labor, and data collected and reported by the South African government states that child labor is decreasing, yet still the scope and reach of social programs are insufficient to address the child labor problem, particularly in agriculture and domestic work. (37)

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE 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 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016 – 2017
Enforcement	Authorize the Labor Inspectorate to assess penalties.	2015 – 2017
	Employ enough labor inspectors to cover the workforce and satisfy the ILO technical advice.	2017
	Disaggregate the number of complaints received by the hotline to determine the number of suspected child labor violations reported across the country.	2013 – 2017
	Ensure that law enforcement properly identify victims of the worst forms of child labor.	2017
Coordination	Ensure that the coordination bodies such as the Trafficking in Persons Task Force receive sufficient funding to carry out activities.	2017
Government Policies	Include a timeframe and benchmarks in the Child Labor Program of Action for South Africa, to properly monitor and assess the progress of efforts to combat child labor.	2017
	Integrate child labor elimination and prevention strategies into the South African Education Action Plan and the National Development Plan.	2013 – 2017
Social Programs	Ensure that children with disabilities have equal access to education.	2016 – 2017
	Ensure that children can complete primary school by removing the cost uniforms and other fees.	2009 – 2017
	Institute programs to address the worst forms of child labor in agriculture and domestic work.	2010 – 2017

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