In 2011, South Africa made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government expanded its Child Support Grants Program during the year. While the grants have mixed results regarding poverty, they have been shown to reduce the likelihood that parents will send their children away for child labor. The Government reactivated its national child labor coordinating mechanism and regularly meets to discuss the progress of implementation of the National Child Labor Action Program. It also took measures to expand school feeding programs to the country's poorest secondary schools and extend the number of no-fee schools. The Government of South Africa collects data on child labor, but does not publish comprehensive reports on the prevalence of the worst forms of child labor or the results of labor and criminal investigations. The worst forms of child labor continue to exist, particularly dangerous work in agriculture and domestic service.



Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		Unavailable

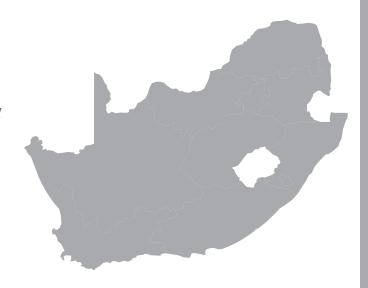
Sources:

**Primary completion rate:** UNESCO Institute for Statistics, 2012.(1) **All other data:** Understanding Children's Work Project's analysis.(2)

# Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in South Africa are engaged in the worst forms of child labor, many in dangerous work in agriculture and domestic service. (3, 4) Evidence suggests that children are involved in a variety of agricultural activities, including forestry and in harvesting sugarcane, mango, lychee, bananas, grapes, citrus and other fruits. (5-9) Children in agriculture may work long hours, use dangerous tools and be exposed to extreme heat, pesticides and physical and verbal abuse. (5-8) Children, especially boys, care for livestock; some have reported being injured by the animals and being absent from school because of their work. (9)

Children are employed as domestic servants, often work long hours and are isolated in homes where they are susceptible to abuse including sexual harassment.(6) Children are employed in taverns and liquor stores to clean, stock supplies, prepare food and serve alcohol, which exposes them to alcohol and has



been shown to put them at risk of physical and sexual abuse from adults.(10) Children in South Africa also scavenge in landfills and dumpsites for recyclable materials.(11) This work involves long hours and carrying heavy loads in the midst of dangerous machinery, moving vehicles and burning toxins.(11)

Some children in South Africa are exploited in prostitution and are forced by adults to commit crimes.(6, 12, 13) South Africa remains a country of origin, transit and destination for children trafficked for the purposes of sexual exploitation and forced labor.(14, 15) Children, especially girls, from China, Lesotho, Malawi, Mozambique, Swaziland and Thailand are trafficked to South Africa for commercial sexual exploitation.(12, 15) Children from Malawi, Mozambique and Zimbabwe are trafficked to South Africa for agricultural work. South African girls are also trafficked internally and internationally for prostitution and domestic service.(16) South African boys are trafficked internally for farm work and street vending.(16, 17)

## Laws and Regulations on the Worst Forms of Child Labor

The Basic Conditions of Employment Act 75 of 1997 sets the minimum age for work at age 15 and the minimum age for hazardous work at age 18.(18) Employers may hire children younger than age 15 to work in the performing arts with permission from the South African Department of Labor (SADOL).(19-21) SADOL regulations prohibit children younger than age 18 from hazardous activities, including the production and sale of alcohol, mining, scavenging in garbage dumps and exposure to hazardous substances, including dust fumes, biological agents, lead and pressurized gases.(22, 23)

The list also prohibits the employment of children in work that takes place in cold, hot or noisy environments; involves respiratory hazards, elevated spaces, lifting of heavy objects; or interferes with a child's access to nutrition, health care or education.(22) In addition, the regulations provide guidelines for the employment of children in work that requires overnight separation from their parents or guardians.(17, 22)

STITE OF	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
A T	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
☆	Compulsory Education Age	15
SCHOOL	Free Public Education	Yes

Public education is free and compulsory under the 1996 South African Schools Act, which stipulates that children must attend school until age 15 or grade nine. (3, 28, 29)

Although access to free education is mandated by law, school fees vary depending on the municipality and region.(17)
The Government implements a no-fee school program that covers the poorest primary schools.(24, 25) According to the Government, 81 percent of schools are "no fee."(17, 26, 27)
The Government also provides some fee waivers to children receiving government grants.(24, 25, 28) However, some families are required to pay local school fees and all families must pay for books, uniforms and other school-related expenses.(17, 24-28)

The Children's Amendment Act prohibits the use of children for slavery, slave-like practices, trafficking, commercial sexual exploitation and illicit activities. (29, 30) The Criminal Law Amendment Act 32 of 2007 defines and criminalizes human trafficking for sexual exploitation. (12)

The Government has drafted, but not yet passed, the comprehensive national anti-trafficking law that includes specific provisions for child trafficking.(17, 31-33)

The Defense Act 42 of 2002 establishes age 18 as the minimum age for voluntary military service, military training and conscription, even in times of national emergency. (34, 35)

The Child Justice Act No. 75 of 2008 allows for the diversion of child offenders from the formal criminal justice system to alternative forms of justice, such as victim-offender mediation and family councils.(36) It calls for the creation of one-stop child justice centers and for the prosecution of adults who use children for illicit activities.(36) The Child Justice Act requires court officials to consider whether an adult has compelled a child to commit a crime when determining the child's placement in the justice system.(36)

## Institutional Mechanisms for Coordination and Enforcement

The Implementation Committee on Child Labor coordinates efforts to combat the worst forms of child labor. The committee is chaired by SADOL, and members include representatives from commercial agriculture, trade unions, government agencies and the South African Police Service (SAPS).(6, 14, 17, 37) In 2011, the Committee revitalized provincial level child labor coordinating structures, which now fully participate in the Committee.(38). The Committee monitors and supports advocacy and awareness-raising, mainstreaming of child labor into government policies, and the implementation of child labor programs, legislation and enforcement. The Committee meets quarterly and members compile and submit progress reports to the Cabinet on efforts to implement the country's national strategy to eliminate child labor.(38, 39)

SADOL and the South African Department of Justice (SADOJ) are responsible for enforcing child labor laws. (14, 17) SADOL inspectors identify suspected cases of child labor and human trafficking and forward evidence to SAPS officials, who investigate and forward the case to SADOJ for prosecution. (14, 17) When such cases involve foreign nationals, they go to the Department of Home Affairs before being taken on by SADOJ. Inspectors also refer these cases to social workers to determine if a child worker is in need of care or protection. (40) However, a shortage of social workers may delay this practice. (41, 42) SADOL does not have a central unit responsible for delivering training programs for labor inspectors. However, in 2011, the training curriculum for

newly inducted police was revised to include chapters on child labor.(38, 43)

The Government of South Africa provides funding to an NGO-operated hotline, which refers reports of child labor violations to government protection agencies or the police. (12, 17) In 2011, regional and district level inspections of workplaces were conducted in what SADOL identified as "hotspots" for the worst forms of child labor and in response to reports by community members. (38) During the reporting period, these inspections were conducted in the agriculture sector and the informal retail sector, where cases of child labor were reported. (44) SADOL publishes statistics on the number of inspections conducted and the number of labor complaints received and addressed, but it does not disaggregate its data by child labor violations. (45)

While a farm access protocol exists in South Africa, it requires labor inspectors to give notice prior to conducting an inspection. According to the Government, this protocol makes it difficult for SADOL inspectors to access regulated areas, such as farms, to assess compliance with national labor laws, including prohibitions against child labor.(6) Although they have legal authority, inspectors frequently do not enter farms without providing advance notice and without SAPS support because they are afraid that farmers will treat them as intruders, potentially exposing them to safety risks.(6)

Depending on the type of offense, child labor violations are tried in either a criminal or labor court.(14) SADOL and SADOJ do not make statistics publicly available on the number of child labor cases opened, closed or resolved, or the number of convictions made.(14)

The National Prosecution Authority (NPA) prosecutes human trafficking cases. (46) The Sexual Offenses and Community Affairs Unit within NPA leads a Trafficking in Persons Task Team, which is composed of the SADOL, SADOJ and the Departments of Home Affairs, Justice and Social Development, as well as other representatives of national law enforcement.(15) Among the goals of the team is the development of a national strategy against human trafficking for sexual exploitation.(46) The Human Trafficking Desk within SAPS seeks to monitor and evaluate efforts to investigate trafficking crimes, trains human trafficking investigators and refers human trafficking cases to provincial SAPS units. (46) However, the Government does not publish data on human trafficking cases and prosecutors and investigators lack sufficient training on how to identify human trafficking situations.(12)

#### Government Policies on the Worst Forms of Child Labor

The National Child Labor Action Program for South Africa, Phase II, 2008-2012 (CLPA) is the Government's primary policy instrument to prevent and eliminate child labor in South Africa. (6, 14, 47) It calls for activities across the Government and the promotion of new laws against the worst forms of child labor. (6, 14) It also includes a list of indicators to monitor the Government's efforts against child labor. (6) While the Government collects some data on child labor it does not collect comprehensive data on the number of children engaged in hazardous work or child labor. (48, 49)

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of South Africa implements the Child Support Grant, a direct cash transfer to primary caregivers for vulnerable children under age 17. The eligibility age for beneficiaries of the Grant was raised to age 18 on January 18, 2012. The purpose of the Grant is to alleviate economic pressures and lower the cost of raising a child. (14, 24, 38, 49-52) During the reporting period, children withdrawn from the worst forms of child labor were provided with grants. (38) As of February 2011, over 1.4 million children benefited from Child Support Grants received by their primary caregivers. (50) Reports assessing the impact of the Grant indicate that recipients may be less likely to send their children away for child labor. (52, 53). Reports also suggest, however, that the low amount of the grants may have little impact on child poverty. (54)

The Government administers the Old Age Pension (Old Age Grant), a cash transfer program for eligible adults over age 60. Assessments of the Grant'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. Studies also indicate a decrease in the total hours worked by children, especially among girls.(51, 55)

Other grant programs, such as care dependency grants and foster care grants, help 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.(17) Recipients of social grants are automatically exempt from paying school fees. However, the "no-fee" policy ends at grade nine or when a child reaches age 15.(6)

The Government funds a number of social programs that may have a positive impact on working children. In cases in which individuals are not eligible for social grants, the Department of Social Development (DSD) administers "social relief of distress" to vulnerable individuals, including child laborers, based on referral from a social worker. (24, 28, 42, 49) The Government also provides a national school feeding program for children. During the reporting period, school feeding was extended to the poorest secondary schools. (25, 56) The Government provides subsidies for registered organizations working on child labor to provide basic care to children. (41, 47)

The South African Department of Foreign Affairs, in partnership with the IOM, supports and develops the capacity of the Government and civil society groups to deal with the problem of trafficking.(57) The NPA implements the South African Government-European Union co-funded, Program of Assistance to the South African Government to Prevent, React to Human Trafficking and Provide Support to Victims of Crime.(12) This Program supports the Government's National Strategy to Combat Human Trafficking through Prevention, Response and Support for Victims. The Government also operates Thuthuzela Care Centers that provide medical services, counseling and legal support to victims of sexual exploitation.(12, 46, 58)

During the reporting period, SADOL began participating in the National Child Protection Committee to ensure proper linkages with departments providing services to vulnerable children.(38) SADOL representatives participated in South Africa National Child Labor Day awareness-raising activities and in public consultations on proposed changes to labor laws, which included discussions of child labor. (45, 59)

The Government supports a 4-year, \$4.75 million regional project funded by USDOL and implemented by the ILO-IPEC in three countries, including South Africa.(60) In South Africa, the project conducts awareness campaigns on child labor, assists SADOL with technical support in implementing CLPA and targets 4,200 children for withdrawal or prevention from the worst forms of child labor. The project has developed procedures to help police and justice officials recognize and prosecute adults who exploit children involved in illegal activities; created strategies to reduce the use of child labor in fetching water; and conducted a study on children involved in scavenging at landfills and dumpsites. (26) The project also supported the development of a child labor code of conduct for the tourist industry. (38) During the reporting period, the Government expanded the Child Support Grant to beneficiaries of the project.(38)

The Government has identified constraints on its capacity to offer social protection for children. For example, birth certificates are required to qualify for services; yet, more than 20 percent of babies are not registered by their first birthday.(24) In 2011, the DSD addressed the need for more social workers by offering scholarships to students interested in pursuing that field of study.(24, 42, 49) The child protection system, however, still lacks the skilled staff to assist the majority of children who need care.(24)

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in South Africa:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Pass the draft comprehensive anti-trafficking-in-persons legislation, which includes specific child trafficking provisions.	2010, 2011
Coordination and 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, 2010, 2011
	Publicly report the number of child labor cases opened, closed and resolved, and the number of convictions or penalties assessed.	2009, 2010, 2011
	Provide sufficient training and systems for law enforcement personnel to identify the worst forms of child labor, including human trafficking cases.	2009, 2010, 2011
	Increase the number of social workers to ensure protections against hazardous work for children of legal working age.	2011

Area	Suggested Actions	Year(s) Action Recommended
Policies	Ensure that education is freely available and accessible to all children.	2009, 2010, 2011
	Collect systematic data on the number of child laborers and on the worst forms of child labor.	2010, 2011
Social Programs	Dedicate sufficient resources to the Child Support Grants and other programs to better ensure support to children in the social protection system.	2011
	Institute programs to address the worst forms of child labor in agriculture and domestic service.	2010, 2011
	Implement programs to ensure that all children have birth certificates.	2010, 2011
	Allocate more resources to increase the number of service providers supporting children of legal working age.	2010, 2011

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