

In 2014, South Africa made a significant advancement in efforts to eliminate the worst forms of child labor. The Government passed amendments to the Basic Conditions of Employment Act, which extended protection to children working in the informal sector and increased the penalty for child labor violations from 3 to 6 years imprisonment. The Government also drafted regulations to implement the 2013 Prevention and Combatting of Trafficking in Persons Act. The Government's Department of Home Affairs published new regulations for the 2002 Immigration Act that includes new documentation requirements intended to prevent the illegal movement of children. The Government's Department of Social Development also implemented a food relief program for households with vulnerable and orphaned children, as well as child-headed households. 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 are engaged in child labor, including agriculture and domestic work. Government social programs to address child labor do not match the scope of the problem and barriers to education access remain. The Government also does not make enforcement data publicly available.



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I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Africa are engaged in child labor, including in agriculture and domestic work.(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) | 7-14 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)
Data were unavailable from 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 | Garbage scavenging for food items*† (1, 8) |
| | Food service,* activities unknown (2, 9) |
| | Street work, including vending and begging (2, 3, 5, 9, 10) |
| Categorical Worst Forms of Child Labor‡ | Used in illicit activities,* including drug trafficking,* home burglaries,* gang-related activity,*and the production and selling of liquor*† (1, 5, 11) |

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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† | Commercial sexual exploitation* sometimes as a result of human trafficking* (2, 5, 9-12) |
| | Forced labor in domestic work, agriculture, food service, street vending, and begging each sometimes as a result of human trafficking (2, 5, 9-12) |

* 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 to urban areas, including to Bloemfontein, Cape Town, Durban, and Johannesburg. Girls are trafficked for commercial sexual exploitation and domestic work and boys are trafficked for work in agriculture, food service, begging, and street vending.(9, 10) Reports indicate that orphaned children in South Africa are especially vulnerable to human trafficking.(5) The Government reports that girls are more likely than boys to be involved in child labor.(13) However, the Government does not collect comprehensive data on the number of children engaged in the worst forms of child labor.(2, 5, 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). The Department of Home Affairs adopted regulations to ensure compliance with the 2010 amendments to the Births and Deaths Registration Act which went into effect in March 2014; the amendments require that children are registered within 30 days of birth.(8, 16) 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, 17, 18) According to the Government, 81 percent of schools are “no fee.”(1, 17) The Government also provides some fee waivers to children receiving government grants.(15, 19, 20) The Government provides books and stationery, but all families must pay for uniforms and other school-related expenses, which may affect children’s access to education.(2, 8, 10, 19, 21)

II. LEGAL FRAMEWORK FOR 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 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 | Article 43 of the Basic Conditions of Employment Act (BCEA) (22) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 1 of the BCEA Regulations on Hazardous Work by Children in South Africa (22-24) |
| Prohibition of Hazardous Occupations or Activities 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 (23, 24) |

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

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|--|
| Prohibition of Forced Labor | Yes | | Chapter 2 of the Constitution; Article 141 of the Children's Amendment Act; Article 48 of the BCEA (24-26) |
| Prohibition of Child Trafficking | Yes | | Article 141 of the Children's Amendment Act; Criminal Law Amendment Act 32 (11, 25, 27) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Article 141 of the Children's Amendment Act (25, 27) |
| Prohibition of Using Children in Illicit Activities | Yes | | Article 141 of the Children's Amendment Act (25) |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |
| Minimum Age for Voluntary Military Service | Yes | 18 | Article 52 of the Defense Act 42 (28, 29) |
| Compulsory Education Age | Yes | 15 | Chapter 2, Articles 1- 5 of the South African Schools Act (2, 30, 31) |
| Free Public Education | Yes | | Chapter 2, Article 5 of the South African Schools Act (2, 30, 31) |

*No conscription (29)

In 2014, the Government passed amendments to the Basic Conditions of Employment Act (BCEA), increasing the penalty for child labor violations from 3 years to 6 years of imprisonment. These amendments now provide protection for children working in the informal sector.⁽¹⁶⁾ In 2013, the Government approved the 2013 Prevention and Combating of Trafficking in Persons Act (PCTPA), 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, 32) During the year, the South African Department of Justice and Constitutional Development drafted regulations to implement the PCTPA for when it takes effect. Likewise, the Department of Home Affairs drafted regulations to implement the PCTPA, but these regulations have yet to be submitted to Parliament for approval.⁽⁸⁾

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, 33) 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 for prosecution. ^(10, 12) Coordinate a report entitled "State of Child Labor in South Africa." ⁽²¹⁾ |
| Department of Social Development (DSD) | Provide child protection and social services to vulnerable children, including victims of trafficking. ^(2, 16, 34) |
| South African Department of Justice and Constitutional Development | Enforce criminal laws on the worst forms of child labor. ^(1, 33) |
| National Prosecuting Authority (NPA) | Prosecute criminal cases, including human trafficking cases. ⁽¹⁾ |
| South African Police Service's Human Trafficking Desk | Monitor and evaluate efforts to investigate human trafficking crimes, train 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. ^(1, 21) |

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

Labor Law Enforcement

In 2014, the South African Department of Labor (SADOL) employed 1,324 labor inspectors and conducted more than 129,259 routine inspections, including unannounced site visits, to protect vulnerable workers, including child laborers. The compliance

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level for these inspections was 75 percent.(16) The Government allocated more than \$36 million to SADOL for inspection and enforcement service during the year. A limited number of sources indicate that labor inspectors do not inspect farms without an invitation due to concerns of entering private property and safety, which may leave children working in agriculture unprotected. (1, 16, 21) In addition, SADOL does not have the legal authority to assess penalties for labor law violations, but inspectors may make recommendations to the court.(16) SADOL lacks a central unit to administer training programs to labor inspectors.(1) The Government supported the IOM training of labor inspectors during the year.(16) However, the Government did not make complete statistics publicly available on the number of child labor investigations opened, closed, or resolved, or the number of citations made and convictions achieved.(16) Depending on the type of offense, child labor violations are tried in either a criminal or a labor court.(12)

Inspectors send cases that involve foreign nationals to the Department of Home Affairs before they are transferred to the South African Department of Justice and Constitutional Development. Inspectors also refer cases that may involve a child labor to social workers who provide welfare needs such as child protection and care.(1, 35) However, the current 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 this need by offering scholarships to students interested in pursuing that field of study.(21, 35)

Criminal Law Enforcement

In 2014, the Government supported the IOM's training sessions for officers on human trafficking issues, including on legal frameworks, agency roles, and identification criteria.(5, 16) During the year, there was one conviction under BCEA's child labor provisions, and there were three cases of suspected child labor that had not been prosecuted.(16) The South African Department of Justice and Constitutional Development, South African Police Service (SAPS), National Prosecuting Authority (NPA), and Department of Home Affairs collaboratively trained their staff on the new regulations for the 2013 PCTPA(36). The Government's Department of Home Affairs published new regulations for the 2002 Immigration Act that includes new documentation requirements intended to prevent the illegal movement of children.(36) However, the Government does not publish comprehensive data on human trafficking cases, including the number of prosecutions or convictions. In addition, investigators lack sufficient training on how to identify victims of human trafficking.(11) The Government funded an NGO-operated hotline that refers child labor complaints to government protection agencies or the South African Police Service (SAPS).(1) However, it is unknown how many complaints related to child labor were made to government-funded hotlines.

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 | 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, 33) Chaired by SADOL; members include representatives from commercial agriculture, trade unions, and government agencies, including SAPS.(1) Includes provincial level child labor coordinating structures.(4). |
| Child Labor Intersectoral Support Groups | Facilitate the prevention of all types of child labor, including children scavenging and as a result of human trafficking. Established by SADOL and managed by child labor coordinators in each province; members include multiple government agencies.(1, 21) |
| Trafficking in Persons Task Team | Coordinate 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) |

* Mechanisms to coordinate efforts to address child labor were created during the reporting period.

In 2014, the Implementation Committee on Child Labor met on a quarterly basis, but members did not submit progress reports on efforts to implement the country's national strategy to eliminate child labor to the executive branch.(8)

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 Program of Action for South Africa, Phase III (CLPA) (2013–2017) | Serves as the primary policy instrument to prevent and eliminate child labor in South Africa.(12, 16, 31) Promotes government activities and calls for the promotion of new laws against the worst forms of child labor.(1, 12, 31) Also includes a list of indicators to monitor the Government’s efforts against child labor.(31) |
| 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.(37) |
| National Development Plan 2030* | Provides a comprehensive development plan for South Africa, including economic development, education, and social protection.(38) |

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was launched during the reporting period.

Although the Government drafted a new anti-trafficking national action plan in 2013, it has yet to be approved.(5, 8)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, 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, led by the Department of Social Development (DSD) and the South African Social Security Agency (SASSA) that provides monthly direct cash transfer to primary caregivers with vulnerable children.(1, 2, 15, 21, 39-41) Helps alleviate economic pressures and lower the cost of raising a child.(1, 2, 12, 15, 39-41) Reaches more than 10 million children.(21) 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, 21, 42) |
| Old Age Pension‡ | SASSA government led program that provides cash transfers to eligible adults over age 60. Several assessments of the program’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, 41) Studies also indicate a decrease in the total hours worked by children, especially among girls.(1, 41) |
| Care Dependency Grants and Foster Care Grants‡ | SASSA government led program that encourages children to remain in school and not enter the labor market as a means of preventing child labor, including the worst forms of child labor, by.(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) |
| National School Nutrition Program*‡ | Government program funded through a conditional grant that provides school meals to vulnerable children. The program targets primary and secondary school learners.(19, 21, 43) |
| Food Relief Program†‡ | DSD and SASSA food relief program to assist vulnerable and orphaned children, and child-headed households with insufficient income.(16) |
| Shelters and Care Centers‡ | DSD program that funds 13 shelters and oversees 17 NGO-operated centers for victims of abuse and human trafficking, including children.(5, 11, 34) |
| Awareness Raising Campaigns‡ | Government program that conducts training on anti-human-trafficking.(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.(44) |

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

† Program was launched during the reporting period.

‡ Program is funded by the Government of South Africa.

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The Government has identified constraints on its capacity to offer social protection for children. For example, the child protection system still lacks a sufficient number of skilled staff to assist the majority of children who need care.(15, 35) Although South Africa has programs that target child labor, the scope of these programs is insufficient, including in agriculture and domestic work.(1, 2)

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 |
|---------------------|---|-------------------|
| Legal Framework | Promulgate the 2013 Trafficking in Persons Bill. | 2013 – 2014 |
| 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 – 2014 |
| | Provide sufficient training and systems for law enforcement personnel to identify the worst forms of child labor, including human trafficking cases. | 2009 – 2014 |
| | 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 – 2014 |
| | Increase the number of social workers to ensure protections against hazardous work for children of legal working age. | 2011 – 2014 |
| | Disaggregate the number of complaints made to the Government’s hotline that relate to child labor. | 2013 – 2014 |
| Government Policies | Integrate child labor elimination and prevention strategies into existing youth policies. | 2013 – 2014 |
| Social Programs | Conduct research and collect comprehensive data on child labor, including its worst forms, to inform policies and programs. | 2013 – 2014 |
| | Implement programs to ensure that all children have birth certificates. | 2010 – 2014 |
| | Ensure that children can complete primary school by subsidizing or defraying the cost of books, uniforms, and other fees. | 2009 – 2014 |
| | Assess the impact that existing social programs may have on addressing child labor. | 2013 – 2014 |
| | Dedicate sufficient resources to better ensure support to children in the social protection system and increase the number of skilled staff in the child protection system. | 2011 – 2014 |
| | Institute programs to address the worst forms of child labor in agriculture and domestic work. | 2010 – 2014 |

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