

South Africa

<i>Selected Statistics and Indicators on Child Labor</i> ³⁴³⁹	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15 (9 th grade)
Free public education:	No
Gross primary enrollment rate (%), 2005:	103.2
Net primary enrollment rate (%), 2005:	86.3
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2003:	82.4
ILO Convention 138:	3/30/2000
ILO Convention 182:	6/7/2000
CRC:	6/16/1995
CRCOPAC:	No
CRCOPSC:	6/30/2003*
Palermo:	2/20/2004
ILO-IPEC participating country:	Yes

*Accession

Incidence and Nature of Child Labor

Children in South Africa work in subsistence and commercial farms and family business.³⁴⁴⁰ Children also work as domestic servants, vendors, car guards, train attendants, shop assistants, and taxi conductors.³⁴⁴¹ Children are employed in taverns and liquor stores to clean, stock supplies, prepare food, and serve alcohol.³⁴⁴² Children are also used to scavenge landfills and dumpsites for recyclable materials.³⁴⁴³ Some children are also engaged in commercial sexual exploitation.³⁴⁴⁴ Many children in rural areas carry water for their families for excessive hours under physically demanding conditions.³⁴⁴⁵ Some children are exploited by adults and forced to

commit robberies, including armed robbery, and sell drugs.³⁴⁴⁶

The extent of trafficking is unknown, but South Africa remains a country of origin and destination for children trafficked for sexual exploitation and forced labor.³⁴⁴⁷ South African girls are reportedly trafficked to Zimbabwe for domestic service.³⁴⁴⁸ Children are trafficked from the Democratic Republic of the Congo and Zimbabwe into South Africa for sexual exploitation.³⁴⁴⁹ Some girls are reportedly trafficked from Swaziland to South Africa for commercial sexual exploitation and domestic service.³⁴⁵⁰ Boys are trafficked to South Africa from Mozambique and Zimbabwe for agricultural work.³⁴⁵¹ South African girls are also trafficked internally for prostitution and domestic service.³⁴⁵² South African boys are trafficked internally for farm work and street vending.³⁴⁵³

Child Labor Laws and Enforcement

The law establishes the minimum age for employment at 15 years.³⁴⁵⁴ Employers may hire children less than 15 years to work in the performing arts with permission from the South African Department of Labor (SADOL).³⁴⁵⁵ Children who are under 18 years may not perform work that is harmful to their wellbeing and development.³⁴⁵⁶ The Minister of Labor is authorized to set additional restrictions on the employment of children 15 years and above.³⁴⁵⁷ The law provides for the right of every child, defined as a person under 18 years, to be protected from age-inappropriate and exploitive labor practices.³⁴⁵⁸ The penalty for illegally employing a child under the law is a fine or a maximum jail term of 3 years.³⁴⁵⁹

The law prohibits all forms of forced labor and establishes a maximum penalty of 3 years in prison for imposing forced labor on another person.³⁴⁶⁰ The law does not specifically prohibit trafficking in persons, though traffickers may be prosecuted under various laws related to child and forced labor.³⁴⁶¹ Since May 2008, the government began prosecuting new trafficking cases under recently implemented sex offense

laws; the court cases are on-going and no trafficking offenders have yet been convicted.³⁴⁶² The law prohibits the commercial sexual exploitation of children and the placement of a female under 16 years in a brothel for prostitution. The maximum penalty for violating the law is 20 years in prison.³⁴⁶³ The law establishes 18 years as the minimum age for voluntary military service, military training, and conscription, even in times of national emergency.³⁴⁶⁴

SADOL is tasked with enforcing child labor laws. The Department tries to employ roughly 1,000 labor inspectors nationwide, who have the responsibility of enforcing labor laws, including those involving child labor. According to USDOS, SADOL sometimes has difficulty gaining spontaneous access to farms to enforce the law.³⁴⁶⁵ In addition, the Government of South Africa does not give as much attention to labor trafficking as it does to sex trafficking.³⁴⁶⁶

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of South Africa continues to implement a national action program to eliminate the worst forms of child labor.³⁴⁶⁷ Specific goals of this program include promoting new laws to combat the worst forms of child labor, increasing the Government's capacity to enforce the law, and raising awareness about child labor.³⁴⁶⁸ The Government also provides a variety of financial support mechanism to prevent children's entry and to encourage children's withdrawal from the labor market.³⁴⁶⁹

The Government participated in a regional project funded by USDOL and implemented by the American Institutes for Research. This 4-year USD 9 million project was designed to improve the quality and access to education for children who are working in, or are at risk of working in, the worst forms of child labor in five countries, including South Africa.³⁴⁷⁰ Over its lifetime, the project withdrew 2,388 children and prevented 8,739 children in the five countries from engaging in exploitive labor.³⁴⁷¹ The Government also participated in another 4-year regional project funded by USDOL and implemented by ILO-

IPEC. This USD 5 million project drafted national child labor plans of action and conducted targeted research on the worst forms of child labor in five countries, including South Africa.³⁴⁷² During its implementation, this project withdrew 939 children and prevented 2,826 children in the five countries from engaging in exploitive labor.³⁴⁷³ The Government is supporting a USD 4.75 million regional project implemented by ILO-IPEC to support the implementation of national child labor plans in three countries, including South Africa. Over 4 years, this project aims to withdraw 2,800 children and prevent 5,600 children in the three countries, including South Africa, from engaging in exploitive labor.³⁴⁷⁴ The Government also participated in a project implemented by IOM and funded by the Government of Norway and the European Commission to develop training on human trafficking and build government capacity to develop and implement anti-trafficking programs.³⁴⁷⁵

³⁴³⁹ For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of South Africa, *Basic Conditions of Employment Act 75 of 1997*, (December 5, 1997), articles 43(1a), 43(1b), 43(3); available from http://www.workinfo.com/free/Sub_for_legres/data/bcea1998.htm. For age to which education is compulsory, see Government of South Africa, *South African Schools Act*, No. 84 of 1996, (November 15, 1996), chapter 2, section 3(1); available from <http://www.info.gov.za/acts/1996/a84-96.pdf>. For free public education, see U.S. Department of State, "South Africa," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119025.htm>.

³⁴⁴⁰ Government of South Africa, *The Child Labour Programme of Action for South Africa Phase 2 (2008-2012)*, Draft 4.4, Pretoria, June 2007, 15 and 17. See also Judith Streak, "Harvesting Childhood: Causes, nature, and impact of child agricultural labour," *HSRC Review* 5, no. 3 (September 2007); available from http://www.hsrc.ac.za/HSRC_Review_Article-61.phtml.

³⁴⁴¹ ILO-IPEC, *HIV/AIDS and Child Labour in South Africa: A Rapid Assessment*, Paper No. 4, March 2003, 27-28,38; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do;jsessionid=0a038009cefbceb41cf819c4cf38bf0f43335112036.hkzFngTDp6WI>

mQuUaNaLahD3lN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3elpkzFngTDP6WImQuxah8LaN8Qc3yOa2b48OX3b4DtGj15eMbynknvrkLOlQzNp65In0__?productId=944. See also U.S. Department of State, "Country Reports- 2008: South Africa," section 6d.

³⁴⁴² Andrew Charman, *A rapid assessment of children making and selling liquor in South Africa*, ILO-IPEC, Pretoria, August, 2006, 8 and 10.

³⁴⁴³ Saranel Benjamin, *A rapid assessment on scavenging and waste recycling work by children in South Africa*, ILO-IPEC, Pretoria, October, 2007, 7-9.

³⁴⁴⁴ South African Department of Labour, *Commercial and sexual exploitation of children and child trafficking: A South African national situation analysis*, Pretoria, May 2006, 16. See also Government of South Africa, *Child Labour Programme of Action: Phase 2*, 18.

³⁴⁴⁵ David Hemson, *Young drawers of water: The burden on children in rural South Africa* TECL Paper 39, Government of South Africa and ILO-IPEC, Pretoria, July 2006, 1, 2, 4, 8; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?sessionId=0a038009cef56a88a5b927f48058ae6be8ee22b5c19.hkzFngTDP6WImQuUaNaLahD3lN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3elpkzFngTDP6WImQuxah8LaN8Qc3yOa2b48OX3b4DtGj15eMbynknvrkLOlQzNp65In0__?productId=4211.

³⁴⁴⁶ University of Western Cape, *Children Used by Adults to Commit Crime: Childrens' Perception of the their Use by Adults in the Commission of Offences*, ILO-IPEC and the Inter-Sectoral Committee on Child Justice, 2006, 14-17; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4485>. See also Government of South Africa, *Child Labour Programme of Action: Phase 2*, 18.

³⁴⁴⁷ U.S. Department of State, "South Africa (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105389.htm>. See also UNESCO, *Human Trafficking in South Africa: Root Causes and Recommendations*, Paris, 2007, 20,21,24; available from <http://unesdoc.unesco.org/images/0015/001528/152823E.pdf>.

³⁴⁴⁸ U.S. Department of State, "Zimbabwe (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105389.htm>.

³⁴⁴⁹ U.S. Department of State, "Congo, Democratic Republic of the (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>. See also U.S. Department of State, "Trafficking in Persons Report-2008: Zimbabwe."

³⁴⁵⁰ U.S. Department of State, "Swaziland," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm>.

³⁴⁵¹ U.S. Department of State, "Trafficking in Persons Report- 2008: South Africa." See also U.S. Department of State, "Trafficking in Persons Report- 2008: Zimbabwe." See also U.S. Department of State, "Mozambique (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105388.htm>.

³⁴⁵² Laura Gauer Bermudez, "No Experience Necessary": *The Internal Trafficking of Presons in South Africa*, International Organization for Migration, Pretoria, October, 2008, 34, 41, 46, 47, 49.

³⁴⁵³ *Ibid.*, 53, 56-58. See also U.S. Department of State, "Trafficking in Persons Report- 2008: South Africa."

³⁴⁵⁴ Government of South Africa, *Basic Conditions of Employment Act*, articles 43(1a), 43(1b), 43(3).

³⁴⁵⁵ South African Department of Labour, *Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities*, 2004, sections 2(1) and 2(6); available from <http://www.labour.gov.za/legislation/sectoral-determinations/sectoral-determination-10-children-in-the-performance-of-advertising-artistic-and-cultural-activities>.

³⁴⁵⁶ U.S. Department of State, "Country Reports- 2008: South Africa," section 6d. See also Government of South Africa, *Amended Basic Conditions of Employment Act*, (2002), article 43(2b); available from <http://www.labour.gov.za/legislation/acts/basic-conditions-of-employment/read-online/amended-basic-conditions-of-employment-act>.

³⁴⁵⁷ Government of South Africa, *Basic Conditions of Employment Act*, article 44(1).

³⁴⁵⁸ Government of South Africa, *Constitution of the Republic of South Africa*, (December 10, 1996), sections 28(3), 28(1e), 28(1f); available from <http://www.info.gov.za/documents/constitution/1996/96cons2.htm#13>.

³⁴⁵⁹ Government of South Africa, *Basic Conditions of Employment Act*, 93(2).

³⁴⁶⁰ *Ibid.*, articles 93, 43(1a), 43(1b), 43(3), 44(2), 48.

³⁴⁶¹ U.S. Department of State, "Trafficking in Persons Report- 2008: South Africa." See also U.S. Embassy-Pretoria, *reporting*, January 23, 2009, para 8.

³⁴⁶² U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

³⁴⁶³ U.S. Embassy-Pretoria, *reporting*, January 23, 2009, para 8. See also U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

³⁴⁶⁴ Government of South Africa, *Defense Act 42 of 2002*, (February 2003), chapter 9, article 52(1), chapter 14, article 91(2); available from

<http://www.dod.mil.za/documents/acts/New%20Defence%20Act%2042%20of%202002.pdf>. See also Coalition to Stop the Use of Child Soldiers, "South Africa," *In Child Soldiers Global Report* online, May 20, 2008; available from http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=216.

³⁴⁶⁵ U.S. Department of State, *reporting, January 23, 2009*, para 11. See also U.S. Department of State, "Country Reports- 2008: South Africa," para 6d. See also U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

³⁴⁶⁶ U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

³⁴⁶⁷ U.S. Embassy-Pretoria, *reporting, January 23, 2009*, para 12.

³⁴⁶⁸ Government of South Africa, *Child Labour Programme of Action: Phase 2, 4*.

³⁴⁶⁹ *Ibid.*, 22. See also U.S. Embassy-Pretoria, *reporting, January 23, 2009*, para 13. See also U.S. Embassy-Pretoria, E-mail communication to USDOL official, July 6, 2009.

³⁴⁷⁰ American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA), Project Document*, Washington DC, September 8, 2005, 17-18.

³⁴⁷¹ American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA), Final Technical Progress Report*, Washington, December 8, 2008, 20.

³⁴⁷² ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Project Document*, Geneva, September 15, 2003, 1. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Final Technical Progress Report*, Geneva, September, 2008, 1-4.

³⁴⁷³ ILO-IPEC, *TECL Project Document*, 1. See also ILO-IPEC, *TECL Final Technical Progress Report*, 1-4. See also ILO-IPEC, *Towards the Elimination of Child Labor*, technical progress report, Geneva, March 10, 2008, 1, 39.

³⁴⁷⁴ ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II, Project Document*, Geneva, September 25, 2008, 1, 3, 84.

³⁴⁷⁵ IOM, *IOM Southern Africa Newsletter*, Pretoria, October 2008, 4; available from <http://iom.org.za/site/>.

Sri Lanka

Incidence and Nature of Child Labor

Children in Sri Lanka sometimes work during the harvest periods in both plantation and non-plantation agriculture, including on small family farms.³⁴⁷⁶ Children also work in the informal sector, family enterprises, small restaurants, stores, repair shops, small-scale manufacturing, and craft production.³⁴⁷⁷ Children between the ages of 14 and 18 also engage in work as domestic servants, and some have reported experiencing sexual abuse.³⁴⁷⁸

Sri Lanka is also a source country for children trafficked to Singapore and the Middle East for commercial exploitation and for work as domestic servants.³⁴⁷⁹ Internal trafficking occurs for domestic service, commercial sexual exploitation, and for service in military activities.³⁴⁸⁰ The prostitution of children is reported to be of concern in the country. It is estimated that there are more than 10,000 boys engaged in commercial sexual exploitation in Sri Lanka.³⁴⁸¹ Girls are also

victims of commercial sexual exploitation.³⁴⁸² The majority of children in prostitution are exploited by local citizens, though there are reports of sex tourism as well.³⁴⁸³ Some of these children have been trafficked and many boys are from coastal areas and are exploited in the sex industry at southern beach resorts.³⁴⁸⁴

Conflict intensified in Sri Lanka during 2008 and the use of children in armed conflict remained a pressing concern.³⁴⁸⁵ Reports indicate that the Liberation Tigers of Tamil Eelam (LTTE), an armed terrorist group fighting for a separate ethnic Tamil state, and the Tamil Makkai Viduthalai Pulikal (TMVP), a paramilitary group, both continued to heavily recruit children as soldiers, often forcibly.³⁴⁸⁶ The LTTE recruited and abducted children to serve in combat and various battlefield support functions.³⁴⁸⁷ There is evidence that the Government security forces were supporting and sometimes participating in the abductions and forced recruitment by the TMVP.³⁴⁸⁸ In May 2009, the Government declared