

In 2012, South Africa made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government maintained 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 continued implementation of the National Child Labor Action Program through its national child labor coordinating mechanism. The Government also maintained its no-fee schools and school feeding programs for the country's poorest secondary 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.



Statistics on Working Children and Education

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, 2013.(1)

All other data: Understanding Children's Work Project's analysis, 2013.(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.(3-5) Although evidence is limited, there are reports that children are involved in a variety of agricultural activities, including forestry and in harvesting sugarcane, mango, lychee, bananas, grapes, citrus, and other fruits.(4-7) There are reports that some of these children may be exposed to extreme heat and physical and sexual abuse.(4, 6) In addition, children in agriculture may work long hours, use dangerous tools, and apply harmful pesticides.(8, 9) Reportedly, children, especially boys, caring for livestock have been injured by the animals, which may result in being absent from school because of their work.(7) Children herding livestock may suffer injuries such as being bitten, butted, gored, or trampled by animals.(10, 11)

Children in South Africa are employed as domestic servants.(4) They may be required to work long hours and perform strenuous tasks without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(12, 13) Limited evidence suggests children in South Africa also scavenge in landfills and dumpsites for recyclable materials. This work involves long hours and carrying heavy loads in the midst of dangerous machinery, moving vehicles, and burning toxins.(14)

Some children in South Africa are exploited in commercial sexual exploitation. In addition, children are used by adults to commit crimes, including drug trafficking, home burglaries, and gang-related activity.(4, 15) South Africa remains a country of origin, transit, and destination for children trafficked for the purposes of sexual exploitation and forced labor.(16) Children in South Africa are trafficked from rural areas to urban areas, including Johannesburg, Cape Town, Durban, and Bloemfontein.(17) Children, especially girls, from China, Lesotho, Malawi, Mozambique, Swaziland, and Thailand are trafficked to South Africa for commercial sexual exploitation.(15) South African girls are also trafficked internally and internationally for commercial sexual exploitation and domestic service.(18) South African boys are trafficked internally for farm work, food service, begging, and street vending.(17-19)

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.(20) Employers may hire children

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younger than age 15 to work in the performing arts with permission from the South African Department of Labor (SADOL).(21, 22) 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.(23, 24) 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.(24) In addition, the regulations provide guidelines for the employment of children in work that requires overnight separation from their parents or guardians.(19, 24)

International Conventions and Selected Laws on Child Labor and Education

	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	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	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.(4, 25-27)

Although access to free education is mandated by law, school fees vary depending on the municipality and region.(5) The Government implements a no-fee school program that covers the poorest primary schools.(25, 28, 29) According to the Government, 81 percent of schools are “no fee.”(28, 29) The Government also provides some fee waivers to children receiving government grants.(25, 30, 31) However, some

families are required to pay local school fees and all families must pay for books, uniforms, and other school-related expenses.(4, 19, 31)

The Children's Amendment Act prohibits the use of children for slavery, slave-like practices, trafficking, commercial sexual exploitation, and illicit activities.(32, 33) The Criminal Law Amendment Act 32 of 2007 defines and criminalizes human trafficking for sexual exploitation.(15)

The Government has drafted, but not yet passed, a comprehensive national anti-trafficking law that includes specific provisions for child trafficking.(7, 19, 34)

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.(35, 36)

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.(37) It calls for the creation of one-stop child justice centers and for the prosecution of adults who use children for illicit activities.(37) 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.(37)

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).(4, 16, 19, 38) The Committee includes provincial level child labor coordinating structures that fully participate in the Committee's efforts.(5, 39). 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 on a bimonthly basis and members compile and submit progress reports to the Cabinet on efforts to implement the country's national strategy to eliminate child labor.(39-41)

SADOL and the South African Department of Justice and Constitutional Development (SADODJ) are responsible for enforcing child labor laws.(16, 19, 41) SADOL inspectors identify suspected cases of child labor and human trafficking

and forward evidence to SAPS officials, who investigate and forward cases to SADOJ for prosecution.(16, 19) In 2012, SADOL employed 1,318 labor inspectors.(5) When cases involve foreign nationals, inspectors send the cases to the Department of Home Affairs before the cases are 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.(42) However, a shortage of social workers may delay this practice. The Department of Social Development (DSD) is addressing the need for more social workers by offering scholarships to students interested in pursuing that field of study.(42) In addition, SADOL does not have a central unit responsible for delivering training programs for labor inspectors, but SADOL is currently training inspectors to increase their knowledge of child labor.(5) Also, the training curriculum for newly inducted police includes chapters on child labor.(39)

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.(15, 19) In 2012, the Government spent \$41.44 million on SADOL inspections and enforcement.(5) In 2012, inspectors conducted both routine and unannounced inspections, with unannounced inspections focusing on high-risk sectors such as agriculture and domestic workplaces. Inspections include but were not limited to child labor cases.(5, 43) 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.(44)

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.(4) Although inspectors have legal authority, they 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.(4)

Depending on the type of offense, child labor violations are tried in either a criminal or labor court.(16) SADOL reported 11 cases of child labor violations during the Government's most recent fiscal year, between April 2011 and March 2012. Of these cases, all but two are being processed. However, two guilty verdicts were handed down with fines ranging from \$56 to \$280 or 8 months in prison.(5) It does not appear that these fines are sufficient to deter future offenses. However, SADOL

and SADOJ do not make complete statistics publicly available on the number of child labor cases opened, closed or resolved, or the number of convictions made.(16) 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.(45)

The National Prosecuting Authority (NPA) prosecutes human trafficking cases. 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.(41, 46) Among the goals of the team is the development of a national strategy against human trafficking for sexual exploitation. 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.(15)

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.(4, 16, 47) It calls for activities across the Government and the promotion of new laws against the worst forms of child labor.(4, 16) It also includes a list of indicators to monitor the Government's efforts against child labor.(4) In 2012, SADOL submitted a progress report on Phase II of the CLPA to Parliament. In addition, the Government has drafted Phase III (2012-2016), which will be tabled for approval in Parliament in early 2013.(5) 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. The eligibility age for beneficiaries of the Grant was raised from age 17 to age 18 on January 18, 2012.(16, 27, 30, 39, 50, 51) The purpose of the Grant is to alleviate economic pressures and lower the cost of raising a

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child.(16, 27, 30, 39, 50, 51). Reports assessing the impact of the Grant indicate that recipients may be less likely to send their children away for child labor.(27, 52) Reports also suggest, however, that the amount of each grant is very low, which may mean the grants have little impact on child poverty.(53)

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.(51, 54) Studies also indicate a decrease in the total hours worked by children, especially among girls.(51, 54)

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.(19) 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.(4)

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 DSD administers "social relief of distress" to vulnerable individuals, including child laborers, based on referral from a social worker.(25, 30, 42, 49) The Government also provides a national school feeding program for children.(31, 55) The Government provides subsidies for registered organizations working on child labor to provide basic care to children.(47, 56)

The Government supports the IOM's efforts to develop 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. This Program supports the Government's National Strategy to Combat Human Trafficking through Prevention, Response and Support for Victims.(46, 58) The Government also operates Thuthuzela Care Centers that provide medical services, counseling, and legal support to victims of sexual abuse and exploitation.(15)

The Government supported a 4-year, \$4.75 million regional project funded by USDOL in three countries, including South Africa.(59) In South Africa, the project conducted awareness campaigns on child labor, assisted SADOL with technical support in implementing CLPA, and targeted 4,200 children for withdrawal from or prevention of the worst forms of child labor. The project 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.(28) The project also supported the development of a child labor code of conduct for the tourist industry.(39)

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.(27, 30) In addition, the child protection system still lacks the skilled staff to assist the majority of children who need care.(30)

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, 2012
	Ensure that education is freely available and accessible to all children.	2009, 2010, 2011, 2012
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, 2012

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	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, 2010, 2011, 2012
	Provide sufficient training and systems for law enforcement personnel to identify the worst forms of child labor, including human trafficking cases.	2009, 2010, 2011, 2012
	Increase the number of social workers to ensure protections against hazardous work for children of legal working age.	2011, 2012
Policies	Collect systematic data on the number of child laborers and on the worst forms of child labor.	2010, 2011, 2012
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, 2012
	Institute programs to address the worst forms of child labor in agriculture and domestic service.	2010, 2011, 2012
	Implement programs to ensure that all children have birth certificates.	2010, 2011, 2012
	Allocate more resources to increase the number of service providers supporting children of legal working age.	2010, 2011, 2012

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