

In 2013, South Sudan made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite ongoing political and ethnic conflict, the Government of South Sudan provided training on child rights to child protection officers. However, children in South Sudan continue to engage in child labor in agriculture and in the worst forms of child labor in armed conflict. The Government is receiving this assessment because the Sudan People's Liberation Army (SPLA) used children in military operations against armed groups allied to David Yau Yau and has recruited and used children in the conflict that began on December 15, 2013. Militia groups also recruited children for armed conflict during the year. In addition, gaps in legislation continue to put children at risk and child labor laws are not effectively enforced.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

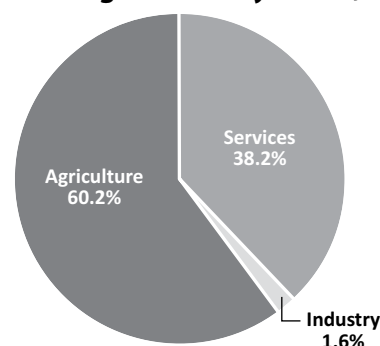
Children in South Sudan are engaged in child labor in agriculture and in the worst forms of child labor in armed conflict. (1, 2) Table 1 provides key indicators on children's work and education in South Sudan.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	10-14 yrs.	45.6 (463,624)
Attending School (%)	5-14 yrs.	31.5
Combining Work and School (%)	10-14 yrs.	10.9
Primary Completion Rate (%)		Unavailable

Source for primary completion rate: UNESCO Institute for Statistics, 2014.(3)
 Source for all other data: Understanding Children's Work Project's analysis of statistics from Fifth Housing and Population Census, 2008.(4)

Figure 1. Working Children by Sector, Ages 10-14



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, activities unknown* (5, 6)
	Cattle herding† (5-7)
Industry	Breaking rocks to make gravel*† (8, 9)
	Construction, activities unknown*† (5, 10, 11)
	Brick making* (1)
	Mining*† (1)
Services	Domestic work (1, 7, 11-13)
	Street work, including market vending, washing cars, polishing shoes, collecting empty bottles, and pushing delivery carts* (11, 13-17)
	Scrap metal collection* (18)
	Cow dung collection* (7)
	Work in slaughterhouses* (19)
Categorical Worst Forms of Child Labor‡	Forced labor in cattle herding, domestic service, construction, brick making,* rock breaking, begging, and market vending (10, 11, 15, 20, 21)
	Commercial sexual exploitation sometimes as a result of human trafficking (11, 13, 15, 19, 22, 23)
	Use of children in illicit activities, such as selling drugs* (10)

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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‡	Use of children as border patrols,* community police officers,* and bodyguards to military commanders* (24)
	Use of underage children in armed conflict, sometimes as a result of forced recruitment (15, 23, 25, 26)

* 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.

Although the SPLA released children from within its ranks during the year, it also used children, some of them in military operations against armed groups allied to David Yau Yau.(6, 11, 15, 19, 27, 28) The SPLA also used and recruited child soldiers in the conflict that began on December 15, 2013.(6, 11) Some public officials subjected girls to domestic servitude, and children were recruited by government security forces to serve in noncombatant roles during the year.(6, 15) Children were used to patrol the border between Uror and Pibor counties; in Uror county, children performed community policing activities.(24, 28)

Children remain within the ranks of the Lord’s Resistance Army and are used as cooks, porters, concubines, and combatants. Some of these children have since been taken to other countries, such as the Central African Republic and the Democratic Republic of the Congo.(11, 15) Militia groups, such as the White Army, also recruited children, some of them forcibly, throughout the year and during the December 15 conflict.(6, 11, 15, 25, 26, 29) In addition, during a military parade for armed groups allied to David Yau Yau, children were seen serving as bodyguards to commanders.(24)

In 2013, the status of Abyei, an area claimed by South Sudan but controlled by the northern Sudanese government, was not resolved and inter-ethnic conflict continued, resulting in more than 468,000 displaced persons and refugees in South Sudan.(26, 30, 31) The December 15 conflict also resulted in hundreds dead and 40,000 South Sudanese and foreigners taking refuge at UN bases.(32) The ongoing conflict diminished the Government’s ability to deliver aid, provide education, and address the worst forms of child labor.(11, 23, 31, 33-36)




In South Sudan, only 30 percent of children under the age of 5 have a birth certificate. Unable to prove citizenship, nonregistered children may have difficulty accessing services such as education.(37, 38)

Food insecurity and high cost of living may also impede access to education in South Sudan, as many families may not be able to afford to send their children to school.(31, 39-42) Many children (especially in rural areas) do not have access to schools, often due to the lack of infrastructure.(1, 33, 43-45) Schools were occupied, destroyed, and damaged by armed groups and armed forces during the year.(27, 28, 46) The lack of access to education may increase the risk of children’s involvement in the worst forms of child labor. In addition, there has not been a comprehensive child labor survey in South Sudan.

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

South Sudan has ratified two 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	

In November 2013, South Sudan's national legislative assembly passed a bill to allow for the ratification of the UN CRC and the two optional protocols. The President must sign the bill before the UN CRC and optional protocols are ratified.(19, 47) The Government has not ratified the Palermo Protocol.

The Government has established relevant laws and regulations related to child labor (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Article 25.3 of the Child Act (48)
Minimum Age for Hazardous Work	Yes	18	Article 22.3 and 25.1 of the Child Act (48)
List of Hazardous Occupations Prohibited for Children	Yes		Article 25.2 of the Child Act (48)
Prohibition of Forced Labor	Yes		Article 277 of the Penal Code; Article 13 of the Constitution (49, 50)
Prohibition of Child Trafficking	Yes		Article 22.3(b) of the Child Act; Articles 269, 270, 278, 279, 281, 282 of the Penal Code; Article 17.1 of the Constitution (48-50)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 22.3(c) and (d) of the Child Act; Article 258 and 276 of the Penal Code (48, 49)
Prohibition of Using Children in Illicit Activities	Yes		Article 24.1 of the Child Act (48)
Minimum Age for Compulsory Military Recruitment	Yes	18	Article 31.1 of the Child Act (48)
Minimum Age for Voluntary Military Service	Yes	18	Article 31.1 of the Child Act (48)
Compulsory Education Age	Yes	13	Article 9.1(b) of the General Education Act (19, 51)
Free Public Education	Yes		Article 6(a) of the General Education Act; Article 14.1 of the Child Act; Article 29.2 of the Constitution (1, 5, 48, 50)

Children working in unpaid employment do not have the same protections under child labor laws and regulations as children working in paid employment.(48) Primary education in South Sudan lasts 8 years and the General Education Act indicates that a child must be enrolled in school at age 5 to 6 years.(19, 51) This means that children are only required to attend school until the age of 13. This standard makes children ages 13 and 14 particularly vulnerable to the worst forms of child labor, as they are not required to be in school, but are not legally permitted to work either.(19) In addition, even though laws provide for free primary education, in practice, parents must often pay teachers' salaries, a cost that is prohibitive for many families.(1, 33, 43). The cost of uniforms also keeps some children from attending school.(13)

In 2013, the SPLA Chief of General Staff signed a directive on the Child Protection Punitive Order, which instructs commanders to identify persons under the age of 18 following a unit inspection.(6) However, only two units completed inspections during the reporting period.(11) It is unclear whether this directive will contribute to the release of children from SPLA ranks. The Government also drafted an updated list of hazardous work for children during the year; the list has not been finalized.(52) In addition, the 2012 Labor Bill is still being finalized.(17, 19)

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
Ministry of Labor, Public Service, and Human Resource Development (MoLPS&HRD)	Develop labor policies, enforce child labor laws, conduct workplace inspections, and oversee the operation of vocational training centers.(1, 48, 53) Through the Ministry's Child Labor Unit, investigate cases of child labor.(6)
Ministry of Gender and Social Welfare	Coordinate activities on children's rights and act as the focal ministry for child protection.(38)
SPLA's Child Protection Unit	Identify child soldiers and provide training on children's rights to child protection officers and members of the SPLA.(54)

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Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Ministry of Interior	Enforce criminal laws to combat human trafficking and maintain a database on crime statistics.(55)
Ministry of Justice	Protect citizens' rights and enforce the Comprehensive Peace Agreement and the Constitution, including child protection provisions in those laws.(5, 56)
South Sudan Police Services	Enforce criminal laws related to the worst forms of child labor.(1, 19)
Human Rights Commission	Raise awareness of human rights, monitor the application of human rights in the Constitution, and investigate complaints regarding human rights violations, such as human trafficking.(57, 58)

Criminal law enforcement agencies in South Sudan took some action to combat child labor, including its worst forms. However, research found no evidence that labor law enforcement agencies took such actions.

Labor Law Enforcement

The Ministry of Labor, Public Service, and Human Resource Development (MoLPS & HRD) has an estimated 10 labor inspectors and two investigators in its Child Labor Unit, which appears to be insufficient for the size of the population.(5, 19) MoLPS & HRD officials also reported that they lack sufficient resources to conduct labor investigations.(11) Prosecutors and law enforcement officials are not familiar with the Child Act, which prohibits the worst forms of child labor, as it has not been adequately disseminated.(19, 38, 59)

The Government of South Sudan established the Federal Labor Statistics and Information Center to compile statistics and publish reports, including those on labor inspection activities.(60) However, it appears that the Government did not collect, maintain, or make such information accessible to the public.(19) Research did not reveal whether labor inspectors receive training, the number of child labor citations, or if penalties were applied for any citations issued during the reporting period.(19)

Criminal Law Enforcement

In 2013, the Child Protection Unit (CPU) trained 1,043 child protection officers on child rights. The CPU also vowed to take measures against soldiers found abusing children and called on members of the SPLA to report all children within its ranks.(61, 62) In addition, SPLA commanders received training on child protection; approximately 300 new police recruits received anti-trafficking training during the year.(15, 54) Despite these efforts, the SPLA recruited children during the reporting period even though the Child Act sets the minimum age for voluntary military recruitment at 18.(19, 48)

Although the Joint Action Plan to Combat the Use of Child Soldiers commits the SPLA to hold its military officers accountable for the recruitment or use of children, the Government did not investigate or prosecute officers who committed such crimes.(15) Research found no information on the enforcement of criminal laws that relate to the worst forms of child labor, including the number of investigations, prosecutions, convictions, or whether appropriate penalties were applied.

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
National Steering Committee on Child Labor	Coordinate efforts to combat the worst forms of child labor across government ministries. Led by the MoLPS&HRD.(6)
Disarmament Demobilization Reintegration Commission	Oversee and coordinate the implementation of the 1-year Joint Action Plan to Combat the Use of Child Soldiers and reintegrate children formerly engaged in armed conflict.(1, 15, 23, 63)

Research could not uncover whether the National Steering Committee on Child Labor coordinated activities to combat child labor in 2013.(11)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of South Sudan has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
Joint Action Plan to Combat the Use of Child Soldiers	Requires the SPLA to demobilize children within its ranks.(64) Aims to improve efforts to verify the age of new recruits and to provide reintegration services, such as vocational training, to demobilized children.(15) Implementation support through UN.(65, 66)
MoLPS&HRD's Policy Framework and Strategic Plan (2012–2016)	Aims to eliminate child labor and support best practices in occupational safety and health in all work places.(67, 68)
South Sudan Development Plan (2011–2013)	Provides cash transfers to households with children under the age of five, seeks to provide children affected by armed conflict with reintegration services, and aims to improve access to and the quality of education.(69)
UN Development Assistance Framework (2012–2013)	Seeks to improve education access and quality and includes provisions for social protection and the reintegration of ex-combatants.(70)
War Disabled, Widows and Orphans Commission Policy (2010–2014)*	Aims to provide orphans with services such as education and training.(71)

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

The Government of South Sudan implemented the Joint Action Plan to Combat the Use of Child Soldiers by removing children from within the SPLA's ranks until the conflict that began on December 15, 2013.(15, 72) The Joint Action Plan does not provide effective reintegration services for girls and some SPLA officers continue to deny that children exist in their ranks. In addition, the Government has repeatedly missed its deadlines for demobilizing all child soldiers as agreed in the Joint Action Plan.(15, 62)

In 2013, the Government of South Sudan drafted a National Social Protection Policy and a Policy on Children Without Appropriate Care and Support, which have yet to be adopted.(73, 74) It is unclear whether the UN Development Assistance Framework was adopted or if it is being implemented.(70) It is also unclear whether an implementation timeline and budget exist for the War Disabled, Widows and Orphans Commission Policy.(71)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of South Sudan 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 and Objectives
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 build the capacity of the national government and develop strategic policies to address the elimination of child labor in South Sudan.(75)
Tackling Child Labor through Education Project	Jointly launched by the European Commission and the ILO to combat child labor through education in 12 African and Caribbean countries and the Pacific group of states.(76) Aims to improve the child labor and education legal framework, strengthen the government's capacity to develop and implement child labor strategies, carry out activities to combat child labor, and collect data on child labor and education in South Sudan.(76)
World Bank Grant*	\$9 million World Bank-funded program that aims to improve employment and financing opportunities for youth and women, including by supporting 50,000 small business entrepreneurs and generating 250 jobs.(77)
UNICEF Country Program	UNICEF-funded program implemented by the Government from 2012 to 2013 that aimed to develop child protection systems with an emphasis on birth registration, child-sensitive justice system, and reintegration services for children affected by armed conflict.(78)
Refugee assistance programs*	Government programs to assist refugees and allow the return of South Sudanese (including families and children) from the north. Receive support from the United Nations High Commissioner for Refugees, IOM, USAID, USDOS, and other organizations and include the provision of food, shelter, emergency reintegration, and livelihood assistance.(23, 79-81)

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

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Although South Sudan has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, including in agriculture. Reports also suggest that the level and amount of rehabilitation services provided to child soldiers are not sufficient to meet the total need.(82, 83)

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 Sudan (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Raise the compulsory education age to 14 to be equivalent to the minimum age for work.	2013
	Ensure that relevant child labor laws and regulations apply equally to children working in paid and unpaid employment.	2012 – 2013
	Ratify the Palermo Protocol and UN CRC Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.	2013
	Finalize the updated list of hazardous work for children and 2012 Labor Bill.	2013
Enforcement	Provide sufficient human and financial resources and personnel training for effective inspection and enforcement efforts.	2012 – 2013
	Ensure that prosecutors and law enforcement officials are familiar with the Child Act, which prohibits the worst forms of child labor.	2013
	Track and make publicly accessible information on the number of child labor citations, as well as prosecutions, convictions, and whether appropriate penalties were applied for crimes involving worst forms of child labor.	2012 – 2013
	Investigate and prosecute officers responsible for the recruitment or use of children in armed conflict.	2013
	Implement the laws that provide for free education and the Child Act, which sets the minimum age for military recruitment at age 18.	2012 – 2013
Coordination	Ensure that the National Steering Committee on Child Labor is able to coordinate activities to combat child labor.	2013
Government Policies	Cease the use of children in combat by the SPLA.	2013
	Sustain efforts to demobilize and reintegrate child soldiers from the ranks of the SPLA and militia groups by implementing the Joint Action Plan to Combat the Use of Child Soldiers.	2012 – 2013
	Integrate gender concerns into the Joint Action Plan to Combat the Use of Child Soldiers.	2013
	Reinvigorate efforts to implement existing policies, such as the UN Development Assistance Framework.	2012 – 2013
	Ensure that the War Disabled, Widows, and Orphans Commission Policy has an appropriate budget and implementation timeline.	2012 – 2013
	Assess the impact that existing policies may have on addressing child labor.	2013
Social Programs	Strengthen efforts to lessen the impact that food insecurity and the high cost of living may have on rural populations.	2012 – 2013
	Raise awareness among SPLA officers on child labor issues and public officials on the dangers of child domestic labor.	2013
	Establish and implement a program to address the lack of school infrastructure, which impedes children's access to education.	2012 – 2013
	Assess the impact that social protection programs have had on efforts to eliminate the worst forms of child labor.	2012 – 2013
	Ensure the registration of all children at birth.	2013
	Ensure that schools are child-friendly by prohibiting the occupation of schools by armed groups and armed forces.	2013
	Conduct a national child labor survey.	2013
	Increase the scope of social programs to reach more children at risk of child labor, including in agriculture.	2012 – 2013

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