

In 2015, South Africa made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government developed regulations to enforce the 2013 Prevention and Combatting of Trafficking in Persons Act, which increased the penalty for forced labor to \$7,692, with a maximum sentence of life imprisonment. The Government also expanded the Child Support Grant program by reaching additional beneficiaries and increasing the amount of funding for caregivers. However, children in South Africa are engaged in child labor, including in 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. In addition, the Government does not collect data on child labor or make criminal enforcement data publicly available.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Africa are engaged in child labor, including in agriculture and domestic work. Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(1-3) Data on key indicators on children’s work and education 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 (%)		Unavailable

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2015.(4)

Data were unavailable from Understanding Children’s Work Project’s analysis, 2015.(5)

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, 6)
	Forestry,* activities unknown (1, 6)
Services	Domestic work (1, 2, 7)
	Garbage scavenging for food items* and recyclable items*† (1, 8)
	Food service,* activities unknown (2, 3)
	Street work, including vending and begging (2, 3, 7)
Categorical Worst Forms of Child Labor‡	Use in illicit activities,* including drug trafficking,* home burglaries,* gang-related activity,* and the production and selling of liquor*† sometimes as a result of human trafficking (3, 7)
	Commercial sexual exploitation sometimes as a result of human trafficking (2, 3, 9-11) Forced labor in domestic work, agriculture, food service, street vending, and begging, each sometimes as a result of human trafficking (2, 3, 7, 12, 13)

* 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.

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The Government reported that girls are more likely than boys to engage in child labor.(14) However, the Government does not collect comprehensive data on child labor.(2, 7, 15) There are some reports that children in South Africa are trafficked from rural to urban areas in Bloemfontein, Cape Town, Durban, and Johannesburg. Girls are trafficked for commercial sexual exploitation and domestic work, and boys are forced to work in agriculture, begging, food service, and street vending.(3, 9, 10) Orphaned children in South Africa are especially vulnerable to human trafficking, including children with disabilities who are victims of forced begging.(3, 7)

According to Chapter 2, Article 5, of the South African Schools Act, education is free through the primary level, but some schools charge fees that vary by municipality and region.(1, 2, 16) Children are required to be registered within 30 days of birth.(8) Children who are unable to prove citizenship are vulnerable to child labor because they cannot qualify for free government services, including education, health care, and financial grants. Birth registration has been inconsistent, especially among unregistered foreign nationals living in remote rural areas.(2) 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) The Government also provides some fee exemptions and reductions to children receiving government grants.(19, 20) The Government provides books and stationery; however, all families must pay for uniforms and other school-related expenses, which may affect children's access to education.(8, 19, 21, 22)

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) (23)
Minimum Age for Hazardous Work	Yes	18	Article 1 of the BCEA Regulations on Hazardous Work by Children in South Africa (23-25)
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 (24, 25)
Prohibition of Forced Labor	Yes		Chapter 2 of the Constitution; Article 141 of the Children's Amendment Act; Article 48 of the BCEA; Article 141 of the Children's Amendment Act; Criminal Law Amendment Act 32 (25-27)
Prohibition of Child Trafficking	Yes		Article 141 of the Children's Amendment Act; Criminal Law Amendment Act 32 (26, 28)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 141 of the Children's Amendment Act (26)
Prohibition of Using Children in Illicit Activities	Yes		Article 141 of the Children's Amendment Act (26)

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

Standard	Yes/No	Age	Related Legislation
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Article 52 of the Defense Act 42 (29, 30)
Compulsory Education Age	Yes	15	Chapter 2, Articles 1–5, of the South African Schools Act (16)
Free Public Education	Yes		Chapter 2, Article 5, of the South African Schools Act (16)

*No conscription (30)

In 2015, the 2013 Prevention and Combatting of Trafficking in Persons Act came into effect, and the Government developed regulations to aid enforcement of the law. The Prevention and Combatting of Trafficking in Persons Act increased the penalty for forced labor to \$7,692, with a maximum sentence of life imprisonment.(31) The 2015 regulations (Regulations Relating to Prosecutor’s Referral of Suspected Victims of Trafficking in Persons regulations, Aug. 21, 2015) require prosecutors to refer suspected victims of trafficking to the appropriate provincial department of social development.(31) During the year, the Government amended the National Norms and Standards for School Funding and declared the poorest schools (in quintiles 1–3) to be no-fees schools in 2015 subsidizing the cost for schooling so that students do not have to pay for school books.(32)

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) Identify via inspectors 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. Coordinate a report titled State of Child Labor in South Africa.(21)
South African Department of Justice and Constitutional Development	Enforce criminal laws on the worst forms of child labor.(1, 33)
National Prosecution Authority	Prosecute criminal cases, including human trafficking cases.(1)
South African Police Service’s (SAPS) 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)
Department of Social Development (DSD)	Provide child protection and social services to vulnerable children, including victims of human trafficking.(22)

Although labor inspectors have civil servant status to ensure job security, their low salaries promote high turnovers and transfers to other agencies.(34) However, labor officers at the provincial level received training on child labor during the year.(31)

Labor Law Enforcement

In 2015, labor law enforcement agencies in South Africa took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	\$36 million† (31)	\$30 million‡ (31)
Number of Labor Inspectors	1,324 (35)	1,599 (31)
Inspectorate Authorized to Assess Penalties	No (31)	No (31)
Training for Labor Inspectors		
■ Initial Training for New Employees	Yes (31)	Yes (31)
■ Training on New Laws Related to Child Labor	Yes (31)	Yes (31)
■ Refresher Courses Provided	Yes (31)	Yes (31)

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Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)

Overview of Labor Law Enforcement	2014	2015
Number of Labor Inspections	129,259 (35)	149,847 (31)
■ Number Conducted at Worksite	129,259 (31)	149,847 (31)
■ Number Conducted by Desk Reviews	Unknown (31)	Unknown (31)
Number of Child Labor Violations Found	Unknown (31)	4 (31)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (31)	N/A (31)
■ Number of Penalties Imposed That Were Collected	N/A (31)	N/A (31)
Routine Inspections Conducted	Yes (31)	Yes (31)
■ Routine Inspections Targeted	Yes (31)	Yes (31)
Unannounced Inspections Permitted	Yes (31)	Yes (31)
Unannounced Inspections Conducted	Yes (31)	Yes (31)
Complaint Mechanism Exists	Yes (31)	Yes (31)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (31)	Yes (31)

† Data are from the Government of South Africa for the period from April 1, 2014, to March 31, 2015.

‡ Data are from the Government of South Africa for the period from April 1, 2015, to March 31, 2016.

In 2015, a limited number of sources indicated that labor inspectors do not inspect farms without an invitation due to concerns over safety and about entering private property, which may leave children working in agriculture unprotected.(1, 21, 35). The South African Department of Labor (SADOL) lacks a central unit to administer training programs for labor inspectors.(1) Inspectors send cases that involve foreign nationals to the Department of Home Affairs, which then transfers the cases to the South African Department of Justice and Constitutional Development. Inspectors also refer cases that may involve child labor to social workers who provide welfare needs, such as child protection and care.(1, 31, 36) However, the current shortage of social workers may delay this practice. The Department of Social Development has acknowledged the shortage of social workers and is working to address this need by offering scholarships to students interested in pursuing studies in social work.(21, 36) The Government funded an NGO-operated hotline that refers child labor complaints to government protection agencies or the South African Police Service.(1) However, it is unknown how many complaints related to child labor were made to the government-funded hotline, and the labor inspection data is not disaggregated by child labor violations.

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in South Africa took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Yes (31)	Yes (31)
■ Training on New Laws Related to the Worst Forms of Child Labor	Yes (31)	Yes(31)
■ Refresher Courses Provided	Unknown (31)	Unknown (31)
Number of Investigations	Unknown (31)	Unknown* (31)
Number of Violations Found	Unknown (31)	Unknown* (31)
Number of Prosecutions Initiated	Unknown (31)	Unknown* (31)
Number of Convictions	1 (35)	Unknown* (31)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (1)	Yes (31)

*The Government does not make this information publicly available.

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 8).

Table 8. 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.(6) Met quarterly throughout 2015.(31)
Child Labor Intersectoral Support Groups	Facilitate the prevention of all types of child labor, including children scavenging and child labor that occurs as a result of human trafficking. Established by SADOL and managed by child labor coordinators in each province, members include multiple government agencies; members include SADOL Head Office, SADOL Provincial Child Labor Coordinators, Department. of Justice, National Prosecuting Authority, Dept. of Home Affairs (DHA), Department of. Social Development and the Department of Education, NGOs and labor federations.(1, 21)
Trafficking in Persons Task Team	Coordinate the Government's anti-human trafficking efforts. Including overseeing strategy and policy decisions made on the provincial level in Gauteng, Mpumalanga, Kwazulu-Natal, Western Cape, Limpopo and Eastern Cape. Led by the National Prosecution Authority's Sexual Offenses and Community Affairs Unit and South Africa Department of Justice's Victim Support Directorate, members include SADOL, the DSD, and the DHA, as well as other representatives of national law enforcement.(1, 7)

In 2015, the Implementation Committee on Child Labor met on a quarterly basis. However, no reports were published about the progress to implement the National Child Labor Program of Action for South Africa.(31)

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 9).

Table 9. Policies Related to Child Labor

Policy	Description
National Child Labor Program of Action for South Africa, Phase III (2013–2017)	Serves as the primary policy instrument to prevent and eliminate child labor in South Africa.(35, 37) Promotes government activities and calls for the promotion of new laws against the worst forms of child labor.(1, 37) Also includes a list of indicators to monitor the Government's efforts against child labor.(37)
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.(38)
National Development Plan 2030*	Provides a comprehensive development plan for South Africa, including economic development, education, and social protection.(39)

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

In 2015, SADOL's deputy minister, labor federations, municipality councilors, the ILO, and the U.S. Mission to South Africa signed a pledge to combat the worst forms of child labor.(31) Although the Government drafted a new anti-human trafficking national action plan in 2013, it has yet to be approved.(7, 8)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, 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 10).

Table 10. Social Programs to Address Child Labor

Program	Description
Child Support Grant†	Government program, led by the DSD and the South African Social Security Agency, that provides monthly direct cash transfers to primary caregivers who have vulnerable children.(1, 21, 40–43) Helps alleviate economic pressures and lower the cost of raising a child.(1, 41–43) 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 children are more likely to have positive educational outcomes.(1, 21, 22, 44) In 2015, the Government increased payment by 79 cents per month. In addition, there was an increase in the number of beneficiaries by 4.5 percent, with the overall number of recipients increasing from 11.1 million to 12.3 million.(31)

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Table 10. Social Programs to Address Child Labor (cont)

Program	Description
Old Age Pension†	Government-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 rates increase and child labor decreases in rural households with male pension recipients, especially for boys in households with male recipients.(1, 43) Studies also indicate this program led to a decrease in the total hours worked by children, especially among girls.(1, 43)
Care Dependency Grants and Foster Care Grants†	Government program that encourages children to remain in school, as a preventive technique to combat child labor, including its worst forms.(1)
Social Services Program†	DSD program that administers social services to vulnerable individuals, including child laborers, based on referrals from social workers.(1, 15)
National School Nutrition Program†	Government program funded through a conditional grant that provides school meals to vulnerable children. Targets primary and secondary students.(19, 21, 45)
Food Relief Program†	Food relief program of the DSD and the South African Social Security Agency to assist vulnerable and orphaned children, and child-headed households with insufficient income.(31, 35) The Government continued to fund and support the program throughout the year.(31)
Shelters and Care Centers†	DSD program that funds 13 shelters and oversees 17 NGO-operated temporary safe care centers for victims of abuse and human trafficking, including children.(7)
Awareness Raising Campaigns†	Government program that conducts training on anti-human trafficking initiatives.(7) In 2015, DSD held four two-day training sessions on the PACOTIP implementing regulations governing social service providers. DSD trainers reached 114 DSD provincial officials, two officials from the Commission for Gender Equality and 35 NGO social service providers.(3)
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, which was established by the Hague Global Child Labor Conference in 2010. Aims to improve the evidence base on child labor through data collection and research.(46)

† Program is funded by the Government of South Africa.

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 in need of care.(36) Although South Africa has programs that target child labor, the scope of these programs is insufficient, including in agriculture and domestic work.(1)

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 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Enforcement	Authorize the labor inspectorate to assess penalties.	2015
	Make publicly available information about the number of labor inspections conducted by desk review.	2015
	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 – 2015
	Make information publicly available about the number of child labor and child trafficking violations, prosecutions, and convictions.	2009 – 2015
Enforcement	Ensure the number of social workers who receive referrals related to child labor violations is adequate.	2011 – 2015
	Disaggregate the number of complaints made to the Government's hotline that relate to child labor.	2013 – 2015
Government Policies	Integrate child labor elimination and prevention strategies into existing youth policies.	2013 – 2015
Social Programs	Conduct research and collect comprehensive data on child labor, including its worst forms, to inform policies and programs.	2013 – 2015
	Implement programs to ensure that all children have birth certificates.	2010 – 2015

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Social Programs	Ensure that children can complete primary school by subsidizing or defraying the cost of books, uniforms, and other fees.	2009 – 2015
	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 – 2015
	Institute programs to address the worst forms of child labor in agriculture and domestic work.	2010 – 2015

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