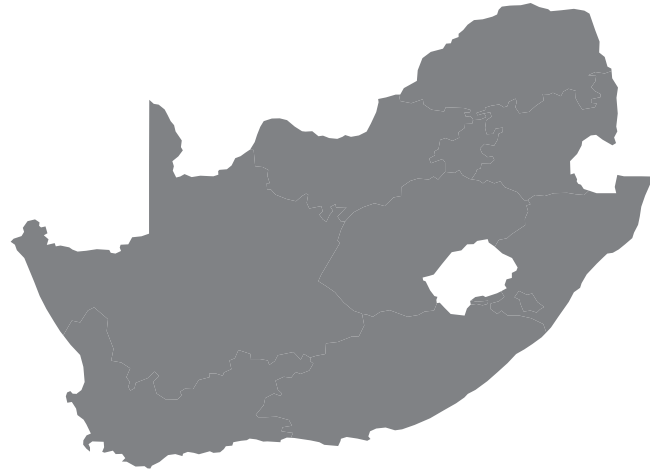


In 2019, South Africa made a minimal advancement in efforts to eliminate the worst forms of child labor. The government launched the Prevention and Combating of Trafficking in Persons National Policy Framework to help government agencies improve capacity and coordination on combatting trafficking in persons. However, children in South Africa engage in the worst forms of child labor, including in commercial sexual exploitation and forced begging, each sometimes as the result of human trafficking. Labor inspectors are not authorized to assess penalties, and social programs are not sufficient to address the scope of child labor. In addition, barriers to education remain, especially among children without proper identification documents and children with disabilities.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Africa engage in the worst forms of child labor, including in commercial sexual exploitation and forced begging, each sometimes as the result of human trafficking. (1-3) 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)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		87.3

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2020. (4)
Data were unavailable from International Labor Organization’s analysis, 2020. (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	Farming (6-8)
Industry	Factory work (9)
Services	Domestic work (6)
	Garbage scavenging for food items and recyclable items† (10)
	Food service, activities unknown (2,3,11)
	Street work, including transportation services, vending, and begging (2,3,6,11)
Categorical Worst Forms of Child Labor‡	Use in illicit activities, including gang-related activity (12)
	Use in the production of pornography (13-15)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2-4,15-24)
	Forced labor in domestic work, agriculture, food service, street vending, illicit activities, and begging, each sometimes as a result of human trafficking (2,3,11,25)

† 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.

South Africa is a source, transit, and destination country for child trafficking. Children are trafficked from poor rural areas or peripheral townships to urban centers, such as Cape Town, Durban, and Johannesburg. (2,3,11,26)

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Girls are mainly victimized for commercial sexual exploitation and domestic work, and boys are forced to work in street vending, food service, and begging. (2,3,11,17,27-29) Refugees, orphans, and children with disabilities are often vulnerable to child labor, such as forced begging. (30)

In South Africa, parents at a given school may vote to pass a resolution authorizing the collection of school fees during a given year. (31) The government waives tuition for the poorest 60 percent of students; however, in practice, some families must still pay for uniforms and other school-related expenses, which may affect children's access to education. (9,32,33) In addition, non-resident children in South Africa may be denied access to education for failure to present identity documents such as birth certificates. (33-35)

II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in South Africa's legal framework to adequately protect children from the worst forms of child labor, including the prohibition of the use of children by non-state armed groups in armed conflict.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 43 of the Basic Conditions of Employment Act (BCEA) (31)
Minimum Age for Hazardous Work	Yes	18	Regulations on Hazardous Work by Children in South Africa (36)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 4–10 of the Basic Conditions of Employment Act (36,37)
Prohibition of Forced Labor	Yes		Article 13 of the Constitution; Article 141 of the Children's Amendment Act; Article 48 of the BCEA (37-39)
Prohibition of Child Trafficking	Yes		Article 141 of the Children's Amendment Act (39)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 141 of the Children's Amendment Act; Chapter 3 of Criminal Law Amendment Act 32 (39,40)
Prohibition of Using Children in Illicit Activities	Yes		Article 141 of the Children's Amendment Act (39)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 52 of the Defense Act (41)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 52 of the Defense Act (41)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	15	Chapter 2, Articles 1–5 of the South African Schools Act (42)
Free Public Education	No		Chapter 2, Article 5 and Chapter 4, Article 39 of the South African Schools Act (42)

* No conscription (41)

Article 39 of the South African Schools Act permits any public school to charge fees to ensure a sufficient operating budget if a majority of parents at that school vote to do so at the beginning of the year. (42)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the South African Department of Labor (SADOL) that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
South African Department of Labor (SADOL)	Enforces child labor laws by conducting inspections of worksites and operates 127 labor centers throughout the country where complaints may be lodged. (8,43) Refers victims to social workers and reports violations to the South African Police Service (SAPS) for further investigation and to the South African Department of Justice and Constitutional Development for prosecution. (8,44,45) Convenes the Provincial Child Labor Intersectoral Committee and coordinates child labor programs. (8)
South African Police Service (SAPS)	Enforces the legislative mandate under the Children’s Act to investigate cases involving the worst forms of child labor. (46,47) Through its Human Trafficking Desk, monitors and evaluates police efforts to investigate human trafficking crimes, trains investigators, and refers human trafficking cases to provincial SAPS units. (48) Operates victim-friendly rooms in police stations across the country. (49)
South African Department of Justice and Constitutional Development	Enforces criminal laws on the worst forms of child labor. (1) Through its Children’s Court, focuses on litigation involving children accused of or victimized by crimes, and cases involving child abuse, abandonment, and neglect. (50)
National Prosecution Authority (NPA)	Prosecutes criminal cases, including cases of human trafficking and other worst forms of child labor. (48,51)
Department of Social Development (DSD)	Provides child protection and social services to vulnerable children, including victims of human trafficking. (1) Manages shelters for children living and working on the streets. (52)

In November 2019, in a joint operation by SADOL’s Inspection and Enforcement Services branch in Gauteng and the South African Police Service (SAPS), authorities arrested seven Chinese nationals—four men and three women—after an anonymous tip that they were trafficking illegal immigrants and subjecting them to forced labor. Authorities found 91 Malawian nationals, 37 of whom were minors. The accused face charges including human trafficking, debt bondage, kidnapping, and labor law violations. (53)

Labor Law Enforcement

In 2019, labor law enforcement agencies in South Africa took actions to combat child labor (Table 6). However, gaps exist within the operations of the SADOL that may hinder adequate labor law enforcement, including the authority to assess penalties.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	\$39 million (8)	\$41 million (9)
Number of Labor Inspectors	1,283 (8)	1,378 (9)
Inspectorate Authorized to Assess Penalties	No (31)	No (9)
Initial Training for New Labor Inspectors	Yes (8)	Yes (9)
Training on New Laws Related to Child Labor	Yes (8)	N/A (9)
Refresher Courses Provided	Yes (8)	Yes (9)
Number of Labor Inspections Conducted	214,946 (8)	218,732 (9)
Number Conducted at Worksite	Unknown (8)	Unknown (9)
Number of Child Labor Violations Found	Unknown (8)	15 (9)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (8)	Unknown (9)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (8)	Unknown (9)
Routine Inspections Conducted	Yes (8)	Yes (9)
Routine Inspections Targeted	Yes (8)	Yes (9)

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

Overview of Labor Law Enforcement	2018	2019
Unannounced Inspections Permitted	Yes (8)	Yes (9)
Unannounced Inspections Conducted	Yes (8)	Yes (9)
Complaint Mechanism Exists	Yes (8)	Yes (9)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (8)	Yes (9)

The number of labor inspectors is likely insufficient for the size of South Africa’s workforce, which includes more than 22 million workers. According to the ILO’s technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, South Africa would employ about 1,479 inspectors. (54,55)

Sources indicate that the inspectorate has limited resources to carry out its mandates. Although the inspectorate spent approximately \$384,000 on inspection and enforcement training in 2019, SADOL acknowledges that this is insufficient to allow its inspectors to specialize in sectors or occupations. (8) Some labor inspectors encounter difficulties in accessing farms due to concerns for their safety or fear of entering private property. (1) The government did not provide information for inclusion in this report on the number of labor inspections conducted at worksites or penalties imposed and collected.

Criminal Law Enforcement

In 2019, criminal law enforcement agencies in South Africa took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including a lack of training for criminal investigators which hindered the number of convictions.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Yes (8)	Yes (9)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (8)	Yes (9)
Refresher Courses Provided	Yes (8)	Yes (9)
Number of Investigations	30 (8)	22 (9)
Number of Violations Found	3 (8)	5 (9)
Number of Prosecutions Initiated	1 (8)	3 (9)
Number of Convictions	1 (8)	2 (9)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (8)	Yes (9)

Research indicates that, despite assistance from the NGO community, SAPS had difficulties properly identifying victims of human trafficking during law enforcement activities. Due to improper screening, police sometimes arrested child trafficking victims instead of referring them to social services for assistance. (11) In addition, there were no inspectors exclusively dedicated to child labor law inspections. The number of inspectors was insufficient to carry out inspections, as was a lack of training to identify and investigate child labor trafficking, according conversations with NGOs and statutory bodies. (9)

On February 24, 2020, South Africa’s Commission for Conciliation, Mediation, and Arbitration (CCMA) handed down a historic arbitration award, ordering a supermarket franchisee to pay \$750,000 to a group of 565 workers at 8 of his 10 locations across South Africa. This high-profile case, the result of a vigorous effort by labor inspectors, comes at the same time that prosecutors are adding enhanced criminal charges against seven Chinese principals of a company accused in January 2020 of trafficking workers into South Africa. (53) It is unknown whether either of these cases involved child victims.

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Implementation Committee on Child Labor	Monitors and supports advocacy and awareness raising, mainstreaming of child labor into government policies, and the implementation of child labor programs, legislation, and enforcement. (1) Chaired by SADOL, members include representatives from commercial agriculture, trade unions, and government agencies, including SAPS. (48) Includes provincial-level child labor coordinating structures. (1) Research was unable to determine whether actions were taken by the committee during the reporting period.
Provincial Child Labor Inter-sectoral Support Groups	Facilitate the collection of data and prevention of all types of child labor at the provincial level. Established by SADOL and managed by child labor coordinators in each province; members include the SADOL Head Office, SADOL Provincial Child Labor Coordinators, the Department of Justice and Constitutional Development, the NPA, the Department of Home Affairs (DHA), DSD, the Department of Education, NGOs, and labor federations. (48) The national and provincial task teams lack training on human trafficking, resulting in unlawful arrests and detentions of human trafficking victims. (56)
National Trafficking in Persons Task Team	Coordinates the government's anti-human trafficking efforts, including overseeing strategy, training, and policy decisions made at the provincial level in Gauteng, Mpumalanga, KwaZulu-Natal, Western Cape, Limpopo, and Eastern Cape. Led by NPA's Sexual Offenses and Community Affairs Unit and DOJ's Victim Support Directorate, members include SADOL, DSD, and DHA, as well as other representatives of national law enforcement. (9) Research was unable to determine whether actions were taken by the task team during the reporting period.

There has been a significant increase in anti-labor trafficking coordination, including the SADOL's newly instituted required trafficking in persons training and a trafficking in persons manual. This is a direct result of the Government of South Africa's coordination efforts to encourage the SADOL to demonstrate leadership on trafficking in persons. (57)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Child Labor Programme of Action for South Africa, Phase IV (2017–2021)	Serves as the primary policy instrument to prevent and eliminate child labor in South Africa. (1) Promotes government activities by outlining the mandate of each agency to combat child labor. (48,58) Provides a reciprocal referral mechanism through which SAPS informs SADOL of suspected child labor cases. (8) Lead agencies identified in the program include Departments of Labor, Basic Education, Justice and Constitutional Development, Social Development, and Water and Sanitation; SAPS; the National Prosecuting Authority; and Statistics SA. (1,58) In 2019, the government provided food packages to child-headed households and poverty-stricken families, and antiretroviral medicine to those living with HIV/AIDS. (8) The policy does not include a timeframe to meet identifiable benchmarks or to assess the progress and adequacy of implementation efforts.
Prevention and Combating of Trafficking in Persons National Policy Framework†	Outlines the development of new procedures and training programs for police and labor inspectors on human trafficking for labor exploitation, including child labor. Enhances social assistance programs to address the needs of child victims of human trafficking, including psychological and social support, food and shelter, school and community reintegration, and placement and protection in child and youth care centers. (59) The plan is set to be updated every 3 years (60)

† Policy was approved during the reporting period.

The government has not included child labor elimination and prevention strategies in the South African Education Action Plan or the National Development Plan. (61,62)

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VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Child Support Grant†	Led by DSD and the South African Social Security Agency, provides monthly direct cash transfers to primary caregivers who have vulnerable children. Helps alleviate economic pressures and lower the cost of raising a child. (1,48) In 2019, the government expanded funding for the Child Support Grant. To date, approximately 12.5 million children have benefited from the program. (8,9,63)
Foster Care Grants†	Encourages children in the foster care system to remain in school as a preventive technique to combat child labor. The government continued the program in 2019 and, to date, about 386,000 children have benefited from the Foster Care Grant. (8,9,63)
Food Relief Program†	DSD and South African Social Security Agency program that provides food assistance to vulnerable and orphaned children, as well as child-headed households with insufficient income. (64,65) The government continued the program in 2019. To date, the program has financially supported 140 community nutrition development centers and provided food to half a million people. (63) There is also a National School Nutrition Program that provides school meals to vulnerable primary and secondary school children from poor families. (1,66,67) The government continued the program in 2019. To date, approximately 88 percent of vulnerable children have benefited from this program. (8,9,63)
Shelters and Care Centers†	DSD program that funds 14 shelters and oversees 17 NGO-operated temporary safe care centers for victims of abuse and human trafficking, including children. (3)
Awareness-raising Campaigns†	Conduct training on anti-human trafficking initiatives and regulations governing social services providers. (9) Research was unable to determine whether actions were taken to implement this program during the reporting period.

† Program is funded by the Government of South Africa

Although South Africa has programs that target child labor, and data collected and reported by the Government of South Africa state that child labor is decreasing, the scope and reach of social programs are insufficient to address the child labor problem, particularly in agriculture and domestic work. (68)

Sources indicate that around 1.8 million children who are most in need of the Child Support Grant have reported difficulties in accessing required application documents. (8)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in South Africa (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2019
	Establish by law free basic public education.	2018 – 2019
Enforcement	Authorize the labor inspectorate to assess penalties.	2015 – 2019
	Publish information on the number of child labor inspections conducted at worksites and penalties imposed and collected.	2018 – 2019
	Increase the number of labor inspectors to meet the ILO's technical advice.	2017 – 2019
	Ensure that sufficient resources and training are provided to the labor inspectorate to conduct inspections, including in sectors in which child labor is known to occur; and publish information about penalties on the worst forms of child labor.	2018 – 2019
	Ensure that law enforcement properly identify victims of the worst forms of child labor and human trafficking.	2017 – 2019
Coordination	Ensure that all coordination bodies are able to carry out their intended mandates, which includes allocating funding for permanent staff and training.	2017 – 2019
Government Policies	Include a timeframe and benchmarks in the National Child Labor Programme of Action for South Africa to properly monitor and assess the progress of efforts to combat child labor.	2017 – 2019
	Integrate child labor elimination and prevention strategies into the South African Education Action Plan and the National Development Plan.	2013 – 2019

Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Social Programs	Ensure that refugees and children with disabilities have equal access to education and make additional efforts to provide all children with birth documentation.	2016 – 2019
	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2018 – 2019
	Ensure access to education for all children by eliminating school-related fees for basic education.	2009 – 2019
	Institute programs to address the worst forms of child labor in agriculture and domestic work.	2010 – 2019

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