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In 2020, South Africa made minimal advancement in efforts to eliminate the worst forms of child labor. The Government of South Africa increased its Child Support Grant, providing an additional \$35 per month on top of the existing \$33 per month to low-income recipients with children. However, children in South Africa are subjected to 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 migrant children who lack proper identification documents.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in South Africa are subjected to the worst forms of child labor, including in commercial sexual exploitation and forced begging, each sometimes as the result of human trafficking. (I-4) Table I 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 (%)		90.3

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2021. (5) Data were unavailable from International Labor Organization's analysis, 2021. (6)

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 (7-10)
	Fishing (10)
Industry	Factory work, activities unknown (11)
Services	Domestic work (8,10)
	Food service (2-4,10,12,13)
	Street work, including transportation services, vending, and begging (2-4,8,10,12,13)
Categorical Worst	Commercial sexual exploitation, sometimes as a result of human trafficking (2-5,10,14-22)
Forms of Child Labor‡	Use in illicit activities, including in gang-related activity (23,24)
	Use in the production of pornography (13,14,25,26)
	Forced labor in domestic work, agriculture, food service, street vending, and begging, each sometimes as a result of human trafficking (2-4,10,12,13)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

South Africa is a source, transit, and destination country for child trafficking, with regular reports of children being rescued from human traffickers and sexual exploitation. Young children, mostly girls between the ages of 10 and 14 from poor rural areas, are exploited as prostitutes and for other commercial purposes, including

[‡] 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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domestic work, by human trafficking rings in urban centers such as Bloemfontein, Cape Town, Durban, and Johannesburg. (2-4,10,12,13,27)

According to the ILO in South Africa, an estimated 1.39 million people have been forced into commercial sexual work, an estimated 40–50 percent of whom are children. Trafficked girls are forced into commercial sexual exploitation, while boys who are trafficked are usually forced to work in agriculture, begging, food service, and street vending. (10,28,29) Orphaned children in South Africa are especially vulnerable to human trafficking, including children with disabilities who are also victims of forced begging. (10,28,29)

In South Africa, parents at a given school may vote to pass a resolution authorizing the collection of school fees during a given year. (30) If such a resolution passes, the government waives tuition for the poorest 60 percent of the student body; however, in practice, some families must still pay for uniforms and other school-related expenses, which may restrict children's access to education. (10,11,30-32)

There is also evidence of children being denied education due to lack of documentation. Since children need identity documents to write their final high school examinations, students who lack the requisite documentation are denied the opportunity to take these tests. (10,31-34) In accordance with the Department of Basic Education's admissions policy, a student application must be accompanied by the child's birth certificate; however, should a parent or caregiver not be able to produce this document, the student must be conditionally admitted to the school until a copy of the birth certificate can be obtained from the Department of Home Affairs. (10,31-34) Despite this policy, there have been reported cases of children being denied access to education because they lack abridged birth registration certificates. While this is true for all children, including South African citizens, it is difficult for refugees and migrants to obtain the appropriate identity documents. (10,31-34)

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
KETTOEN	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) (35)
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		Regulations on Hazardous Work by Children in South Africa; Articles 4–10 of the Basic Conditions of Employment Act (36,37)

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Table 4. Laws and Regulations on Child Labor (Cont.)

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Article 48 of the BCEA; Article 13 of the Constitution; Article 141 of the Children's Amendment Act; Section 4–5 of the Prevention and Combating of Trafficking in Persons Act of 2013 (37-40)
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 (39,41)
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 (42)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 52 of the Defense Act (42)
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 (43)
Free Public Education	No		Chapter 2, Article 5 and Chapter 4, Article 39 of the South African Schools Act (43)

^{*} No conscription (42)

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. These school fees create a barrier for students to attend school. (43)

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 enforcement agencies 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 Employment and Labor (SADOL)	Enforces child labor laws by conducting inspections of worksites and operates 127 labor centers throughout the country where complaints may be lodged. (9,44) 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 (DOJ) for prosecution. (9,45,46) Convenes the Provincial Child Labor Inter-Sectoral Committee and coordinates child labor programs. (9)
South African Police Service (SAPS)	Enforces the legislative mandate under the Children's Act to investigate cases involving the worst forms of child labor. (47,48) 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. Operates victim-friendly rooms in police stations across the country. (1)
South African Department of Justice and Constitutional Development (DOJ)	Enforces criminal laws on the worst forms of child labor. (1) Through its Children's Court, focuses on children accused of or victimized by crimes, and cases involving child abuse, abandonment, and neglect. (49)
National Prosecution Authority (NPA)	Prosecutes criminal cases, including cases of human trafficking and other worst forms of child labor. (50)

According to South African Department of Employment and Labor (SADOL) officials, there were 30 children removed from 4 farms in the North West Province and Free State in 2020. While no one bore witness to the children working on the farms, SADOL officials were able to note that the children were not attending school, which prompted the authorities to refer the children to social services. (10)

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Labor Law Enforcement

In 2020, labor law enforcement agencies in South Africa took actions to combat child labor (Table 6). However, gaps exist within the operations of 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	2019	2020
Labor Inspectorate Funding	\$41 million (11)	\$45 million (51)
Number of Labor Inspectors	1,378 (11)	1,369 (51)
Inspectorate Authorized to Assess Penalties	No (37)	No (37)
Initial Training for New Labor Inspectors	Yes (11)	Yes (10)
Training on New Laws Related to Child Labor	N/A (11)	N/A (10)
Refresher Courses Provided	Yes (11)	Yes (10)
Number of Labor Inspections Conducted	218,732 (11)	227,990 (51)
Number Conducted at Worksite	Unknown (11)	Unknown (10)
Number of Child Labor Violations Found	15 (11)	Unknown (10)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (11)	Unknown (10)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (11)	Unknown (10)
Routine Inspections Conducted	Yes (11)	Yes (10)
Routine Inspections Targeted	Yes (11)	Yes (10)
Unannounced Inspections Permitted	Yes (37)	Yes (37)
Unannounced Inspections Conducted	Yes (11)	Yes (10)
Complaint Mechanism Exists	Yes (11)	Yes (10)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (11)	Yes (10)

The number of inspectors is insufficient to carry out inspections, as was the training that inspectors received to identify and investigate child labor trafficking. (10,11) According to the ILO's technical advice of a ratio approaching I inspector for every 15,000 workers in developing economies, South Africa would employ about 1,479 inspectors. (52,53)

Sources indicate that the inspectorate has limited resources to carry out its mandates. There is also concern that it is unable to attract the best candidates or specialists due to its insufficient budget allocation. (10) Labor inspectors had difficulty accessing farms due to fear of entering private property and concerns for their personal safety when conducting legal inspections. (1,10)

Criminal Law Enforcement

In 2020, 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 to identify and investigate child labor trafficking.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2019	2020
Initial Training for New Criminal Investigators	Yes (II)	Yes (10)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (11)	N/A (10)
Refresher Courses Provided	Yes (11)	Yes (10)
Number of Investigations	22 (11)	15 (51)
Number of Violations Found	5 (11)	5 (51)
Number of Prosecutions Initiated	3 (11)	3 (51)
Number of Convictions	2 (11)	2 (51)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown	Unknown (10)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (II)	Yes (10)

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Research indicates that, despite assistance from the NGO community with the operation of call centers as part of their complaint mechanism, the South African Police Services (SAPS) experienced difficulty properly identifying victims of human trafficking during law enforcement activities. (4,10)

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. (I) Chaired by SADOL and includes representatives from commercial agriculture, trade unions, and government agencies, including SAPS. Also includes provincial-level child labor coordinating structures. (I) Research was unable to determine whether actions were undertaken by the committee during the reporting period.
Provincial Child Labor Inter- Sectoral Support Groups	Facilitates 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, DOJ, NPA, the Department of Home Affairs (DHA), the Department of Social Development (DSD), the Department of Education, NGOs, and labor federations. (54)
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, the Western Cape, Limpopo, and the Eastern Cape. Led by NPA's Sexual Offenses and Community Affairs Unit and DOJ's Victim Support Directorate. Includes representatives from SADOL, DSD, and DHA, and from other national law enforcement agencies. (11) In October 2020, in partnership with IOM, the government launched the Standard Operating Procedure (SOP) for Integrated Assistance to Victims of Trafficking, designed to help all sectors assist suspected victims of human trafficking with a streamlined and victim-oriented approach. (51)

There has been a significant increase in anti-labor trafficking coordination, including the SADOL's newly instituted mandatory 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 SADOL to demonstrate leadership on trafficking in persons. (55)

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 Program 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. (56) Provides a reciprocal referral mechanism through which SAPS informs SADOL of suspected child labor cases. (9) Identifies lead agencies in the program, including the departments of Labor, Basic Education, Justice and Constitutional Development, Social Development, and Water and Sanitation; SAPS; NPA; and Statistics South Africa. (1,56) Does not include a timeframe to meet identifiable benchmarks or to assess the progress and adequacy of implementation efforts. In addition, research was unable to determine whether actions were undertaken to implement this policy during the reporting period.
Prevention and Combating of Trafficking in Persons National Policy Framework	Outlines the development of 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. (57) Set to be updated every 3 years. (58) Research was unable to determine whether actions were undertaken to implement this policy during the reporting period.

SADOL continued to oversee the National Child Labor Program of Action, the national plan on the elimination of child labor in South Africa that was adopted in 2003; however, it is not clear if the coordinating mechanisms convened during 2020. (51)

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The government has not included child labor elimination and prevention strategies in the South African Education Action Plan or the National Development Plan. (59,60)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, 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

•	8
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. Serves as an important instrument of social protection in South Africa, reaching more than 10 million South African children each month. (1,10) In 2020, the government provided an additional \$35 per month on top of the existing \$33 per month to low-income recipients with children, while also expanding the unemployment social grant for citizens who are out of work. (10,61)
Foster Care Grants†	Encourages children in the foster care system to remain in school as a preventive measure to combat child labor. The government continued the program in 2020. (9-11,62)
Food Relief Program†	Run by DSD and the South African Social Security Agency, provides food assistance to vulnerable and orphaned children, and child-headed households with insufficient income. (63) Continued to operate in 2020. To date, has financially supported 140 community nutrition development centers and provided food to 500,000 people. (62) Supplemented by the National School Nutrition Program, which provides school meals to vulnerable primary and secondary school children from poor families and served approximately 88 percent of vulnerable children in 2020. (1,9,11,62,64,65)
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. Services rendered to victims included psychological interventions, health care, skills development, and education. (3)
Awareness-Raising Campaigns†	Conducts trainings on anti-human trafficking initiatives and regulations governing social services providers. In October 2020, SADOL labor inspectors participated in at least one training session concerning the SOP for Integrated Assistance to Victims of Trafficking. (11,51)

[†] 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 state that child labor is decreasing, the scope and reach of social programs are insufficient to address the child labor problem as a whole. (10,66) Sources also indicate that around 1.8 million children who are most in need of the Child Support Grant have reported difficulties in accessing the required application documents. (9,10)

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 – 2020
	Establish by law free basic public education.	2018 – 2020
Enforcement	Authorize the labor inspectorate to assess penalties.	2015 – 2020
	Publish information on funding and the number of child labor inspections conducted at worksites.	2018 – 2020
	Increase the number of labor inspectors to meet the ILO's technical advice.	2017 – 2020
	Ensure that sufficient resources are provided to the labor inspectorate to conduct inspections, including recruiting new inspectors and inspections in which child labor is known to occur.	2018 – 2020
	Ensure that law enforcement is trained to properly identify victims of the worst forms of child labor and human trafficking.	2017 – 2020
	Ensure that labor inspectors are provided adequate protection and security when conducting labor inspections on private property.	2020

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

Area	Suggested Action	Year(s) Suggested
Coordination	Ensure that all coordination bodies are able to carry out their intended mandates.	2017 – 2020
Government Policies	Include a timeframe and benchmarks in the National Child Labor Program of Action for South Africa to properly monitor and assess the progress of efforts to combat child labor.	2017 – 2020
	Integrate child labor elimination and prevention strategies into the South African Education Action Plan and the National Development Plan.	2013 – 2020
	Ensure that all child labor policies are implemented and are able to carry out their mandates.	2020
Social Programs	Ensure that migrants and refugees have equal access to education, and make additional efforts to provide all children with birth documentation.	2016 – 2020
	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2018 – 2020
	Ensure access to education for all children by eliminating school-related fees for basic education.	2009 – 2020
	Institute programs to address the worst forms of child labor, including in agriculture, domestic work, and commercial sexual exploitation.	2010 – 2020
	Ensure that children who qualify for the Child Support Grant are able to access the program's application material.	2020

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