

In 2021, South Africa made moderate advancement in efforts to eliminate the worst forms of child labor. South Africa added an additional 484 labor inspectors, bringing its labor inspectorate staffing into alignment with International Labor Organization technical advice. In addition, Statistics South Africa published the results of its Survey of Activities of Young People, a household-level survey on children's economic activities, including child labor. Finally, South Africa began criminal prosecution of seven Chinese nationals who stand accused of forced child labor, human trafficking, and other related crimes. However, children in South Africa are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, forced begging, and use in illicit activities. Social programs are not sufficient to address the scope of child labor, and free basic education is not guaranteed by law.



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, sometimes as a result of human trafficking, forced begging, and use in illicit activities. (1-3) The 2019 Survey of Activities of Young People found that 5 percent of children are engaged in child labor with the percentage of black South African children engaged in child labor higher than that of other racial groups, and a higher percentage of non-urban children are engaged in child labor in comparison to urban children. (4) Table 1 provides key indicators on children's work and education in South Africa.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	15.0 (1,559,791)
Attending School (%)	5 to 14	97.4
Combining Work and School (%)	7 to 14	17.7
Primary Completion Rate (%)		92.0

Source for primary completion rate: Data from 2019, published by UNESCO Institute for Statistics, 2022. (5)

Source for all other data: International Labor Organization's analysis of statistics from Survey of Activities of Young People (SAYP), 2019. (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, including the production of corn (7-9)
Industry	Factory work, including processing cotton to make blankets (10,11)
Services	Food service (1,8)
	Domestic work (8,9)
	Street work, including vending and begging (8,9,12)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (3,8,9,13-19)
	Use in illicit activities, including in gang-related activity (20-22)
	Use in the production of pornography (13,19,23-26)
	Forced labor in domestic work, agriculture, street vending, cell phone repair shops, and begging (1-3,9)

‡ 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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South Africa is a destination for child trafficking from both Southern Africa and Africa as a whole. (1,3,18) Young children within South Africa, mostly girls between the ages of 10 and 14 from poor rural areas, are subjected to commercial sexual exploitation in major cities including Cape Town and Johannesburg. Traffickers often recruit domestic and foreign victims with promises of jobs and economic opportunity in urban areas. (18) Research suggests that during the COVID-19 pandemic, traffickers turned to online methods, including social media, to recruit children. (1) Government officials have indicated that child trafficking, primarily for commercial sexual exploitation, rose significantly during the pandemic. (27) South Africa is also considered a major destination for child sex tourism, though the impact of the pandemic likely reduced demand. (1,18) Children, especially boys and children with disabilities, are also subjected to forced begging. (8,9,12)

South African children are also subjected to the worst forms of child labor through recruitment and use in criminal activities. Gangs use child recruits, known as "springbokkies," to watch for police, transport guns, deliver illicit drugs, and at times, commit acts of violence, including murder. (20-22) This phenomenon is particularly prevalent around Cape Town in the Western Cape. Children under the age of 10 do not have criminal responsibility under South Africa law, so gangs recruit children to reduce the risk of criminal prosecution for their activities. (22) In recent years, there has been a significant rise of murders committed by children, some as young as age 8, affiliated with gangs. (22) Research indicates that trend continued to accelerate over the course of the pandemic. The school closures and economic impact of the pandemic increased children's vulnerability to recruitment by gangs, which provide food and money in exchange for cooperation in illicit activities. (22)




The South African constitution guarantees a right to basic education and makes education compulsory until the age of 15, and the Government of South Africa indicates that 98 percent of children ages 7 to 17 were enrolled in school. Free education, however, is not guaranteed. (4,9,28) South Africa's Department of Basic Education divides public schools into five categories based on poverty distribution, with the poorest schools receiving the most funding and the wealthiest schools receiving the least. Schools from the lowest three quintiles are designated as "no-fee" schools, and over 60 percent of South African children attend a "no-fee" school. (29,30) At schools that are not designated as "no fee" schools, parents may vote to pass a resolution authorizing the collection of school fees. (30) Despite the fact that parents may apply for fee exemption or subsidies, research indicates that sometimes children leave school due to financial constraints. Even when children do qualify for exemptions, parents must pay for school uniforms and other supplies. (8,9) During the pandemic, moreover, non-payment of fees at fee-based schools increased, making children more vulnerable to leaving education. (31) Other barriers to education include poor school infrastructure, inadequate sanitation and toilets, lack of transportation, overcrowded classrooms, and lack of accommodations for students with disabilities. (32,33)

In the very recent past, children have been denied education due to lack of documentation. Under the Department of Basic Education's former admissions policy, a student application had to be accompanied by the child's birth certificate, and in the absence of documentation, the student had to be conditionally admitted to the school until a copy of the birth certificate could be obtained from the Department of Home Affairs. (8,34,35) Difficulties obtaining proper documentation posed a serious barrier to education, and as of 2017, research suggested that roughly 40 percent of undocumented and foreign children were unable to access education. (35,36) In 2016, the Department of Basic Education in the Eastern Cape announced that school- and nutrition-scheme funding would only be based on the number of students with identity documentation, and shortly thereafter, it directed schools to unenroll students who were unable to produce documentation. (35,37) In 2019, the High Court judge ruled these measures unconstitutional in the Eastern Cape, along with several laws and regulations requiring documentation for school enrollment on the grounds that it violated the constitutional right to an education. The court ordered the schools in question to admit undocumented students on the basis of sworn affidavits from their guardians. (35,37) Shortly thereafter, in early 2020, the national Department of Basic Education issued its own circular in compliance with the judicial ruling to allow access to education regardless of immigration status or documentation. (35,37)

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) (38)
Minimum Age for Hazardous Work	Yes	18	Regulations on Hazardous Work by Children in South Africa (39)
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 (39,40)
Prohibition of Forced Labor	Yes		Article 48 of the BCEA; Article 13 of the Constitution; Article 141 of the Children's Amendment Act; Sections 4 and 5 of the Prevention and Combating of Trafficking in Persons Act of 2013 (28,40-42)
Prohibition of Child Trafficking	Yes		Article 141 of the Children's Amendment Act (41)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 141 of the Children's Amendment Act; Chapter 3 of Criminal Law Amendment Act 32 (41,43)
Prohibition of Using Children in Illicit Activities	Yes		Article 141 of the Children's Amendment Act (41)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 52 of the Defense Act (44)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 52 of the Defense Act (44)
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 (30)
Free Public Education	No		Chapter 2, Article 5 and Chapter 4, Article 39 of the South African Schools Act (30)

* No conscription (44)

The South African Constitution guarantees a right to education, but free basic education is not guaranteed by law. Article 39 of the South African Schools Act allows certain schools to be designated as "no-fee" schools, but all other public schools may 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. (28,30,45)

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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 (SADOEL)	Enforces child labor laws by conducting inspections of worksites and operates labor centers throughout the country where complaints may be lodged. (2,46) 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. (2,47,48) Chairs the Implementation Committee on the Child Labor Program of Action. (49)
South African Police Service (SAPS)	Enforces the legislative mandate under the Children's Act to investigate cases involving the worst forms of child labor. (2,50,51) 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. (52)
South African Department of Justice and Constitutional Development (DOJ)	Responsible for enforcing criminal laws against the worst forms of child labor. (2) Through its Children's Courts, which are housed within every Magistrate's court, adjudicates non-criminal child protection cases involving child abuse, abandonment, and neglect. (53)
National Prosecution Authority (NPA)	Prosecutes criminal cases, including cases of human trafficking and other worst forms of child labor. (2,54)

Labor Law Enforcement

In 2021, labor law enforcement agencies in South Africa took actions to address child labor (Table 6). However, gaps exist within the operations of the South Africa Department of Employment and Labor (SADOEL) that may hinder adequate labor law enforcement, including inadequate allocation of financial resources.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	\$45 million (55)	\$47 million (2)
Number of Labor Inspectors	1,369 (55)	1,853 (2)
Mechanism to Assess Civil Penalties	No (40)	No (40)
Initial Training for New Labor Inspectors	Yes (8)	Yes (2)
Training on New Laws Related to Child Labor	N/A (8)	N/A (2)
Refresher Courses Provided	Yes (8)	Yes (2)
Number of Labor Inspections Conducted	227,990 (55)	296,904 (2)
Number Conducted at Worksite	Unknown (8)	Unknown (2)
Number of Child Labor Violations Found	Unknown (8)	Unknown (2)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (8)	N/A
Number of Child Labor Penalties Imposed that Were Collected	Unknown (8)	N/A
Routine Inspections Conducted	Yes (8)	Yes (2)
Routine Inspections Targeted	Yes (8)	Yes (2)
Unannounced Inspections Permitted	Yes (40)	Yes (40)
Unannounced Inspections Conducted	Yes (8)	Yes (2)
Complaint Mechanism Exists	Yes (8)	Yes (2)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (8)	Yes (2)

As the law in South Africa treats child labor as a criminal offense, labor inspectors may refer child labor cases for criminal prosecution. (2,40)

In 2021, the South Africa Department of Employment and Labor trained 68 inspectors, social workers, and other civil servants from the Northern Cape, Eastern Cape, and Gauteng provinces on employment laws, forced labor, human trafficking, and child exploitation. (19) South Africa added an additional 484 labor inspectors, bringing its labor inspectorate staffing into alignment with ILO technical advice. (2) 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. (8) Labor inspectors had difficulty accessing farms due to fear of entering private property and concerns for their personal safety when conducting inspections. (8,52)

Criminal Law Enforcement

In 2021, criminal law enforcement agencies in South Africa took actions to address 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	2020	2021
Initial Training for New Criminal Investigators	Yes (8)	Yes (2)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (8)	N/A (2)
Refresher Courses Provided	Yes (8)	Yes (2)
Number of Investigations	15 (55)	Unknown (2)
Number of Violations Found	5 (55)	Unknown (2)
Number of Prosecutions Initiated	3 (55)	Unknown (2)
Number of Convictions	2 (55)	Unknown (2)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (8)	Yes (19)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (8)	Yes (2)

During the reporting period, the trial began for seven Chinese nationals who stand accused of human trafficking, child labor, and several other immigration and labor-related crimes. The 7 defendants were arrested for allegedly running an illegal factory where they forced 91 Malawian nationals, including 37 children, to work processing the inner cotton of blankets using recycled clothing. (11) In December 2021, the trial was postponed to March 2022 due to the illness of a court interpreter. (56) In addition, South Africa prosecuted and sentenced a Nigerian man for the production of child pornography and other crimes. Another Nigerian national was sentenced to three life sentences for charges including human trafficking and commercial sexual exploitation of a minor. (19) Two South African men, one of whom was a local police superintendent, were sentenced to life imprisonment on charges of human trafficking and rape. The former police superintendent paid the other defendant to recruit young girls between the ages of 8 and 15 for the purposes of sexual exploitation. (19)

Research indicates that the South African Police Service (SAPS) lacked sufficient resources to investigate all suspected cases of child trafficking and forced child labor. In recent years, there has been a steady decline in the number of SAPS officers. (3,19,57) Despite assistance from the NGO community with the operation of call centers as part of their complaint mechanism, SAPS reportedly experienced difficulty properly following up on reported cases and identifying victims of human trafficking during law enforcement activities. (1,3,8) In addition, victim identification and referral procedures were not uniformly implemented. Research indicates that in some provinces, the Department of Social Development only coordinated victim services upon receiving confirmation from SAPS that the individual had been subjected to human trafficking, and as a result, when SAPS did not pursue investigation of a case, trafficking survivors faced obstacles to serviced provision. (19) The government did not provide information on the number of criminal investigations, violations found, prosecutions, and convictions for inclusion in this report. (2)

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 lack of efficacy in accomplishing mandates.

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

Coordinating Body	Role & Description
Implementation Committee on the Child Labor Program of Action	Supports the implementation of the Child Labor Program of Action, Phase 4, 2017–2021. Led by the Department of Employment and Labor; and includes representatives from government agencies, organized labor, commercial agriculture, and the ILO. (49) The committee did not meet in the 2021 reporting year. (2)
National Intersectoral Committee of Trafficking in Persons	Coordinates the government's anti-human trafficking efforts. Led by the National Anti-Trafficking Coordinator, who is appointed by the Minister of Justice and Constitutional Development. Includes representatives from 14 government departments, including DOJ, the Department of Home Affairs, SADOEL, SAPS, and NPA. (58) Responsible for proposing improvements to anti-trafficking legislation and the national policy framework; supporting the implementation of anti-trafficking activities, including research, public awareness campaigns, and trainings in participating Departments; providing support to Provincial Task Teams (PTTs); and coordinating communication and reporting within national and provincial government structures. (58) During the reporting period, the committee met regularly and engaged with domestic and international actors on anti-trafficking efforts and reporting. (19)
National Rapid Response Team	Provides rapid coordination between national government departments when cases of human trafficking are reported or pending in the criminal justice system. Chaired by DOJ, and includes additional anti-trafficking personnel from National Prosecuting Authority, the Department of Social Development, the South African Police Service, the Department of Home Affairs, the Department of Health, the Department of International Relations and Cooperation, and South African Department of Employment and Labor. (58) Convenes interdepartmental meetings when human trafficking cases are reported, coordinates identification, support, and protection of victims and prosecution of traffickers, and manages case flow. (58) The National Rapid Response Team was active during the reporting year. (19)
Provincial Task Teams on Trafficking in Persons (PTT)	Exist in each of South Africa's nine provinces. Responsible for coordinating meetings with stakeholders, developing regional anti-trafficking plans, and establishing regional Rapid Response Teams. (58) During the reporting year, PTTs held various awareness-raising activities, including webinars on trafficking in persons. In addition, the PTT in the Mpumalanga province collaborated with officials in Mozambique to share information and discuss key trends concerning trafficking in persons across the South Africa-Mozambique border. (19)

Research indicates that the South African Police Service, the Department of Home Affairs, and the South African Department of Employment and Labor often did not fully participate or send representatives to meetings of the National Intersectoral Committee on Trafficking in Persons or the Provincial Task Teams. (19)

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)	Served as the primary policy instrument to prevent and eliminate child labor in South Africa. (52) Promoted government activities by outlining the mandate of each agency to combat child labor. (49) Provided a reciprocal referral mechanism through which SAPS informs SADOEL of suspected child labor cases. (46) Identified 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. (49,52) The National Child Labor Program did not include a timeframe to meet identifiable benchmarks or to assess the progress and adequacy of implementation efforts. (49) During the reporting period, the South African government continued with activities outlined in Phase IV, including poverty mitigation strategies and the publication of survey data on child labor and children's economic activities. (2,4)
Prevention and Combating of Trafficking in Persons National Policy Framework	Created to support the implementation of the 2013 Prevention and Combating of Trafficking in Persons Act. Sets a framework for interdepartmental coordination on trafficking issues. (58) 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 survivors 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. (58) Set to be updated in 2022 and every 5 years thereafter. (58,59) During the reporting period, the government carried out data collection efforts, awareness campaigns, prosecutions, and survivor assistance activities as part of this policy. (19)

The government has not included child labor elimination and prevention strategies in the South African Education Action Plan or the National Development Plan. (60,61)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, 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 inadequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Child Support Grant (CSG)†	Led by the Department of Social Development and the South African Social Security Agency, provides monthly unconditional direct cash transfers to help low-income parents and guardians meet the basic needs of their children. (8,35,52) In 2021, the government increased the CSG by 2.2 percent, and it provided an additional \$35 grant to unemployed South Africans, including those receiving the CSG. (2)
Foster Care Grants (FCG)†	Administered by the South African Social Security Administration. Provides monthly payments of approximately \$65 (R1050) to caretakers of foster children. (62) In 2021, the government increased the FCG by 2.2 percent, and provided an additional \$35 grant to unemployed South Africans, including those receiving the FSG. (2)
National School Nutrition Program†	Provides 1 or 2 meals, consisting of a protein, starch, and fruit or vegetable, every school day to about 9.5 million school children. As of 2020, 77 percent of public-school students received meals from this school feeding scheme. (35) Despite a July 2020 court decision ordering the National School Nutrition Program to continue food distributions during school closures during the pandemic, NGOs reported that some students still did not receive meals during 2021 school closures. In a July 2021 settlement, the High Court of South Africa ordered the Department of Basic Education and provincial education departments to formulate and implement revised plans to ensure that all qualifying learners receive a daily meal under the National School Nutrition Program. (63,64)
Social Relief of Distress†	Run by Department of Social Development and the South African Social Security Agency, provides temporary food parcels, food vouchers, or cash to people in dire material need. The program continued in 2021. (35,65)

† Program is funded by the Government of South Africa

Although South Africa has programs that target child poverty, the scope and reach of social programs are insufficient to address the child labor problem. (4,8) Sources also indicate that around 1.8 million eligible children are excluded from the Child Support Grant, due primarily to issues with birth registration and identification. (8,46,66)

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 – 2021
	Establish by law free basic public education.	2018 – 2021
Enforcement	Publish information on the numbers of labor inspections conducted at worksites and the number of child labor violations found.	2018 – 2021
	Ensure that sufficient resources are provided to the labor inspectorate to conduct inspections, including adequate protection and security when conducting labor inspections on private property.	2018 – 2021
	Ensure that criminal law enforcement officials are trained to properly identify victims of the worst forms of child labor and human trafficking.	2017 – 2021
	Ensure that the South African Police Service has sufficient resources to investigate all suspected cases of child trafficking and forced child labor.	2021
	Ensure that victim identification and referral mechanisms function effectively to provide services to survivors of child trafficking.	2021
	Publish criminal law enforcement data on the number of investigations, violations found, prosecutions, and convictions concerning the worst forms of child labor.	2021
Coordination	Ensure that all coordination bodies are active, include meaningful participation from relevant agencies, carry out their intended mandates.	2017 – 2021

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

Area	Suggested Action	Year(s) Suggested
Government Policies	Integrate child labor elimination and prevention strategies into the South African Education Action Plan and the National Development Plan.	2013 – 2021
	Include a timeframe and benchmarks in child labor policies to properly monitor and assess the progress of efforts to eliminate child labor.	2017 – 2021
Social Programs	Remove barriers to education by eliminating indirect costs, improving school infrastructure and sanitation, and ensuring accessibility for students with disabilities.	2009 – 2021
	Institute programs to address the worst forms of child labor, including in agriculture, domestic work, and commercial sexual exploitation.	2010 – 2021
	Ensure that parents and guardians of children who qualify for the Child Support Grant are able to access the program's application material.	2020 – 2021

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