

In 2022, South Africa made moderate advancement in efforts to eliminate the worst forms of child labor. South Africa hosted the 5th Global Conference on the Elimination of Child Labor, where delegates adopted the Durban Call to Action on Elimination of Child Labor. In addition, in August, the Department of Employment and Labor led a joint multi-departmental inspection effort that resulted in criminal child labor charges. The government also increased the benefit of the Child Support Grant by 4.3 percent and the Foster Care Grant by 1.9 percent, both of which provide direct cash transfers to reduce child vulnerability. 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, in 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

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 (%)		91.9

Source for primary completion rate: Data from 2020, published by UNESCO Institute for Statistics, 2023. (1)

Source for all other data: International Labor Organization’s analysis of statistics from Survey of Activities of Young People (SAYP), 2019. (2)

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 and fruit (3-5)
Industry	Factory work, including processing cotton to make blankets (6,7)
Services	Food service (3,8)
	Domestic work (3,4)
	Street work, including vending (3,4)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (4,5,9-11)
	Use in illicit activities, including in gang-related activity (12-14)
	Use in the production of pornography (10,15,16)
	Forced labor in domestic work, agriculture, street vending, cell phone repair shops, and begging (4,8,11,17,18)

‡ 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 destination for child trafficking from both Southern Africa and Africa as a whole. (9,11) Young children within South Africa, mostly girls between the ages of 10 and 14 from socioeconomically disadvantaged and 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

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opportunity in urban areas. (9) Research suggests that during the COVID-19 pandemic, traffickers turned to online methods, including social media, to recruit children. (8) Government officials have indicated that child trafficking, primarily for commercial sexual exploitation, rose significantly during the pandemic. (19) South Africa is also considered a major destination for child sex tourism, though the impact of the pandemic likely reduced demand. (8,9) Children, especially boys and children with disabilities, are also subjected to forced begging. (3,4,18)




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. (12-14) 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. (14) In recent years, there has been a significant rise of murders committed by children, some as young as age 8, affiliated with gangs. (14)

Free basic education is not guaranteed by law. (4,20) While there are designated "no fee" schools and fee exemptions and subsidies for low-income students, research indicates that at some schools, parents must pay for school uniforms and other supplies. (3,4) 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. (21,22)

## 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 a failure to guarantee by law free basic education.

**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) (23)
Minimum Age for Hazardous Work	Yes	18	Regulations on Hazardous Work by Children in South Africa; Articles 4–10 of the Basic Conditions of Employment Act (23,24)
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 (23,24)
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 (24-27)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Child Trafficking	Yes		Article 141 of the Children's Amendment Act; Section 4 of the Prevention and Combating of Trafficking in Persons Act of 2013 (26,27)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 141 of the Children's Amendment Act; Chapter 3 of Criminal Law Amendment Act 32 (26,28)
Prohibition of Using Children in Illicit Activities	Yes		Article 141 of the Children's Amendment Act (26)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 52 of the Defense Act (29)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 52 of the Defense Act (29)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	15	Chapters 1-2, Articles 1-5 of the South African Schools Act (20)
Free Public Education	No		Chapter 2, Article 5 and Chapter 4, Article 39 of the South African Schools Act (20)

\* Country has no conscription (29)

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. (20,25,30)

### 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 & Activities
South African Department of Employment and Labor (SADEL)	Enforces child labor laws by conducting inspections of worksites and operates labor centers throughout the country where complaints may be lodged. (17,31) Refers survivors of labor exploitation 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. (17,32,33)
South African Police Service (SAPS)	Enforces the legislative mandate under the Children's Act to investigate cases involving the worst forms of child labor. (17,34,35) 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. (36)
South African Department of Justice and Constitutional Development (DOJ)	Responsible for enforcing criminal laws against the worst forms of child labor. (17) 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. (37) Through the National Prosecuting Authority (NPA), prosecutes criminal cases, including cases of human trafficking and other worst forms of child labor. (17,38)

#### **Labor Law Enforcement**

In 2022, labor law enforcement agencies in South Africa took actions to address child labor (Table 6). However, gaps exist within the operations of the South African Department of Employment and Labor (SADEL) that may hinder adequate labor law enforcement, including inadequate allocation of financial resources.

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**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2021	2022
Labor Inspectorate Funding	\$47 million (17)	\$38.28 million (5)
Number of Labor Inspectors	1,853 (17)	1,882 (5)
Mechanism to Assess Civil Penalties	No (24)	No (24)
Training for Labor Inspectors Provided	Yes (17)	Yes (5)
Number of Labor Inspections Conducted at Worksite	Unknown (17)	134,488 (5)
Number of Child Labor Violations Found	Unknown (17)	20 (5)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A	N/A
Number of Child Labor Penalties Imposed that Were Collected	N/A	N/A
Routine Inspections Conducted	Yes (17)	Yes (5)
Routine Inspections Targeted	Yes (17)	Yes (5)
Unannounced Inspections Permitted	Yes (24)	Yes (23)
Unannounced Inspections Conducted	Yes (17)	Yes (5)
Complaint Mechanism Exists	Yes (17)	Yes (5)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (17)	Yes (5)

In August 2022, SADEL conducted a joint multi-departmental inspections blitz in Pretoria, leading to the discovery of a child working in a shop. (5,39) As the law in South Africa treats child labor as a criminal offense, labor inspectors may refer child labor cases for criminal prosecution. (17,24) This case was referred to criminal law enforcement. (5,39)

### **Criminal Law Enforcement**

In 2022, 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 inadequate training for criminal investigators to identify and investigate child trafficking.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2021	2022
Training for Criminal Investigators Provided	Yes (17)	Yes (5)
Number of Investigations	Unknown (17)	Unknown (5)
Number of Prosecutions Initiated	Unknown (17)	Unknown (5)
Number of Convictions	Unknown (17)	Unknown (5)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Yes (10)	Unknown (5)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (17)	Yes (5)

South Africa's National Trafficking Hotline received 2,408 trafficking reports in 2022, 20 percent of which concerned cases of child trafficking. (5) During the reporting period, the government prosecuted, convicted, and sentenced a woman to 15 years' imprisonment for child trafficking. The accused told the parents of two children from Zimbabwe that the children would be cared for and sent to school, and instead she forced them to beg at intersections. (40) The government also held several trainings on trafficking in persons for criminal law enforcement, including workshops for a total of 460 front line police officers in Gauteng, KwaZulu-Natal, and the Western Cape between September and November, and training for a total of 100 prosecutors from the National Prosecuting Authority (NPA). (40)

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. (10,11,41) 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. (3,8,11) 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 services provision. (10,11)

### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established a key mechanism 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 inadequate participation of all relevant agencies in the National Intersectoral Committee on Trafficking in Persons.

**Table 8. Key Mechanism to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Activities
Implementation Committee on the Child Labor Program of Action	Supports the implementation of the Child Labor Program of Action. Led by SADEL, and includes representatives from government agencies, organized labor, commercial agriculture, and the ILO. (5,42) In 2022, the committee reconvened for the first time since the start of the COVID-19 pandemic. (5)

The National Intersectoral Committee on Trafficking in Persons coordinates the government's anti-human trafficking efforts, including efforts to eliminate child trafficking. (43) Research indicates that several member agencies, including SAPS, the Department of Home Affairs, and SADEL, send representatives to meetings of the National Intersectoral Committee on Trafficking in Persons or the Provincial Task Teams but engagement on key issues remains limited. (10)

### 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 & Activities
National Child Labor Program of Action for South Africa, Phase IV (2017–2024)	Serves as the primary policy instrument to prevent and eliminate child labor in South Africa. Provides a reciprocal referral mechanism through which SAPS informs SADEL of suspected child labor cases. (42) 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. The National Child Labor Program did not include a timeframe to meet identifiable benchmarks or to assess the progress and adequacy of implementation efforts. (42) During the reporting period, the South African government extended the policy from 2021 to 2024. (42)
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. (43) 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. (43) During the reporting period, the government convened two workshops to revise the National Policy Framework for planned update and adoption in 2023. (44)

In 2022, South Africa hosted the 5th Global Conference on the Elimination of Child Labor. Delegates at the Conference adopted the Durban Call to Action, which included commitments to promote decent work, end child labor in agriculture, adopt data-driven and survivor-informed policy and programmatic responses, ensure educational access, expand universal social protections, and increase financing and international cooperation for the elimination of child labor. (45)

Research shows that the government has not included child labor elimination and prevention strategies in the South African Education Action Plan or the National Development Plan. (46,47)

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### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2022, 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 & Activities
Thuthuzela Care Centers†	Government-run crisis centers mandated to provide services to survivors of gender-based violence, including survivors of child trafficking. The centers continued providing services in 2022. (11,40)
Direct Cash Transfer Programs†	Includes the Child Support Grant, which provides monthly unconditional direct cash transfers to help low-income parents and guardians meet the basic needs of their children, and the Foster Care Grant, which provides monthly payments of approximately \$65 (R1050) to caretakers of foster children. (17,48) In 2022, the government continued both programs, increasing the Foster Care Grant benefit by 1.9 percent and the Child Support Grant by 4.3 percent. (5)
National School Nutrition Program†	Provides one or two 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. (49) The program was active in 2022. (5)

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

† Program is funded by the Government of South Africa.

Although South Africa has programs that target child trafficking and poverty alleviation, it does not have social programs with a mandate to address other worst forms of child labor, including forced begging and the use of children in illicit activities. (3,11)

### 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 – 2022
	Establish by law free basic public education.	2018 – 2022
Enforcement	Publish criminal law enforcement data on investigations, prosecutions, convictions, and penalties imposed concerning the worst forms of child labor.	2021 – 2022
	Ensure that criminal law enforcement officials are trained to properly identify cases of the worst forms of child labor and child trafficking.	2017 – 2022
	Ensure that the South African Police Service has sufficient resources to investigate all suspected cases of child trafficking and forced child labor.	2021 – 2022
	Ensure that victim identification and referral mechanisms function effectively to provide services to survivors of child trafficking.	2021 – 2022
Coordination	Ensure that the National Intersectoral Committee on Trafficking in Persons includes meaningful participation from relevant agencies.	2017 – 2022
Government Policies	Include a timeframe and benchmarks in child labor policies to properly monitor and assess the progress of efforts to eliminate child labor.	2017 – 2022
	Integrate child labor elimination and prevention strategies into the South African Education Action Plan and the National Development Plan.	2013 – 2022
Social Programs	Remove barriers to education by eliminating indirect costs, improving school infrastructure and sanitation, and ensuring accessibility for students with disabilities.	2009 – 2022
	Institute programs to address the worst forms of child labor, including in forced begging and the use of children in illicit activities.	2010 – 2022

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