

*In 2016, South Africa made a moderate advancement in efforts to eliminate the worst forms of child labor. During the year, the Government joined the Global Action to Prevent and Address Trafficking in Persons and Smuggling of Migrants partnership; increased funding for the Child Support Grant from \$3.2 billion to \$3.5 billion; augmented the number of social workers that care for child abuse victims, including child laborers; and increased enforcement efforts to combat the worst forms of child labor. However, children engage in the worst forms of child labor, including in commercial sexual exploitation and forced begging. Government social programs are not sufficient to address the scope of child labor, and barriers to education access remain, especially among children with disabilities. In addition, the Government does not collect comprehensive data on child labor to inform policies and programs.*



## 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.(1-3) Data on key indicators on children’s work and education are not available from the sources used in this report.

**Table 1. Statistics on Children’s Work and Education**

Children	Age	Percent
Working (% and population)	7 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		Unavailable

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2016.(4)

Data were unavailable from Understanding Children’s Work Project’s analysis, 2016.(5)

Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

**Table 2. Overview of Children’s Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Harvesting mangos, lychees, bananas, grapes, citrus, and other fruits (1, 6, 7)
Services	Domestic work (1, 3, 8)
	Garbage scavenging for food items and recyclable items† (1, 9)
	Food service, activities unknown (2, 3)
	Street work, including vending and begging (2, 3, 8)
Categorical Worst Forms of Child Labor‡	Use in illicit activities, including drug trafficking, home burglaries, gang-related activity, and the production and selling of liquor,† sometimes as a result of human trafficking (2, 8)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2, 3, 10-15)
	Forced labor in domestic work, agriculture, food service, street vending, and begging, each sometimes as a result of human trafficking (2, 3, 8, 13, 16, 17)

† 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.

The Government does not collect comprehensive data on child labor.(3, 8, 18) There are some reports that children in South Africa are trafficked from rural to urban areas in Bloemfontein, Cape Town, Durban, and Johannesburg. Girls are trafficked for commercial sexual exploitation and domestic work, and boys are forced to work in begging, food service, and

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street vending.(2, 10, 11, 13) Orphaned children in South Africa are more likely to be engaged in child labor than those with a parent or grandparent in their household. Children with disabilities are especially vulnerable to becoming street beggars.(3, 8, 13)




The Department of Home Affairs (DHA) expanded online birth registration at 389 health facilities and also funded 117 mobile units to provide birth registration services to children in remote areas.(19) In addition, the DHA also adopted an annual performance plan to increase birth registrations from 750,000 to 990,000 by 2019.(20) UNICEF's 2016 data show that 85 percent of children under age 5 in South Africa are registered at birth.(21) According to Chapter 2, Article 5 of the South African Schools Act, education is free through the primary level, but some schools charge fees that vary by municipality and region.(1, 3, 22) The Government has implemented a no-fee school program that covers the poorest primary schools and ordered that the schools in the first to third quintiles (poorest schools) receive school supplies, including books.(1, 23-26) The Government also provides some fee exemptions and reductions to children receiving government grants.(27, 28) The Government provides books and stationery; however, all families must pay for uniforms and other school-related expenses, which may affect children's access to education.(9, 27, 29)

In 2007, South Africa ratified the UN Convention on the Rights of Persons with Disabilities that requires the Government to “ensure an inclusive education system at all levels and lifelong learning directed to the development by persons with disabilities of their personality, talents, and creativity, as well as their mental and physical abilities, to their fullest potential.”(30) However, several reports suggest that children in South Africa with disabilities have limited access to education because mainstream educational facilities are not equipped and teachers are not trained to teach children with disabilities. The most recent data received from the Department of Education found that in 2014 there were 447 schools equipped to handle children with disabilities. Since most mainstream schools cannot accommodate children with disabilities, parents are often forced to enroll children in special schools that require fees, thereby increasing the likelihood that these children will not receive an education.(31-35) In 2015, the Minister of Basic Education, Angie Motshekga, made a public statement that the “lack of specialized competencies among educators teaching at special and full-service schools [would be] addressed through multi-year plans for teacher training in areas like Braille, South African Sign Language, autism, augmentative and alternative communication, and effective utilization of assistive technology, among other initiatives.”(36) In 2016, President Zuma stated at the Disability Rights Summit that the goal of the Government is to “ensure that by 2021 no children with disabilities will be out of school; [children with disabilities] should all be able to attend their local neighboring schools and receive the necessary support.”(37) Despite these public declarations, evidence suggests that children with disabilities continue to encounter difficulties accessing education.

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

South Africa has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in South Africa's legal framework to adequately protect children from child labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	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	Article 1 of the BCEA; Regulations on Hazardous Work by Children in South Africa (38-40)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 4-10 of the Regulations on Work by Children in South Africa; Part II, Articles 6-9 of the BCEA; Regulations on Hazardous Work by Children in South Africa (39, 40)
Prohibition of Forced Labor	Yes		Chapter 2 of the Constitution; Article 141 of the Children's Amendment Act; Article 48 of the BCEA; Criminal Law Amendment Act 32 (40-42)
Prohibition of Child Trafficking	Yes		Article 141 of the Children's Amendment Act; Criminal Law Amendment Act 32 (41, 43)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 141 of the Children's Amendment Act (41)
Prohibition of Using Children in Illicit Activities	Yes		Article 141 of the Children's Amendment Act (41)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		Article 52 of the Defense Act (44)
State Voluntary	Yes	18	Article 52 of the Defense Act (44)
Non-state Compulsory	No		
Compulsory Education Age	Yes	15	Chapter 2, Articles 1–5 of the South African Schools Act (22)
Free Public Education	Yes		Chapter 2, Article 5 of the South African Schools Act (22)

\* No conscription (44)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
South African Department of Labor (SADOL)	Enforce child labor laws.(1, 45) Identify via inspectors suspected cases of child labor and human trafficking and forward evidence to South African Police Service (SAPS) officials, who investigate and forward cases to the South African Department of Justice and Constitutional Development for prosecution. Coordinate a report titled State of Child Labor in South Africa.(29) Operates labor centers that each have a designated child labor coordinator who focuses on child labor investigations.(1, 29)
South African Department of Justice and Constitutional Development	Enforce criminal laws on the worst forms of child labor.(1, 45)
National Prosecution Authority	Prosecute criminal cases, including human trafficking cases.(1)
SAPS Human Trafficking Desk	Monitor and evaluate efforts to investigate human trafficking crimes, train investigators, and refer human trafficking cases to provincial SAPS units.(1)
Department of Social Development (DSD)	Provide child protection and social services to vulnerable children, including victims of human trafficking.(46)

Although labor inspectors have civil servant status to ensure job security, their low salaries and lack of opportunities promote high turnovers and transfers to other agencies.(47) However, all labor officers received child labor training during the year.(19)

#### ***Labor Law Enforcement***

In 2016, labor law enforcement agencies in South Africa took actions to combat child labor, including its worst forms (Table 6).

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

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	\$30 million (25)	\$35 million (19)
Number of Labor Inspectors	1,599 (25)	1,533 (19)
Inspectorate Authorized to Assess Penalties	No (25)	No (19)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (25)	Yes (19)
Training on New Laws Related to Child Labor	Yes (25)	Yes (19)
Refresher Courses Provided	Yes (25)	Yes (19)
Number of Labor Inspections	149,847 (25)	146,307 (19)
Number Conducted at Worksite	149,847 (25)	Unknown (19)
Number Conducted by Desk Reviews	Unknown (25)	Unknown (19)
Number of Child Labor Violations Found	4 (25)	0 (19)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (25)	N/A (19)
Number of Penalties Imposed That Were Collected	N/A (25)	N/A (19)
Routine Inspections Conducted	Yes (25)	Yes (19)
Routine Inspections Targeted	Yes (25)	Yes (19)
Unannounced Inspections Permitted	Yes (25)	Yes (19)
Unannounced Inspections Conducted	Yes (25)	Yes (19)
Complaint Mechanism Exists	Yes (25)	Yes (19)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (25)	Yes (19)

The South African Department of Labor (SADOL) inspectors are authorized to issue compliance orders to employers, which are enforced by the Labor Court. In addition, labor inspectors may also issue injunctions that prohibit a business from continuing if there is a health and safety risk to employees.<sup>(48)</sup> Inspectors are also authorized under Section 65 of the Basic Conditions of Employment Act to enter workplaces where domestic workers are employed, as well as private farms and homes employing one or more workers.<sup>(19)</sup> However, SADOL lacks a central unit to administer training programs for labor inspectors.<sup>(1)</sup> A source indicates more inspections are conducted in the formal sector than in the informal sector.<sup>(3)</sup> Although labor inspectors are legally authorized to inspect private farms, some encounter difficulty accessing farms due to concerns of safety or entering private property. As a result, children possibly working in agriculture on private farms may be left unprotected.<sup>(49)</sup>

Additionally, SADOL inspectors address labor rights concerns of foreign nationals and refer those cases to the Department of Home Affairs, which then transfers the cases to the South African Department of Social Development for social services. Inspectors also refer cases that may involve child labor to social workers who provide welfare needs, such as child protection and care.<sup>(1, 25, 50)</sup> The Government reported that the South African Police Service (SAPS) employed forensic social workers to collaborate with investigators and provide care to victims of the worst forms of child labor.<sup>(19)</sup> The Government funded an NGO-operated hotline that refers child labor complaints to government protection agencies or SAPS.<sup>(1)</sup> However, it is unknown how many complaints related to child labor were made to the Government-funded hotline, because the labor inspection data are not disaggregated by child labor violations.<sup>(49)</sup>

### *Criminal Law Enforcement*

In 2016, criminal law enforcement agencies in South Africa took actions to combat the worst forms of child labor (Table 7).

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

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (25)	Yes (19)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (25)	Yes (19)
Refresher Courses Provided	Unknown (25)	Yes (19)

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor (cont)**

Overview of Criminal Law Enforcement	2015	2016
Number of Investigations	Unknown* (25)	75 (19)
Number of Violations Found	Unknown* (25)	75 (19)
Number of Prosecutions Initiated	Unknown* (25)	0 (19)
Number of Convictions	Unknown* (25)	3 (19)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (25)	Yes (19)

\* The Government does not publish this information.

In 2016, the Government joined the Global Action to Prevent and Address Trafficking in Persons and Smuggling of Migrants partnership with UNICEF, the IOM, and the EU, to coordinate efforts to identify and prosecute traffickers.(51) In July 2016, the South African Police Hawks rescued 16 girls from a human trafficking ring.(52)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

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

Coordinating Body	Role & Description
Implementation Committee on Child Labor	Monitor and support advocacy and awareness-raising; mainstreaming of child labor into government policies; and the implementation of child labor programs, legislation, and enforcement.(1, 45) Chaired by SADOL, members include representatives from commercial agriculture, trade unions, and government agencies, including SAPS.(1) Includes provincial-level child labor coordinating structures.(7) In 2016, the Implementation Committee on Child Labor met on a quarterly basis. However, no reports were published about the progress to implement the National Child Labor Program of Action for South Africa.(49)
Child Labor Intersectoral Support Groups	Facilitate the prevention of all types of child labor, including children scavenging and child labor that occurs as a result of human trafficking. Established by SADOL and managed by child labor coordinators in each province, members include multiple government agencies, including the SADOL Head Office, SADOL Provincial Child Labor Coordinators, the Department of Justice, the National Prosecuting Authority, the Department of Home Affairs (DHA), the DSD, and the Department of Education; NGOs; and labor federations.(1, 29) In 2016, the groups met quarterly, participated in the child protection week, and assisted with the human trafficking awareness campaigns.(49)
Trafficking in Persons Task Team	Coordinate the Government's anti-human trafficking efforts, including overseeing strategy and policy decisions made at the provincial level in Gauteng, Mpumalanga, KwaZulu-Natal, Western Cape, Limpopo, and Eastern Cape. Led by the National Prosecution Authority's Sexual Offenses and Community Affairs Unit and South Africa Department of Justice's Victim Support Directorate; members include SADOL, the DSD, and the DHA, as well as other representatives of national law enforcement.(1, 8) Research was unable to find information about any coordination activities it conducted during the year.(49)

#### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Child Labor Program of Action for South Africa, Phase III (2013–2017)	Serves as the primary policy instrument to prevent and eliminate child labor in South Africa.(26, 53) Promotes government activities and calls for the promotion of new laws against the worst forms of child labor.(1, 53) Also includes a list of indicators to monitor the Government's efforts against child labor.(53) During the year, government agencies raised awareness about child labor through radio stations, participated in Child Protection Week, and commemorated the National Day Against Child Labor.(49)

The Government has not included child labor elimination and prevention strategies into the South African Education Action Plan or the National Development Plan.(54, 55)

#### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

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**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Child Support Grant (CSG) <sup>†</sup>	Government program, led by the DSD and the South African Social Security Agency, which provides monthly direct cash transfers to primary caregivers who have vulnerable children.(1, 29, 56-58) Helps alleviate economic pressures and lower the cost of raising a child.(1, 57-59) Sources have indicated that as a result of the CSG, recipients may be less likely to send their children away for child labor and children are more likely to have positive educational outcomes.(1, 29, 46) The CSG budget was increased from \$3.2 billion to \$3.5 billion and benefited 12 million children.(19)
Care Dependency Grants and Foster Care Grants <sup>†</sup>	Government program that encourages children to remain in school, as a preventive technique to combat child labor, including its worst forms.(1) To date, about 131,040 children received a care dependency grant.(49)
National School Nutrition Program <sup>†</sup>	Government program funded through a conditional grant that provides school meals to vulnerable children. Targets primary and secondary students.(27, 29, 60) The Government uses tax revenue and continues to provide meals for vulnerable children.(61) During the year, the Government allocated \$428,181 to the program.(49)
Food Relief Program <sup>†</sup>	Food relief program of the DSD and the South African Social Security Agency to assist vulnerable and orphaned children, as well as child-headed households with insufficient income.(25, 26) The program was expanded during the year and funded 140 community nutrition development centers that provided food to half a million people.(49)
Shelters and Care Centers <sup>†</sup>	DSD program that funds 13 shelters and oversees 17 NGO-operated temporary safe care centers for victims of abuse and human trafficking, including children.(8)
Awareness-raising Campaigns <sup>†</sup>	Government program that conducts training on anti-human trafficking initiatives and regulations governing social service providers.(8) DSD trainers reached 114 DSD provincial officials, 2 officials from the Commission for Gender Equality, and 35 NGO social service providers. As a result of the campaigns, suspected cases of the worst forms of child labor were identified and investigated.(49)

<sup>†</sup> Program is funded by the Government of South Africa.

The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(19) Although South Africa has programs that target child labor, and data collected by the South African government indicates the number of children involved in child labor is decreasing, the scope of these programs remains insufficient, including in agriculture and domestic work.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

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

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

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Publish information about the number of labor inspections conducted by worksite visits and desk reviews.	2015 – 2016
	Ensure that inspections are carried out in the formal and informal sectors, including on private farms.	2016
	Authorize the labor inspectorate to assess penalties.	2015 – 2016
	Disaggregate the number of complaints received by the hotline to determine the number of suspected child labor violations reported across the country.	2013 – 2016
Government Policies	Integrate child labor elimination and prevention strategies into existing youth policies.	2013 – 2016
Social Programs	Conduct research and collect comprehensive data on child labor, including its worst forms, to inform policies and programs.	2013 – 2016
	Ensure that children with disabilities have equal access to education.	2016
	Ensure that children can complete primary school by subsidizing or defraying the cost of books, uniforms, and other fees.	2009 – 2016
	Institute programs to address the worst forms of child labor in agriculture and domestic work.	2010 – 2016

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