

SOUTH AFRICA

MODERATE ADVANCEMENT

In 2023, South Africa made moderate advancement in efforts to eliminate the worst forms of child labor. In cooperation with the International Labor Organization, the South African Department of Employment and Labor launched a new project to strengthen the identification of child labor in the agriculture sector through labor inspections in the Western Cape and KwaZulu-Natal. The government also spent approximately \$329,000 on training labor inspectors in Pretoria, Durban, Cape Town, and Pietermaritzburg. In addition, the government increased the amount of cash transfers for the Child Support Grant and the Foster Care Grant by 4 percent to reduce child vulnerability. However, despite these efforts, social programs are not sufficient to address the scope of child labor, especially regarding the use of children in illicit activities and the commercial sexual exploitation of children. In addition, while a significant portion of South African schools do not charge fees, the right to a free basic education is not guaranteed by law.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children's Work and Education

Children	Age	Percent of Population
Working	5 to 14	15.0% (1,559,791)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	97.4%
Combining Work and School	7 to 14	17.7%

Children in South Africa are subjected to the worst forms of child labor, including in forced begging, use in illicit activities, and commercial sexual exploitation, sometimes as a result of human trafficking.

Overview of Children's Work by Sector and Activity



Agriculture

Farming.



Services

Food service, domestic work, and street work, including vending.



Categorical Worst Forms of Child Labor[‡]

Commercial sexual exploitation, sometimes as a result of human trafficking; use in illicit activities, including gang-related activities; use in the production of pornography; and forced labor in domestic work, street vending, and begging.

[‡] Child labor understood as the worst forms of child labor per se under Article 3(a)-(c) of ILO C. 182.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in South Africa's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.

Establish by law free basic public education.

Enforcement

Publish criminal law enforcement data on investigations, prosecutions, convictions, and penalties imposed concerning the worst forms of child labor.

Ensure that criminal law enforcement officials are trained to properly identify cases of the worst forms of child labor, including child trafficking.

Ensure that the South African Police Service has sufficient resources and investigates all suspected cases of child trafficking and forced child labor.

Ensure that victim identification and referral mechanisms function effectively to provide services to survivors of child trafficking.

Coordination

Ensure that the National Intersectoral Committee on Trafficking in Persons includes meaningful participation from relevant agencies, including the Department of Employment and Labor.

Government Policies

Include a timeframe and benchmarks in child labor policies to properly monitor and assess the progress of efforts to eliminate child labor.

Integrate child labor elimination and prevention strategies into the South African Education Action Plan and the National Development Plan.

Social Programs

Remove barriers to education by eliminating indirect costs, improving school infrastructure and sanitation, and ensuring accessibility for students with disabilities.

Ensure shelter services receive sufficient funding to carry out their mission.

Institute programs to address the worst forms of child labor, including in forced begging and the use of children in illicit activities.



CHILDREN AT HIGHER RISK

In South Africa, children from rural areas, undocumented children, and children with disabilities are more vulnerable to child labor. Research suggests that undocumented children are more vulnerable to being used in illicit activities by gangs, commercial sexual exploitation, forced begging, and work in illegal mining. In addition, children from impoverished families in rural areas are often more susceptible to child labor in agriculture, or to child trafficking for commercial sexual exploitation in cities.













BARRIERS TO EDUCATION ACCESS

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

 **LEGAL FRAMEWORK FOR CHILD LABOR**

South Africa has ratified all key international conventions concerning child labor. However, South Africa's laws do not meet international standards on free basic education because schools may charge fees if the parents collectively vote to do so.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 15 Years		Article 43 of the Basic Conditions of Employment Act (BCEA)
Minimum Age for Hazardous Work, 18 Years		Regulations on Hazardous Work by Children in South Africa; Articles 4–10 of the Basic Conditions of Employment Act
Identification of Hazardous Occupations or Activities Prohibited for Children		Regulations on Hazardous Work by Children in South Africa; Articles 4–10 of the Basic Conditions of Employment Act
Prohibition of Slavery, Debt Bondage, and Forced Labor		Article 48 of the Basic Conditions of Employment Act; 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
Prohibition of Child Trafficking		Article 141 of the Children’s Amendment Act; Section 4 of the Prevention and Combating of Trafficking in Persons Act of 2013
Prohibition of Commercial Sexual Exploitation of Children		Article 141 of the Children’s Amendment Act; Chapter 3 of Criminal Law Amendment Act 32
Prohibition of Using Children in Illicit Activities		Article 141 of the Children’s Amendment Act
Minimum Age for Voluntary State Military Recruitment, 18 Years		Article 52 of the Defense Act
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*	Article 52 of the Defense Act
Prohibition of Military Recruitment by Non-state Armed Groups		
Compulsory Education Age, 15 Years		Chapters 1–2 and Articles 1–5 of the South African Schools Act
Free Public Education		Chapter 2, Article 5 and Chapter 4, Article 39 of the South African Schools Act

*Country has no conscription

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.



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in South Africa took actions to address child labor. However, criminal law enforcement officials failed to properly identify and refer trafficking cases.

Agencies Responsible for Child Labor Law Enforcement

South African Department of Employment and Labor (DOEL): Enforces child labor laws by conducting inspections of worksites, operates labor centers throughout the country where complaints may be lodged, 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. During the reporting year, the ministry spent \$329,000 (R6.151 million) on training labor inspectors. In October 2023, DOEL trained labor inspectors on how to identify child labor violations using the revised National Policy Framework on Trafficking in Persons (TIP).

South African Police Service (SAPS): Enforces the legislative mandate under the Children’s Act to investigate cases involving the worst forms of child labor. 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. In 2023, the South African Police Service conducted training on the Standard Operating Procedures for cases of trafficking.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	N/A	Imposed Penalties for Child Labor Violations	Yes
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Yes
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Yes

In 2023, **2,030** labor inspectors conducted more than **300,000** worksite inspections, finding an **unknown** number of child labor violations. While the government conducted investigations into suspected worst forms of child labor crimes, the number of investigations is **unknown**, and it is **unknown** whether prosecutions were initiated or if perpetrators were convicted.



COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor

South Africa established a mechanism to coordinate its efforts to address child labor. However, the activities of the National Intersectoral Committee on Trafficking in Persons and the provincial TIP Task Teams are constrained by inconsistent participation and lack of permanent member officials from all relevant agencies, including the DOEL.

Implementation Committee on the Child Labor Program of Action: Led by DOEL, includes representatives from government agencies, organized labor, commercial agriculture, and the ILO, and supports the implementation of the Child Labor Program of Action. During the reporting year, the government’s Child Labor Day campaign and annual activities on April 4th raised public awareness to distinguish unacceptable child labor from acceptable child work such as helping in the home.

Coordination, Policies, and Programs (Cont.)

<p>Key Policies Related to Child Labor</p> <p>South Africa established policies related to child labor. However, these policies lack timeframes and benchmarks to properly monitor and assess the progress of efforts to eliminate child labor.</p>	<p>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 DOEL of suspected child labor cases. Identifies lead agencies in the program, including the Departments of Labor, Basic Education, Justice and Constitutional Development, Social Development, and Water and Sanitation; SAPS; National Prosecuting Authority; 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.</p> <p>Prevention and Combating of Trafficking in Persons National Policy Framework (NPF): Guides interdepartmental coordination on trafficking issues; outlines the development of procedures and training programs for police and labor inspectors on human trafficking for labor exploitation, including child labor; and calls for 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. During the reporting year, the NPF was updated to articulate an integrated strategy and action plan for 2023–2026, which includes the goal of increasing the number of labor trafficking cases prosecuted.</p>
<p>Key Social Programs to Address Child Labor</p> <p>South Africa funded and participated in programs that include the goal of eliminating or preventing child labor. However, these social programs are inadequate because they do not fully cover all sectors where child labor is present.</p> <p><small>* Program was launched during the reporting period. † Program is funded by the Government of South Africa.</small></p>	<p>Program on Child Labor in Agriculture:* New 2-year project funded through the European Union and implemented by the ILO in partnership with the South African Department of Employment and Labor. Aims to address child labor in agriculture in the KwaZulu-Natal and the Western Cape through enhanced enforcement and awareness raising.</p> <p>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. In 2023, South Africa increased the benefit of both direct cash transfer programs by approximately 4 percent.</p> <p>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.</p>

For information about USDOL’s projects to address child labor around the world, visit dol.gov/ILABprojects
For references, please visit dol.gov/ChildLaborReports