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## **Child Labour in South Africa: A Brief Overview**

**By Elizabeth Musvoto**

Child labour is not only an issue in developing countries, but rather is a worldwide concern, with many governments proclaiming laws protecting children from labour.

Despite being one of the more relatively developed nations on the African continent, the issue of child labour in South Africa is of concern. As such, the purpose of this report is to provide a brief overview of child labour in the country.

### **Introduction**

The Constitution of South Africa provides that children under 18 years should be protected against exploitative labour practices and work that is hazardous or harmful to their education, health or well-being, physical or mental health or spiritual, moral or social development.

According to the 1998 South African Child Labour Action Programme (based on International Labour Organisation [ILO]), "Child labour is...work by children under 18

years, which is exploitative, hazardous or otherwise inappropriate for their age, detrimental to their schooling, or social, physical, mental, spiritual or moral development."

Child work is differentiated from child labour, and can be defined as "Children's participation in both economic and non-economic activities". This kind of work is assumed not to negatively affect the health and development of children or interfere with their education. According to the ILO Convention 138; work that does not interfere with education (light work) is permitted from the age of 12 years.

### **Types of Child Labour**

There are a variety of tasks and activities child labourers typically engage in, the majority of which can be categorised according to the following categories:

- Unpaid Domestic Labour
- Economic Activities
- School Labour
- Forced or Bonded Labour
- Debt Bondage
- Familial Obligations

Unpaid domestic labour can involve activities such as fetching provisions like wood, food and water. More seriously, it can involve the performing of domestic duties, such as child care and housekeeping. The girl child is at particular risk of engaging in this type of labour, particularly in the case of

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an arranged marriage at a young age, whereby the child resides in the home of her in-laws.

Economic activities are those undertaken solely for the making of revenue. These can typically include involvement in the entertainment and agricultural industries, to assisting with a family-run business or begging.

School labour may include engagement in activities related to the maintenance and caretaking of the school, while in the school environment. Alternatively, it may take the form of children being forced into specific sporting activities, against the child's best interests, and solely for the personal gain of adults.

Slavery, military recruitment, prostitution and other illegal activities can be classified as forced labour. Often children can be forced into any number of these areas against their will. Females are especially likely to be forced into prostitution, while males are likely to be recruited against their will into military/militia regimes.

Bonded labour, also known as debt bondage, occurs when a child is given as payment for debt by a parent or guardian. The child is forced into virtual enslavement, until the debt is perceived to have been paid in full.

Child labour can also be the result of more tragic circumstances, whereby familial ties mean children are obligated to engage in labour. Specifically, familial obligations such as when children are orphaned and are tasked with taking care of younger siblings, means many must engage in any variety of tasks in order to provide for their family members.

### **The Worst Forms of Child Labour**

In South Africa, the worst forms of child labour involves children being enslaved, forcibly recruited, prostituted, trafficked, forced into illegal activities and exposed to hazardous work. South Africa is a well-established destination and transit point for trafficking in women and children for sexual purposes.

Research conducted by Molo Songololo on "The Trafficking of Children for the Purposes of Sexual Exploitation" in South Africa, reveals children are kidnapped and trafficked within and across South African borders for the purposes of commercial sex. Children from other countries such as Thailand, Eastern Europe, and China are being brought to South Africa and sold into sex slavery by criminal gangs from these countries.

In other studies, child labourers from Zimbabwe and Mozambique work in the country as domestic servants. J. Gallinett, co-ordinator of the Children's Rights Project at the CLC, believes that children used by

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adults to commit offences represented the worst form of child labour in South Africa.

### **The Causes of Child Labour**

There is no single cause of child labour in South Africa, and the antecedents leading children to become labourers are many and varied. Indeed, the specific circumstances will differ according to the background of the child. However, some of the main causes of child labour can be attributed to some of the following factors:

#### *1. Poverty*

In most parts of South Africa and Africa at large, child labour is caused by poverty. In most cases, it is the parents of the child labourers who are unemployed. While they may be desperate to secure a job, employers typically favour children, primarily because they are easier to exploit. Consequently, in order to provide an income for the family, parents send their children to work. While in some cases of extreme poverty this is a necessity, in others, children are deliberately forced to remain out of education and instead beg for money, to support parents' unwillingness to seek employment themselves.

#### *2. Family Expectations and Traditions*

In parts of rural South Africa, such as KwaZulu Natal, Mpumalanga and Limpopo, there is an expectation that children provide assistance with farming duties. Specifically, children are often involved in the herding of cattle, tending to crops, and general

household chores. Such activities typically not considered to be forms of child abuse or exploitation, as they constitute typical cultural customs. However, the extent and frequency of such work can vary between communities.

#### *3. HIV/AIDS Epidemic*

Due to the HIV/AIDS epidemic ravaging sub-Saharan Africa, the number of children orphaned as a result of the illness has increased substantially. Consequently, these children are left to fend for themselves, or may be taken in by relatives. At times, relatives can subject child to abuse, and force many into labour. For example, some children may be forced to leave school and start working as domestic slaves or within other industries, such as street vending, or manual labour.

#### *4. Lack of Services*

A lack of services or inadequate service delivery, are also causal contributors to child labour in South Africa. Specifically, a lack of access to or inadequate provision of health care and education may be the catalyst for many children engaging in labour, in order to have the means of receiving appropriate services.

#### *5. Public Opinion*

Attitudes towards child labour in South Africa may also be linked to the issue. Specifically, indifference by certain communities, employees and indeed parents themselves often means instances

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of child labour are given insufficient attention. This serves to perpetuate the cycle of labour, and reinforce opinions about the acceptability of child labour.

### **The South African Context**

An estimated 32.5% of children aged 5-14 years were believed to be working in South Africa in 1999, and it is possible this figure has increased over the past decade. Indeed, a case study conducted in the Mpumalanga Nkomazi region, by the Khulisa Management Services at the Reducing Exploitative Child Labour in South Africa, indicated between 248 000 and 3 million children were engaged in exploitative child labour in South Africa.

Children are also subjected to labour for criminal organisations and gangs, and are often forced to commit illegal and violent crimes. This tends to be a particular problem in larger cities, such as Cape Town, Pretoria and Johannesburg.

Estimates of child prostitution in South Africa suggest an estimated 28 000 and 30 000 children may be involved. Furthermore, approximately 50% of these children are believed to be between the ages of 10-14 years, while the remainder are believed to be between the ages of 15-18 years. It is reasonable to assume that the large majority of these children, at least within the younger age bracket, are likely to be the victims of forced entry into prostitution.

The following case study provides an overview of how children are sold into slavery in South Africa.

#### **Girls from South Africa**

Some agencies [in predominantly white northern suburbs of Cape Town] advertise 'jong vars plaasdames beskikbaar' (young, fresh farm ladies available). Knowing that the average income is [low] on the farm, they advertise Cape Town as the place for employment. They offer a fair salary and an excellent job. Then they take vanloads of 15 to 16 on a daily basis. The girls sit in the waiting area waiting for prospective employers. They are paraded in front of them in some cases. Then the employers decide who is the cleanest, the best looking. That is the beginning of the end if they go to an [infamous] area like Rylands - locking them up 24 hours a day. They lose contact with their relatives, their area of origin; they get little salary, and live and work in conditions which are appalling, seven days a week, from 7 to 11 o'clock. There are enough workers in Cape Town to fulfil the demand but the employers prefer rural because it is cheaper, they are more obedient because of the fear, their families are not around and their demands are not great: just a bed and food.

*Source: ILO. (2002). South Africa - Child domestic workers: A national report. ILO: Geneva, p.18*

### **The Impact on Victims**

Child labour can impact children in a variety of ways, but most often has severe implications for the psychological and physical well-being of children. This subsequently can also affect their development and later future prospects.

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### *1. Psychological*

The psychological development of children advances the most during their formative years. In particular, this is the time when cognitive and intellectual development is rapid, and subsequently emotional and psychological facets also have their foundations during this time. A lot of this development can be attributed to nurturing home environments, secure attachments to supportive adults, and good educational opportunities.

Previous research by UNICEF has indicated a variety of psychological implications for children who are the victims of child labour. Such implications may be a result of the fact that children undertaking labour can be the victims of abuse, are neglected, and may be denied the opportunity education within a formal school system.

Children may experience feelings of neglect, marginalisation, discrimination and alienation. Additionally, child labourers are also less likely to attain the intellectual, social and psychological develop expected of children of similar ages.

### *2. Physical*

In addition to psychological development, the physical development of children also excels during the formative years. During this time, children engage in a variety of healthful activities, such as play, which serve to enhance their physical capabilities

and facilitate the healthy development of their bodies.

However, child labourers are often denied the opportunity for healthy physical development and functioning. Not only can the work they engage in be particularly hazardous, but they can also be subject to abuse and neglect by employers or family members, which may stunt growth and inhibit healthy functioning.

### **South African Legislation**

There are several pieces of legislation concerning the issue of child labour in South Africa.

#### **The Child Care Act (1983)**

The Act covers the Prevention of Ill-Treatment and Prohibition of Employment of Certain Children. Specifically, section 52A of the Act states that “subject to the provisions of the Act or any other law, no person may employ or provide work to any child under the age of 15 years”.

In this sense, no child under the age of 15 years should be employed or engaged in any form of labour, according to South African law.

#### **Constitution, 1996 (No. 108 of 1996)**

Section 28 of the Constitution is the section on children’s rights, and it provides a number of specific statements concerning the fundamental and basic rights and treatment of children:

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- (1) Every child has the right-
- (a) To a name and a nationality from birth;
  - (b) To family care or parental care, or to appropriate alternative care when removed from the family environment;
  - (c) To basic nutrition, shelter, basic health care services and social services;
  - (d) To be protected from maltreatment, neglect, abuse or degradation;
  - (e) To be protected from exploitative labour practices;
  - (f) Not to be required or permitted to perform work or services that – (i) are inappropriate for a person of that child's age; or (ii) place at risk the child's well being, education, physical or mental health or spiritual, moral or social development;
  - (g) Not to be detained except as a measure of last resort, in which case...the child may be detained only for the shortest appropriate period of time and has the right to be – (i) kept separately from detained persons over the age of 18 years and (ii) treated in a manner, and kept in conditions, that take account of the child's age.

### **Basic Conditions of Employment Act, 1997**

The Act provides several guidelines regarding the prohibition of employment and conditions of employment, with regard to children:

- (1) No person may employ a child -
- a) Who is under 15 years of age; or

- b) Who is under the minimum school-leaving age in terms of any law, if this is 15 or older

(2) No person may employ a child in employment –

- a) That is inappropriate for a person of that age;
- b) That places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development

### **Tackling Child Labour**

The issue of children labour is complex, and the antecedents and consequences multi-faceted. In this sense, the most effective means for dealing with child labour will vary according to the specific cultural and social circumstances of any country. However, Brazier (1999) has suggested a ten-point plan that might be effective in dealing with the issue on a worldwide level.

1. Ban the most hazardous forms of child labour, and encourage governments act immediately when cases identified.
2. Guarantee universal primary education, which would ensure children are able to attend school.
3. Make education more flexible, relevant and attractive to those child workers who have to engage in employment. Having some form of education will increase future prospects.

4. Register all births, which will enable school attendance and also labour practices to be regulated in a more stringent fashion.
5. End structural adjustment's crucifixion of Southern economies.
- 6 Raise the status of child domestic workers.
7. Rein in the transnational corporations, so that consumer pressures do not outway the need for conducting business practices that are morally-sound and ethical.
8. Give priority to jobs for adults, rather than using children as a cheap form of labour.
9. Support child workers' organizations along with their demand for more protection and rights in the workplace. I
10. Gather more information on the issue, as this will help to provide more accurate details from which strategies can be implemented to tackle the issue in a more informed way.

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This summary paper was authored in November 2007 by Elizabeth Musvoto – A.R.C. Worldwide Trust Volunteer  
Editing and production of the paper was by Susan Bolitho and Natasha Tassell of the A.R.C. Worldwide Trust

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