

Child Labour Programme of Action

Putting an end to work that harms children

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Children have rights . . . to engage in play, to develop their talents, to enjoy secure family life and to gain education. Work must not undermine these rights.



Introducing the Child Labour Programme of Action

The Child Labour Programme of Action is our key to a united and well-targeted effort to reduce and eventually end child labour in South Africa.

The Programme – referred to as the CLPA – exists both in action and on paper.

On the one hand, it refers to a national effort, involving government, organised business and labour, and other civil society organisations, to tackle forms of work that undermine our children's education, health and development. The process of coordinating national action began in 1996.

In addition, the term CLPA is used more narrowly to refer to the strategic plan that provides direction for all the initiatives to combat child labour in South Africa.

The document detailing the CLPA was developed through a series of consultations in all provinces. It was adopted as a working guide in 2003 and serves as a constant point of reference for initiatives to develop effective responses to child labour.

The CLPA consultation process and research both underscored the fact that the root cause of child labour is poverty. But the element of exploitation of children is substantial and cannot be ignored. In addition, the HIV and AIDS epidemic has an increasing impact on society, deepening poverty, leaving large numbers of children without adequate adult care and protection, and making them vulnerable to child labour.

The CLPA is a wide-ranging plan that relies on the commitment of decision makers and service providers across many sectors. It calls for 100-plus specific actions to be taken, mainly by relevant government departments. In many cases these actions already fall within the mandate and policy of government departments and the challenge lies not so much in taking on new tasks but implementing existing responsibilities more effectively.

This booklet extracts the essence of the CLPA and adds information gathered, progress made and experience gained since 2003. It should serve as a useful guide as you make your contribution to this national effort to protect our children and preserve their belief that they can achieve some of their dreams.

Child labour is work that harms

Child labour takes many forms. The common factor is the element of harm. This is what sets child labour apart from the chores and duties that form part of most children's experience.

When work is so demanding, so extended, so heavy, so hard, so dangerous, or so degrading that it can damage the child's development, we are entering the territory of child labour.

The CLPA recognises that household chores are part of the family responsibility of most children and that reasonable participation in such activities prepares the child for adulthood. The CLPA does not intend to interfere in such situations.

The CLPA focuses on child work that:

- Interferes with the child's right to education.
- May harm the physical health of the child.
- Undermines the child's psychological, social and moral development.

Child labour may be paid but is mostly unpaid. It may involve exploitation by an adult or older child. It may be part of a desperate effort to survive extreme poverty.

Because child labour comes in different shapes, our responses must match this diversity and address various role players in appropriate ways.

What the law says

The Constitution asserts that every child – that is, every person under the age of 18 years – has a right to be protected from:

- Maltreatment, neglect, abuse or degradation.
- Exploitative labour practices.
 - Performing work or providing services that:
 - Are not appropriate for the child's age.
 - Place at risk the child's education, well-being, health or development.

The Basic Conditions of Employment Act prohibits all work by children that affects them negatively.

In addition it prohibits the employment of children:

- Until the last school day in the year that the child turns 15, if the child has not completed Grade 9.
- Until the child turns 15, if the child has completed Grade 9.
- Aged 15 – 17 years where this work:
 - Is prohibited by the Minister of Labour.
 - Is inappropriate for the child's age.
 - Places at risk the child's education, well-being, health or development.

The Act defines employment not only in terms of paid work. Employment refers to all activities that assist any person to carry on a business.



Worst forms of child labour

There are some types of child labour that are especially damaging. These have been recognised internationally by the many countries that subscribe to the International Labour Organization's Convention No 182 on Worst Forms of Child Labour. South Africa has signed the Convention and is committed to taking measures within a specified period of time to eliminate the worst forms of child labour.



Adults only: Children should not work with dangerous machinery.

Worst forms of child labour include:

- All forms of slavery and practices similar to slavery, including:
 - ☐ The sale of a child.
 - ☐ Trafficking of children.
 - ☐ Child labour to pay back a debt.
 - ☐ Forced or compulsory labour, including forced participation in armed conflict.
- Commercial sexual exploitation of children, including:
 - ☐ Child prostitution.
 - ☐ Use of children in the production of pornography.
- Children used by adults, and by other children, to commit crimes, including:
 - ☐ The sale or production of drugs.
 - ☐ Theft and housebreaking.
- Work that each country defines as hazardous because it poses a high risk of harm to the health, safety and morals of children.

Hazardous work in South Africa

South Africa has developed draft regulations on hazardous work by children. While children aged 15-17 years may work, the regulations propose to prohibit them from:

- Work with dangerous chemicals and machinery.
- Work involving heavy loads.
- Work before 5am or after 6pm, except for child-minding and working in shops or restaurants which are allowed until 23h00, provided that the child need not be at school the following day and that safe transport home is provided.
- Work for more than 40 hours a week.
- Piece or task work.
- Work in a bar or shebeen.

These regulations also define work that is so hazardous that any child engaging in it would be considered a victim of the worst forms of child labour. This is likely to include:

- Work with very dangerous chemicals and machinery.
- Work in the middle of the night.
- Work for more than 55 hours a week.
- Work that is hidden or isolating.
- Work where it can be foreseen that the child will be exposed to physical, psychological or sexual abuse.
- The use of children to commit a serious offence.
- The use of children to beg or scavenge as part of an organised business activity.



A snapshot of child work in South Africa

In 1999 Statistics South Africa conducted a *Survey of Activities of Young People* which provided a good overview of the patterns of work done by children in our country. It did not specifically measure child labour – that is, the proportion of work that is excessive or harmful. But by recording the age of the children, the types of work and the length of time children spent working, it suggested areas where child labour might be occurring.

A survey of this kind does not provide useful information about worst forms of child labour because those interviewed will rarely report activities which they see as illegal or shameful.

At the time of the survey there were 13.4 million children aged five to 17 years in South Africa and the pattern of work among them is described below.

	Number of children involved	Percentage of all children aged 5-17 years
Doing at least three hours ‘economic’ work a week and at least seven hours other work	4.8 million	36%
Doing at least 12 hours ‘economic’ work a week, at least 14 hours of household chores and at least 12 hours of school labour	1.7 million	12.5%

‘Economic’ work means work in any kind of business, including the informal sector, subsistence agriculture, paid domestic work and working alone.

School labour means cleaning and maintenance work at school, unrelated to studying.

About 400 000 children were doing more than 12 hours “economic” work a week. In addition, more than 200 000 children were spending more than 24 hours a week purely on fetching wood and water.

Most children engaged in economic activities worked on family farms – usually in subsistence agriculture – or in family retail businesses. This kind of child work was most likely to occur in deep rural areas in former homelands, followed by commercial farming areas. The rates of child work in deep rural areas are about double those in urban areas.

Why do children work?

- 59% said they had a duty to help their families.
- 15% said they worked to assist their family with money.
- 16% said they were earning pocket money.

How much child work is illegal?

The Statistics South Africa study estimated about 30% of economic activity of children in 1999 was in contravention of the law in that it involved children below the legal age limit. In seven out of 10 cases this occurred in family businesses.



Helping dad: Many working children contribute to the family business.

	Doing at least 3 hours/week economic activity		Doing at least 12 hours/week economic activity	
	No of children 5-14 years	% of age group	No of children 5-14 years	% of age group
Subsistence agriculture	390 000	3.7	129 000	1.2
Wholesale/retail trade	225 000	2.1	86 000	0.8
Commercial agriculture	67 000	0.6	29 000	0.3
Manufacturing and construction	15 000	0.1	12 000	0.1
Private homes/domestic work	13 000	0.1	8 000	0.1
Total	728 000	6.6	266 000	2.5

When does child work become harmful?

It is not always easy to draw a clear line between household chores and excessive child work. For example, one of the most common activities is fetching fuel or water for domestic use.

According to the *Survey of Activities of Young People*, 1.1 million children in our country spent seven hours or more a week collecting water and firewood. Mostly this would not interfere with schooling or hinder the child's development. Overall, therefore, water carrying is not problematic.

But a small proportion of these children – about one out of every five – spent more than 24 hours a week fetching wood and water, often carrying heavy loads over long distances. This burden of work clearly could put the children's schooling and well-being at risk.

The programme Towards the Elimination of the worst forms of Child Labour (TECL), which assists government implement the CLPA, undertook further research in rural areas of Limpopo and KwaZulu-Natal and established that 80% of all water collected in some areas was fetched by children.

Many of the children reported that their health had deteriorated, that they experienced fatigue and sore necks and backs, and were often late for school. These children also performed worse at school than their peers.



Light chore or hard labour? Fetching water is often an acceptable childhood task, but sometimes a form of harmful work.

How common are the worst forms of child labour?

Two of the worst forms of child labour, commercial sexual exploitation of children (often referred to as CSEC) and the use of children by adults to commit crime (CUBAC), occur on a disturbing scale in South Africa. Because these activities are both illegal and morally sensitive, they are largely hidden. The figures that exist present a very incomplete picture.

Children and sexual exploitation

Commercial sexual exploitation of children is often thought of simply as child abuse. It *is* a form of child abuse but with the added dimension of economic gain – either for the child or for an adult who prostitutes the child or exploits the child in the production of pornography.

Due to HIV and AIDS, many children are responsible for looking after ill parents and rearing younger siblings. This increases their vulnerability to transactional sex – sex in return for desperately needed money, food or household necessities. This form of sexual exploitation is often not resisted or reported.

Sexual exploitation of children therefore extends beyond prostitution and needs to be seen in a broad social context.

Children and crime

In the case of children used by adults to commit crime we are dealing with an exploitative twist to the tale of juvenile crime. It has been estimated that up to half of children who have been arrested have either been used by another to commit the crime, or have been influenced or induced to do so, by an older person.

- In March 2002, there were 4 111 young people under the age of 18 in custody. Of these, 56% were awaiting trial or awaiting sentencing.
- A further 12 706, aged 18 to 20 years, had been sentenced for offences committed mostly when they were under 18.
- An estimated 62% of child crimes are economic crimes such as theft, 32% aggressive crimes, 2.5% sexual crimes and 2% crimes related to drugs.
- A study involving about 500 children awaiting trial in secure facilities found that 47% were accused alongside adults.
- Child crime levels are highest in Western Cape, Gauteng and KwaZulu-Natal.

TECL and the Community Law Centre at University of the Western Cape did research among Gauteng and Western Cape learners and children awaiting trial in secure facilities. The children's comments revealed that drug dependence, coercion and expectation of rewards played a large part in securing participation of children in crime.



Trauma enacted: Girls from the Ithuteng Trust staging a play on sexual exploitation.

- “They show you lots of money – R10 000 – but you will only get R500.”
- “They give you drugs and when you come back for more, they beat you and tell you that you must first go and steal.”
- “They threaten you with a gun.”

Who are these adults? Some are gangsters, but others are “friends”, neighbours and family members.

Child trafficking

There is evidence that children are trafficked into South Africa and, more often, within the country, usually from rural areas to major urban centres. Child trafficking involves the movement of the child to another place or a transaction which results in the child performing exploitative work in slave-like conditions or being used in commercial sex. Because the child is often isolated and extremely dependent on the trafficker, he or she may have difficulty seeking help.

Trafficked children tend to be exploited as unpaid or poorly paid domestic workers, or sometimes prostituted. Live-in domestic work outside the family home may be hazardous because the child may be isolated and vulnerable to violence and sexual abuse.

The CLPA regards research on trafficking as a priority in order to establish the extent of the practice within South Africa and from across our borders.



Domestic work: Often isolating and known as terrain for child trafficking.

Bonded child labour

While bonded child labour is rare in South Africa it sometimes occurs in the farming sector, particularly in the context of labour tenancy. If a landowner demands that a child under 18 years work for him or her, and threatens to evict the family if the child does not, this is bonded labour.

Hazardous work

In South Africa significant areas of hazardous work involving children include the liquor trade, children living and working on the streets or scavenging, and those exposed to agricultural chemicals. As pointed out on Page 8, “normal” work that continues for extremely long hours or takes place under harmful circumstances becomes hazardous. Water fetching is an example of a perfectly acceptable household chore becoming hazardous to the educational development of the child when it demands so much time that the child cannot attend school.



Risky life: Children living on the street often do hazardous work.

The spirit of the CLPA

Inter-sectoral and inclusive

The CLPA sets out the actions that are required of a range of government departments and non-government organisations, across different sectors, to ensure that children live free from the burden of inappropriate labour.

It covers obvious sectors like social development, education, law enforcement and justice. But it extends to less obvious sectors – like health, water provision, and local government. Above all, it is seen as a partnership between government and civil society and a programme where members of the general public have a critical role as parents, neighbours and concerned citizens.



Responsibility shared: Health workers and police officers are critical to eliminating child labour, especially its worst forms.



Enabling and developmental

Importantly, the CLPA aims to assist – rather than blame – the many households whose children are involved in potentially harmful work. The CLPA recognises that child labour is often due to a lack of alternative sources of income for households. Many of the action steps in the CLPA focus on improving access to social security and other state benefits and services.

Putting the child's interests first

The guiding rule in all actions taken under the CLPA should be to ensure that the child is better off after the intervention than before it. This clear directive is useful in situations where doing the technically correct thing may be too limited to yield the best result.

For example:

- Stopping a child who heads a household from working just because the child is under 15 years and missing school may be legally correct – but will this ensure that the household has food to survive and someone to look after young siblings?

- Getting a child to testify against an adult who has drawn him into committing crime may bring a sinister criminal to justice – but can the young witness be protected from reprisals?

The CLPA aims not only to remove the child from harmful work but also to protect the child in a more sustained way.

Prevention where possible

Child labour is not inevitable; measures can be taken to prevent many of our children from suffering in its destructive grip. These measures include the more effective application of existing poverty alleviation programmes; the early identification of vulnerable children and finding appropriate support for them; determined efforts to target adult exploiters of children and stop them operating; and exercising pro-child choices when allocating resources and providing services.



Prevention starts here: The empty desk, the absent child should be seen as possible warning signs.

Structures supporting the CLPA

The CLPA Implementing Committee

This committee directs implementation of the CLPA and effects coordination among role players on national level. It consists of:

- Government departments and agencies, including Labour, Education, Social Development, Justice, Water Affairs, Home Affairs, Provincial and Local Government, the SA Police Service, Office on the Rights of the Child and the National Prosecuting Authority.
- Organised business: Business Unity South Africa (Busa).
 - Organised labour: Congress of South African Trade Unions (Cosatu), the Federation of Unions of South Africa (Fedusa) and the National Council of Trade Unions (Nactu).
- The programme Towards the Elimination of the worst forms of Child Labour (TECL).
- Other organisations dedicated to ending child labour, such as the Network against Child Labour (NACL) and Reducing Exploitative Child Labour in Southern Africa (RECLISA).
- International organisations such as the International Labour Organization (ILO) and United Nations Children's Fund (Unicef).



Department of Labour

The Department of Labour is the lead department in relation to matters of child labour. The Minister, as its political head, represents the programme nationally and internationally.

Office on the Rights of the Child

The Office on the Rights of the Child (ORC), located in the Presidency, oversees protection and promotion of the rights of children across the nation and is mandated to coordinate child-related activities. It also facilitates the work of the National Advisory Council on Children's Issues. The ORC has provincial counterparts, located in each Premier's Office, that coordinate government's services to children within their respective provinces.

Programme Towards the Elimination of worst forms of Child Labour

Known as TECL, the programme is funded by the ILO and provides technical support and limited funding to government to initiate action on priority aspects of the CLPA. It has conducted research, developed pilot projects, participated in drafting policy and initiated a national awareness campaign. TECL's assistance is for a limited period, after which relevant government institutions need to take over these functions.

Major areas of intervention

The CLPA identifies more than 100 specific action steps that are necessary to combat the forms of child labour that prevail in South Africa. It first considers what is known about particular types of child labour and proposes action steps in response to each form of child labour. The CLPA then rearranges the action steps as lists of responsibilities for various role players – government departments, non-governmental organisations, labour and business.

The “responsibility lists” appear daunting, because a single task may appear five or six times; it is tabled for every role player that has a contribution to make. Importantly, however, the lead department or organisation for each task is clearly designated.

The summary that follows is no substitute for the full CLPA as a guide to implementation. But it tries to capture the strategic thinking that lies behind the recommended action steps, by clustering them into larger fronts for intervention.

Poverty alleviation

The CLPA emphasises poverty alleviation measures as a way of preventing child labour and extracting children from harmful work by providing families with alternative sources of income or subsistence.

Social grants

The CLPA argues for the targeted use of child-related social grants to counter child labour. Measures include:

- Proactively facilitating access to grants in areas where child labour is prevalent, especially rural areas characterised by subsistence agriculture.
- Use of the most appropriate child-related grant, which would often be the child support grant because of ease of administration.
- Scaling up and accelerating services to issue birth certificates and identity documents needed to secure social grants.



Safety net: Community-based, state-funded drop-in centres provide for vulnerable children.

The plan also proposes the immediate extension of the upper age limit for the child support grant to the end of the year in which the child turns 15. This would bring it in line with the minimum age for leaving school and for legal employment. It also proposes that, in the medium term, government should consider extending the upper age limit to 18 years.

Public works programmes and income-generation projects

The CLPA urges government to prioritise child labour hot spots for public works programmes and encourages NGOs to focus on these areas for income-generating projects.

Land redistribution

Land redistribution projects should benefit the poorest households, providing them with productive assets and support to develop farming skills.

Provision of services

The CLPA recognises that child work – in both its benign and harmful forms – often stems not simply from individual household poverty but from the under-development of entire communities. Of course, in many cases both household poverty and general under-development prevail.

Basic services

The CLPA urges local authorities to formulate integrated development plans in a way that prioritises provision of water and electricity to households that suffer greatest difficulty in securing these basic services – that is, those far from water and fuel sources and those who cannot pay for these services.

It further proposes the creation of local energy centres for communities where existing fuel sources are remote, and speeding up the free water allocation to communities that do not yet have it.

Action has already been taken on the CLPA recommendation for a pilot project on how to include excessive work by children as a factor in decision-making by municipalities on bulk water supply. This pilot project is described on page 17.



Essential resource: The CLPA proposes local energy centres for remote communities.

A solution in the pipeline!

The participation of children in fetching water for rural households is a complex issue. Water is a necessity of life and often there are no alternatives but for children to fetch it.

The approach adopted by the CLPA is to focus on prioritising provision of water to areas where the task of carrying water is particularly arduous, involving excessively long work by a large number of children. The programme taps into Government's commitment to extend piped water provision throughout the country. It seeks ways to ensure that work by children is taken into account when municipalities decide which communities should next get access to piped water.

The pilot project has three closely related elements:

- Developing and testing a tool to plan water service delivery. This incorporates the factor of prioritising families far from water sources. The aim is to specify the use of this tool in the national guidelines on water provision so that it benefits the whole of South Africa.
- Intervening to assist children who have been negatively affected by water carrying. For example, where these activities have interfered with schooling, children will be offered remedial teaching.
- Measuring changes in children's lives once piped water is provided. If it could be shown that children's health and school attendance improved, this would be strong motivation for prioritising water provision to households located far from safe sources of water.



Helping children: Piped water is the only real alternative to arduous carrying of water.



Frontiers of care: Expansion of pre-school facilities in rural areas is a priority.

Social services

Proposals under this heading are quite diverse. They include the extension of daycare facilities for young children – particularly in rural areas – in order to relieve older siblings of this duty of care, and increased support for shelters catering for children who have been living on the streets.

The CLPA also focuses on reintegrating children who have been removed from hazardous work or from life on the streets into their families and communities through counselling and skills training.

Stronger reporting, monitoring and tracking processes are highlighted, including:

- Mandatory reporting by government agencies dealing with children when they encounter serious cases of child labour.
- Better data collection on commercial sexual exploitation of children and other forms of child labour.

High priority is given to eradicating the commercial sexual exploitation of children. There is a call to develop a national policy framework as a matter of urgency and to fast-track implementation. Pilot projects recommended in the CLPA have already been initiated to identify sustainable and effective interventions. (See box on Page 19)

Health services

The focus in health is on diagnosing and treating occupational injury and diseases among children and mitigating the impact of HIV and AIDS on children. An important measure is extending the life of HIV-positive parents by expanding access to anti-retroviral treatment – and thus slowing the growth in numbers of child-headed families and vulnerable children.

Home-based care programmes should identify children at risk or engaged in child labour and ensure that affected households secure assistance that relieves the child of the work burden.

Partnerships to tackle sexual exploitation

Dedicated non-governmental organisations are working with the CLPA to build our understanding of how to help children involved in commercial sex. They operate in different Gauteng communities, from the centre cities of Johannesburg and Pretoria to the industrial environment of Ekurhuleni and peri-urban Winterveld. Through these organisations, TECL is gathering information on the nature of the problem:

- How widespread is commercial sex involving children?
- Where is it most common?
- How many prostituted children are victims of trafficking?
- What are the characteristics of children who get involved?
- What are the consequences for their health and wellbeing?

At the same time, they are developing services to help these children and sometimes they succeed in empowering children to put sexual exploitation behind them. No two organisations are the same. Some run shelters, others have day centres to support the children even as they continue to work at night. One organisation runs a 24-hour residential crisis facility. All offer some form of training and skills development: literacy and numeracy classes, life skills development and health education. Often they need to start at square one: helping children establish their official existence by getting an identity document that will open doors to other state services.

These organisations have helped about 1 000 children since partnering with TECL. The partnership offers organisations technical assistance to develop more effective interventions and sustain their services. Support from a range of government departments is also critical to the success of these projects. TECL aims to spread the benefits of this collaboration by sharing lessons learnt with relevant organisations and government departments.



Education

The CLPA identifies three main roles for education: preventing child labour, intervening at an early stage to help children at risk, and creating learning options for those who have experienced child labour.

On the prevention front, proposed actions include:

- Using the life orientation curriculum to create awareness among learners of the nature and consequences of child labour.
- Keeping children in school by developing awareness of the school fees policy, administering it fairly and providing hostels, boarding schemes and transport for children from deep rural areas.
- Reviewing the upper age limit that applies for school fees exemption.

Steps to ensure early intervention in relation to learners at risk include:

- Identifying children in need of assistance such as social grants, foster care or removal from harmful work situations.
- Improving the monitoring of absenteeism and imposing a duty on the principal to intervene where any learner is repeatedly absent.

For education to become an effective instrument of reintegration, it would need to expand its boundaries to include:

- Vocational training or formal education for children in prison, before, during and after trial.
- Special education centres or special classes in regular schools for children who are over-age or resuming education after periods of absence, including periods of work.
- Special programmes to “wean” children off the streets and back into mainstream education.

Education departments at national and provincial level also need to firmly restrict work performed by children on school premises to forms of work which benefit the child. Conditions that give rise to children cleaning teachers’ homes, or fetching water for the school, must be eliminated.

Law enforcement and justice

The themes that underpin CLPA action steps in this area are, firstly, acknowledging the extent of adult exploitation of children in crime and, secondly, treating the children used by adults to commit crime in a way that recognises that they are both perpetrators and victims. Specific actions include:

- Adding worst forms of child labour, including child trafficking and CUBAC, to the list of serious crimes in the Criminal Procedure Act and directing prosecutors to prosecute such cases vigorously.
- Developing training programmes and materials for law enforcement and justice officials to enable them to prosecute effectively adults who use children to commit crime.
- Finding and prosecuting adults who profit from illegal activities of children, and seizing their assets where these derive from crime or are used in crime.
- Diverting children out of the prison system wherever appropriate and imposing alternative penalties.
- Converting criminal cases into Children’s Court inquiries where appropriate.
- Drawing up a clear policy on when children in prison may be required to work and what kind of work they may do.
- Channelling cases involving commercial sexual exploitation of children to the dedicated courts on sexual offences established by the National Prosecuting Authority.

The CLPA recognises the special challenges involved in bringing child traffickers to book and recommends that:

- Relevant Directors-General ensure effective collaboration between departments to deal with child trafficking until the processes are strengthened by passing dedicated legislation on trafficking.
- Improving the content of training on prevention of trafficking and prosecution of traffickers for law enforcement officers, judges, prosecutors, immigration officials and NGOs.
- Strengthening training on ways of assisting victims of trafficking for the above groups of officials.



Looking ahead: Training for children is needed in all secure care and correctional facilities.

The problem behind the 'problem child'

The Western Cape and Gauteng have responded to the challenge of gearing up law enforcers and justice officials to deal with the situation of children used by adults in committing crime.

Because of their high rate of child offenders, these provinces were chosen as sites for a pilot project. The idea was to:

- Develop guidelines for various officials involved in the arrest and trial of young offenders: police officers, prosecutors, probation officers and magistrates.
- Use these guidelines as the focus of special training for groups of officials in all the above positions.
- Test the effectiveness of the procedures set out in the guidelines through the officials who have been specially trained.

The aim is:

- To find practical, just ways to express the principle that the child should be treated both as a victim of exploitation and as a perpetrator of crime.
- To target the real villains – the adults who profit from the children's illegal actions – more effectively and therefore begin to contain the problem.

Already the guidelines and proposed procedures have been adopted by all relevant departments in the two provinces. The new approach is beginning to bear fruit in the prosecution of adults who have used children to undertake criminal acts.



Regulation of labour

There are two main aspects to the labour regulation element of the CLPA: enforcement of existing measures and developing new policies and regulations.

Underpinning both aspects is the need to allocate adequate human resources for enforcement of regulations and provision of special training to labour inspectors on how to deal with child labour.

The CLPA urges close monitoring and regular inspection in certain economic sectors, with rigorous enforcement of:

- The prohibition on all employment and other detrimental work for children under 15 years.
- The sectoral determination for domestic work that specifies minimum wages and conditions.
- The determination for the retail sector.
- The sectoral determination for commercial agriculture.
- Prohibitions on employing children in the liquor industry.

When it comes to new labour regulations to help combat child labour, the CLPA calls for the following:

- Including in the taxi sectoral determination a prohibition on children working in the industry.
- Regulating the work permitted for children aged 15 – 17 years, defining acceptable forms of work and excluding specific forms of work. These regulations have since been drafted and are expected to be promulgated in 2007.

The CLPA proposes the introduction of mandatory health checks for child workers, with a view to:

- Ensuring work-related diseases or injury are diagnosed and treated.
- Children are covered in all situations of employment by compensation provisions.
- Work hazards faced by children are better understood and actively addressed.

New legislation

The CLPA calls for legislation with specific provisions to strengthen the response to child labour. In particular it urges the speedy enactment and implementation of certain Bills that have long been in the pipeline:

- The Children's Bill
- The Child Justice Bill
- The Sexual Offences Bill.

It also advocates the urgent development of new legislation specifically dealing with the crime of trafficking, including child trafficking. This is presently being addressed in the drafting of a law that will tackle trafficking of persons in a comprehensive way.



Off limits: Only adults may be employed in bars and taverns.

International relations

Cross-border trafficking and the treatment of child refugees and illegal immigrants are the focus of these action steps. The CLPA proposes that South Africa should:

- Ratify and implement the Convention against Transnational Organised Crime and the protocol on trafficking in persons. Ratification has since occurred and the process of implementation begun.
- Promote agreements between individual countries, and for the southern African region as a whole, to prevent trafficking and develop standard procedures for extradition of traffickers.
- Strengthen contact within the region between officials responsible for measures to counter trafficking and assist victims.
- Review its policy on repatriation of victims of trafficking so that care of victims is not conditional upon their giving evidence in criminal proceedings.

The CLPA states that relevant officials need to be thoroughly familiar with children's rights – and expected to apply them in all circumstances including those involving immigrants.

The provision of education and health care to child refugees is flagged as an area for action.

Public awareness

The CLPA emphasises the need for a strong national awareness campaign on the dangers and adverse consequences of child labour. It notes, in particular, the need to create public awareness of relevant provisions of the Basic Conditions of Employment Act, the problem of child trafficking, and the involvement of children in the liquor trade.



Universal right: All children – including refugees – have a right to health care.

Key success factors

Leadership

Child labour, as experienced it in South Africa, is not a simple reality. Although the practice is fairly widespread it is not very visible, in some cases because it is clandestine and in other cases because it affects marginalised groups. It therefore requires strong leadership to ensure that child labour is prioritised for action.

The inter-sectoral nature of the response demands multiple leaders – in all sectors, at all levels of government and from all social partners. It also requires dynamic central leadership that draws all the sectors together into a national effort.

Shared responsibility

The interventions identified to eliminate child labour fall squarely into the mandates of various government departments and structures. In some cases additional resources may be required to undertake the actions identified successfully, but there can be little debate about where the main responsibility lies. The success of the CLPA depends on each of us recognising and willingly assuming our responsibilities.

Integration

Good returns on our investment of effort depend on departments and organisations working in an integrated manner. There is much to be gained by focusing our efforts, creating shared timelines for inter-related interventions – and experiencing the satisfaction of seeing a plan come together. We need to make good use of structures and processes for coordination at all levels.

Additional resources

Many aspects of the CLPA can be implemented without the allocation of additional resources. Some, however, cannot. The difficult process of estimating the cost of these interventions and factoring them into various government budgets is underway, under the leadership of the Department of Labour. It is important for this process to involve provincial governments.

Accountability

In addition to estimating the full cost of implementing the CLPA, a framework for monitoring performance is being developed. This is not only important in terms of demonstrating proper use of funds allocated, but it goes to the heart of our commitment to find truly effective ways to safeguard our children against work that may destroy their hope of a brighter future.

Principles of the CLPA

Consult children on matters that concern them

Put the child's best interests first

Prioritise action against the worst forms of child work

Learn from others where appropriate

Recognise the need for ongoing research and learning

Commit resources for a sustainable response

Prevent harmful child work wherever possible

Include all relevant stakeholders in government and civil society

Build on existing initiatives and avoid duplication

Coordinate a truly inter-sectoral response



Childline 0800 055 555
24-hour toll free help line