

Children from Conscription, Say Aid Agencies", IRINnews.org, [online], January 2, 2007 [cited December 12, 2007]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=62920>.

<sup>3124</sup> U.S. Department of State, "Country Reports- 2007: Somalia," section 1g. See also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict, Sixty Second Session, A/62/609-S/2007/757*, December 21, 2007, section 88; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N07/656/04/PDF/N0765604.pdf?OpenElement>.

<sup>3125</sup> United Nations Security Council, *Report of Secretary-General on Children and Armed Conflict, Sixty Second Session*, section 88. See also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, 5.

<sup>3126</sup> United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in*

*Somalia*, 5. See also Integrated Regional Information Networks, "Protect Children from Conscription". See also United Nations Security Council, *Report of Secretary-General on Children and Armed Conflict, Sixty Second Session*, section 88.

<sup>3127</sup> U.S. Department of State, "Country Reports- 2007: Somalia," section 1g. See also Coalition to Stop the Use of Child Soldiers, "Somalia," in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=796](http://www.child-soldiers.org/document_get.php?id=796).

<sup>3128</sup> U.S. Department of State, "Country Reports- 2007: Somalia," section 1.

<sup>3129</sup> United Nations Security Council, *Report of Secretary-General on Children and Armed Conflict, Sixty Second Session*, section 88.

## South Africa

### *Selected Statistics and Indicators on Child Labor*<sup>3130</sup>

Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	No*
Gross primary enrollment rate (%), 2004:	106
Net primary enrollment rate (%), 2004:	88
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2003:	82
ILO-IPEC participating country:	Yes
*Must pay for miscellaneous school expenses.	

### **Incidence and Nature of Child Labor**

Working children in South Africa are often found in family enterprises, primarily in agriculture and trade. A higher proportion of children in rural areas than urban areas are engaged in some type of work.<sup>3131</sup> Children work in commercial and subsistence farms or as domestic servants.<sup>3132</sup> Children also work as vendors, car guards, trolley attendants, shop assistants, and taxi conductors.<sup>3133</sup> Children are employed in taverns and liquor outlets to clean, stock supplies, prepare food, and serve alcohol.<sup>3134</sup> Children are also used to scavenge landfills and dumpsites for recyclable materials.<sup>3135</sup> Some children become engaged in prostitution to increase their family's income.<sup>3136</sup>

South Africa is a country of origin, transit, and destination for children trafficked for sexual exploitation and forced labor.<sup>3137</sup> Children are trafficked from Tanzania, Eastern Europe, China, Thailand, Lesotho, Mozambique, and Zimbabwe into South Africa for sexual exploitation.<sup>3138</sup> Some children are trafficked to South Africa from other African countries and sent to Europe for commercial sexual exploitation.<sup>3139</sup> Boys are

trafficked to South Africa from Mozambique and Malawi for agricultural work. A small number of girls are trafficked from Swaziland into South Africa for domestic servitude.<sup>3140</sup> Children are also trafficked from rural areas to urban areas within South Africa for domestic service and commercial sexual exploitation.<sup>3141</sup> South African girls are occasionally trafficked to Asian and European countries for sexual exploitation.<sup>3142</sup>

### **Child Labor Laws and Enforcement**

The law establishes the minimum age for employment as 15 years.<sup>3143</sup> Employers may hire children less than 15 years to work in the performing arts with permission from the South African Department of Labor.<sup>3144</sup> Children who are under 18 years may not perform work that is harmful to their well-being and development.<sup>3145</sup> The Minister of Labor is authorized to set additional restrictions on the employment of children 15 years and above.<sup>3146</sup> The law provides for the right of every child, defined as a person less than 18 years, to be protected from age-inappropriate and exploitive labor practices.<sup>3147</sup> The penalty for illegally employing a child under the law is a fine or a maximum jail term of 3 years.

The law prohibits all forms of forced labor and establishes a maximum penalty of 3 years in prison for imposing forced labor on another person.<sup>3148</sup> The law specifically bans child trafficking and the commercial sexual exploitation of children. The maximum penalty for violating the law is 20 years imprisonment.<sup>3149</sup> The law establishes 18 years as the minimum age for voluntary military service, military training, and conscription, even in times of national emergency.<sup>3150</sup>

The South African Department of Labor (SADOL) is tasked with enforcing child labor laws. As of 2007, there are approximately 1,600 labor inspectors nationwide, who have the responsibility of enforcing labor laws, including those involving child labor. According to USDOS, the SADOL has difficulty gaining access to private property to enforce the law.<sup>3151</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of South Africa continues to implement a national action program to eliminate the worst forms of child labor.<sup>3152</sup> Specific goals of this program include promoting new laws to combat the worst forms of child labor, increasing the Government's capacity to enforce the law, and raising awareness about child labor.<sup>3153</sup> The Government provides assistance to impoverished children 14 years and under to help them meet basic necessities and stay out of the workforce.<sup>3154</sup> The Government launched a policy in early 2007 to prevent schools in the poorest quintile of the country from charging school fees.<sup>3155</sup> During the reporting period, the Government also established an interagency team to improve its efforts to combat trafficking.<sup>3156</sup>

The Government of South Africa is participating in a USD 5 million USDOL-funded regional child labor project in Southern Africa implemented by ILO-IPEC, which includes South Africa. Efforts in South Africa are focused on supporting the Government of South Africa's Child Labor Program of Action by raising awareness, enhancing capacity for policy implementation and monitoring, and through direct action programs.<sup>3157</sup> This project aims to withdraw 688 children and prevent 2,216 children from engaging in exploitive labor.<sup>3158</sup> The Government is also participating in a USD 9 million regional Child Labor Education Initiative project funded by USDOL in Southern Africa with the support of the American Institutes for Research. This project aims to improve the quality and access to education for South African children who are working in, or are at risk of working in, the worst forms of child labor. Over its lifetime, the project intends to prevent 10,000 children in five countries, including South Africa, from engaging in exploitive labor.<sup>3159</sup> IOM is implementing a USAID-funded project that will prepare civil society groups to raise public awareness on human trafficking and provide direct assistance to trafficking victims.<sup>3160</sup>

<sup>3130</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of South Africa, *Basic Conditions of Employment Act 75 of 1997*, (December 5, 1997), articles 43(1)(a)(b), 43(3), 93; available from [http://www.workinfo.com/free/Sub\\_for\\_legres/data/bcea1998.htm](http://www.workinfo.com/free/Sub_for_legres/data/bcea1998.htm). See also Government of South Africa, *South African Schools Act, No. 84 of 1996*, (November 15, 1996), chapter 2, sections 3(1), 5, 6; available from <http://www.info.gov.za/acts/1996/a84-96.pdf>. See also U.S. Department of State, *reporting*, January 11, 2008, para 1d. See also U.S. Department of State, "South Africa," in *Country Reports on Human Rights Practices- 2007* Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100505.htm>.

<sup>3131</sup> Dawie Bosch & Associates, *Towards a National Child Labour Action Programme for South Africa*, Pretoria, October 2002, 19; available from [http://www.labour.gov.za/useful\\_docs/doc\\_display.jsp?id=9504](http://www.labour.gov.za/useful_docs/doc_display.jsp?id=9504).

<sup>3132</sup> U.S. Department of State, *reporting*, January 11, 2008, para 1e. See also Judith Streak, "Harvesting Childhood: causes, nature, and impact of child agricultural labour," *HSRC Review* 5, no. 3 (September 2007); available from [http://www.hsrc.ac.za/HSRC\\_Review\\_Article-61.phtml](http://www.hsrc.ac.za/HSRC_Review_Article-61.phtml). See also U.S. Department of State, "Country Reports- 2007: South Africa," section 6e. See also Debbie Budlender and Dawie Bosch, *Child Domestic Workers: A National Report; No 39*, ILO-IPEC, Geneva, May, 2002, ix,xii; available from [http://datafirst.cssr.uct.ac.za/resource/papers/budlender\\_2002.pdf](http://datafirst.cssr.uct.ac.za/resource/papers/budlender_2002.pdf).

<sup>3133</sup> ILO-IPEC, *HIV/AIDS and Child Labour in South Africa: A rapid assessment*, Paper No. 4, March 2003, 27, 38.

<sup>3134</sup> Andrew Charman, *A rapid assessment of children making and selling liquor in South Africa*, ILO-IPEC, Pretoria, August, 2006, 8,10; available from <http://www.child-labour.org.za/forms-of-CL/sectors/liquor/study-on-child-work-in-the-liquor-industry/>.

<sup>3135</sup> Saranel Benjamin, *A rapid assessment on scavenging and waste recycling work by children in South Africa*, ILO-IPEC, Pretoria, October, 2007, 7-9; available from <http://www.child-labour.org.za/south-africa/documents-and-laws/research-reports/children-involved-in-scavenging-on-waste-dumps/child-scavenging-study-report/>

<sup>3136</sup> South African Department of Labour, *Commercial and sexual exploitation of children and child trafficking: A South African national situation analysis*, Pretoria, May 2006, 18; available from [\[africa/forms-of-child-labour/worst-forms-of-child-labour/child-trafficking/study-on-trafficking-and-sexual-exploitation/\]\(http://www.child-labour.org.za/south-africa/forms-of-child-labour/worst-forms-of-child-labour/child-trafficking/study-on-trafficking-and-sexual-exploitation/\) See also U.S. Consulate-Johannesburg, \*reporting\*, September 3, 2004, para 10.](http://www.child-labour.org.za/south-</a></p></div><div data-bbox=)

<sup>3137</sup> U.S. Department of State, "Country Reports- 2007: South Africa," section 5.

<sup>3138</sup> U.S. Department of State, "South Africa (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82807.htm>. See also UNESCO, *Human Trafficking in South Africa: Root Causes and Recommendations*, Paris, 2007, 21; available from <http://unesdoc.unesco.org/images/0015/001528/152823E.pdf>. See also South African Department of Labour, *CSEC of children and child trafficking*, 15. See also International Organization for Migration, *The Trafficking of Women and Children in the Southern African Region*, Pretoria, March 24, 2003, 11-12; available from <http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf>.

<sup>3139</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: South Africa." See also UNESCO, *Human Trafficking in South Africa*, 23.

<sup>3140</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: South Africa." See also South African Department of Labour, *CSEC of children and child trafficking*, 15.

<sup>3141</sup> U.S. Consulate- Johannesburg, *reporting*, September 3, 2004, para 5. See also South African Department of Labour, *CSEC of children and child trafficking*, 14,16. See also UNESCO, *Human Trafficking in South Africa*, 24.

<sup>3142</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: South Africa."

<sup>3143</sup> Government of South Africa, *Basic Conditions of Employment Act*, articles 43(1)(a)(b), 43(3), 93.

<sup>3144</sup> U.S. Department of State, *reporting*, January 11, 2008, para 1a. See also South African Department of Labour, *Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities*, 2004; available from [http://www.labour.gov.za/legislation/sectoral\\_display.jsp?id=7213](http://www.labour.gov.za/legislation/sectoral_display.jsp?id=7213).

<sup>3145</sup> U.S. Department of State, "Country Reports- 2007: South Africa," section 6d. See also Government of South Africa, *Amended Basic Conditions of Employment Act*, (2002), article 43 (1-2); available from [http://www.labour.gov.za/act/section\\_detail.jsp?legislationId=5538&actId=6178&sectionId=6980](http://www.labour.gov.za/act/section_detail.jsp?legislationId=5538&actId=6178&sectionId=6980).

<sup>3146</sup> Government of South Africa, *Basic Conditions of Employment Act*, articles 44(1), 44(2).

<sup>3147</sup> Government of South Africa, *Constitution of the Republic of South Africa*, (December 10, 1996), chapter 2, sections 28(3), 28(1)(e) and (f); available from <http://www.info.gov.za/documents/constitution/1996/96cons2.htm#13>.

<sup>3148</sup> Government of South Africa, *Basic Conditions of Employment Act*, article 93, 43(1)(a)(b), 43(3), 44(2), and 48.

<sup>3149</sup> Government of South Africa, *The Children's Act of 2005*, (July 2007), articles 284-285; available from <http://www.child-labour.org.za/south-africa/documents-and-laws/legislation/other/childrens-act/childrens-act-the-act-and-draft-amendments/Childrens%20Act%2038%20of%202005.pdf>. See also U.S. Department of State, "Country Reports-2007: South Africa," section 5. See also U.S. Department of State, *reporting, January 11, 2008*, para 1a.

<sup>3150</sup> Coalition to Stop the Use of Child Soldiers, "South Africa," in *Child Soldiers Global Report* online, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=797](http://www.child-soldiers.org/document_get.php?id=797).

<sup>3151</sup> U.S. Department of State, *reporting, January 11, 2008*, para 1b. See also U.S. Department of State, "Country Reports- 2007: South Africa," section 6d.

<sup>3152</sup> U.S. Department of State, *reporting, January 10, 2007*, para 1d.

<sup>3153</sup> Government of South Africa, *The National Child Labour Action Programme for South Africa, Draft 4.10*, Pretoria, October 2003, 4; available from [http://www.labour.gov.za/useful\\_docs/doc\\_display.jsp?id=9503](http://www.labour.gov.za/useful_docs/doc_display.jsp?id=9503).

<sup>3154</sup> U.S. Department of State, *reporting, January 10, 2007*, para 1c. See also, Government of South Africa, *National Child Labour Action Programme*, 19.

<sup>3155</sup> ILO-IPEC, *Towards the Elimination of Child Labor*, technical progress report, Geneva, September 24, 2007, 4.

<sup>3156</sup> U.S. Department of State, "Country Reports- 2007: South Africa," section 5.

<sup>3157</sup> ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labor in South Africa's Child labor Action Programme and laying the basis for concerted action against Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, Project Document, September 30, 2003, 30.

<sup>3158</sup> ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labor in South Africa's Child labor Action Programme and laying the basis for concerted action against Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, Project Revision, November 3, 2006, annex 2.

<sup>3159</sup> American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Project Document, Washington September 8, 2005, 17-19.

<sup>3160</sup> U.S. Agency for International Development, *USAID Anti-Trafficking in Persons Programs in Africa: A Review* Washington D.C., April 2007, 63; available from [http://pdf.usaid.gov/pdf\\_docs/PDACJ521.pdf](http://pdf.usaid.gov/pdf_docs/PDACJ521.pdf). See also

## Sri Lanka

### **Incidence and Nature of Child Labor**

Children in Sri Lanka work in both plantation and small-scale farming, as well as in seasonal family agriculture.<sup>3161</sup> Children also work in the informal sector, family enterprises, small restaurants, stores, repair shops, small-scale manufacturing, and crafts.<sup>3162</sup> Children also work as domestic servants, and some have reported experiencing sexual abuse.<sup>3163</sup>

The prostitution of children is widespread in the country. It is estimated that there are approximately 40,000 children in commercial sexual exploitation in Sri Lanka.<sup>3164</sup> The majority of children in prostitution are exploited by local citizens, though there are reports of sex tourism as

well.<sup>3165</sup> Some of these children have been trafficked and many boys are lured from rural areas to southern beach resorts to work in the sex industry, sometimes at the request of their parents.<sup>3166</sup>

Conflict intensified in Sri Lanka during 2007, and the use of children in armed conflict remained a pressing concern.<sup>3167</sup> On January 2, 2008 the Government withdrew from the 2002 ceasefire signed by the Government and the Liberation Tigers of Tamil Eelam (LTTE).<sup>3168</sup> Reports indicate that the LTTE, an armed terrorist group fighting for a separate ethnic Tamil state, and the Karuna faction both continue to heavily recruit children as soldiers, often forcibly.<sup>3169</sup> The LTTE recruit and abduct children as young as 11 years to serve in combat and in various battlefield support