



THE NATIONAL

# CHILD LABOUR PROGRAMME OF ACTION FOR SOUTH AFRICA

PHASE TWO:  
2008 - 2012





# labour

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Department:  
Labour  
REPUBLIC OF SOUTH AFRICA

## THE NATIONAL CHILD LABOUR PROGRAMME OF ACTION FOR SOUTH AFRICA

### **Publisher**

Department of Labour  
Chief Directorate of Communication  
Private Bag X117, Pretoria, 0001

### **Text**

Commission for Employment Equity

### **Editing, Layout and Design, photography and distribution**

Sub-directorate of Media Production,  
Design Studio (Designer: Nontembiso Kgatle)  
Chief Directorate of Communication, Department of Labour

### **Printer**

Government Printers

### **ISBN:**

978-0-621-40869-0

### **Website**

[www.labour.gov.za](http://www.labour.gov.za)



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## ABBREVIATIONS USED

<b>BCEA</b>	Basic Conditions of Employment Act	<b>LFS</b>	Labour Force Survey
<b>CLIG</b>	Child Labour Inter-sectoral Group	<b>LG</b>	Local Government
<b>CLPA</b>	Child Labour Programme of Action	<b>NACCA</b>	National Action Committee for Children affected by HIV and AIDS
<b>CSEC</b>	Commercial sexual exploitation of children	<b>NEDLAC</b>	National Economic Development and Labour Council
<b>CSG</b>	Child Support Grant	<b>NGOs</b>	Non-Governmental organisations
<b>CUBAC</b>	Children used by adults to commit crime	<b>NPA</b>	National Prosecuting Authority
<b>DA</b>	Department of Agriculture	<b>NT</b>	National Treasury
<b>DBE</b>	Department of Basic Education (national)	<b>ORC</b>	Office on the Rights of the Child
<b>DEAT</b>	Department of Environment and Tourism	<b>OVCs</b>	Orphans and vulnerable children
<b>DIRCO</b>	Department of International Relations and Cooperation	<b>PDE</b>	Provincial Department(s) of Education
<b>DOC</b>	Department of Communications	<b>PDLA</b>	Provincial departments responsible for local Government
<b>DCS</b>	Department of Correctional Services	<b>PPO</b>	Provincial Premiers' Offices
<b>DOH</b>	Department of Health	<b>RI</b>	Research institutions
<b>DHA</b>	Department of Home Affairs	<b>SALRC</b>	South African Law Reform Commission
<b>DOJ and CD</b>	Department of Justice and Constitutional Development	<b>SAPS</b>	SA Police Service / Department of Safety and Security
<b>The DOL</b>	Department of Labour	<b>SARS</b>	South African Revenue Services
<b>DME</b>	Department of Minerals and Energy	<b>SASA</b>	South African Schools Act
<b>DPLG</b>	Department of Provincial and Local Government	<b>SASSA</b>	South African Social Security Agency
<b>DPW</b>	Department of Public Works	<b>SAYP</b>	Survey of Activities of Young People
<b>DOA</b>	Departments responsible for agriculture (national and provincial)	<b>SOCA</b>	Sexual Offences and Community Affairs Unit of the National Directorate of Public Prosecutions
<b>DSD</b>	Department of Social Development	<b>StatsSA</b>	Statistics South Africa
<b>DSDLR</b>	Department of Rural Development and Land Reform	<b>TU</b>	Trade union
<b>The DT</b>	Department of Transport	<b>UNDP</b>	United Nations Development Programme
<b>DTI</b>	Department of Trade and Industry	<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation
<b>DWA</b>	Department of Water Affairs	<b>UNICEF</b>	United Nations Children's Funds
<b>ECC</b>	Employments Conditions Commission	<b>USAID</b>	United Stated Agency for International Development
<b>ECD</b>	Early Childhood Development	<b>WFCL</b>	Worst Forms of Child Labour
<b>EPWP</b>	Expanded Public Works Programme	<b>WSDP</b>	Water Services Development Plan
<b>IC</b>	Implementation Committee	<b>WP6</b>	White Paper 6 on inclusive education (DBE)
<b>ILO</b>	International Labour Organisation		
<b>IOM</b>	International Organisation on Migration		
<b>ISCCJ</b>	Inter-sectoral Committee on Child Justice		
<b>JCPS</b>	Cluster – Justice and Correctional Services cluster of Government Departments		

'Departments responsible for' in the above list means national and provincial departments sharing the responsibility for the relevant line function. These are usually where the Constitution specifies that the given function is a concurrent one between national and provincial Government.



## INTRODUCTION

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The CLPA is South Africa's roadmap towards the prevention, reduction and eventual elimination of child labour which affects an estimated one million children in the country. The CLPA serves to focus and guide the efforts of a number of Government departments and civil society groups, including business organisations, labour federations and organisations serving the interest of these children. Key elements of the CLPA are:

- (a) Targeting the implementation of Government and other stakeholders' programmes and policies on poverty, employment, labour and social matters more effectively in areas where the work children do has serious negative effects on them
- (b) Promoting new legislative measures against worst forms of child labour
- (c) Strengthening of national capacity to enforce legislative measures
- (d) Increasing public awareness and social mobilisation against worst forms of child labour.

The CLPA was first adopted in 2003 after extensive consultation within Government, with a wide range of organisations outside Government and with groups of teenage children involved in different forms of child labour. It sets out specific actions to be taken and assigns responsibility for these actions. As the lead department, the Department of Labour must coordinate and monitor these steps.

Since the first adoption of the CLPA in 2003 significant progress has been made. There has been significant expansion of measures to relieve household poverty which is the main driver of child labour. Legislation to address child labour has been strengthened substantially. The Children's Act as amended in 2007 deals explicitly with child trafficking, children used by adults to commit crime (CUBAC) and the commercial sexual exploitation of children. It also reinforces the provisions on forced labour in the Basic Conditions of Employment Act.

The second phase of the CLPA, which was adopted by Cabinet on 4 February 2009 covers the financial years 2008/09 to 2012/13 and represents South Africa's proposed actions enabling it to reach the 2015 target for eradication of the worst forms of child labour (WFCL). The CLPA identifies a wide range of activities falling within the mandates of a wide range of Government departments and agencies. For each activity, the CLPA identifies the lead department as well as other departments and agencies, including non-Governmental ones, which would be involved.

Most of the activities making up the CLPA already form part of Government policy. In these cases the programme confirms that these activities help to address the problems of child labour. Where appropriate, it proposes that implementation be strengthened.

The implementation of the CLPA is coordinated by the Implementation Committee (IC) with representatives from Government departments, Organised Business, Organised Labour and Civil Society.

This report consolidates submissions received from the various national Government departments and agencies which have roles assigned in implementation of the Child Labour Programme of Action (CLPA) 2008-2012. The report concludes with recommendations in respect of steps to be included in the CLPA 2012-2016.

The main body of the report consists of an extended table that lists each of the steps of the CLPA 2008-2012, describes what each of the departments and agencies that submitted reports recorded as their contributions in respect of the step, and provides a brief assessment on the extent to which the reported actions have accomplished what was envisaged with that step.

Six agencies submitted reports on progress, namely the Departments of Basic Education, International Relations and Cooperation, Justice and Constitutional Development, Labour, Public Works and Social Development and the South African Police Service. It is these submissions that are reflected in the report. A range of other agencies also have responsibilities assigned in the CLPA 2008-2012. Their failure to submit reports, despite reminders from the lead agency, the Department of Labour, may or may not reflect failure to fulfill the specified responsibilities.

The second section of the report consists of action steps by lead institutions and describes what the lead institution contributed in respect of the action step.

The third section provides a summary of the overall child labour indicators in terms of the second Survey of Activities of Young People (SYAP) conducted by StatsSA as an add-on to the Quarterly Labour Force Survey (QLFS).

The final section provides recommendations for the CLPA 2012-2016 that take into account both the progress achieved and the shortfalls reflected in the main body of the report.



Step	Description of action step	Reported progress	Assessment
1	One of the factors in deciding where to implement <b>public works programmes</b> will be areas where many children are involved in the worst forms of child labour or excessive child work. <i>Lead institution:</i> DPW; <i>secondary institution:</i> The DOL. <i>Time line:</i> to be introduced within one year of adoption of policy.	Not relevant to DPW core function	
2	Assessing the Government's job-creation policy to ensure that the <b>jobs created go to adults and not children.</b> <i>Lead institution:</i> DTI; <i>secondary institution:</i> The DOL. <i>Time line:</i> to be introduced within one year of adoption of policy.	Job-creation policy complies with all South African legislation and prohibits employment of children under the age of 15 years of age.  The minimum entry age for the Expanded Public Works Programme (EPWP) was reduced from 18 to 16 years to accommodate children leaving school at that age. DPW has developed an Automatic System that automatically rejects the employment of children under the age of 16.	Progress in respect of EPWP.
3	NGOs will be encouraged to run <b>effective income-generating projects for adults</b> in targeted areas where many children are involved in the worst forms of child labour, provided the projects will attain self-sufficiency within a reasonable period. <i>Lead institution:</i> NGOs. <i>Secondary institution:</i> Business. <i>Time line:</i> 2008-2012.	NGOs are encouraged by Government Departments and funds and assistance are donated by business Corporate Social Investments to build up communities.	Ongoing
4	<b>Poverty alleviation initiatives</b> , including rollout of grants, will be targeted in child labour hot spots, including in areas where children spend long hours in subsistence agriculture or fetching fuel and water. This will not be interpreted as a criterion for access to the grants, but rather as a criterion for targeting of information campaigns and registration blitzes. <i>Time line:</i> 2007-2011.	The Child Support Grant, Foster Child Grant, Care Dependency Grant, Disability Grant and the Old Age Pension are provided on application through the SA Social Security Agency. The Integrated Community Registration Outreach Programme aims to promote accessibility of grants by eligible beneficiaries in remote areas. By September 2009, about 112 000 beneficiaries, mainly from rural communities, were able to access services through its mobile units. The integrated Nutritional Project includes feeding schemes provided by provinces while NGOs are subsidised by provincial DSD to run feeding schemes. The Social Relief of Distress grant provides for those not covered by other measures.	Ongoing
5	The Department of Labour will, at intervals of two years, <b>assess all relevant public sector policies and programmes for their impact on child labour</b> and the contribution they could make to the elimination of child labour. This assessment will be summarised every two years in the 'State of Child Labour in South Africa' report to be coordinated biannually by the DOL. <i>The DOL; Secondary institution:</i> StatsSA (statistical module), DSD, DOJ and CD (each regarding their own line function). To be done every two years starting from 2009.	The Children's Act, No.38 of 2005 amended in 2007 came into effect on 1 April 2010. The new Act aims to bring South Africa's law in line with the Bill of Rights and international law. It provides a new legal framework for the care and protection of children promoting the rights, responsibilities and participation of the child, parents, care-givers and service providers. It also outlines how children must be treated and the services that must be provided when they are in need of care and protection.	Ongoing



Step	Description of action step	Reported progress	Assessment
6	<b>Labour inspectors</b> should receive <b>training</b> on how to address child labour. <i>Lead institution:</i> the DOL. <i>Time line:</i> first training after adoption of CLPA-2 by 2007; then ongoing.	In 2008 labour inspectors and other key role-players were trained on child labour issues. In 2009, follow-up training sessions were conducted by officials from the national office of the DOL. Child labour formed part of the train the trainers programme and was rolled out in all provinces  In 2009-2010 inspectors were trained on trafficking by the IOM and on enforcement of child labour. The enforcement policy was updated to include the reporting of children in need of care  DSD includes labour inspectors in provincial training and capacity building of stakeholders on the Children's Act and the Child Justice Act. The training focuses on Sections 110, 141 and 150, on identifying a child in need of care and protection.	Ongoing
7	Sufficient <b>resources should be allocated for enforcement</b> of child labour provisions to ensure that the DOL's enforcement policy on child labour can be implemented, such as the setting aside of sufficient time by labour inspectors for child labour inspections and follow-up to inspections. <i>Lead institution:</i> the DOL. <i>Time line:</i> from 2008.	Sufficient resources have been allocated for enforcement and monitoring by inspectors and monitored by the provincial CLIG structures.	Ongoing
8	The DOL will <b>allocate sufficient human and other resources</b> to fulfil its functions as lead department, to assist and advise other Government and non-Government institutions regarding their functions, to provide monitoring and reporting services to the CLPA process, to service the Implementation Committee of the CLPA, and to fulfil its other overall functions in terms of this document. <i>Lead institution:</i> The DOL. <i>Time line:</i> From 2008.	The Employment Standards Directorate monitors the CLPA functions. Implementation Committee meetings are held bi-monthly.	Ongoing
9	The DOL should coordinate a two-yearly report entitled <b>"State of Child Labour in South Africa"</b> . The first report and the design of the report are due to be produced in 2007, prior to the start of CLPA-2. The report will combine statistical information, policy analysis of the present legal framework to address child labour and serve as an effective evaluation and monitoring tool for the South African Government on how it is delivering on its own CLPA programme to eliminate child labour in South Africa. In essence the report will give a holistic face of child labour in South Africa at the time of the report. <i>Lead institution:</i> The DOL. <i>Time line:</i> 2009, then every two years	A monitoring tool was provided to all stakeholders for reporting purposes. The first report will be submitted to Cabinet in 2012.  Ongoing support is provided to all Departments and role players.	Ongoing



Step	Description of action step	Reported progress	Assessment
10	The <b>CSG will be extended to children up to the end of the school year in which they turn 15 years</b> . The current age cut-off of 14 years does not align with the period of compulsory schooling and the prohibition on employment of children, both extending up to the end of the school year in which a child turns 15. If the extension is not done, children of very poor families are likely to leave school at 14 to work for family income, or to work while attending schooling, affecting schooling negatively. <i>Lead institution: DSD. Secondary institution: NT. Time line: 2010.</i>	R89 billion was allocated for the phased extension of the CSG up to the child's 18 <sup>th</sup> birthday	Done
11	In the <b>medium term the extension of the CSG to those aged 16 and 17 years</b> will be considered to encourage children to remain in school and to avoid children's engagement in hazardous work activities and other WFCL. This will be preceded by an assessment of how effectively the CSG reaches the very poor. <i>Lead institution: DSD. Secondary institution: NT. Time line: 2012.</i>	R89 billion was allocated for the phased extension of the CSG up to the child's 18 <sup>th</sup> birthday.	Done
12	A serious problem with the CSG and other grants is that <b>birth certificates and ID documents</b> are required to access the grant. The problem is exacerbated when children are orphaned or left without proper documentation. Ways need to be found urgently around this problem while limiting the scope for corruption, as it is orphans, and children and their caregivers in rural and poorer areas who usually lack this documentation. <i>Lead institution: DHA. Secondary institution: Provincial DSD. Time line: 2008.</i>	Provincial DSD and NGO social workers provide assistance to these children in accessing documents from DHA and deal with them as children in need of care and protection in terms of the Children's Act  DSD engages in ongoing discussions with the National DHA through different forums which aims to ensure that problem areas are identified and addressed accordingly  Provision is now made for alternative documents to be submitted by applicants for the CSG where birth certificates or identity documents are not available.	Ongoing
13	The regulations in respect of grants will be changed so that <b>children without parents/adult caregivers can access grants</b> . <i>Lead institution: DSD. Time line: 2008.</i>	Children without parents/adult caregivers are placed officially in foster care and are entitled for a foster care grant. Children from Child headed households are cared for by an adult appointed to supervise them, who then applies for a child support grant.	In place
14	Appropriate strategies will be found for <b>provision of childcare facilities</b> , especially in sectors and areas where children often have to look after their younger siblings. Effective provincial implementation of the ECD programme will be speeded up and supported financially. For younger children, the DSD will ensure adequate provision, including through support for non-Government providers. Workplace-based childcare facilities will be encouraged, but will not be seen as the primary solution as these will not be appropriate for the many parents who are not in formal employment. Many parents also may prefer not to take their children on long journeys to work. <i>Lead institution: DSD. Secondary institutions: PDE (grade R), the DOL (workplace-based provision), LG (regarding crèche facilities funded or provided by local authorities). Time line: 2010.</i>	ECD is a priority for Government and is supported by provinces to ensure that increasing numbers of children have access to ECD facilities.  The provincial DSD subsidises children according to a means test at registered ECD facilities in communities.	Ongoing



Step	Description of action step	Reported progress	Assessment
15	The implementation of the <b>social sector EPWP</b> will be speeded up and extended in areas found to have a severe shortage of day care facilities. This will improve the situation for vulnerable families and children and will at the same time provide income-generating opportunities in the area. <i>Lead institution: DSD. Time line: By 2008.</i>	DPW coordinates with DSD in reducing the need for the minors to do these worst forms of child labour in the homes.  The Gender Unit in DPW facilitates identification of schools/crèches for ECD and home-based care centres for vulnerable children. The DPW may then assist with the creation of a habitable environment which ensures that children are put in safe haven in order to reduce the risks of them being vulnerable to all WFCL.	Ongoing
16	With the high prevalence of HIV/AIDS a substantial number of children are left to look after ill or dying parents or caregivers and are as a result of this unable to attend school or receive proper care themselves. These children and their household will be assisted through provision of <b>home-and community-based care programmes</b> that can assist with the care of the ill or dying parent / caregiver. Attention should be given to ensure that children by involvement in home-based care activities are not negatively affected. <i>Lead institution: DSD and DoH. Time line: 2009.</i>	DSD, through the home and community based care (HCBC) and support programme, provides care and support to orphans and other children made vulnerable by HIV and AIDS and their families.  Through the HCBC programme, community caregivers facilitate the early identification of orphans and vulnerable children; facilitate referrals to social workers for specialised services including alternative placements; provide supervision and ongoing support to vulnerable households; assist families to discuss and actively get involved in succession planning activities like writing of wills to protect the inheritance rights of children as well as guardianship arrangements; provide psychosocial support; assist children and their families access to basic services including social grants and other material assistance; assist children and families to access legal documents; and ensure that children attend school and restore normal schooling where it has been interrupted.	Ongoing
17	Appropriate systems will be set in place to <b>monitor the services to vulnerable children</b> , to ensure appropriate transfer of children between involved departments and institutions, and to encourage collaboration between the departments and institutions and the provision of integrated services. <i>Lead institution: DSD. Secondary departments: DOH, provincial DSD, the DOL, PDE, DHA, SAPS. Time line: 2008.</i>	DSD is reporting in terms of Form 22 to the Child Protection Register.  The Children's Act has a monitoring and evaluation implementation plan and is monitored on a quarterly basis. The DOL enforcement policy on child labour makes provision for the completion of the form 22 to be forwarded to DSD.	Ongoing
18	Officials of provincial DSD, DOH, the DOL, PDE and DHA will be trained in ways of detecting <b>potentially serious cases of child labour</b> and what action to take when it is found. <i>Lead institution: DSD. Affected departments: DOH, DrSD, the DOL, PDE, DHA. Time line: 2009.</i>	Training has been undertaken with inter-sectoral stakeholders in provinces on sections relating to identification of a child in need of care and protection. Representatives of nine provinces were trained during 2010/2011 on the respective sections of the Children's Act inclusive of issues of child labour. Government Departments are encouraged to attend additional training on WFCL.	Ongoing



Step	Description of action step	Reported progress	Assessment
19	<p>There will be a sustained <b>national public awareness campaign</b> on child labour. The national public awareness campaign will highlight <b>the provisions of the BCEA</b>. <i>Lead institution: the DOL. Secondary institutions: DSD, SAPS, DOJ and CDCD, DOC (each regarding its own line function), NGOs. Time line: 2<sup>nd</sup> stage of campaign to run from 2008, building on the initial campaign that forms part of the TECL output.</i></p>	<p>Public awareness raising is done by the DOL on a National and Provincial level on a continuous basis. the DOL has committed itself to commemorate National Day against Child Labour on an annual basis to highlight the problem of child labour and to highlight the Department's commitment towards the eradication of child labour in South Africa.</p> <p>Awareness raising programmes on children are organised by DSD's provincial child protection coordinators for children, families and communities. Awareness raising is done during Child Protection Week commemoration events, by messages, pamphlets and posters. Awareness raising is also done during the 16 days of no violence against women and children. There is collaboration with the DOL on awareness raising when honouring national and international days.</p> <p>DOJ and CD and CD assists the DOL with awareness raising and prints and disseminates information to Regional Offices as well as Child Justice and Children's Courts. The JCPS Cluster is currently updating its communication strategy in this regard to include issues relating to vulnerability of children, including CUBAC.</p> <p>The Vulnerable Children Learning Programme of SAPS covers child labour and is presented in three phases. During this reported period 9 653 SAPS members have attended one-day workshops at national, provincial and stations level. 5 070 members have attended two-day workshops. 1 168 members have attended five-day workshops. SAPS also implement the Child and Youth At Risk and First Respondents to Sexual Offences training programmes for police officials.</p> <p>SAPS also presents annual awareness raising programmes during child protection week, youth month, women's month, and 16 days of no crimes against women and children.</p>	Ongoing
20	<p>The <b>national awareness campaign</b> on child labour will encourage the eradication of practices where children are involved <b>in making or selling liquor</b>, or work in establishments where they are exposed to liquor or clients buying liquor. <i>Lead institution: the DOL; Secondary institution: SAPS, DTI. Time line: see Action step (27).</i></p>	<p>Sectoral Determination 9: Wholesale and Retail Sector, SA and Sectoral Determination 14: Hospitality Sector, SA prohibits employment under the age of 15 years of age.</p> <p>The National Liquor Act prohibits the employment of a person who has not yet attained the age of 16 in any activity relating to the manufacture or distribution of liquor or mentholated spirits. Both departments and SAPS raise awareness on provincial level on an ongoing basis.</p>	Ongoing



Step	Description of action step	Reported progress	Assessment
21	<p>The DBE and PDE will create <b>awareness within the education environment</b> on the content of their relevant action steps including: children should engage in school-related labour only to the extent required to build a sense of responsibility and collectivity; teachers and principals should not use learners to clean their houses; special educational measures for children who are subject to compulsory schooling and who have lost a lot of schooling; special classes, courses and facilities such as ABET and FET for children who are not subject to compulsory schooling and who have left school. <i>Lead institution: DBE; PDE. Time line: to be introduced as soon as possible after adoption of policy.</i></p>	<p>The South African Council of Educators (SAC) Code of Professional Ethics for educators specifies the type of relationship that should exist between a teacher and a learner as one of trust and understanding. The code states categorically that educators should avoid any form of humiliation, and refrain from any form of abuse, physical or psychological.</p> <p>The Quality Learning and Teaching Campaign has been introduced to ensure that the non-negotiables are realised, including that there should be no abuse of learners by teachers and that the children should be in class, on time, learning.</p>	Ongoing
22	<p><b>Labour inspectors</b> will receive <b>training</b> on how to address child labour. This will include training targeting specifically vulnerable or difficult sectors, such as the domestic sector. <i>Lead institution: The DOL. Time line: Ongoing, from 2008.</i></p>	<p>In 2008 labour inspectors were trained on child labour issues. In 2009, follow-up training sessions were conducted by officials from the DOL national office. Child labour formed part of the train the trainers programme and was rolled out in all provinces. Child labour enforcement is included in all Sectoral Determination training. DSD training has been updated to include relevant sections of the Children's Act and the Child Justice Act.</p>	Ongoing
23	<p>Training materials and programmes of <b>law enforcement agencies</b> will be adapted to prime them to seek and <b>prosecute adults using children or benefiting from children's illegal activities</b>. An assessment is also necessary as to whether there are sufficient opportunities within existing training programmes to present such training and, if not, such training sessions will be extended. <i>Lead institution, investigations: SAPS. Lead institution, prosecution: DOJ and CD. Time line: Ongoing, from 2008.</i></p>	<p>SAPS developed National Instruction 2/2010 in terms of the Child Justice Act, which provides clear guidelines on how to identify and deal with a complaint of children suspect of being used by adults to commit crime (CUBAC).</p> <p>SAPS developed a training module that incorporated CUBAC, CSEC, trafficking and regulations on WFCL Training of trainers was held during July 2010. The Inter-sectoral Child Justice Steering Committee has developed and implemented an inter-sectoral training manual for child justice that includes CUBAC.</p> <p>DSD programmes that address problems of child and youth at risk will be adapted over the period 2011-2013 to incorporate the CLPA, CUBAC, child trafficking, child pornography and CSEC.</p>	Ongoing
24	<p>Information on the specific needs and problems of working children and the relevant elements of a Child Labour Programme of Action and the applicable legislation will be introduced in the <b>training of teachers, included in the school curriculum (life orientation) and disseminated to managers</b> of schools, teachers and governing bodies in different languages and at appropriate levels of simplicity. Given the relationship between poverty and failure in education there will also be curriculum development in this regard for use in the life orientation programme. In addition, teachers will be better equipped to deal with vulnerable children and children in special need of care. <i>Lead institution: PDE; Secondary institutions: NGOs. Time line: 2007-2011.</i></p>		



Step	Description of action step	Reported progress	Assessment
25	<b>Training materials</b> should be developed for officials and NGOs that are likely to come into contact with 15-17 year olds involved in hazardous work or other WFCL, regarding alternative employment options for them. The training will include issues regarding occupational health and safety. <i>Lead institution:</i> The DOL. <i>Secondary institution:</i> Provincial DSD. <i>Time line:</i> Ongoing, from 2009.	Presentations were done and provided on the Regulations on WFCL on National and Provincial level by the DOL. Training materials in respect of skills development and vocational training under the EPWP will be developed over the period 2012-2014.	Ongoing
26	<b>Amendments to existing information management systems</b> will be designed and implemented to record all steps taken in key areas of a child labour policy (e.g. details regarding child labour inspections, steps taken by departments responsible for social development of children, etc). These systems will allow the DOL to <b>monitor progress</b> in identifying areas of concern and evaluating targeted programmes or actions and to track children removed from child labour to ensure that their welfare is attended to adequately. The systems will build on and implement findings and recommendations of the TECL research on Child Labour Monitoring due to be done in 2007. <i>Lead institution:</i> The DOL (labour steps and overall coordination); provincial DSD (welfare steps); PDE (education-related steps); SAPS and NPA (investigation and prosecution of CL-related crimes; use of children to commit illegal activities); DHA (refugee children and illegal immigrant children). <i>Time line:</i> 2010.	All action steps are captured in the reporting tool provided to stakeholders by the DOL. Stakeholders are required to report on lead and secondary action steps on a continuous basis. SAPS currently capture all cases in respect of child abuse, neglect, exploitation and trafficking on the CAS system. DSD: the reporting of cases to the Child Protection Register on Form 22.	Ongoing
27	<b>Regular reporting on indicators</b> of the Child Labour Programme of Action will be done as set out in the CLPA. <i>Lead institution:</i> The DOL; <i>Secondary institutions:</i> As listed in the tables in that chapter. <i>Time line:</i> To start from 2008, at intervals as set out on that chapter.	Stakeholders submit narrative reports to the CLPA IC meeting held bi-monthly.	Ongoing
28	Regular <b>follow-up surveys to the SAYP</b> will be conducted to assess the changed situation, especially in the context of the HIV/AIDS pandemic, and to assist with monitoring and evaluation. The follow-ups will be done as an add-on module to the existing labour force survey, including sufficient questions to ensure effective monitoring of the child labour situation in the country. <i>Lead institution:</i> StatsSA; <i>Secondary institution:</i> The DOL. <i>Time line:</i> 2008; thereafter in 2011 in preparation for the review of the CLPA and the planning of phase 3 or the plan.	In 1999, the DOL commissioned Statistics South Africa (StatsSA) to conduct the Survey on the Activities of Young People, in order to obtain accurate information on the incidence and other aspects of children's work-related activities. Findings were published and used in the drafting of the first CLPA. In 2010-2011 Statistics South Africa conducted a further Survey on the Activities of Young People aged 7-17. Findings were released in 2011.	Ongoing
29	The <b>Child Protection Register</b> of the DSD will be reviewed and amended if found necessary. This register should ideally record all vulnerable children and children found in child labour. The updating of the Register will, where relevant, build on and implement findings of the TECL research on Child Labour Monitoring due to be done in 2007 (see action step 33). <i>Lead institution:</i> DSD. <i>Secondary institution:</i> The DOL, SAPS, PDE, NPA, DHA. <i>Time line:</i> 2009.	The Child Protection Register Part A has been operational from 1 April 2010 for reporting all forms of child exploitation inclusive of children found in child labour, using Form 22.	In place
30	<b>Legislation will be amended</b> to ensure that labour tenants cannot nominate minor children to work in their place for a landowner, and to prohibit landowners from demanding that labour tenants nominate their minor children. <i>Lead institution:</i> DRDLR. <i>Time line:</i> 2009.	Forced labour prohibited by the Constitution and BCEA.	



Step	Description of action step	Reported progress	Assessment
31	The <b>extent and forms of servitude</b> , related to child labour, should be the focus of further studies. <i>Lead institution: Universities. Time line: from 2008.</i>	Not relevant to Departments.	
32	The South African Law Reform Commission will finalise the drafting of the <b>Trafficking Act</b> so that trafficking becomes a criminal offence under South African law. The DOJ and CD will ensure that the passing of the Act is treated as a priority. <i>Lead institution: DOJ and CD. Secondary institution: SALRC. Time line: 2008. [New.]</i>	Draft legislation has been tabled in Parliament (March 2010) and is now the responsibility of the Legislature. DOJ and CD and CD leads the Task Team to prepare for implementation of trafficking legislation, including preparation and monitoring of an inter-departmental implementation plan. The Sexual Offences Amendment Act includes transitional provision for trafficking for sexual purposes, while the Children's Act includes provisions on trafficking of children in Chapter 18.	In process
33	A directive will be issued to all <b>prosecutors that trafficking and other worst forms of child labour should be viewed seriously</b> . Trafficking will be added to the existing list of serious crimes. <i>Lead institution: NPA. Time line: 2008.</i>		Pending
34	South Africa will <b>sign, ratify, and implement the United Nations Convention</b> against Transnational Organised Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. <i>Lead institution: DIRCO. Secondary institutions: The DOL, SAPS, DOJ and CD, SALRC. Time line: 2008.</i>	South Africa signed the Convention and its supplementary Protocols, that is, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air on 14 December 2000. South Africa ratified the convention on 20 February 2004. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, was signed on 14 October 2002.  Child trafficking is regulated by the Children's Act. The Prevention and Combating of Trafficking in Persons Bill was tabled in Parliament in March 2010 for discussion. This Bill is currently being amended as decided by the Justice Portfolio Committee. The Bill deals comprehensively with human trafficking in all its various forms and in particular, provides for the protection of and assistance to victims of trafficking.	Done
35	SAPS, DSD and DHA will develop <b>guidelines and procedures to enable the rapid and accurate identification and treatment of trafficked persons and children</b> . <i>Lead institution: SAPS. Secondary institution: DSD, DHA. Time line: 2009.</i>	DSD has developed guidelines on Prevention and Response to Child Exploitation, inclusive of Child Labour. The guidelines include the roles and responsibilities of Government departments and NGO's. The draft guidelines were developed at three inter-sectoral task team meetings with representatives from Government departments and NGO's during 2010/2011.	Done within DSD
36	The DIRCO, together with SAPS (through the SARPCO) and the Victim Empowerment Programme of the DSD and Sexual Offences and Community Affairs (SOCA) Unit of the NPA, will enhance existing mechanisms that provide <b>regular contact with relevant stakeholders in other countries in the region</b> to deal with trafficking operations and victim assistance. <i>Lead institution: DIRCO. Secondary institutions: SAPS, DSD, NPA. Time line: By 2008.</i>		



Step	Description of action step	Reported progress	Assessment
37	<p>The NPA will take responsibility for a process of agreeing to <b>standard procedures within the region for the extradition of foreign traffickers for prosecution or prosecution according to SA law</b>. <i>Lead institution: NPA. Secondary institutions: DOJ and CD, DHA, DSD and DIRCO. Time line: 2009.</i></p>	<p>Such provisions are included in the draft legislation on Trafficking in Persons. In the interim, general provisions in respect of extradition are applicable. Thus the Extradition Act, 1962 provides for extradition for dual criminality offences, punishable by a sentence of six months imprisonment or more. South Africa can also extradite its own nationals. All extraditions must be consistent with the South African Constitution, e.g. South Africa will not extradite if capital punishment might be imposed.</p> <p>South Africa has signed extradition (also mutual legal assistance) agreements with the following countries: Algeria, Argentina, Australia, Botswana Canada, Egypt (in force 2003), India (in force 2005), Iran, Israel, Lesotho (in force 2003), Malawi, Nigeria, and the People's Republic of China (in force 2004), Swaziland, and the United States of America. It is also a party to the EU Convention on Extradition.</p> <p>South Africa, being a party to the United Nations Convention Against Transnational Organised Crime and its three protocols, has obligations in respect of cooperation. Furthermore, with its membership to Interpol, the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO), and its formal police-to-police cooperation agreements, South Africa is able to comply with the majority of requests for international cooperation.</p> <p>The Director-General of the Department of Justice and Constitutional Development is the central authority for all matters pertaining to mutual legal assistance and extradition within South Africa. Requests for mutual legal assistance must therefore be directed to the Office of the Director General in the Department of Justice and Constitutional Development for processing according to the relevant provisions in the International Cooperation in Criminal Matters Act, 1996 or the relevant treaty or convention concerned.</p>	Ongoing
38	<p>DIRCO, DHA, DSD and NPA will engage in appropriate <b>regional and bi-lateral agreements aimed at preventing trafficking</b>, protecting the rights and dignity of trafficked persons, and addressing other appropriate policy recommendations. <i>Lead institution: DSD (re welfare of children); NPA (re:trafficking in general). Secondary institutions: DIRCO (facilitate signing / adoption), DHA, DSD, SAPS. Time line: by 2010.</i></p>	<p>The Children's Act is aligned to international instruments and the South African Constitution ensures that services are rendered to all children in South Africa.</p> <p>Unaccompanied minors receive services as a child in need of care and protection according to the Children's Act.</p> <p>National DSD is presently finalising a memorandum of understanding with Zimbabwe Social Services regarding children's issues.</p>	Ongoing



Step	Description of action step	Reported progress	Assessment
39	DSD will review its <b>strategy on repatriation of victims</b> of trafficking, including provision of appropriate reception and care centres. These children should be deemed to be in need of care and protection and dealt with accordingly. For example, provision of shelter and assistance should not be contingent on the willingness of victims to give evidence in criminal proceedings. <i>Lead institution: DSD. Secondary institutions: SAPS, DIRCO, DHS, NPA, relevant NGOs. Time line: 2010.</i>	<p>Section 150 of the Children's Act will identify a child as a child in need of care and protection. The International Social Services Unit assists with the repatriation process in terms of Section 18 of the Children's Act.</p> <p>Section 191 of Chapter 13 of the Children's Act ensures the provision of care and protection at a child and youth care centre. The Child Justice Act ensures that secure care centres provide appropriate services to children in conflict with the law.</p> <p>The Prevention and Combating of Trafficking in Persons Bill, which was tabled in Parliament in March 2010 and is currently being amended, provides for the protection of and assistance to victims of trafficking.</p>	Ongoing
40	The DOL will, as part of its monitoring of employment agencies, <b>check when and where trafficked children are provided for domestic work and other occupations</b> and take appropriate action. The DOL will collaborate with NPA (Scorpions [no longer exists] and SOCA) where appropriate. <i>Lead institution: The DOL. Secondary institutions: NPA. Time line: 2008.</i>	Sectoral Determination 7: Domestic Workers Sector prohibits the employment of children under the age of 15 years of age and is enforced by labour inspectors.	Ongoing
41	<b>A national public awareness campaign will highlight trafficking of children</b> , and will in this respect be aimed at a range of audiences, including children, parents, teachers, perpetrators and intermediaries involved in trafficking, and the general public. <i>Lead institution: NPA. Secondary institutions: BSA, DOC, DBE, DSD, the DOL and SAPS. Time line: 2009.</i>	<p>DSD child protection coordinators organise awareness raising programmes for children, families and communities. Awareness raising is done during the commemoration of Child Protection Week, by messages, pamphlets and posters. Awareness raising is also done during the 16 days of no violence against women and children.</p> <p>DSD collaborates with NPA on awareness raising on honouring national and international days on human Trafficking. As task team members DSD is involved in planning and participation at these events.</p>	Ongoing
42	<b>Organisations running help lines will be informed about child labour issues, including trafficking and CSEC</b> , through appropriate training materials and operations manuals. <i>Lead institution: the DOL. Secondary institutions: Organisations running help lines, NGOs, DSD, NPA (re material and reporting). Time line: 2008.</i>	<p>CLPA and Regulations were summarised and provided to all stakeholders.</p> <p>IOM provided training on trafficking to stakeholders.</p> <p>DSD undertakes training and capacity building with representatives of organisations with help lines on the implementation of the Children's Act and on child protection issues. Representatives of organisations with help lines e.g. Childline are members of the National Child Protection Committee and are updated on the implementation of the Children's Act once every quarter.</p>	In place



Step	Description of action step	Reported progress	Assessment
43	<p><b>The quality and content of training on the prevention of trafficking</b>, prosecution of traffickers and protecting the rights of victims, including and especially child victims, for law enforcement personnel, immigration and customs officials, prosecutors and judges, as well as other relevant <b>officials and non-Governmental stakeholders</b> will be improved. <i>Lead institution: NPA. Secondary institutions: DOJ and CD, SAPS, DHA, provincial DSD (by addressing trafficking and child labour more generally in their training materials programmes). Time line: 2009.</i></p>	<p>Training of all cluster officials on the implication of the Trafficking Chapter 18 of the Children's Act and prohibition on trafficking for sexual purposes in the Criminal Law Amendment (Sexual Offences and Related Matters) Act took place in all nine provinces during 2010.</p> <p>DSD provided inputs and comments on training manual and curriculum for training to NPA on issues of child trafficking. DSD also cooperated in inter-sectoral training undertaken with NPA on the Children's Act, on the identification of a child in need of care and protection. DSD collaborated with other sectors in training of customs and immigration officials during the 2010 FIFA World Cup.</p> <p>SAPS developed National Instruction 3/2010 in terms of the Children's Act. The instruction guides members on how to attend to a report of trafficking and how to deal with a child victim. The National Instruction is included in the training programme for SAPS members dealing with vulnerable children.</p>	
44	<p><b>Within DSD</b> as lead department on CSEC, <b>a dedicated unit will be assigned</b> to coordinate all CSEC-related activities of concerned departments and institutions. This unit will also be responsible for the coordination of services to children at risk of CSEC. <i>Lead institution: DSD. Time line: 2008.</i></p>	<p>Child protection unit within DSD is responsible.</p>	<p>In place</p>
45	<p>The Sexual Offences Bill and the S76 Children's Bill will <b>be dealt with and passed by Parliament urgently</b>. <i>Lead institutions: DSD (Children's Bill); DOJ and CD (Sexual Offences Bill). Secondary institution: NPA. Time line: 2008.</i></p>	<p>The Children's Act came into effect on 1 April 2010.</p> <p>Certain sections of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, No. 32 of 2007, came into effect on the 16 December 2007. Section 72 of the Act provides for the implementation of Chapters 1 to 4 and 7, which deals, among others, with the creation of statutory sexual offences and special protection measures for children and persons who are mentally disabled. The full Act came into effect in December 2008.</p>	<p>Done</p>



Step	Description of action step	Reported progress	Assessment
46	The DOJ and CD will coordinate <b>assessment of the feasibility of the non-legislative action steps to address CSEC</b> proposed by the SALRC, and facilitate agreement between line departments and NGOs on responsibilities, actions and timeframes for implementation and monitoring arrangements. Some of these actions steps could be taken forward even before new legislation is promulgated. <i>Lead institution:</i> DOJ and CD. <i>Secondary institutions:</i> NPA, SAPS, DSD, NGOs, SALRC (advising other institutions regarding its recommendations). <i>Time line:</i> 2009.	<p>The implementation of the Children's Act and the Child Justice Act No 75 of 2008 will facilitate agreement between line departments and NGOs on responsibilities, implementation and monitoring.</p> <p>The National Policy Framework on Sexual Offences in terms of the Criminal Law Amendment (Sexual Offences and Related Matters) Act is nearing finalisation.</p> <p>The Prevention and Combating of Trafficking in Persons Bill includes prohibition of child trafficking for sexual purposes.</p> <p>SAPS National Instruction 2/2010 in terms of the Child Justice Act and National Instruction 3/2010 issued in terms of the Children's Act provide clear guidelines on how to identify and deal with a complaint of children suspected of being used by adults to commit crime.</p>	In progress
47	When possible the Assets Forfeiture Unit will seize assets acquired through CSEC and other child labour related activities. <i>Lead institution:</i> NPA.		
48	Recommendations resulting from the TECL <b>pilot programmes to address CSEC</b> will be considered and, if accepted, will be implemented. These pilot programmes were carried out in the period from 2005-2007. <i>Lead institution:</i> DSD. <i>Secondary institutions:</i> SAPS, DBE, DHA, DOJ and CD, NPA, DBE, DOH. <i>Time line:</i> 2009.	<p>Recommendations were incorporated in the development of the Children's Act and the Child Justice Act, both of which came into effect on 1 April 2010.</p> <p>DOJ and CD and CD is supporting DSD with the Victim Empowerment Strategy in terms of bringing children who are found in such circumstances before Children's Courts as children in need of care and protection. DOJ and CD and CD has also commenced drafting a departmental Social Crime Prevention Strategy.</p>	In place
49	Sufficient <b>shelters or child and youth-care centres</b> will be established to <b>accommodate children involved in or at risk of CSEC</b> , so that such children are not forced to stay in brothels or on the streets where there are at very high risk of exploitation or in other high-risk situations. Sufficient beds will also be made available to children, even if they do not have proper ID documentation. <i>Lead institution:</i> DSD. <i>Secondary institutions:</i> DOH. <i>Time line:</i> 2008.	Chapter 13 of the Children's Act deals with Child and Youth Care Centres. The Act states that provincial MECs "must provide" such services. Section 191(2) (f) of the Children's Act ensures that therapeutic programmes are designed for the reception and temporary safe care of trafficked or commercially sexually exploited children.	Legislation exists.
50	A national awareness campaign will raise public awareness that people should immediately report to the police <b>CSEC or other forms of exploitation of children to do illegal activities</b> , such as carrying of drugs and children's involvement in the making and selling of liquor. <i>Lead institution:</i> SAPS; secondary institution: GCIS. <i>Time line:</i> 2009.	Each year SAPS engages in awareness raising during child protection week, youth month and the 16 days of activism.	Ongoing
51	<b>A specific offence relating to CUBAC</b> will be introduced. <i>Lead institution:</i> DOJ and CD. <i>Secondary institutions:</i> NPA and SAPS. <i>Time line:</i> 2008.	CUBAC has been included as an offence in section 29 of the Child Justice Act, which came into effect on 1 April 2010.	Done



Step	Description of action step	Reported progress	Assessment
52	<b>Policy and procedures</b> will be developed to protect children placed at risk because of their involvement with adults who have used them for crime where the children now want to extricate themselves from such activities but cannot for fear of their safety and the safety of their families. Lead department: DOJ and CD, NPA (prosecution of adults), DSD (assessment of children and identification of CUBAC), and SAPS (investigating charges against adults using children in crime). <i>Time line:</i> 2008.	<p>The National Policy Framework on Child Justice was published in the Government Gazette in August 2010. The Framework aims at encouraging the provision of assistance for these children by the various agencies in terms of the provisions of the Child Justice Act and Children's Act. Children who are found to be victims of CUBAC can be regarded as being in need of care and protection in terms of section 150 of the Children's Act. These children must be referred to the Children's Court for a decision in terms of sections 156 and 46 of the Act.</p> <p>DSD developed Reception, Assessment and Referral Centres Guidelines in 2008 to ensure all children are assessed and that probation officers are accessible. Probation Practice Guidelines were developed in 2010.</p> <p>A blueprint and minimum norms and standards for secure care will be developed in 2011-2012.</p> <p>SAPS approved instructions in regard to children in need of care on 1 April 2010.</p>	Ongoing
53	A new <b>comprehensive inter-sectoral and primary crime prevention strategy</b> will be developed for children in conflict with the law including CUBAC, not merely relying on exiting criminal justice measures. <i>Primary institutions:</i> DOJ and CD, SAPS and DSD. <i>Secondary institution:</i> DBE. <i>Time line:</i> 2009.	<p>A crime prevention strategy will be developed by 2012.</p> <p>SAPS approved instructions in regard to children in need of care on 1 April 2010.</p>	In process
54	Where children commit crimes, irrespective of the nature of the offence, the diversion of such child offenders away from prison will be the <b>preferred option, where appropriate</b> . Where appropriate, prosecution of a child will be <b>converted to a children's court inquiry</b> , after conviction. Should the child be convicted and not referred to the children's court, alternative sentences should be the preferred option for the sentencing of the child. Lead institution: DOJ and CD. Secondary institutions: DSD (assistance with diversion), NPA (prosecution of those behind children, and referral to diversion programmes and promotion of alternative sentences), SAPS (identification of those using children who are in conflict with the law, and investigation of cases against them) and DCS. <i>Time line:</i> 2009.	<p>In terms of section 52 of the Child Justice Act, diversion for children must be considered as an option before detention or imprisonment, which should happen only as a measure of last resort and only for the shortest period of time. A child justice matter may be adjourned at any point and referred to a Children's Court Inquiry in terms of section 155 of the Children's Act if the presiding officer is of the opinion that the child may be in need of care and protection.</p> <p>Diversion programmes are developed, rendered and monitored by DSD's Social Crime Prevention Unit.</p> <p>A policy framework on an accreditation system for diversion services has been developed. Minimum norms and standards on diversion are in place.</p>	Ongoing
55	<b>Formal education or vocational training will be offered to all children whose sentence involves deprivation of liberty, including those held while awaiting trial.</b> <i>Lead institution:</i> PDE. <i>Secondary institutions:</i> DCS, DSD. <i>Time line:</i> 2009	<p>DSD will develop vocational programmes for children in conflict with the law by March 2012.</p> <p>A service provider to develop these programmes was appointed by September 2011.</p>	In process



Step	Description of action step	Reported progress	Assessment
56	In addition to formal or vocation training to be offered, the <b>CUBAC prevention programme</b> that has been developed as part of TECL will be <b>offered to all</b> sentenced and unsentenced <b>children in prison</b> , as well as children awaiting trial in DSD facilities. <i>Lead institution: PDE. Secondary institutions: DCS, DSD. Time line: fully operational by 2009.</i>	Existing DCS programmes in place	On going
57	Authorities holding children in custody will be allowed to continue requiring of them to work. Work is preferable to children being bored and feeling useless. However, <b>policy will be formulated on when children deprived of their liberty may be required to work</b> , and when such work should be remunerated. This policy will be in line with national and international protective laws on children such as the BCEA and the UN Rules on Juveniles Deprived of their Liberty (UN JDL Rules), adopted in 1990. <i>Lead institution: DCS (prisons), PDE (reform schools). Secondary institutions: DSD. Time line: by 2009.</i>	Existing DCS programmes in place	
58	<b>Instructions/guidelines/protocols</b> for the management of CUBAC (specific to each department's activities and mandate) by each department. These would include protocols on standard practice in respect of withdrawing cases after 48 hours; on the roles and responsibilities of particular officials, such as the introduction of CUBAC in arguments for mitigation or aggravation of sentence depending whether a child or adult accused is involved; on safety of children; on guardians at assessment courts and assessment of age; on asset forfeiture that can be used in CUBAC cases to pursue cases against adults; on inclusion of CUBAC in minimum standards for diversion; on training for probation officers on diversion programme and prevention programme training for child care workers in facilities, educators and prison officers; and on after care services – DOJ and CD, DSD, NPA, SAPS, DBE. <i>Time line: 2008.</i>	An audit undertaken from November 2009 to April 2010 revealed that there are 13 Schools of Industry and two Reform Schools in the country. KwaZulu-Natal and Eastern Cape have established a Reform School unit at their School of Industry admitting learners who are sentenced via the Criminal Procedure Act and the Child Justice Act after 1 April 2010. The Reform Schools can admit 508 learners but there are only 180 physically present at the schools. The Schools of Industry can admit 1 862 learners but have 871 physically present. The reasons for learner admissions vary and one cannot ascertain whether or not it is due to CUBAC.	Ongoing
59	<b>Policy will be developed on children co-accused</b> with adults in respect of separation of trials; joinder of trials and not withdrawing charges against co-accused adults where the child has accepted responsibility. <i>Lead institution: DOJ and CD, NPA. Secondary institutions: SAPS. Time line: 2008.</i>	Such a policy has been developed and implemented in the form of Child Justice Directives issued by the National Director of Public Prosecutions.	Done
60	<b>Standardised assessment forms</b> will be made available in all provinces with CUBAC risk factors incorporated. <i>Lead institution: DSD. Time line: 2009.</i>		
61	<b>Training on CUBAC</b> will be integrated in departmental training initiatives, including integrating a restorative justice approach. <i>Lead institution: DOJ and CD Secondary institutions NPA, SAPS, DSD, DCS. Time line: 2008.</i>	CUBAC matters have been included in the Inter-sectoral Child Justice Training Manual developed during 2009/10. Inter-sectoral training was conducted in all provinces during 2010/11. Departmental training is conducted annual, and includes SAPS, NPA, DSD, Legal Aid SA, and Magistrates and Clerks of the Child Justice Court. Justice College has developed a training manual to assist with this training. A pilot training programme of NGOs in Gauteng for training of volunteers on child victim rights is in process.	Done



Step	Description of action step	Reported progress	Assessment
62	The ISCCJ will <b>monitor the implementation of CUBAC</b> action steps. <i>Lead institution:</i> DOJ and CD. <i>Time line:</i> From 2008, annually.	The National Operational ISCCJ meets on a monthly basis and reports to the Director General's ISCCJ, which is now a legislative obligation in terms of the Child Justice Act. Monitoring and implementation is also provided for in the draft MandE tool for Child Justice.	Ongoing
63	<b>Statistics on CUBAC</b> will be captured as part of the Integrated Justice System. Records needs to be kept by, inter alia, Bosasa, diversion service providers and DSD. <i>Lead institution:</i> DOJ and CD. <i>Secondary institutions:</i> DCS, DSD, SAPS. <i>Time line:</i> 2009.	The first monitoring and evaluation report will be available during 2012 as the monitoring and evaluation system is currently under development. The National Operation Centre can provide statistics on the number of child offenders and related matters. Statistics are also available on the annual number of youth offenders, and sexual offences against children.	In progress
64	DPLG and sector departments, which already help local Governments with insufficient capacity to draft WSDPs and IDPs, will assist them in the <b>prioritisation of basic water and electricity infrastructure services for areas where the direst need</b> is felt. The relevant findings and recommendations from the TECL/DWA pilot project implemented in 2004-2007 will be implemented. <i>Lead institution:</i> DPLG. <i>Secondary institutions:</i> LG (implementation); DWA (basic water services); DME (basic energy services). <i>Time line:</i> 2008.		
65	DWA and DPLG will utilise and disseminate the <b>findings and recommendations of the TECL pilot project</b> for local authorities to identify and take account of long distances travelled to sources of water or fuel when planning and implementing the provision of basic services. <i>Lead institution:</i> DWA. <i>Secondary institutions:</i> LG (implementation); DPLG; DME (basic energy services). <i>Time line:</i> 2008.		
66	Develop training, manuals and guidelines on the Water Services Development Plan (WSDP)/IDP process that will <b>encourage the prioritised provision of basic water and energy services to households facing the biggest difficulties</b> . These documents will also highlight the problems faced by households far from such resources and time taken by household members (including children) in fetching them. <i>Lead institution:</i> DWA. <i>Secondary institutions:</i> LG (implementation); DPLG (infrastructure funding); DME (basic energy services). <i>Time line:</i> 2008.		
67	The programme to <b>provide a minimum of 6 kl per month free water per household</b> will be implemented in municipalities where this is not yet in place. DPLG will provide municipalities with national guidelines to encourage a more gradual increase in tariffs after the free 6 kl. <i>Lead institution:</i> DPLG. <i>Secondary institutions:</i> LG, DWA. <i>Time line:</i> 2009.		In place



Step	Description of action step	Reported progress	Assessment
68	Government will widen access to alternative commercial fuels by <b>expanding the provision of energy through integrated energy centres</b> . If they are located close to households in remote areas, these shops could sell paraffin, gas, wood, solar cooking equipment, or other sources of energy. <i>Lead institution: DME. Secondary institution: LG. Time line: 2009.</i>		
69	<b>Guidelines should be drafted on kinds of household chores that are acceptable</b> (depending on age groups), and reasonable amounts of time children should spend on them. The guidelines should make it clear that children learn and benefit from a moderate amount of chores, provided the tasks are age appropriate and fairly distributed between household members. This approach is in line with the African Charter's provision stating that children have responsibilities towards their families. <i>Lead institution: the DOL. Secondary institutions: DSD. Time line: 2009.</i>	The DOL: Guidelines to be finalised 2012-2013.	Limited progress
70	More equal sharing of household work between boys and girls will be promoted by the life orientation curriculum so as to lessen the burden for girls, while taking into consideration the fact that boys sometimes work more in some activities than do girls, such as herding. <i>Lead institution: DBE. Time line: 2010.</i>	<p>The National Curriculum Statement provides for comprehensive Life Skills programmes in the Learning Area Life Orientation which is compulsory from Grade R to 12. Life Skills programmes include a range of topics, and it is envisaged that these will result in boys and girls sharing duties, chores, and responsibilities equally.</p> <p>The Department of Basic Education has started Girls and Boys Education Movement Clubs (GEM/BEM) in schools. The GEM/BEM club members receive training on topics such as peer education and on issues relating to promotion of equal access to education for girls and boys.</p>	In place
71	The DOL and other relevant departments will consider implementing the recommendations from the TECL study that was been undertaken into child labour in commercial and subsistence agriculture at the time of writing of this document. <i>Lead institution: the DOL. Secondary institutions: AgriSA, DA. Time line: Depends on recommendations.</i>	<p>Sectoral Determination 13: Farm Workers Sector which came into operation on 1 March 2006 prohibits the employment of children under 15 years of age and stipulates that a farm worker who is under 18 years of age may not work more than 35 hours in any week.</p> <p>The Minister of Labour has issued regulations to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997 and the Occupational Health and Safety Act, 1993. These regulations specify categories of work which child workers may not perform, set conditions in respect of the work that child workers may perform and identify which categories of work constitute worst forms of child labour. The regulations provide guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers and make appropriate provisions for enforcement.</p> <p>IC to encourage DA's involvement to improve compliance.</p>	Done



Step	Description of action step	Reported progress	Assessment
72	The Department of Transport will investigate the <b>provision of transport facilities</b> to children from far-flung areas where schools are not available and / or easily accessible to schools in nearby towns. <i>Lead institution:</i> Department of Transport. <i>Secondary institutions:</i> DBE, PDE. <i>Time line:</i> Drafting / of new policy by 2009. Implementation of the policy by 2010.	The provision of scholar transport is a provincial competency.	
73	SAPS will provide <b>more effective protection for labour inspectors and social service workers where their safety is threatened</b> . Full and regular access for inspectors and social service workers should also be facilitated through buy-in by organisations of farmers and other employers. Agreements with the farmers' organisations may be one way to facilitate this monitoring. <i>Lead institution:</i> SAPS. <i>Secondary institutions:</i> The DOL, AgriSA. <i>Time line:</i> Implementation to start by 2008.	Station commanders of SAPS were informed by divisional circular that labour inspectors should be supported on request. SAPS' National Instruction 3/2010 in terms of the Children's Act provides for the protection of social workers on request.	Done
74	The DOL, in collaboration with relevant partners, will <b>further investigate the issue and identify policy steps</b> for the CLPA in relation to subsistence agriculture so as to give it the necessary priority because of the high number of children working in this sector, and because of the very long hours that many work. <i>Lead institution:</i> The DOL. <i>Secondary institution:</i> DA, DRDLR. <i>Time line:</i> Investigation conducted to identify policy steps by 2008. Elaboration of existing policy by 2009. Adoption of new policy by 2010.	Sectoral Determination 13: Farm Workers Sector, which prohibits the employment of children under the age of 15 years of age, includes primary and secondary agriculture.  Inspections are done on a regular basis. SAYP does not reflect a high number of children working in the sector.	Partially done
75	<b>Agricultural extension services</b> to subsistence agriculture and <b>research to improve production</b> in this sector will <b>be increased</b> to improve crops, stock quality and production methods that will reduce reliance on extensive work by children and also improve the health status of children. <i>Lead institution:</i> DA. <i>Time line:</i> Research to be completed by 2009. Existing policy amended by 2010 and implementation of new policy by 2011.		
76	The DOL will make special efforts in respect of child labour regarding <b>enforcement of the retail sectoral determination</b> . Strategies will include a widespread publicity campaign: The DOL. <i>Time line:</i> to be done by 2008.	The employment of children under the age of 15 is prohibited in terms of Sectoral 9: Wholesale and Retail Sector. Enforced by Labour inspectors. Blitz inspections in the Wholesale and retail sector are done on a frequent basis.	Enforcement ongoing
77	The DTI will take steps to ensure that <b>provincial liquor legislation is in line with the objects of the National Liquor Act</b> and, in particular, does not undermine the provisions in respect of child labour. The DOL will provide technical support to the provincial liquor boards to review and where necessary revise the legislation with respect to the employment of children, taking into account the recommendations below. <i>Lead institution:</i> DTI. <i>Secondary institution:</i> The DOL, provincial liquor authorities. <i>Time line:</i> within one year of adoption of policy and as provinces finalise their respective legislation.	The employment of children under the age of 15 is prohibited in terms of Sectoral 9: Wholesale and Retail Sector as well as Sectoral Determination 14: Hospitality Sector. The provisions are enforced by labour inspectors.	The DOL contribution partially done



Step	Description of action step	Reported progress	Assessment
78	The DOL will support the DTI, provincial liquor authorities and SAPS to train labour and liquor inspectors on the employment provisions of the provincial liquor legislation and the BCEA, emphasising the restrictions on child labour. <i>Lead institution:</i> The DOL. <i>Secondary institutions:</i> DTI; provincial liquor authorities and SAPS. <i>Time line:</i> Training to be developed by 2009. Training to start during 2010 and to be conducted continuously.	SAPS plays a role in the enforcement of liquor legislation in terms of national legislation falling under the DTI as well as provincial legislation. SAPS also provides inputs to both national and provincial legislative processes led by national and provincial Trade and Industry or Economic Affairs Departments. Training is provided to liquor inspectors to ensure that capacity is developed at all levels.	SAPS contribution partially done
79	The DTI, in collaboration with the DOL and SAPS, will develop an action plan to monitor 'hotspots'; the strategy should initially target shebeens/taverns where children are believed to be involved in commercial sexual work and in the illicit sale of drugs. <i>Lead institution:</i> DTI. <i>Secondary institution:</i> The DOL, SAPS. <i>Time line:</i> New policy adopted by 2009 and adopted by 2010.		
80	Liquor manufacturers, distributors (wholesalers) and retailers will, through their industry bodies, promote awareness of the law with respect to child employment through the use of codes which support the objectives of the National Liquor Act and relevant provincial acts, promotional material, and the inclusion of training on employment law in the training programmes for taverners. <i>Lead institution:</i> SA Breweries and similar. <i>Time line:</i> within one year of adoption of policy.		
81	Taverners associations should take the lead in fostering awareness among their members (and among shebeen traders in general) of the moral rationale and social justification for eliminating child work connected to any part of the liquor production and distribution chain. The provincial liquor boards should provide the associations with financial and logistical support to run campaigns in this respect. <i>Lead institution:</i> Taverners associations. <i>Secondary institution:</i> Provincial liquor boards. <i>Time line:</i> within one year of adoption of policy.		
82	The DOL will recommend that the ECC consider, when the sectoral determination comes up for review, <b>completely outlawing the use of children in this industry</b> , and that taxi owners bear joint responsibility for employment of children where they claim that the children were engaged by their taxi driver or by other employees. <i>Lead institution:</i> ECC; <i>Secondary institution:</i> The DOL. <i>Time line:</i> 2008.	Sectoral Determination 13: Taxi Sector, South Africa prohibits the employment of children under the age of 15 years of age. Enforced by Labour Inspectors.	Partially done
83	The DOL and provincial Departments of Transport responsible for registering taxi owners will <b>encourage taxi associations to urge their members not to use children under 16 in the industry</b> , and to encourage drivers not to employ such children as car washers and assistants. <i>Lead institution:</i> The DOL; <i>Secondary institution:</i> DT. <i>Time line:</i> within one year of adoption of policy.	During the investigation to review the wages and conditions of employment of Sectoral Determination 13 in 2010 taxi associations were requested to urge their members not to employ children.	Done



Step	Description of action step	Reported progress	Assessment
84	<p>The <b>findings from the research conducted by TECL</b> into children working in scavenging and waste recycling will be utilised by DEAT in the finalisation of the National Waste Management Bill and related regulations. This new policy should include (a) preventing children from accessing sites, and holding landfill site managers accountable in this regard; (b) ensuring that through law and policy scavenging / informal salvaging on waste sites are <b>recognised, formalised and controlled</b> thereby assisting to ensure that this activity does not remain an invisible activity and a space where children can be exploited. The policy should make provision for (c) a <b>consultative forum</b> with recycling companies to address the issue of exploitative rates being paid to scavengers / salvagers for recycled material with the objective of regulating and standardising the rates being paid for recycled goods. If adult scavengers / salvagers receive adequate income from this work there would be less need to supplement their income by bringing children onto the site to help with work. <i>Lead institution:</i> DEAT. <i>Secondary institutions:</i> LG, recycling companies. <i>Time line:</i> Adopt new policy by 2008; and start implementation at by 2009.</p>	Relevance to be reviewed.	
85	<p>DEAT should annually <b>conduct a headcount / census of existing scavengers / salvagers on landfill and dumpsites</b> on a given day that to ascertain the number of adult and child scavengers. This could be done through local municipal waste managers. It should be done on a day that more scavengers are usually encountered (as determined at local level). DEAT should report this information annually, eg in its annual departmental report. This will help ensure that the extent of this kind of activity and the involvement of children in this regard can be monitored. <i>Lead institution:</i> DEAT. <i>Secondary institutions:</i> LG. <i>Time line:</i> annually from 2008,</p>	Relevance to be reviewed	
86	<p>DEAT (responsible for legislation and minimum standards), local municipalities (responsible for collection of waste), provincial departments of social development (addressing welfare of the children and families) and waste recycling companies will <b>identify strategies (a) to address the immediate needs of children and families found on waste sites</b> such as alternative sources of food and income (eg. through absorbing existing adult scavengers / salvagers into waste management initiatives such as recycling where the work is regulated and adults are paid an income or can sell salvaged material that can sustain their families including taking special steps to ensure that children are not brought into this work) as well as housing (where they are found to live on waste sites); (b) and to address <b>the underlying causes of child scavenging</b> such as poverty and malnutrition as well as consequences such as failure to attend school. <i>Lead institution:</i> DEAT. <i>Secondary institutions:</i> DrSD, LG, waste management companies. <i>Time line:</i> Policy to be finalised by 2008 and implemented by 2009.</p>	<p>DSD is responsible, in terms of the Children's Act, for identifying children in need of care and protection and the responsibilities and roles of parents. DSD also assists families in accessing state grants. DSD also engages parents and care givers in poverty alleviation programmes</p> <p>A strategy on families is being developed and will assist in capacitating and strengthening family structures.</p>	In progress



Step	Description of action step	Reported progress	Assessment
87	Consultation aimed at identifying appropriate action will be held with urban municipalities, organisations working with street children and others. The draft <b>policy for children living and working on the streets will be finalised</b> and put before Parliament. <i>Lead institution: Provincial DSD; Secondary institution: SAPS, DBE, DHA. Time line: 2008.</i>		
88	The DOL will <b>amend the data recording system on children working in performing arts</b> so that it records the number of children for whom permission is sought and granted rather than only, as at present, the number of employers seeking and granted permission. <i>Lead institution: The DOL. Time line: By 2008.</i>	<p>Sectoral Determination 10: Children in the performance of Advertising, Artistic and Culture Activities was published in Government Gazette No 26608 on 29 July 2004 and makes provision for an employer that has been granted a permit in terms of this Determination to employ children under 15 years of age in advertising, artistic and cultural activities must comply with this Determination.</p> <p>An application for a permit must be done in a prescribed manner. The function of the granting permits has been decentralised after a system was put in place to capturing information on date of application; name of employer; number of employees affected; ages of employees affected; whether parents/guardians consented; whether the application was granted/refused; period granted for; conditions under which permission was granted.</p>	Done (See appendix for summary statistics)
89	The <b>principal of a school will be given the responsibility</b> to i) identify children who are frequently absent from school and in need of care and protection, ii) investigate and research the pull and push factors to assist them in returning to school, and iii) give their names and addresses to the provincial head of social development for further support to be provided and iv) establish School Based Support Teams or help establish district support teams to render assistance to OVC including out-of-school youth, such as assisting them to access social grants and to apply for exemption from school fees in order to increase the access of children from these groups to schooling (see also action step 0). <i>Lead department: DBE. Time line: Start implementation 2008; all elements implemented by 2012.</i>	<p>The South African Schools Act makes provision for compulsory attendance. School principals are obliged to enforce this Act and ensure that learners are always at school.</p> <p>On February 9, 2010 a policy on learner attendance was published. The Act makes provision for parents, learners and schools regarding learner absence. Procedures regarding the keeping of class registers, period registers and temporary registers are outlined in the policy. Examples of these registers are given in the Act. Schools are consistently encouraged to implement the policy.</p>	Ongoing
90	<b>Clearer policy and better implementation of monitoring of absenteeism and drop out</b> will be developed as a way of monitoring child labour. This will include development of indicators for recording on EMIS. The data should be disaggregated by gender, age, affected grades and rural/urban patterns. <i>Lead institution: DBE; Secondary institution: DSD. Time line: 2008.</i>	The learner attendance policy was published in February 2010 and has been monitored in the subsequent period.	In place



Step	Description of action step	Reported progress	Assessment
91	Standard monitoring approaches regarding school attendance such as <b>registers will be supplemented by research</b> at regular intervals (i) to establish which groups are at particular risk and ii) to investigate <b>and research the pull and push factors to assist them in returning to school</b> . Mechanisms will be established to share this information with the relevant agencies. <i>Lead institution: DBE. Time line: initial research completed by 2008.</i>	Currently the attendance registers specified in the learner attendance policy are the only mechanism that is used to monitor learner attendance.	
92	<b>Awareness will be raised regarding the national school fee policy</b> in respect of exemptions for poorer families, orphans, children who are fostered and children receiving poverty-related grants. The campaign will be linked to capacity building of school administrators regarding the implementation of the school fee policy. <i>Lead institution: DBE.</i>	<p>The no fee policy was first implemented in January 2007 and catered for 40% of poor learners nationally. Poorer learners who are not at no fee schools are protected by amended exemption regulations published in October 2006 which allow parents who cannot afford to pay school fees to be exempted from payment, either fully or partially. There were various interventions and publications on raising the awareness and improving the capacity of schools to be able to implement the policy on exemption after publication of the regulations up to 2008.</p> <p>In 2010 the no fee policy was extended to 60% of poor learners nationally and as a result there are currently 8 170 361 learners in 24 541 no fee schools. Since its implementation, awareness of parents, schools and other relevant stakeholders have been ensured through annual publication of a Government Gazette by the Minister.</p> <p>Further awareness raising is undertaken by provincial education structures, as well as through providing information for ad hoc media reports on different aspects of the fee policy.</p>	Ongoing
93	<b>Policy</b> will be developed to ensure that <b>children engage in school-related labour only to the extent required to build a sense of responsibility and collectivity</b> . Such work should never be done in school time and should be limited in duration. <i>Lead institution: DBE. Time line: to be embarked on in 2008</i>	No progress on this action step.	No progress
94	<b>Teachers and principals will not be permitted to use learners to clean their houses</b> <i>Lead institution: DBE. Time line: to be embarked on in 2008.</i>	<p>The South African Council of Educators (SAC) Code of Professional Ethics for educators specifies the type of relationship that should exist between a teacher and a learner as one of trust and understanding. The code states categorically that educators should avoid any form of humiliation, and refrain from any form of abuse, physical or psychological</p> <p>The Quality Learning and Teaching Campaign has been introduced to ensure that the non-negotiables are realised, including that there should be no abuse of learners by teachers and that the children should be in class, on time, learning.</p>	Progress, but policy perhaps not specific to action step



Step	Description of action step	Reported progress	Assessment
95	Where children under 18 years old have left school in order to work, and who find it difficult to return to mainstream schools even if they stop working, support programmes will be established that provide for the rehabilitation of children involved in child labour through i) <b>special education centres or classes within the regular school setting; access to ABET classes;</b> or iii) <b>access to FET schools / collages</b> to prepare such out of school youth to access employment. <i>Lead institution: DBE. Time line: fully rolled out by 2011.</i>	The Kha Ri Gude (Let us Learn) Literacy Campaign was developed in response to a call for a national campaign to end illiteracy amongst South African adults. In 2009, the campaign had 195 coordinators, 3 604 supervisors, well over 36 000 educators and 613 637 learners.	Ongoing
96	The <b>recommendations of the Ministerial Committee on rural education, in respect of farm schools,</b> will be speedily implemented but with due care that children are not denied access to education in the process. <i>Lead institution: DBE. Time line: 2007-2009.</i>	The Department of Basic Education has developed draft Guidelines for Functional School Hostels as a strategy to promote access to education in rural and farm areas. Teachers and learners will be accommodated in these hostels. The guidelines are currently being finalised.	In process
97	<b>Adequate and safe transport will be provided</b> for children living further away from schools. Special attention will be given to the <b>provision of transport to both primary and secondary schools in rural areas, including subsistence and commercial farming areas.</b> Alternative means of transport, such as the provision of bicycles, need to be investigated. <i>Lead institution: DBE, PDEs. Secondary institution: DT. Time line: to be embarked on in 2008.</i>	The provision of scholar transport is a provincial competency.	.
98	Information on the specific needs and problems of children who are working, the relevant elements of the CLPA and the applicable legislation will be introduced in the <b>training of i) teachers, ii) included in the school curriculum (Life Orientation) and iii) disseminated to curriculum advisers in district offices, managers</b> of schools, teachers and governing bodies. National Curriculum Statement (NCS) materials development process (e.g. educator guides and learner workbooks) that addresses child labour across the learning areas in the General Education and Training (GET) and Further Education and Training (FET) bands and that provides the requisite content and methodology across the learning areas for educators to address the learning needs of out-of-school youth, OVC and children in child labour (particularly CSEC, CUBAC, teenage mothers) and to re-integrate these learners into schooling. <i>Lead institution: DBE; Secondary institutions: NGOs, Trade Unions. Time line: to be embarked on in 2008.</i>		
99	The <b>National School Nutrition Programme</b> will be strengthened and extended to secondary schools serving poor communities. <i>Lead institution: DE. Timeline: to be embarked on in 2008.</i>	In 2010 the National School Nutrition Programme was successfully extended to quintile two secondary schools covering a total of 7 million learners in 20 000 schools. The programme is monitored to ensure that schools adhere to requirements in terms of the food that should be provided to learners.	Done



Step	Description of action step	Reported progress	Assessment
100	The following steps will be taken regarding the draft <b>regulations on hazardous work by children</b> : (a) they will be enacted; (b) guidelines will be issued on aspects that require explanation to make the regulations more effective, also taking into consideration work in subsistence agriculture; (c) labour inspectors will be trained on the content of the regulations and on strategies to achieve compliance; (d) trade unions in agriculture will be trained on the content of the regulations and on strategies to achieve compliance; (e) awareness will be created among children, teachers and parents regarding the hazards related to work and the provisions of the regulations; (f) BCEA will be amended to allow for higher penalties regarding work that is considered the worst forms of child labour, and the regulations will be amended to allow such higher penalties. <i>Lead institution</i> : The DOL. <i>Secondary institutions</i> : re (d) Trade unions; re (e), DBE, DOH and NGOs. <i>Time line</i> : Elements (a) to (e) by 2008; element (d) by 2010.	<p>Regulations to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997 and the Occupational Health and Safety Act, 1993 were published on 15 January 2010 in Government Gazette 32862.</p> <p>The purpose of the regulations is to protect the health and safety of child workers who are lawfully entitled to work and prohibit categories of work which child workers may not perform. The regulations set conditions for the work that child workers may perform, and identify which categories of work constitute worst forms of child labour. They cover all child workers and the work they perform and provide guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers and make appropriate provisions for enforcement.</p> <p>The regulations list prohibited work and work which constitutes worst forms of child labour as contemplated in the ILO convention.</p>	In Process
101	<b>Work-related diseases and workplace factors causing illness and injury</b> will be identified through ongoing research and drawing on the support and advice of DOH. <i>Lead institution</i> : The DOL. <i>Secondary institution</i> : DOH. <i>Time line</i> : initial research by 2010; then ongoing, focusing progressively on a range of health-related research issues.		
102	(a) Labour inspectors will identify the factors in the workplaces which have the potential to cause harm. (b) <b>Work-related diseases</b> and injuries among children and young people will be identified, <b>and reported by health workers and educators to labour inspectors</b> . (c) This will be linked to measures in the new Children's Act to ensure that work-related injuries are reported appropriately. <i>Lead institution</i> : the DOL. <i>Secondary institution</i> : DOH and DBE re (b); DSD re the Children's Act (c). <i>Time line</i> : Ongoing, from 2008; re (c), by 2009.	<p>In terms of the child labour enforcement policy, children who need health services must be reported to DOH.</p> <p>DSD includes labour inspectors in training and capacity building on the Children's Act especially on Section 110 on mandatory reporting and Section 150 on identifying a child in need of care and protection.</p> <p>Reporting to the Child Protection Register is done in terms of Form 22.</p>	On going



Step	Description of action step	Reported progress	Assessment
103	(a) <b>Children will be removed from hazardous work.</b> (b) Children who have been removed from such work, and are not living with caring adults will be reintegrated with their families, if possible. (c) When removed from such work it will be ensured that children are better off, ie. that lost income is replaced by access to social grants in the family. <i>Lead institution:</i> the DOL. <i>Secondary institutions:</i> DSD re (b) and (c). <i>Time line:</i> Ongoing, from 2008.	<p>Chapters 7 and 9 of the Children's Act ensure the protection of children, identification of children in need of care and protection and Children's Court processes.</p> <p>Chapter 3 on parental responsibilities and rights provides for acquisition and loss of parental rights and responsibilities, co-exercise of parental responsibilities and rights and parenting plans for purposes of reintegration or placement of the child in alternative care.</p> <p>DSD assists the family in accessing the Child Support Grant, Foster Child Grant, Disability Grant, Social Relief of Distress or other grants applicable and also assist families in engaging in poverty alleviation programmes.</p> <p>Inspectors of the DOL must report children in need to DSD and form 22 forms part of the child labour enforcement policy.</p>	Ongoing
104	Where labour inspectors become aware of <b>accidents leading to injuries to or death of children at work</b> , they will ensure that the injuries are reported to the Compensation Fund. The Compensation Fund will report annual figures on injuries and diseases regarding the following age groups: children under 10 years old, children 10-15, and children 16 and 17. <i>Lead institution:</i> The DOL. <i>Time line:</i> Ongoing, from 2008.	The Compensation of Occupational Injuries and Disease Act provides that all injuries on duty must be reported to the DOL and statistics kept.	On going
105	The <b>Children's Act will be amended</b> and the Act be put fully into operation to achieve the following: (a) inserting a clear definition of child labour and WFCL into the Act, aligning with other appropriate legislation; (b) prohibiting WFCL that are not prohibited in terms of other laws and ensuring appropriate criminal penalties for breach; (c) requiring the reporting of WFCL in terms of clause 105; (d) requiring that social workers report instances of child labour to labour inspectors; (e) strengthening the role of schools in identifying cases of child labour impacting on schooling. <i>Lead institution:</i> DSD. <i>Secondary institutions:</i> The DOL, DBE. <i>Time line:</i> By 2008.	<p>The Children's Act as amended came into operation on 1 April 2010. The Act defines child labour and aligns it to the definition in the Basic Conditions of Employment Act.</p> <p>Form 22 of the Children's Act is used to report to the Child Protection Register Part A.</p> <p>Section 110 and Section 150 of the Children's Act focus on mandatory reporting by identified personnel and the identification of a child in need of care and protection.</p>	Done in terms of legislation
106	<b>Research</b> will be done to determine the extent of child-headed households and AIDS orphans, and <b>the effect that HIV/AIDS is likely to have on child labour</b> , and to make recommendations regarding appropriate action. <i>Lead institution:</i> DSD; <i>Secondary institutions:</i> The DOL, DOH. <i>Time line:</i> 2008.]	Research on child-headed households was finalised by DSD.	Partially done



Step	Description of action step	Reported progress	Assessment
107	The growing number of home- and community-based care programmes could play a role in terms of children affected by HIV/AIDS. <b>Fieldworkers for all home- and community-based care programmes will be trained to recognise the problems children face</b> in HIV/AIDS-affected households, and link them up with the necessary assistance services. Government must find ways to work together with and support – financially and otherwise – the full range of home- and community-based programmes. <i>Lead institution: DOH, Secondary institutions: Provincial DSD, DPLG, LG, NGOs. Time line: 2008.</i>	HCBC and support programmes provide care and support.	Ongoing
108	The HIV/AIDS/STD Strategic Plan for South Africa 2000-2005 makes provision for widespread provision of <b>anti-retrovirals</b> . Provision of anti-retrovirals to adults to promote adult well-being and longer life reduces the number of HIV/AIDS orphans, and prolongs the period during which caregivers are healthy and can earn income and thus prevents children needing to work. The implementation of an extended programme around provision of anti-retrovirals will thus be speeded up as much as possible. Anti-retrovirals will also be made available to all children who need them. <i>Lead institution: DOH. Time line: 2008.</i>	By early 2011, more than 1, 3 million people living with HIV and AIDS had been put on treatment.	Ongoing
109	<b>Adult work that encourages child labour, such as task work and piece work, will be regulated.</b> The DOL will suggest that the ECC take this into account when it makes recommendations to the Minister of Labour in respect of particular sectors or groups of workers. <i>Lead institution: The DOL. Secondary institution: ECC. Time line: Ongoing.</i>	Children under the age of 18 years of age are prohibited to perform piecework or task work in terms of the Regulations on hazardous work by Children in South Africa.  In its report to the Minister for the farm workers sector in 2009, the ECC recommended that task based work not be regulated since the Sectoral Determination provides for the minimum rates for all workers in the sector.	Ongoing
110	<b>Street children will be reintegrated through shelters and homes,</b> with sufficient state support provided to such shelters. <i>Lead institution: Provincial DSD. Secondary institution: NGOs. Time line: 2009.</i>	Shelters are registered as child and youth care centres. DSD provides funding for some shelters as well as for some drop-in centres.	Ongoing
111	<b>Support will be provided while the child is on the street,</b> including the provision of at least basic education to ensure minimum-level literacy and skills. This could possibly be done through remedial teaching where children could gradually be phased into or back to the education system. <i>Lead institution: PDE. Secondary institution: NGOs. Time line: 2011.</i>		



Step	Description of action step	Reported progress	Assessment
112	<p>A plan will be drafted <b>for effective cooperation between DSD, DHA, SAPS, DOH and the education departments</b>, to ensure that child refugees are not arrested, are handled in accordance with existing laws and regulations, and are not denied access to school and health care services. <i>Lead institution: DSD. Secondary institutions: DHA, SAPS, PDE, DOH. Time line: 2009.</i></p>	<p>The Children's Act states that protective measures must be afforded to all children in SA including local and foreign unaccompanied minors and child refugees.</p> <p>Guidelines on separated, unaccompanied foreign children outside their country of origin are the responsibility of the DSD International Social Service unit.</p> <p>Children applying for refugee status need to be taken to the Children's Court by a social worker to apply for refugee status to be granted.</p> <p>SAPS National Instruction 3/2010 provides clear guidelines on how SAPS should deal with children in need of care and protection, including unaccompanied and refugee children. At provincial level SAPS participate in inter-sectoral committees established to address unaccompanied and refugee children.</p>	Ongoing
113	<p>If illegal immigrant children are to be repatriated their rights must be respected including provision of caring services while they wait for repatriation. If they are not repatriated the provincial DSD is responsible for their appropriate placement. <b>Officials of the Departments of Home Affairs, Social Development, Education, Health and the SAPS will be trained and sensitised regarding children's rights and needs</b> and apply these even if the children are illegal immigrants. <i>Lead institution: DSD. Secondary institution: DHA, DBE, DOH, SAPS. Time line: 2008.</i></p>	<p>All children who are in need of care and protection must be provided with the appropriate services in terms of the Children's Act.</p> <p>The DSD International Social Services Unit will assist in the repatriation of a child in terms of Sections 289 and 290 of the Children's Act.</p> <p>If a child is not repatriated the child will be dealt with as a child in need of care and protection and be placed in alternative care and should have access to all services (health, education, etc).</p>	
114	<p><b>This CLPA-2 will be costed</b>, under the leadership of the Department of Labour. Each department responsible for action steps in the CLPA will be assisted, as needed, by the DOL through a project run by the DOL and supported by NT and the TECL programme. <i>Lead institution: The DOL. Secondary institutions: All Government institutions with action steps assigned to them. Time line: Complete costing of CLPA-2 by 2007, alternatively early 2008.</i></p>	<p>In updating the CLPA, the DOL determined that the action steps in the updated CLPA were already included in the work plans of the different Government departments. These work plans therefore have been costed and a budget has been allocated.</p>	Action step falls away



## ACTION STEPS LISTED BY LEAD INSTITUTION

### DEPARTMENT OF AGRICULTURE

Step	Description of action step	Reported progress	Assessment
75	<b>Agricultural extension services</b> to subsistence agriculture and <b>research to improve production</b> in this sector will <b>be increased</b> to improve crops, stock quality and production methods that will reduce reliance on extensive work by children and also improve the health status of children. <i>Lead institution:</i> DA. <i>Time line:</i> Research to be completed by 2009. Existing policy amended by 2010 and implementation of new policy by 2011.		

### DEPARTMENT OF CORRECTIONAL SERVICES (DCS)

Step	Description of action step	Reported progress	Assessment
57	Authorities holding children in custody will be allowed to continue requiring of them to work. Work is preferable to children being bored and feeling useless. However, <b>policy will be formulated on when children deprived of their liberty may be required to work</b> , and when such work should be remunerated. This policy will be in line with national and international protective laws on children such as the BCEA and the UN Rules on Juveniles Deprived of their Liberty (UN JDL Rules), adopted in 1990. <i>Lead institution:</i> DCS (prisons), PDE (reform schools). <i>Secondary institutions:</i> DSD. <i>Time line:</i> by 2009.	Existing DCS programmes in place	Ongoing

### DEPARTMENT OF ENVIRONMENT AND TOURISM (DEAT)

#### Scavenging

Step	Description of action step	Reported progress	Assessment
84	The <b>findings from the research conducted by TECL</b> into children working in scavenging and waste recycling will be utilised by DEAT in the finalisation of the National Waste Management Bill and related regulations. This new policy should include (a) preventing children from accessing sites, and holding landfill site managers accountable in this regard; (b) ensuring that through law and policy scavenging / informal salvaging on waste sites are <b>recognised, formalised and controlled</b> thereby assisting to ensure that this activity does not remain an invisible activity and a space where children can be exploited. The policy should make provision for (c) a <b>consultative forum</b> with recycling companies to address the issue of exploitative rates being paid to scavengers / salvagers for recycled material with the objective of regulating and standardising the rates being paid for recycled goods. If adult scavengers / salvagers receive adequate income from this work there would be less need to supplement their income by bringing children onto the site to help with work. <i>Lead institution:</i> DEAT. <i>Secondary institutions:</i> LG, recycling companies. <i>Time line:</i> Adopt new policy by 2008; and start implementation at by 2009.	Relevance to be reviewed	



85	DEAT should annually <b>conduct a headcount / census of existing scavengers / salvagers on landfill and dumpsites</b> on a given day that to ascertain the number of adult and child scavengers. This could be done through local municipal waste managers. It should be done on a day that more scavengers are usually encountered (as determined at local level). DEAT should report this information annually, eg in its annual departmental report. This will help ensure that the extent of this kind of activity and the involvement of children in this regard can be monitored. <i>Lead institution:</i> DEAT. <i>Secondary institutions:</i> LG. <i>Time line:</i> annually from 2008,	Relevance to be reviewed	
86	DEAT (responsible for legislation and minimum standards), local municipalities (responsible for collection of waste), provincial departments of social development (addressing welfare of the children and families) and waste recycling companies will <b>identify strategies</b> (a) to <b>address the immediate needs of children and families found on waste sites</b> such as alternative sources of food and income (eg through absorbing existing adult scavengers / salvagers into waste management initiatives such as recycling where the work is regulated and adults are paid an income or can sell salvaged material that can sustain their families including taking special steps to ensure that children are not brought into this work) as well as housing (where they are found to live on waste sites); (b) and to address <b>the underlying causes of child scavenging</b> such as poverty and malnutrition as well as consequences such as failure to attend school. <i>Lead institution:</i> DEAT. <i>Secondary institutions:</i> DrSD, LG, waste management companies. <i>Time line:</i> Policy to be finalised by 2008 and implemented by 2009.	DSD is responsible, in terms of the Children's Act, for identifying children in need of care and protection and the responsibilities and roles of parents. DSD also assists families in accessing state grants. DSD also engages parents and care givers in poverty alleviation programmes  A strategy on families is being developed and will assist in capacitating and strengthening family structures.	In progress

**DEPARTMENT OF BASIC EDUCATION (DBE) and PROVINCIAL DEPARTMENTS RESPONSIBLE FOR EDUCATION (PDE)**  
**Availability and accessibility of schools**

Step	Description of action step	Reported progress	Assessment
96	The <b>recommendations of the Ministerial Committee on rural education, in respect of farm schools</b> , will be speedily implemented but with due care that children are not denied access to education in the process. <i>Lead institution:</i> DBE. <i>Time line:</i> 2007-2009.	The Department of Basic Education has developed draft Guidelines for Functional School Hostels as a strategy to promote access to education in rural and farm areas. Teachers and learners will be accommodated in these hostels. The guidelines are currently being finalised.	In process
97	<b>Adequate and safe transport will be provided</b> for children living further away from schools. Special attention will be given to the <b>provision of transport to both primary and secondary schools in rural areas, including subsistence and commercial farming areas</b> . Alternative means of transport, such as the provision of bicycles, need to be investigated. <i>Lead institution:</i> DBE, PDEs. <i>Secondary institution:</i> DT. <i>Time line:</i> to be embarked on in 2008.	The provision of scholar transport is a provincial competency.	



## Curriculum development

Step	Description of action step	Reported progress	Assessment
98	Information on the specific needs and problems of children who are working, the relevant elements of the CLPA and the applicable legislation will be introduced in the <b>training of i) teachers, ii) included in the school curriculum (Life Orientation) and iii) disseminated to curriculum advisers in district offices, managers of schools, teachers and governing bodies.</b> National Curriculum Statement (NCS) materials development process (e.g. educator guides and learner workbooks) that addresses child labour across the learning areas in the General Education and Training (GET) and Further Education and Training (FET) bands and that provides the requisite content and metho the DOLOGY across the learning areas for educators to address the learning needs of out-of-school youth, OVC and children in child labour (particularly CSEC, CUBAC, teenage mothers) and to re-integrate these learners into schooling. <i>Lead institution:</i> DBE; <i>Secondary institutions:</i> NGOs, Trade Unions. <i>Time line:</i> to be embarked on in 2008.		

## Funding and fees

Step	Description of action step	Reported progress	Assessment
92	<b>Awareness will be raised regarding the national school fee policy</b> in respect of exemptions for poorer families, orphans, children who are fostered and children receiving poverty-related grants. The campaign will be linked to capacity building of school administrators regarding the implementation of the school fee policy. <i>Lead institution:</i> DBE.	<p>The no fee policy was first implemented in January 2007 and catered for 40% of poor learners nationally. Poorer learners who are not at no fee schools are protected by amended exemption regulations published in October 2006 which allow parents who cannot afford to pay school fees to be exempted from payment, either fully or partially. There were various interventions and publications on raising the awareness and improving the capacity of schools to be able to implement the policy on exemption after publication of the regulations up to 2008.</p> <p>In 2010 the no fee policy was extended to 60% of poor learners nationally and as a result there are currently 8 170 361 learners in 24 541 no fee schools. Since its implementation, awareness of parents, schools and other relevant stakeholders have been ensured through annual publication of a Government Gazette by the Minister.</p> <p>Further awareness raising is undertaken by provincial education structures, as well as through providing information for ad hoc media reports on different aspects of the fee policy.</p>	On going



### Awareness-raising

Step	Description of action step	Reported progress	Assessment
21	The DBE and PDE will create <b>awareness within the education environment</b> on the content of their relevant action steps including: children should engage in school-related labour only to the extent required to build a sense of responsibility and collectivity; teachers and principals should not use learners to clean their houses; special educational measures for children who are subject to compulsory schooling and who have lost a lot of schooling; special classes, courses and facilities such as ABET and FET for children who are not subject to compulsory schooling and who have left school. <i>Lead institution:</i> DBE; PDE. <i>Time line:</i> to be introduced as soon as possible after adoption of policy.	The South African Council of Educators (SAC) Code of Professional Ethics for educators specifies the type of relationship that should exist between a teacher and a learner as one of trust and understanding. The code states categorically that educators should avoid any form of humiliation and refrain from any form of abuse, physical or psychological.  The Quality Learning and Teaching Campaign has been introduced to ensure that the non-negotiables are realised, including that there should be no abuse of learners by teachers and that the children should be in class on time learning.	Ongoing

### School nutrition programme

Step	Description of action step	Reported progress	Assessment
99	The <b>National School Nutrition Programme</b> will be strengthened and extended to secondary schools serving poor communities. <i>Lead institution:</i> DBE. <i>Timeline:</i> to be embarked on in 2008.	In 2010 the National School Nutrition Programme was successfully extended to quintile 2 secondary schools covering a total of 7 million learners in 20 000 schools. The programme is monitored to ensure that schools adhere to requirements in terms of the food that should be provided to learners.	Done

### Vulnerable groups

Step	Description of action step	Reported progress	Assessment
89	The <b>principal of a school will be given the responsibility</b> to i) identify children who are frequently absent from school and in need of care and protection, ii) investigate and research the pull and push factors to assist them in returning to school, and iii) give their names and addresses to the provincial head of social development for further support to be provided and iv) establish School Based Support Teams or help establish district support teams to render assistance to OVC including out-of-school youth, such as assisting them to assess social grants and to apply for exemption from school fees in order to increase the access of children from these groups to schooling (see also action step 0). <i>Lead department:</i> DBE. <i>Time line:</i> Start implementation 2008; all elements implemented by 2012.	The South African Schools Act makes provision for compulsory attendance. School principals are obliged to enforce this act and ensure that learners are always at school.  On February 9, 2010 a policy on learner attendance was published. The Act makes provision for parents, learners and schools regarding learner absence. Procedures regarding the keeping of class registers, period registers and temporary registers are outlined in the policy. Exemplars of these registers are given in the Act. Schools are consistently encouraged to implement the policy.	On going



95	Where children under 18 years old have left school in order to work, and who find it difficult to return to mainstream schools even if they stop working, support programmes will be established that provide for the rehabilitation of children involved in child labour through i) <b>special education centres or classes within the regular school setting; access to ABET classes;</b> or iii) <b>access to FET schools / colleagues</b> to prepare such out of school youth to access employment. <i>Lead institution: DBE. Time line: fully rolled out by 2011.</i>	The Kha Ri Gude (Let us Learn) Literacy Campaign was developed in response to a call for a national campaign to end illiteracy amongst South African adults. In 2009, the campaign had 195 co-ordinators, 3 604 supervisors, well over 36 000 educators and 613 637 learners.	Ongoing
111	<b>Support will be provided while the child is on the street</b> , including the provision of at least basic education to ensure minimum-level literacy and skills. This could possibly be done through remedial teaching where children could gradually be phased into or back to the education system. <i>Lead institution: PDE. Secondary institution: NGOs. Time line: 2011.</i>		

### Work detrimental to schooling

Step	Description of action step	Reported progress	Assessment
90	<b>Clearer policy and better implementation of monitoring of absenteeism and drop out</b> will be developed as a way of monitoring child labour. This will include development of indicators for recording on EMIS. The data should be disaggregated by gender, age, affected grades and rural/urban patterns. <i>Lead institution: DBE; Secondary institution: DSD. Time line: 2008.</i>	The learner attendance policy was published in February 2010 and has been monitored in the subsequent period.	In place
91	Standard monitoring approaches regarding school attendance such as <b>registers will be supplemented by research</b> at regular intervals (i) to establish which groups are at particular risk and ii) to investigate <b>and research the pull and push factors to assist them in returning to school</b> . Mechanisms will be established to share this information with the relevant agencies. <i>Lead institution: DBE. Time line: initial research completed by 2008.</i>	Currently the attendance registers specified in the learner attendance policy are the only mechanism that is used to monitor learner attendance.	
93	<b>Policy</b> will be developed to ensure that <b>children engage in school-related labour only to the extent required to build a sense of responsibility and collectivity</b> . Such work should never be done in school time and should be limited in duration. <i>Lead institution: DBE. Time line: to be embarked on in 2008</i>	No progress on this action step.	No progress
94	<b>Teachers and principals will not be permitted to use learners to clean their houses</b> <i>Lead institution: DBE. Time line: to be embarked on in 2008.</i>	The South African Council of Educators (SAC) Code of Professional Ethics for educators specifies the type of relationship that should exist between a teacher and a learner as one of trust and understanding. The code states categorically that educators should avoid any form of humiliation, and refrain from any form of abuse, physical or psychological  The Quality Learning and Teaching Campaign has been introduced to ensure that the non-negotiables are realised, including that there should be no abuse of learners by teachers and that the children should be in class, on time, learning.	Progress, but policy perhaps not specific to action step



## DEPARTMENT OF FOREIGN AFFAIRS (DFA)

### Trafficking of children

Step	Description of action step	Reported progress	Assessment
34	South Africa will <b>sign, ratify, and implement the United Nations Convention</b> against Transnational Organised Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. <i>Lead institution: DIRCO. Secondary institutions: the DOL, SAPS, DOJ and CD, SALRC. Time line: 2008.</i>	<p>South Africa signed the Convention and its supplementary Protocols, that is, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air on 14 December 2000. South Africa ratified the convention on 20 February 2004. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, was signed on 14 October 2002.</p> <p>Child trafficking is regulated by the Children's Act.</p> <p>The Prevention and Combating of Trafficking in Persons Bill was tabled in Parliament in March 2010 for discussion. This Bill is currently being amended as decided by the Justice Portfolio Committee. The Bill deals comprehensively with human trafficking in all its various forms and in particular, provides for the protection of and assistance to victims of trafficking.</p>	Done
36	The DIRCO, together with SAPS (through the SARPCO) and the Victim Empowerment Programme of the DSD and Sexual Offences and Community Affairs (SOCA) Unit of the NPA, will enhance existing mechanisms that provide <b>regular contact with relevant stakeholders in other countries in the region</b> to deal with trafficking operations and victim assistance. <i>Lead institution: DIRCO. Secondary institutions: SAPS, DSD, NPA. Time line: By 2008.</i>		

## DEPARTMENT OF HEALTH (DOH)

### HIV/AIDS

Step	Description of action step	Reported progress	Assessment
107	The growing number of home- and community-based care programmes could play a role in terms of children affected by HIV/AIDS. <b>Fieldworkers for all home- and community-based care programmes will be trained to recognise the problems children face</b> in HIV/AIDS-affected households, and link them up with the necessary assistance services. Government must find ways to work together with and support – financially and otherwise – the full range of home- and community-based programmes. <i>Lead institution: DOH, Secondary institutions: Provincial DSD, DPLG, LG, NGOs. Time line: 2008.</i>	HCBC and support programmes provides care and support	Ongoing



108	The HIV/AIDS/STD Strategic Plan for South Africa 2000-2005 makes provision for widespread provision of <b>anti-retrovirals</b> . Provision of anti-retrovirals to adults to promote adult well-being and longer life reduces the number of HIV/AIDS orphans, and prolongs the period during which caregivers are healthy and can earn income and thus prevents children needing to work. The implementation of an extended programme around provision of anti-retrovirals will thus be speeded up as much as possible. Anti-retrovirals will also be made available to all children who need them. <i>Lead institution: DOH. Time line: 2008.</i>	By early 2011, more than 1,3 million people living with HIV and AIDS had been put on treatment.	Ongoing
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## DEPARTMENT OF HOME AFFAIRS (DHA)

### Social assistance grants

Step	Description of action step	Reported progress	Assessment
12	A serious problem with the CSG and other grants is that <b>birth certificates and ID documents</b> are required to access the grant. The problem is exacerbated when children are orphaned or left without proper documentation. Ways need to be found urgently around this problem while limiting the scope for corruption, as it is orphans, and children and their caregivers in rural and poorer areas who usually lack this documentation. <i>Lead institution: DHA. Secondary institution: Provincial DSD. Time line: 2008.</i>	Provincial DSD and NGO social workers provide assistance to these children in accessing documents from DHA and deal with them as children in need of care and protection in terms of the Children's Act. DSD engages in ongoing discussions with the National DHA through different forums which aims to ensure that problem areas are identified and addressed accordingly. Provision is now made for alternative documents to be submitted by applicants for the CSG where birth certificates or identity documents are not available.	Ongoing

## DEPARTMENT OF JUSTICE and CONSTITUTIONAL DEVELOPMENT (DOJ and CD)

### Children used by adults to commit crime

Step	Description of action step	Reported progress	Assessment
51	<b>A specific offence relating to CUBAC</b> will be introduced. <i>Lead institution: DOJ and CD. Secondary institutions: NPA and SAPS. Time line: 2008.</i>	CUBAC has been included as an offence in section 29 of the Child Justice Act, which came into effect on 1 April 2010.	Done



Step	Description of action step	Reported progress	Assessment
52	<p><b>Policy and procedures</b> will be developed to protect children placed at risk because of their involvement with adults who have used them for crime where the children now want to extricate themselves from such activities but cannot for fear of their safety and the safety of their families. Lead department: DOJ and CD, NPA (prosecution of adults), DSD (assessment of children and identification of CUBAC), SAPS (investigating charges against adults using children in crime). <i>Time line:</i> 2008.</p>	<p>The National Policy Framework on Child Justice was published in the Government Gazette in August 2010. The Framework aims at encouraging the provision of assistance for these children by the various agencies in terms of the provisions of the Child Justice Act and Children's Act. Children who are found to be victims of CUBAC can be regarded as being in need of care and protection in terms of section 150 of the Children's Act. These children must be referred to the Children's Court for a decision in terms of sections 156 and 46 of the Act.</p> <p>DSD developed Reception, Assessment and Referral Centres Guidelines in 2008 to ensure all children are assessed and that probation officers are accessible. Probation Practice Guidelines were developed in 2010.</p> <p>A blueprint and minimum norms and standards for secure care will be developed in 2011-2012.</p> <p>SAPS approved instructions in regard to children in need of care on 1 April 2010.</p>	Ongoing
54	<p>Where children commit crimes, irrespective of the nature of the offence, the diversion of such child offenders away from prison will be the <b>preferred option, where appropriate</b>. Where appropriate, prosecution of a child will be <b>converted to a children's court inquiry</b>, after conviction. Should the child be convicted and not referred to the children's court, alternative sentences should be the preferred option for the sentencing of the child. Lead institution: DOJ and CD. Secondary institutions: DSD (assistance with diversion), NPA (prosecution of those behind children, and referral to diversion programmes and promotion of alternative sentences), SAPS (identification of those using children who are in conflict with the law, and investigation of cases against them) and DCS. <i>Time line:</i> 2009.</p>	<p>In terms of section 52 of the Child Justice Act, diversion for children must be considered as an option before detention or imprisonment, which should happen only as a measure of last resort and only for the shortest period of time. A child justice matter may be adjourned at any point and referred to a Children's Court Inquiry in terms of section 155 of the Children's Act if the presiding officer is of the opinion that the child may be in need of care and protection.</p> <p>Diversion programmes are developed, rendered and monitored by DSD's Social Crime Prevention Unit.</p> <p>A policy framework on an accreditation system for diversion services has been developed. Minimum norms and standards on diversion are in place.</p>	Ongoing
59	<p><b>Policy will be developed on children co-accused</b> with adults in respect of separation of trials; joinder of trials and not withdrawing charges against co-accused adults where the child has accepted responsibility. <i>Lead institution:</i> DOJ and CD, NPA. <i>Secondary institutions:</i> SAPS. <i>Time line:</i> 2008.</p>	<p>Such a policy has been developed and implemented in the form of Child Justice Directives issued by the National Director of Public Prosecutions.</p>	Done



Step	Description of action step	Reported progress	Assessment
61	<b>Training on CUBAC</b> will be integrated in departmental training initiatives, including integrating a restorative justice approach. <i>Lead institution:</i> DOJ and CD <i>Secondary institutions</i> NPA, SAPS, DSD, DCS. <i>Time line:</i> 2008.	CUBAC matters have been included in the Intersectoral Child Justice Training Manual developed during 2009/10. Intersectoral training was conducted in all provinces during 2010/11. Departmental training is conducted annual, and includes SAPS, NPA, DSD, Legal Aid SA, and Magistrates and Clerks of the Child Justice Court. Justice College has developed a training manual to assist with this training. A pilot training programme of NGOs in Gauteng for training of volunteers on child victim rights is in process.	Done
62	The ISCCJ will <b>monitor the implementation of CUBAC</b> action steps. <i>Lead institution:</i> DOJ and CD. <i>Time line:</i> From 2008, annually.	The National Operational ISCCJ meets on a monthly basis and reports to the Director General's ISCCJ, which is now a legislative obligation in terms of the Child Justice Act. Monitoring and implementation is also provided for in the draft MandE tool for Child Justice.	Ongoing
63	<b>Statistics on CUBAC</b> will be captured as part of the Integrated Justice System. Records needs to be kept by, inter alia, Bosasa, diversion service providers and DSD. <i>Lead institution:</i> DOJ and CD. <i>Secondary institutions:</i> DCS, DSD, SAPS. <i>Time line:</i> 2009.	The first monitoring and evaluation report will be available during 2012 as the monitoring and evaluation system is currently under development. The National Operation Centre can provide statistics on the number of child offenders and related matters. Statistics are also available on the annual number of youth offenders, and sexual offences against children.	In progress

#### Commercial sexual exploitation of children

Step	Description of action step	Reported progress	Assessment
46	The DOJ and CD will coordinate <b>assessment of the feasibility of the non-legislative action steps to address CSEC</b> proposed by the SALRC, and facilitate agreement between line departments and NGOs on responsibilities, actions and timeframes for implementation and monitoring arrangements. Some of these actions steps could be taken forward even before new legislation is promulgated. <i>Lead institution:</i> DOJ and CD. <i>Secondary institutions:</i> NPA, SAPS, DSD, NGOs, SALRC (advising other institutions regarding its recommendations). <i>Time line:</i> 2009.	<p>The implementation of the Children's Act and the Child Justice Act No 75 of 2008 will facilitate agreement between line departments and NGOs on responsibilities, implementation and monitoring.</p> <p>The National Policy Framework on Sexual Offences in terms of the Criminal Law Amendment (Sexual Offences and Related Matters) Act is nearing finalisation.</p> <p>The Prevention and Combating of Trafficking in Persons Bill includes prohibition of child trafficking for sexual purposes.</p> <p>SAPS National Instruction 2/2010 in terms of the Child Justice Act and National Instruction 3/2010 issued in terms of the Children's Act provide clear guidelines on how to identify and deal with a complaint of children suspected of being used by adults to commit crime.</p>	In progress



## Trafficking of children

Step	Description of action step	Reported progress	Assessment
32	The South African Law Reform Commission will finalise the drafting of the <b>Trafficking Act</b> so that trafficking becomes a criminal offence under South African law. The DOJ and CD will ensure that the passing of the Act is treated as a priority. <i>Lead institution:</i> DOJ and CD. <i>Secondary institution:</i> SALRC. <i>Time line:</i> 2008. [New.]	Draft legislation has been tabled in Parliament (March 2010) and is now the responsibility of the Legislature. DOJ and CD and CD leads the Task Team to prepare for implementation of trafficking legislation, including preparation and monitoring of an inter-departmental implementation plan.  The Sexual Offences Amendment Act includes transitional provision for trafficking for sexual purposes, while the Children's Act includes provisions on trafficking of children in Chapter 18.	Ongoing

## DEPARTMENT OF LABOUR (the DOL)

### Child trafficking

Step	Description of action step	Reported progress	Assessment
40	The DOL will, as part of its monitoring of employment agencies, <b>check when and where trafficked children are provided for domestic work and other occupations</b> and take appropriate action. the DOL will collaborate with NPA (Scorpions [no longer exists] and SOCA) where appropriate. <i>Lead institution:</i> the DOL. <i>Secondary institutions:</i> NPA. <i>Time line:</i> 2008.	Sectoral Determination 7: Domestic Workers Sector prohibits the employment of children under the age of 15 years of age and is enforced by labour inspectors.	Ongoing

### Children in performing arts

Step	Description of action step	Reported progress	Assessment
88	The DOL will <b>amend the data recording system on children working in performing arts</b> so that it records the number of children for whom permission is sought and granted rather than only, as at present, the number of employers seeking and granted permission. <i>Lead institution:</i> The DOL. <i>Time line:</i> By 2008.	Sectoral Determination 10: Children in the performance of Advertisings, Artistic and Culture Activities was published in Government Gazette No 26608 on 29 July 2004 and makes provision for an employer that has been granted a permit in terms of this Determination to employ children under 15 years of age in advertising, artistic and cultural activities must comply with this Determination.  An application for a permit must be done in a prescribed manner. The function of the granting permits has been decentralised after a system was put in place to capturing information on date of application; name of employer; number of employees affected; ages of employees affected; whether parents/guardians consented; whether the application was granted/refused; period granted for; conditions under which permission was granted.	Done. See appendix for summary statistics.



### Commercial agriculture

Step	Description of action step	Reported progress	Assessment
71	The DOL and other relevant departments will consider implementing the recommendations from the TECL study that was been undertaken into child labour in commercial and subsistence agriculture at the time of writing of this document. <i>Lead institution:</i> the DOL. <i>Secondary institutions:</i> AgriSA, DA. <i>Time line:</i> Depends on recommendations.	<p>Sectoral Determination 13: Farm Workers Sector which came into operation on 1 March 2006 prohibits the employment of children under 15 years of age and stipulates that a farm worker who is under 18 years of age may not work more than 35 hours in any week.</p> <p>The Minister of Labour has issued regulations to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997 and the Occupational Health and Safety Act, 1993. These regulations specify categories of work which child workers may not perform, set conditions in respect of the work that child workers may perform and identify which categories of work constitute worst forms of child labour. The regulations provide guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers and make appropriate provisions for enforcement.</p>	Done

### Domestic work and chores

Step	Description of action step	Reported progress	Assessment
69	<b>Guidelines should be drafted on kinds of household chores that are acceptable</b> (depending on age groups), and reasonable amounts of time children should spend on them. The guidelines should make it clear that children learn and benefit from a moderate amount of chores, provided the tasks are age appropriate and fairly distributed between household members. This approach is in line with the African Charter's provision stating that children have responsibilities towards their families. <i>Lead institution:</i> the DOL. <i>Secondary institutions:</i> DSD. <i>Time line:</i> 2009.	The DOL: Guidelines to be finalised 2012-2013.	Limited progress



## General measures

Step	Description of action step	Reported progress	Assessment
6	<p><b>Labour inspectors</b> should receive <b>training</b> on how to address child labour. <i>Lead institution:</i> The DOL.</p> <p><i>Time line:</i> first training after adoption of CLPA-2 by 2007; then ongoing.</p>	<p>In 2008 labour inspectors and other key role-players were trained on child labour issues. In 2009, follow-up training sessions were conducted by officials from the national office of the DOL. Child labour formed part of the train the trainers programme and was rolled out in all provinces</p> <p>In 2009-2010 inspectors were trained on trafficking by the IOM and on enforcement of child labour. The enforcement policy was updated to include the reporting of children in need of care.</p> <p>DSD includes labour inspectors in provincial training and capacity building of stakeholders on the Children's Act and the Child Justice Act. The training focuses on Sections 110, 141 and 150, on identifying a child in need of care and protection.</p>	Ongoing
7	<p>Sufficient <b>resources should be allocated for enforcement</b> of child labour provisions to ensure that The DOL's enforcement policy on child labour can be implemented, such as the setting aside of sufficient time by labour inspectors for child labour inspections and follow-up to inspections. <i>Lead institution:</i> The DOL. <i>Time line:</i> from 2008.</p>	<p>Sufficient resources have been allocated for enforcement and for monitoring by the provincial CLIG structures.</p>	Ongoing
8	<p>The DOL will <b>allocate sufficient human and other resources</b> to fulfil its functions as lead department, to assist and advise other Government and non-Government institutions regarding their functions, to provide monitoring and reporting services to the CLPA process, to service the Implementation Committee of the CLPA, and to fulfil its other overall functions in terms of this document. <i>Lead institution:</i> The DOL. <i>Time line:</i> From 2008.</p>	<p>The Employment Standards Directorate monitors the CLPA functions. Implementation Committee meetings are held bi-monthly.</p>	Ongoing
9	<p>The DOL should coordinate a two-yearly report entitled "<b>State of Child Labour in South Africa</b>". The first report and the design of the report is due to be produced in 2007, prior to the start of CLPA-2. The report will combine statistical information, policy analysis of the present legal framework to address child labour and serve as an effective evaluation and monitoring tool for the South African Government on how it is delivering on its own CLPA programme to eliminate child labour in South Africa. In essence the report will give a holistic face of child labour in South Africa at the time of the report. <i>Lead institution:</i> The DOL. <i>Time line:</i> 2009, then every two years</p>	<p>A monitoring tool was provided to all stakeholders for reporting purposes. The first report will be submitted to Cabinet in 2012</p>	In process



## Health and safety

Step	Description of action step	Reported progress	Assessment
100	<p>The following steps will be taken regarding the draft <b>regulations on hazardous work by children</b>: (a) they will be enacted; (b) guidelines will be issued on aspects that require explanation to make the regulations more effective, also taking into consideration work in subsistence agriculture; (c) labour inspectors will be trained on the content of the regulations and on strategies to achieve compliance; (d) trade unions in agriculture will be trained on the content of the regulations and on strategies to achieve compliance; (e) awareness will be created among children, teachers and parents regarding the hazards related to work and the provisions of the regulations; (f) BCEA will be amended to allow for higher penalties regarding work that is considered the worst forms of child labour, and the regulations will be amended to allow such higher penalties. <i>Lead institution</i>: the DOL. <i>Secondary institutions</i>: re (d) Trade unions; re (e), DBE, DOH and NGOs. <i>Time line</i>: Elements (a) to (e) by 2008; element (d) by 2010.</p>	<p>Regulations to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997 and the Occupational Health and Safety Act, 1993 were published on 15 January 2010 in Government Gazette 32862.</p> <p>The purpose of the regulations is to protect the health and safety of child workers who are lawfully entitled to work and prohibit categories of work which child workers may not perform. The regulations set conditions for the work that child workers may perform, and identify which categories of work constitute worst forms of child labour. They cover all child workers and the work they perform and provide guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers and make appropriate provisions for enforcement.</p> <p>The regulations list prohibited work and work which constitutes worst forms of child labour as contemplated in the ILO convention.</p>	In process
101	<p><b>Work-related diseases and workplace factors causing illness and injury</b> will be identified through ongoing research and drawing on the support and advice of DOH. <i>Lead institution</i>: the DOL. <i>Secondary institution</i>: DOH. <i>Time line</i>: initial research by 2010; then ongoing, focusing progressively on a range of health-related research issues.</p>		
102	<p>(a) Labour inspectors will identify the factors in the workplaces which have the potential to cause harm. (b) <b>Work-related diseases</b> and injuries among children and young people will be identified, <b>and reported by health workers and educators to labour inspectors</b>. (c) This will be linked to measures in the new Children's Act to ensure that work-related injuries are reported appropriately. <i>Lead institution</i>: the DOL. <i>Secondary institution</i>: DOH and DBE re (b); DSD re the Children's Act (c). <i>Time line</i>: Ongoing, from 2008; re (c), by 2009.</p>	<p>In terms of the child labour enforcement policy, children who need health services must be reported to DOH.</p> <p>DSD includes labour inspectors in training and capacity building on the Children's Act especially on Section 110 on mandatory reporting and Section 150 on identifying a child in need of care and protection.</p> <p>Reporting to the Child Protection Register is done in terms of Form 22.</p>	Ongoing



103	<p>(a) <b>Children will be removed from hazardous work.</b></p> <p>(b) Children who have been removed from such work, and are not living with caring adults will be reintegrated with their families, if possible. (c) When removed from such work it will be ensured that children are better off, ie that lost income is replaced by access to social grants in the family. <i>Lead institution:</i> The DOL. <i>Secondary institutions:</i> DSD re (b) and (c). <i>Time line:</i> Ongoing, from 2008.</p>	<p>Chapters 7 and 9 of the Children's Act ensure the protection of children, identification of children in need of care and protection and Children's Court processes.</p> <p>Chapter 3 on parental responsibilities and rights provides for acquisition and loss of parental rights and responsibilities, co-exercise of parental responsibilities and rights and parenting plans for purposes of reintegration or placement of the child in alternative care.</p> <p>DSD assists the family in accessing the Child Support Grant, Foster Child Grant, Disability Grant, Social Relief of Distress or other grants applicable and also assist families in engaging in poverty alleviation programmes.</p> <p>Inspectors of the DOL must report children in need to DSD and form 22 forms part of the child labour enforcement policy.</p>	Ongoing
104	<p>Where labour inspectors become aware of <b>accidents leading to injuries to or death of children at work</b>, they will ensure that the injuries are reported to the Compensation Fund. The Compensation Fund will report annual figures on injuries and diseases regarding the following age groups: children under 10 years old, children 10-15, and children 16 and 17. <i>Lead institution:</i> the DOL. <i>Time line:</i> Ongoing, from 2008.</p>	<p>The Compensation of Occupational Injuries and Disease Act provides that all injuries on duty must be reported to the DOL and statistics kept.</p>	Ongoing

### Legislation

Step	Description of action step	Reported progress	Assessment
109	<p><b>Adult work that encourages child labour</b>, such as task work and piece work, <b>will be regulated.</b> The DOL will suggest that the ECC take this into account when it makes recommendations to the Minister of Labour in respect of particular sectors or groups of workers. <i>Lead institution:</i> The DOL. <i>Secondary institution:</i> ECC. <i>Time line:</i> Ongoing.</p>	<p>Children under the age of 18 years of age are prohibited to perform piecework or task work in terms of the Regulations on hazardous work by Children in South Africa.</p> <p>In its report to the Minister for the farm workers sector in 2009, the ECC recommended that task based work not be regulated since the Sectoral Determination provides for the minimum rates for all workers in the sector.</p>	Ongoing
114	<p><b>This CLPA-2 will be costed</b>, under the leadership of the Department of Labour. Each department responsible for action steps in the CLPA will be assisted, as needed, by the DOL through a project run by the DOL and supported by NT and the TECL programme. <i>Lead institution:</i> the DOL. <i>Secondary institutions:</i> All Government institutions with action steps assigned to them. <i>Time line:</i> Complete costing of CLPA-2 by 2007, alternatively early 2008.</p>	<p>In updating the CLPA, the DOL determined that the action steps in the updated CLPA were already included in the work plans of the different Government departments. These work plans therefore have been costed and a budget has been allocated.</p>	Action step falls away



## Monitoring and evaluation

Step	Description of action step	Reported progress	Assessment
5	The Department of Labour will, at intervals of two years, <b>assess all relevant public sector policies and programmes for their impact on child labour</b> and the contribution they could make to the elimination of child labour. This assessment will be summarised every two years in the 'State of Child Labour in South Africa' report to be coordinated biannually by the DOL. the DOL; <i>Secondary institution:</i> StatsSA (statistical module), DSD, DOJ and CD (each regarding their own line function). To be done every two years starting from 2009.	The Children's Act as amended came into operation on 1 April 2010. The Act defines child labour and aligns it to the definition in the Basic Conditions of Employment Act.  Form 22 of the Children's Act is used to report to the Child Protection Register Part A.  Section 110 and Section 150 of the Children's Act focus on mandatory reporting by identified personnel and the identification of a child in need of care and protection.	Ongoing
26	<b>Amendments to existing information management systems</b> will be designed and implemented to record all steps taken in key areas of a child labour policy (e.g. details regarding child labour inspections, steps taken by departments responsible for social development of children, etc). These systems will allow The DOL to <b>monitor progress</b> in identifying areas of concern and evaluating targeted programmes or actions and to track children removed from child labour to ensure that their welfare is attended to adequately. The systems will build on and implement findings and recommendations of the TECL research on Child Labour Monitoring due to be done in 2007. <i>Lead institution:</i> the DOL (labour steps and overall coordination); provincial DSD (welfare steps); PDE (education-related steps); SAPS and NPA (investigation and prosecution of CL-related crimes; use of children to commit illegal activities); DHA (refugee children and illegal immigrant children). <i>Time line:</i> 2010.	All action steps are captured in the reporting tool provided to stakeholders by the DOL. Stakeholders are required to report on lead and secondary action steps on a continuous basis.  SAPS currently capture all cases in respect of child abuse, neglect, exploitation and trafficking on the CAS system.	Ongoing
27	<b>Regular reporting on indicators</b> of the Child Labour Programme of Action will be done as set out in the CLPA. <i>Lead institution:</i> the DOL; <i>Secondary institutions:</i> As listed in the tables in that chapter. <i>Time line:</i> To start from 2008, at intervals as set out on that chapter.	Stakeholders submit narrative reports to the Implementation Committee meeting held bi-monthly.	Ongoing
28	Regular <b>follow-up surveys to the SAYP</b> will be conducted to assess the changed situation, especially in the context of the HIV/AIDS pandemic, and to assist with monitoring and evaluation. The follow-ups will be done as an add-on module to the existing labour force survey, including sufficient questions to ensure effective monitoring of the child labour situation in the country. <i>Lead institution:</i> StatsSA; <i>Secondary institution:</i> the DOL. <i>Time line:</i> 2008; thereafter in 2011 in preparation for the review of the CLPA and the planning of phase 3 or the plan.	In 1999, the Department of Labour commissioned Statistics South Africa to conduct the Survey on the Activities of Young People, in order to obtain accurate information on the incidence and other aspects of children's work-related activities.  In 2010-2011 Statistics South Africa conducted a further Survey on the Activities of Young People aged 7-17. Finding was released in 2011.	Ongoing



Public awareness-raising

Step	Description of action step	Reported progress	Assessment
19	<p>There will be a sustained <b>national public awareness campaign</b> on child labour. The national public awareness campaign will highlight <b>the provisions of the BCEA</b>. <i>Lead institution:</i> the DOL. <i>Secondary institutions:</i> DSD, SAPS, DOJ and CDCD, DOC (each regarding its own line function), NGOs. <i>Time line:</i> 2<sup>nd</sup> stage of campaign to run from 2008, building on the initial campaign that forms part of the TECL output.</p>	<p>Public awareness raising is done on a continuous basis and the DOL has committed itself to commemorate National Child Labour Day on an annual basis to highlight the problem of child labour and to highlight the Department's commitment towards the eradication of child labour in South Africa.</p> <p>Awareness raising programmes are organised by DSD's provincial child protection coordinators for children, families and communities. Awareness raising is done during Child Protection Week commemoration events, by messages, pamphlets and posters. Awareness raising is also done during the 16 days of no violence against women and children. There is collaboration with the DOL on awareness raising when honouring national and international days.</p> <p>DOJ and CD and CD assists the DOL with awareness raising and prints and disseminates information to Regional Offices as well as Child Justice and Children's Courts. The JCPS Cluster is currently updating its communication strategy in this regard to include issues relating to vulnerability of children, including CUBAC.</p> <p>The Vulnerable Children Learning Programme of SAPS covers child labour and is presented in three phases. 9 653 members have attended one-day workshops at national, provincial and stations level. 5 070 members have attended two-day workshops. 1 168 members have attended five-day workshops. SAPS also implements the Child and Youth At Risk and First Respondents to Sexual Offences training programmes for police officials.</p> <p>SAPS also presents annual awareness raising programmes during child protection week, youth month, women's month, and 16 days of no crimes against women and children.</p>	Ongoing
20	<p>The <b>national awareness campaign</b> on child labour will encourage the eradication of practices where children are involved <b>in making or selling liquor</b>, or work in establishments where they are exposed to liquor or clients buying liquor. <i>Lead institution:</i> The DOL; <i>Secondary institution:</i> SAPS, DTI. <i>Time line:</i> see Action step (27).</p>	<p>Sectoral Determination 9: Wholesale and Retail Sector, SA and Sectoral Determination 14: Hospitality Sector, SA prohibits employment under the age of 15 years of age.</p> <p>The National Liquor Act prohibits the employment of person who has not yet attained the age of 16 in any activity relating to the manufacture or distribution of liquor or mentholated spirits.</p> <p>Both departments raise awareness on provincial level on an ongoing basis.</p>	Ongoing



### Restaurant and shebeens

Step	Description of action step	Reported progress	Assessment
78	The DOL will support the DTI, provincial liquor authorities and SAPS to train labour and liquor inspectors on the employment provisions of the provincial liquor legislation and the BCEA, emphasising the restrictions on child labour. <i>Lead institution:</i> The DOL. <i>Secondary institutions:</i> DTI; provincial liquor authorities and SAPS. <i>Time line:</i> Training to be developed by 2009. Training to start during 2010 and to be conducted continuously.	SAPS plays a role in the enforcement of liquor legislation in terms of national legislation falling under the Department of Trade and Industry as well as provincial legislation. SAPS also provides inputs to both national and provincial legislative processes led by national and provincial Trade and Industry or Economic Affairs Departments. Training is provided to liquor inspectors to ensure that capacity is developed at all levels.	SAPS contribution partially done

### Retail sector

Step	Description of action step	Reported progress	Assessment
76	The DOL will make special efforts in respect of child labour regarding <b>enforcement of the retail sectoral determination</b> . Strategies will include a widespread publicity campaign: The DOL. <i>Time line:</i> to be done by 2008.	The employment of children under the age of 15 is prohibited in terms of Sectoral 9: Wholesale and Retail Sector.	Enforcement ongoing

### Subsistence agriculture

Step	Description of action step	Reported progress	Assessment
74	The DOL, in collaboration with relevant partners, will <b>further investigate the issue and identify policy steps</b> for the CLPA in relation to subsistence agriculture so as to give it the necessary priority because of the high number of children working in this sector, and because of the very long hours that many work. <i>Lead institution:</i> The DOL. <i>Secondary institution:</i> DA, DRDLR. <i>Time line:</i> Investigation conducted to identify policy steps by 2008. Elaboration of existing policy by 2009. Adoption of new policy by 2010.	Sectoral Determination 13: Farm Workers Sector, which prohibits the employment of children under the age of 15 years of age, includes primary and secondary agriculture.	Partially done

### Taxi sector

Step	Description of action step	Reported progress	Assessment
82	The DOL will recommend that the ECC consider, when the sectoral determination comes up for review, <b>completely outlawing the use of children in this industry</b> , and that taxi owners bear joint responsibility for employment of children where they claim that the children were engaged by their taxi driver or by other employees. <i>Lead institution:</i> ECC; <i>Secondary institution:</i> The DOL. <i>Time line:</i> 2008.	Sectoral Determination 13: Taxi Sector, South Africa prohibits the employment of children under the age of 15 years of age.	Partially done
83	The DOL and provincial Departments of Transport responsible for registering taxi owners will <b>encourage taxi associations to urge their members not to use children under 16 in the industry</b> , and to encourage drivers not to employ such children as car washers and assistants. <i>Lead institution:</i> the DOL; <i>Secondary institution:</i> DT. <i>Time line:</i> within one year of adoption of policy.	During the investigation to review the wages and conditions of employment of Sectoral Determination 13 in 2010 taxi associations were requested to urge their members not to employ children.	Done



### Training and capacity building of other stakeholders

Step	Description of action step	Reported progress	Assessment
22	<b>Labour inspectors</b> will receive <b>training</b> on how to address child labour. This will include training targeting specifically vulnerable or difficult sectors, such as the domestic sector. <i>Lead institution:</i> The DOL. <i>Time line:</i> Ongoing, from 2008.	In 2008 labour inspectors were trained on child labour issues. In 2009, follow-up training sessions were conducted by officials from the DOL national office. Child labour formed part of the train the trainers programme and was rolled out in all provinces. Child labour enforcement is included in all Sectoral Determination training. DSD training has been updated to include relevant sections of the Children's Act and the Child Justice Act.	Ongoing
25	<b>Training materials</b> should be developed for officials and NGOs that are likely to come into contact with 15-17 year olds involved in hazardous work or other WFCL, regarding alternative employment options for them. The training will include issues regarding occupational health and safety. <i>Lead institution:</i> The DOL. <i>Secondary institution:</i> Provincial DSD. <i>Time line:</i> Ongoing, from 2009.	Training materials in respect of skills development and vocational training under the Extended Public Works Programme will be developed over the period 2012-2014.	Ongoing

### DEPARTMENT RURAL DEVELOPMENT AND LAND REFORM (DRDLR)

#### Bonded labour

Step	Description of action step	Reported progress	Assessment
30	<b>Legislation will be amended</b> to ensure that labour tenants cannot nominate minor children to work in their place for a landowner, and to prohibit landowners from demanding that labour tenants nominate their minor children. <i>Lead institution:</i> DRDLR. <i>Time line:</i> 2009.	Forced labour is prohibited by the Constitution and BCEA	In place

### DEPARTMENT OF PROVINCIAL and LOCAL Government (DPLG)

#### Basic service provision

Step	Description of action step	Reported progress	Assessment
67	The programme to <b>provide a minimum of 6 kl per month free water per household</b> will be implemented in municipalities where this is not yet in place. DPLG will provide municipalities with national guidelines to encourage a more gradual increase in tariffs after the free 6 kl. <i>Lead institution:</i> DPLG. <i>Secondary institutions:</i> LG, DWA. <i>Time line:</i> 2009.		In place

### DEPARTMENT OF PUBLIC WORKS (DPW)

#### Public works programmes

Step	Description of action step	Reported progress	Assessment
1	One of the factors in deciding where to implement <b>public works programmes</b> will be areas where many children are involved in the worst forms of child labour or excessive child work. <i>Lead institution:</i> DPW; <i>secondary institution:</i> The DOL. <i>Time line:</i> to be introduced within one year of adoption of policy.	No relevant to DPW core function	



## DEPARTMENT OF SOCIAL DEVELOPMENT (DSD) AND PROVINCIAL DEPARTMENTS

DSD refers to the National Department of Social Development. Provincial DSD] is the abbreviation used for departments responsible for social development.

### Children used by adults to commit crime

Step	Description of action step	Reported progress	Assessment
60	<b>Standardised assessment forms</b> will be made available in all provinces with CUBAC risk factors incorporated. <i>Lead institution: DSD. Time line: 2009.</i>		

### Commercial sexual exploitation of children

Step	Description of action step	Reported progress	Assessment
44	<b>Within DSD</b> as lead department on CSEC, <b>a dedicated unit will be assigned</b> to coordinate all CSEC-related activities of concerned departments and institutions. This unit will also be responsible for the coordination of services to children at risk of CSEC. <i>Lead institution: DSD. Time line: 2008.</i>	Child protection unit within DSD is responsible	In place
45	The Sexual Offences Bill and the S76 Children's Bill <b>will be dealt with and passed by Parliament urgently.</b> <i>Lead institutions: DSD (Children's Bill); DOJ and CD (Sexual Offences Bill). Secondary institution: NPA. Time line: 2008.</i>	The Children's Act came into effect on 1 April 2010.  Certain sections of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, No. 32 of 2007, came into effect on the 16 December 2007. Section 72 of the Act provides for the implementation of Chapters 1 to 4 and 7, which deals, among others, with the creation of statutory sexual offences and special protection measures for children and persons who are mentally disabled. The full Act came into effect in December 2008.	Done
48	Recommendations resulting from the TECL <b>pilot programmes to address CSEC</b> will be considered and, if accepted, will be implemented. These pilot programmes were carried out in the period from 2005-2007. <i>Lead institution: DSD. Secondary institutions: SAPS, DBE, DHA, DOJ and CD, NPA, DBE, DOH. Time line: 2009.</i>	Recommendations were incorporated in the development of the Children's Act and the Child Justice Act, both of which came into effect on 1 April 2010.  DOJ and CD and CD is supporting DSD with the Victim Empowerment Strategy in terms of bringing children who are found in such circumstances before Children's Courts as children in need of care and protection. DOJ and CD and CD has also commenced drafting a departmental Social Crime Prevention Strategy.	In place
49	Sufficient <b>shelters or child and youth-care centres</b> will be established to <b>accommodate children involved in or at risk of CSEC</b> , so that such children are not forced to stay in brothels or on the streets where there are at very high risk of exploitation or in other high-risk situations. Sufficient beds will also be made available to children, even if they do not have proper ID documentation. <i>Lead institution: DSD. Secondary institutions: DOH. Time line: 2008.</i>	Chapter 13 of the Children's Act deals with Child and Youth Care Centres. The Act states that provincial MECs "must provide" such services. Section 191(2)(f) of the Children's Act ensures that therapeutic programmes are designed for the reception and temporary safe care of trafficked or commercially sexually exploited children.	Legislation exists



## HIV/AIDS

Step	Description of action step	Reported progress	Assessment
106	<b>Research</b> will be done to determine the extent of child-headed households and AIDS orphans, and <b>the effect that HIV/AIDS is likely to have on child labour</b> , and to make recommendations regarding appropriate action. <i>Lead institution: DSD; Secondary institutions: The DOL, DOH. Time line: 2008.</i>	Research on child-headed households was finalised by DSD.	Partially done
107	The growing number of home- and community-based care programmes could play a role in terms of children affected by HIV/AIDS. <b>Fieldworkers for all home- and community-based care programmes will be trained to recognise the problems children face</b> in HIV/AIDS-affected households, and link them up with the necessary assistance services. Government must find ways to work together with and support – financially and otherwise – the full range of home- and community-based programmes. <i>Lead institution: DOH, Secondary institutions: Provincial DSD, DPLG, LG, NGOs. Time line: 2008.</i>	HCBC and support programmes provides care and support.	Ongoing

## Household chores

Step	Description of action step	Reported progress	Assessment
69	<b>Guidelines should be drafted on kinds of household chores that are acceptable</b> (depending on age groups), and reasonable amounts of time children should spend on them. The guidelines should make it clear that children learn and benefit from a moderate amount of chores, provided the tasks are age appropriate and fairly distributed between household members. This approach is in line with the African Charter's provision stating that children have responsibilities towards their families. <i>Lead institution: The DOL. Secondary institutions: DSD. Time line: 2009.</i>	The DOL: Guidelines to be finalised 2012-2013.	Limited progress directly related to action step

## Identification of children needing assistance

Step	Description of action step	Reported progress	Assessment
17	Appropriate systems will be set in place to <b>monitor the services to vulnerable children</b> , to ensure appropriate transfer of children between involved departments and institutions, and to encourage collaboration between the departments and institutions and the provision of integrated services. <i>Lead institution: DSD. Secondary departments: DOH, provincial DSD, the DOL, PDE, DHA, SAPS. Time line: 2008.</i>	DSD is reporting in terms of Form 22 to the Child Protection Register.  The Children's Act has a monitoring and evaluation implementation plan and is monitored on a quarterly basis.	Ongoing
18	Officials of provincial DSD, DOH, the DOL, PDE and DHA will be trained in ways of detecting <b>potentially serious cases of child labour</b> and what action to take when it is found. <i>Lead institution: DSD. Affected departments: DOH, DrSD, the DOL, PDE, DHA. Time line: 2009.</i>	Training has been undertaken with inter-sectoral stakeholders in provinces on sections relating to identification of a child in need of care and protection. Representatives of nine provinces were trained during 2010/2011 on the respective sections of the Children's Act inclusive of issues of child labour.  Government Departments are encouraged to attend additional training on WFCL	Ongoing



### Monitoring and evaluation

Step	Description of action step	Reported progress	Assessment
29	The <b>Child Protection Register</b> of the DSD will be reviewed and amended if found necessary. This register should ideally record all vulnerable children and children found in child labour. The updating of the Register will, where relevant, build on and implement findings of the TECL research on Child Labour Monitoring due to be done in 2007 (see action step 33). <i>Lead institution:</i> DSD. <i>Secondary institution:</i> the DOL, SAPS, PDE, NPA, DHA. <i>Time line:</i> 2009.	The Child Protection Register Part A has been operational from 1 April 2010 for reporting all forms of child exploitation inclusive of children found in child labour, using Form 22.	In place

### Provision of childcare facilities

Step	Description of action step	Reported progress	Assessment
14	Appropriate strategies will be found for <b>provision of childcare facilities</b> , especially in sectors and areas where children often have to look after their younger siblings. Effective provincial implementation of the ECD programme will be speeded up and supported financially. For younger children, the DSD will ensure adequate provision, including through support for non-Government providers. Workplace-based childcare facilities will be encouraged, but will not be seen as the primary solution as these will not be appropriate for the many parents who are not in formal employment. Many parents also may prefer not to take their children on long journeys to work. <i>Lead institution:</i> DSD. <i>Secondary institutions:</i> PDE (grade R), the DOL (workplace-based provision), LG (regarding crèche facilities funded or provided by local authorities). <i>Time line:</i> 2010.	ECD is a priority for Government and is supported by provinces to ensure that increasing numbers of children have access to ECD facilities.  The provincial DSD subsidises children according to a means test at registered ECD facilities in communities.	Ongoing
15	The implementation of the <b>social sector EPWP</b> will be speeded up and extended in areas found to have a severe shortage of day care facilities. This will improve the situation for vulnerable families and children and will at the same time provide income-generating opportunities in the area. <i>Lead institution:</i> DSD. <i>Time line:</i> By 2008.	DPW coordinates with DSD in reducing the need for the minors to do these worst forms of child labour in the homes.  The Gender Unit in DPW facilitates identification of schools/crèches for ECD and home-based care centres for vulnerable children. The DPW may then assist with the creation of a habitable environment which ensures that children are put in safe haven in order to reduce the risks of them being vulnerable to all WFCL.	Ongoing



16	<p>With the high prevalence of HIV/AIDS a substantial number of children are left to look after ill or dying parents or caregivers and are as a result of this unable to attend school or receive proper care themselves. These children and their household will be assisted through provision of <b>home-and community-based care programmes</b> that can assist with the care of the ill or dying parent / caregiver. Attention should be given to ensure that children by involvement in home-based care activities are not negatively affected. <i>Lead institution: DSD and DoH. Time line: 2009.</i></p>	<p>DSD, through the home and community based care (HCBC) and support programme, provides care and support to orphans and other children made vulnerable by HIV and AIDS and their families.</p> <p>Through the HCBC programme, community caregivers facilitate the early identification of orphans and vulnerable children; facilitate referrals to social workers for specialised services including alternative placements; provide supervision and ongoing support to vulnerable households; assist families to discuss and actively get involved in succession planning activities like writing of wills to protect the inheritance rights of children as well as guardianship arrangements; provide psychosocial support; assist children and their families access basic services including social grants and other material assistance; assist children and families to access legal documents; and ensure that children attend school and restore normal schooling where it has been interrupted.</p>	Ongoing
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#### Public awareness-raising and information sharing

Step	Description of action step	Reported progress	Assessment
41	<p><b>A national public awareness campaign will highlight trafficking of children</b>, and will in this respect be aimed at a range of audiences, including children, parents, teachers, perpetrators and intermediaries involved in trafficking, and the general public. <i>Lead institution: NPA. Secondary institutions: BSA, DOC, DBE, DSD, the DOL and SAPS. Time line: 2009.</i></p>	<p>DSD child protection coordinators organise awareness raising programmes for children, families and communities. Awareness raising is done during the commemoration of Child Protection Week, by messages, pamphlets and posters. Awareness raising is also done during the 16 days of no violence against women and children.</p> <p>DSD collaborates with NPA on awareness raising on honouring national and international days. As task team members DSD is involved in planning and participation at these events.</p>	Ongoing



## Illegal immigrant and refugee children

Step	Description of action step	Reported progress	Assessment
112	<p>A plan will be drafted <b>for effective cooperation between DSD, DHA, SAPS, DOH and the education departments</b>, to ensure that child refugees are not arrested, are handled in accordance with existing laws and regulations, and are not denied access to school and health care services. <i>Lead institution: DSD. Secondary institutions: DHA, SAPS, PDE, DOH. Time line: 2009.</i></p>	<p>The Children's Act states that protective measures must be afforded to all children in SA including local and foreign unaccompanied minors and child refugees.</p> <p>Guidelines on separated, unaccompanied foreign children outside their country of origin are the responsibility of the DSD International Social Service unit.</p> <p>Children applying for refugee status need to be taken to the Children's Court by a social worker to apply for refugee status to be granted.</p> <p>SAPS National Instruction 3/2010 provides clear guidelines on how SAPS should deal with children in need of care and protection, including unaccompanied and refugee children. At provincial level SAPS participate in inter-sectoral committees established to address unaccompanied and refugee children.</p>	Ongoing
113	<p>If illegal immigrant children are to be repatriated their rights must be respected including provision of caring services while they wait for repatriation. If they are not repatriated the provincial DSD is responsible for their appropriate placement. <b>Officials of the Departments of Home Affairs, Social Development, Education, Health and the SAPS will be trained and sensitised regarding children's rights and needs</b> and apply these even if the children are illegal immigrants. <i>Lead institution: DSD. Secondary institution: DHA, DBE, DOH, SAPS. Time line: 2008.</i></p>	<p>All children who are in need of care and protection must be provided with the appropriate services in terms of the Children's Act.</p> <p>The DSD International Social Services Unit will assist in the repatriation of a child in terms of Sections 289 and 290 of the Children's Act.</p> <p>If a child is not repatriated the child will be dealt with as a child in need of care and protection and be placed in alternative care and should have access to all services (health, education, etc).</p>	



## Social assistance grants

Step	Description of action step	Reported progress	Assessment
4	<b>Poverty alleviation initiatives</b> , including rollout of grants, will be targeted in child labour hot spots, including in areas where children spend long hours in subsistence agriculture or fetching fuel and water. This will not be interpreted as a criterion for access to the grants, but rather as a criterion for targeting of information campaigns and registration blitzes. <i>Time line:</i> 2007-2011.	<p>The Child Support Grant, Foster Child Grant, Care Dependency Grant, Disability Grant and the Old Age Pension are provided on application through the SA Social Security Agency. The Integrated Community Registration Outreach Programme aims to promote accessibility of grants by eligible beneficiaries in remote areas.</p> <p>By September 2009, about 112 000 beneficiaries, mainly from rural communities, were able to access services through its mobile units. The integrated Nutritional Project includes feeding schemes provided by provinces while NGOs are subsidised by provincial DSD to run feeding schemes.</p> <p>The Social Relief of Distress grant provides for those not covered by other measures.</p>	Ongoing
10	The <b>CSG will be extended to children up to the end of the school year in which they turn 15 years</b> . The current age cut-off of 14 years does not align with the period of compulsory schooling and the prohibition on employment of children, both extending up to the end of the school year in which a child turns 15. If the extension is not done, children of very poor families are likely to leave school at 14 to work for family income, or to work while attending schooling, affecting schooling negatively. <i>Lead institution:</i> DSD. <i>Secondary institution:</i> NT. <i>Time line:</i> 2010.	R89 billion was allocated for the phased extension of the CSG up to the child's 18 <sup>th</sup> birthday	Done
11	In the <b>medium term the extension of the CSG to those aged 16 and 17 years</b> will be considered to encourage children to remain in school and to avoid children's engagement in hazardous work activities and other WFCL. This will be preceded by an assessment of how effectively the CSG reaches the very poor. <i>Lead institution:</i> DSD. <i>Secondary institution:</i> NT. <i>Time line:</i> 2012.	R89 billion was allocated for the phased extension of the CSG up to the child's 18 <sup>th</sup> birthday	Done
13	The regulations in respect of grants will be changed so that <b>children without parents/adult caregivers can access grants</b> . <i>Lead institution:</i> DSD. <i>Time line:</i> 2008.	Children without parents/adult caregivers are placed officially in foster care and are entitled for a foster care grant. Children from Child headed households are cared for by an adult appointed to supervise them, who then applies for a child support grant.	



## Street children

Step	Description of action step	Reported progress	Assessment
87	Consultation aimed at identifying appropriate action will be held with urban municipalities, organisations working with street children and others. The draft <b>policy for children living and working on the streets will be finalised</b> and put before Parliament. <i>Lead institution: Provincial DSD; Secondary institution: SAPS, DBE, DHA. Time line: 2008.</i>		
110	<b>Street children will be reintegrated through shelters and homes</b> , with sufficient state support provided to such shelters. <i>Lead institution: Provincial DSD. Secondary institution: NGOs. Time line: 2009.</i>	Shelters are registered as child and youth care centres. DSD provides funding for some shelters as well as for some drop-in centres.	Ongoing

## Trafficking of children

Step	Description of action step	Reported progress	Assessment
39	DSD will review its <b>strategy on repatriation of victims</b> of trafficking, including provision of appropriate reception and care centres. These children should be deemed to be in need of care and protection and dealt with accordingly. For example, provision of shelter and assistance should not be contingent on the willingness of victims to give evidence in criminal proceedings. <i>Lead institution: DSD. Secondary institutions: SAPS, DIRCO, DHA, NPA, relevant NGOs. Time line: 2010.</i>	<p>Section 150 of the Children's Act will identify a child as a child in need of care and protection.</p> <p>The International Social Services Unit assists with the repatriation process in terms of Section 18 of the Children's Act.</p> <p>Section 191 of Chapter 13 of the Children's Act ensures the provision of care and protection at a child and youth care centre.</p> <p>The Child Justice Act ensures that secure care centres provide appropriate services to children in conflict with the law.</p> <p>The Prevention and Combating of Trafficking in Persons Bill, which was tabled in Parliament in March 2010 and is currently being amended, provides for the protection of and assistance to victims of trafficking.</p>	Ongoing

## Children's Act

Step	Description of action step	Reported progress	Assessment
105	The <b>Children's Act will be amended</b> and the Act be put fully into operation to achieve the following: (a) inserting a clear definition of child labour and WFCL into the Act, aligning with other appropriate legislation; (b) prohibiting WFCL that are not prohibited in terms of other laws and ensuring appropriate criminal penalties for breach; (c) requiring the reporting of WFCL in terms of clause 105; (d) requiring that social workers report instances of child labour to labour inspectors; (e) strengthening the role of schools in identifying cases of child labour impacting on schooling. <i>Lead institution: DSD. Secondary institutions: the DOL, DBE. Time line: By 2008.</i>	<p>The Children's Act as amended came into operation on 1 April 2010. The Act defines child labour and aligns it to the definition in the Basic Conditions of Employment Act.</p> <p>Form 22 of the Children's Act is used to report to the Child Protection Register Part A.</p> <p>Section 110 and Section 150 of the Children's Act focus on mandatory reporting by identified personnel and the identification of a child in need of care and protection.</p>	Done in terms of legislation.



## DEPARTMENT TRADE AND INDUSTRY (DTI)

### Job creation and poverty alleviation

Step	Description of action step	Reported progress	Assessment
2	Assessing the Government's job-creation policy to ensure that the <b>jobs created go to adults and not children</b> . <i>Lead institution:</i> DTI; <i>secondary institution:</i> the DOL. <i>Time line:</i> to be introduced within one year of adoption of policy.	Job-creation policy complies with all South African legislation and prohibits employment of children under the age of 15 years of age.  The minimum entry age for the Expanded Public Works Programme (EPWP) was reduced from 18 to 16 years to accommodate children leaving school at that age. DPW has developed an Automatic System that automatically rejects the employment of children under the age of 16.	Progress in respect of EPWP

### Liquor legislation and regulation

Step	Description of action step	Reported progress	Assessment
77	The DTI will take steps to ensure that <b>provincial liquor legislation is in line with the objects of the National Liquor Act</b> and, in particular, does not undermine the provisions in respect of child labour. The DOL will provide technical support to the provincial liquor boards to review and where necessary revise the legislation with respect to the employment of children, taking into account the recommendations below. <i>Lead institution:</i> DTI. <i>Secondary institution:</i> the DOL, provincial liquor authorities. <i>Time line:</i> within one year of adoption of policy and as provinces finalise their respective legislation.	The employment of children under the age of 15 is prohibited in terms of Sectoral 9: Wholesale and Retail Sector as well as Sectoral Determination 14: Hospitality Sector. The provisions are enforced by labour inspectors.	The DOL contribution partially done.
79	The DTI, in collaboration with the DOL and SAPS, will develop an action plan to monitor 'hotspots'; the strategy should initially target shebeens/taverns where children are believed to be involved in commercial sexual work and in the illicit sale of drugs. <i>Lead institution:</i> DTI. <i>Secondary institution:</i> the DOL, SAPS. <i>Time line:</i> New policy adopted by 2009 and adopted by 2010.		
81	Taverners associations should take the lead in fostering awareness among their members (and among shebeen traders in general) of the moral rationale and social justification for eliminating child work connected to any part of the liquor production and distribution chain. The provincial liquor boards should provide the associations with financial and logistical support to run campaigns in this respect. <i>Lead institution:</i> Taverners associations. <i>Secondary institution:</i> Provincial liquor boards. <i>Time line:</i> within one year of adoption of policy.		



## DEPARTMENT OF TRANSPORT (DT)

### School transport

Step	Description of action step	Reported progress	Assessment
72	The Department of Transport will investigate the <b>provision of transport facilities</b> to children from far-flung areas where schools are not available and / or easily accessible to schools in nearby towns. <i>Lead institution:</i> Department of Transport. <i>Secondary institutions:</i> DBE, PDE. <i>Time line:</i> Drafting / of new policy by 2009. Implementation of the policy by 2010.	The provision of scholar transport is a provincial competency.	

## DEPARTMENT OF WATER AFFAIRS (DWA)

### Basic service provision

Step	Description of action step	Reported progress	Assessment
64	DPLG and sector departments, which already help local Governments with insufficient capacity to draft WSDPs and IDPs, will assist them in the <b>prioritisation of basic water and electricity infrastructure services for areas where the direst need</b> is felt. The relevant findings and recommendations from the TECL/DWA pilot project implemented in 2004-2007 will be implemented. <i>Lead institution:</i> DPLG. <i>Secondary institutions:</i> LG (implementation); DWA (basic water services); DME (basic energy services). <i>Time line:</i> 2008.		
65	DWA and DPLG will utilise and disseminate the <b>findings and recommendations of the TECL pilot project</b> for local authorities to identify and take account of long distances travelled to sources of water or fuel when planning and implementing the provision of basic services. <i>Lead institution:</i> DWA. <i>Secondary institutions:</i> LG (implementation); DPLG; DME (basic energy services). <i>Time line:</i> 2008.		
66	Develop training, manuals and guidelines on the Water Services Development Plan (WSDP)/IDP process that will <b>encourage the prioritised provision of basic water and energy services to households facing the biggest difficulties</b> . These documents will also highlight the problems faced by households far from such resources and time taken by household members (including children) in fetching them. <i>Lead institution:</i> DWA. <i>Secondary institutions:</i> LG (implementation); DPLG (infrastructure funding); DME (basic energy services). <i>Time line:</i> 2008.		



## EMPLOYMENT CONDITIONS COMMISSION (ECC)

### Taxi industry

Step	Description of action step	Reported progress	Assessment
82	The DOL will recommend that the ECC consider, when the sectoral determination comes up for review, <b>completely outlawing the use of children in this industry</b> , and that taxi owners bear joint responsibility for employment of children where they claim that the children were engaged by their taxi driver or by other employees. <i>Lead institution: ECC; Secondary institution: the DOL. Time line: 2008.</i>	Sectoral Determination 13: Taxi Sector, South Africa prohibits the employment of children under the age of 15 years of age. Enforced by Labour Inspectors	Partially done.

## LOCAL Government AND PROVINCIAL DEPARTMENTS RESPONSIBLE FOR LOCAL Government

LG refers to local Government PDLG refers to provincial departments responsible for local Government issues.

### Basic service provision

Step	Description of action step	Reported progress	Assessment
64	DPLG and sector departments, which already help local Governments with insufficient capacity to draft WSDPs and IDPs, will assist them in the <b>prioritisation of basic water and electricity infrastructure services for areas where the direst need</b> is felt. The relevant findings and recommendations from the TECL/DWA pilot project implemented in 2004-2007 will be implemented. <i>Lead institution: DPLG. Secondary institutions: LG (implementation); DWA (basic water services); DME (basic energy services). Time line: 2008.</i>		
67	The programme to <b>provide a minimum of 6 kl per month free water per household</b> will be implemented in municipalities where this is not yet in place. DPLG will provide municipalities with national guidelines to encourage a more gradual increase in tariffs after the free 6 kl. <i>Lead institution: DPLG. Secondary institutions: LG, DWA. Time line: 2009.</i>		

## NATIONAL PROSECUTING AUTHORITY (NPA)

### Trafficking of children

Step	Description of action step	Reported progress	Assessment
33	A directive will be issued to all <b>prosecutors that trafficking and other worst forms of child labour should be viewed seriously</b> . Trafficking will be added to the existing list of serious crimes. <i>Lead institution: NPA. Time line: 2008.</i>		Pending



Step	Description of action step	Reported progress	Assessment
37	<p>The NPA will take responsibility for a process of agreeing to <b>standard procedures within the region for the extradition of foreign traffickers for prosecution or prosecution according to SA law.</b> <i>Lead institution:</i> NPA. <i>Secondary institutions:</i> DOJ and CD, DHA, DSD and DIRCO. <i>Time line:</i> 2009.</p>	<p>Such provisions are included in the draft legislation on Trafficking in Persons. In the interim, general provisions in respect of extradition are applicable. Thus the Extradition Act, 1962 provides for extradition for dual criminality offences, punishable by a sentence of six months imprisonment or more. South Africa can also extradite its own nationals. All extraditions must be consistent with the South African Constitution, e.g. South Africa will not extradite if capital punishment might be imposed.</p> <p>South Africa has signed extradition (also mutual legal assistance) agreements with the following countries: Algeria, Argentina, Australia, Botswana Canada, Egypt (in force 2003), India (in force 2005), Iran, Israel, Lesotho (in force 2003), Malawi, Nigeria, and the People's Republic of China (in force 2004), Swaziland, and the United States of America. It is also a party to the EU Convention on Extradition.</p> <p>South Africa, being a party to the United Nations Convention Against Transnational Organised Crime and its three protocols, has obligations in respect of cooperation. Furthermore, with its membership to Interpol, the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO), and its formal police-to-police cooperation agreements, South Africa is able to comply with the majority of requests for international cooperation.</p> <p>The Director-General of the Department of Justice and Constitutional Development is the central authority for all matters pertaining to mutual legal assistance and extradition within South Africa. Requests for mutual legal assistance must therefore be directed to the Office of the Director General in the Department of Justice and Constitutional Development for processing according to the relevant provisions in the International Cooperation in Criminal Matters Act, 1996 or the relevant treaty or convention concerned.</p>	Ongoing



Step	Description of action step	Reported progress	Assessment
43	<b>The quality and content of training on the prevention of trafficking</b> , prosecution of traffickers and protecting the rights of victims, including and especially child victims, for law enforcement personnel, immigration and customs officials, prosecutors and judges, as well as other relevant <b>officials and non-Governmental stakeholders</b> will be improved. <i>Lead institution:</i> NPA. <i>Secondary institutions:</i> DOJ and CD, SAPS, DHA, provincial DSD (by addressing trafficking and child labour more generally in their training materials programmes). <i>Time line:</i> 2009.	<p>Training of all cluster officials on the implication of the Trafficking Chapter 18 of the Children's Act and prohibition on trafficking for sexual purposes in the Criminal Law Amendment (Sexual Offences and Related Matters) Act took place in all nine provinces during 2010.</p> <p>DSD provided inputs and comments on training manual and curriculum for training to NPA on issues of child trafficking. DSD also cooperated in intersectoral training undertaken with NPA on the Children's Act, on the identification of a child in need of care and protection. DSD collaborated with other sectors in training of customs and immigration officials during the 2010 FIFA World Cup.</p> <p>SAPS developed National Instruction 3/2010 in terms of the Children's Act. The instruction guides members on how to attend to a report of trafficking and how to deal with a child victim. The National Instruction is included in the training programme for SAPS members dealing with vulnerable children.</p>	Ongoing

#### Public awareness-raising

Step	Description of action step	Reported progress	Assessment
41	<b>A national public awareness campaign will highlight trafficking of children</b> , and will in this respect be aimed at a range of audiences, including children, parents, teachers, perpetrators and intermediaries involved in trafficking, and the general public. <i>Lead institution:</i> NPA. <i>Secondary institutions:</i> BSA, DOC, DBE, DSD, the DOL and SAPS. <i>Time line:</i> 2009.	<p>DSD child protection coordinators organise awareness raising programmes for children, families and communities. Awareness raising is done during the commemoration of Child Protection Week, by messages, pamphlets and posters. Awareness raising is also done during the 16 days of no violence against women and children.</p> <p>DSD collaborates with NPA on awareness raising on honouring national and international days on human trafficking.. As task team members DSD is involved in planning and participation at these events.</p>	Done by some agencies

#### NGOs

##### Income-generating projects

Step	Description of action step	Reported progress	Assessment
3	NGOs will be encouraged to run <b>effective income-generating projects for adults</b> in targeted areas where many children are involved in the worst forms of child labour, provided the projects will attain self-sufficiency within a reasonable period. <i>Lead institution:</i> NGOs. <i>Secondary institution:</i> Business. <i>Time line:</i> 2008-2012.	NGO's are encouraged by Government Departments and funds and assistance are donated by Business Corporate Social Investments to build up communities.	Ongoing



## SOUTH AFRICAN POLICE SERVICES (SAPS)

### Public awareness campaign

Step	Description of action step	Reported progress	Assessment
50	A national awareness campaign will raise public awareness that people should immediately report to the police <b>CSEC or other forms of exploitation of children to do illegal activities</b> , such as carrying of drugs and children's involvement in the making and selling of liquor. <i>Lead institution: SAPS; secondary institution: GCIS. Time line: 2009.</i>	Each year SAPS engages in awareness raising during child protection week, youth month and the 16 days of activism.	Ongoing

### Support for other Government officials

Step	Description of action step	Reported progress	Assessment
73	SAPS will provide <b>more effective protection for labour inspectors and social service workers where their safety is threatened</b> . Full and regular access for inspectors and social service workers should also be facilitated through buy-in by organisations of farmers and other employers. Agreements with the farmers' organisations may be one way to facilitate this monitoring. <i>Lead institution: SAPS. Secondary institutions: the DOL, AgriSA. Time line: Implementation to start by 2008.</i>	Station commanders of SAPS were informed by divisional circular that labour inspectors should be supported on request. SAPS' National Instruction 3/2010 in terms of the Children's Act provides for the protection of social workers on request.	Done

### Training and capacity building

Step	Description of action step	Reported progress	Assessment
23	Training materials and programmes of <b>law enforcement agencies</b> will be adapted to prime them to seek and <b>prosecute adults using children or benefiting from children's illegal activities</b> . An assessment is also necessary as to whether there are sufficient opportunities within existing training programmes to present such training and, if not, such training sessions will be extended. <i>Lead institution, investigations: SAPS. Lead institution, prosecution: DOJ and CD. Time line: Ongoing, from 2008.</i>	<p>SAPS developed National Instruction 2/2010 in terms of the Child Justice Act, which provides clear guidelines on how to identify and deal with a complain of children suspect of being used by adults to commit crime.</p> <p>SAPS developed a training module that incorporated CUBAC, CSEC, trafficking and regulations on WFCL Training of trainers was held during July 2010.</p> <p>The Inter-sectoral Child Justice Steering Committee has developed and implemented an inter-sectoral training manual for child justice that includes CUBAC issues.</p> <p>DSD programmes that address problems of child and youth at risk will be adapted over the period 2011-2013 to incorporate the CLPA, CUBAC, CSEC, child trafficking and child Pornography.</p>	Ongoing



## Trafficking of children

Step	Description of action step	Reported progress	Assessment
35	SAPS, DSD and DHA will develop <b>guidelines and procedures to enable the rapid and accurate identification and treatment of trafficked persons and children</b> . <i>Lead institution: SAPS. Secondary institution: DSD, DHA. Time line: 2009.</i>	DSD has developed guidelines on Prevention and Response to Child Exploitation, inclusive of Child Labour. The guidelines include the roles and responsibilities of Government departments and non-Governmental organisations. The draft guidelines were developed at three intersectoral task team meetings with representatives from Government departments and non-Governmental organisations during 2010/2011.	Done within DSD

## STATISTICS SA (StatsSA)

### Monitoring and evaluation

Step	Description of action step	Reported progress	Assessment
28	Regular <b>follow-up surveys to the SAYP</b> will be conducted to assess the changed situation, especially in the context of the HIV/AIDS pandemic, and to assist with monitoring and evaluation. The follow-ups will be done as an add-on module to the existing labour force survey, including sufficient questions to ensure effective monitoring of the child labour situation in the country. <i>Lead institution: StatsSA; Secondary institution: The DOL. Time line: 2008; thereafter in 2011 in preparation for the review of the CLPA and the planning of phase 3 or the plan.</i>	In 1999, the Department of Labour commissioned Statistics South Africa to conduct the Survey on the Activities of Young People, in order to obtain accurate information on the incidence and other aspects of children's work-related activities. In 2010-2011 Statistics South Africa conducted a further Survey on the Activities of Young People aged 7–17.	Ongoing



## OVERALL CHILD LABOUR INDICATORS

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In 2010, Statistics South Africa conducted a second Survey of Activities of Young People (SAYP) as an add-on to the Quarterly Labour Force Survey (QLFS). The first stage of this survey involved identifying households with children aged 7–17 years during the QLFS data collection that took place in the third quarter of 2010. The second stage involved a follow-up interview with children in those households to establish what kind of activities they were involved in.

The data from this survey can be used to report against the set of indicators established for the purposes of monitoring the CLPA. The indicators monitor different aspects of child labour that are possible to measure through an instrument such as the QLFS. Any child who is rated as being vulnerable in respect of any one of the indicators is counted as being in child labour.

Overall, 784 000 children were revealed by the SAYP as being vulnerable on at least one of the indicators. This is slightly less than the 847 000 found in this position in 2006 despite the expanded age group covered by the SAYP (the 2006 survey covered the age group 10-17 years). Girls were more likely than boys to be affected in 2010. This is different to 2006 when there was little gender difference. As in 2006, children aged 10-15 were the most likely to be in child labour.

Overall:

- 116 000 (93 000 in 2006) children appeared to be doing work prohibited by the BCEA
- 431 000 (383 000 in 2006) appeared to be working excessive hours for their age when all types of work were combined
- For 11 000 (108 000 in 2006) there were indications that school enrolment was affected by work
- 36 000 (57 000 in 2006) children appeared to have been absent from school because of work-related activities
- 290 000 reported having been injured at work or exposed to hazardous conditions. In 2006, 183 000 children reported having been injured while working, but there was not a question on hazardous conditions.

The 2010 questionnaire did not include questions allowing assessment of whether children had difficulties at school beyond attendance that appeared to be related to work-related activities. The SAYP included a question on difficulties with schooling, but did not ask if these were the result of work-related activities. This was found to be the case for 268 000 children in 2006. The absence of this group of children could account for at least some of the difference between the findings in 2006 and 2010.



## RECOMMENDATIONS IN RESPECT OF CLPA 2012-2016

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The main body of this report reveals that there are a substantial number of steps for which agencies report no progress. There are many other steps for which the submissions reveal only partial achievement. There is thus much more that needs to be done in respect of the steps already specified in the CLPA 2008-2012. Given this situation, and the large and perhaps overwhelming number of steps in the existing CLPA, it seems wise to exercise great caution before adding any further steps.

Instead of adding new steps, the main emphasis in the revision and updating of the CLPA should be placed on determining the reasons for non-completion of existing steps, amendment of steps where there are good reasons for doing so, and improvement of monitoring to ensure that progress is made on the non-completed steps.

The need for the above approach is strengthened by the finding that some of the actions reported by agencies against particular steps indicated seeming lack of understanding of what the step entailed and what the actions were intended to achieve. Such cases will be more clearly revealed if the Department of Labour leads a process of determining reasons for non-completion of existing steps. Further, in its ongoing role of monitoring implementation during the 2012-2016 period, the Department of Labour could engage each quarter in a more in-depth way with what is reported to check that each of the agencies correctly understands what is required of them.

In the process of developing the CLPA 2008-2012, there are several steps that can fall away because they have been completed. These include extension of the child support grant to age 18 and legislative measures that were accomplished by the enactment of the Children's Act and Child Justice Act. The final column of the table, with the assessment, will assist in revealing which steps have been completed. There might be several other steps, such as the first two and step 75, that could fall away on the grounds that they are too broadly conceived.

Overall, the main body of the report reveals that Government has performed relatively well in the areas of awareness raising, training, and development of materials, as well as in respect of some legislation and regulations. Evidence of performance in relation to service delivery and implementation of what has been imparted in the various training initiatives is less consistent. It is on this aspect that CLPA 2008-2012 will need to focus if the CLPA is to make a real difference in the lives of South Africa's children. One possible refinement of the CLPA could be development of delivery indicators (such as number of children to whom services were provided) for all steps that involve ongoing service delivery.

There are also several areas, such as work in relation to agriculture, liquor and scavenging, where little if any progress has been reported. To some extent this is explained by the fact that the agencies identified as responsible for actions in these areas did not submit reports. In the coming period the Department of Labour will need to put more effort into ensuring that these agencies are engaged and take up their responsibilities.

Another area that will need special attention is home- and community-based care. Currently much of the funding for this area is provided by the United States Agency for International Development through the President's Emergency Plan for AIDS Relief. The donor has indicated that their funding will end in September 2012. The CLPA 2012-2016 will thus need to indicate how Government will fill the gap to ensure that services continue for the orphans and other vulnerable children who need assistance.

The CLPA 2008-2012 specifies that a State of Child Labour report needs to be produced every two years. Such a report is urgently needed, and this report could provide important material for the State of Child Labour report. Given the amount of work involved in producing such a work, and noting the possible negative impact on those responsible of specifying over-ambitious tasks, the CLPA 2012-2016 could be changed to require reports every four years. That having been said, this should not be used as a reason for further delaying the already due State of Child Labour report.



## APPENDIX: APPLICATIONS IN RESPECT OF CHILDREN IN PERFORMING ARTS

	RECEIVED	APPROVED	DECLINED	CHILDREN INVOLVED
<b>GAUTENG – January-December 2008</b>				
JAN	25	25	0	107
FEB	36	36	0	149
MAR	43	43	0	349
APR	31	31	0	83
MAY	31	31	0	98
JUN	37	37	0	114
JUL	61	61	0	201
AUG	27	27	0	110
SEP	49	49	0	121
OCT	32	32	0	251
NOV	41	41	0	163
DEC	24	24	0	33
<b>TOTAL</b>	<b>437</b>	<b>437</b>	<b>0</b>	<b>1779</b>
<b>KWAZULU-NATAL</b>				
2008	28	28	0	47
2009	23	23	0	55
2010	33	33	0	118
2011	18	18	0	15
<b>TOTAL</b>	<b>102</b>	<b>102</b>	<b>0</b>	<b>235</b>
<b>NORTH WEST – January-November 2010</b>				
JAN	0	0	0	0
FEB	0	0	0	0
MAR	0	0	0	0
APR	0	0	0	0
MAY	0	0	0	0
JUN	0	0	0	0
JUL	0	0	0	0
AUG	4	4	0	4
SEP	0	0	0	0
OCT	1	1	0	1
NOV	0	0	0	0
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>5</b>
<b>WESTERN CAPE – January-December 2007</b>				
JAN	34	28	6	132
FEB	237	237	0	708
MAR	121	121	0	654
APR	57	57	0	275
MAY	14	14	0	120
JUN	25	25	0	142
JUL	18	18	0	59
AUG	21	21	0	55
SEP	25	25	0	147
OCT	56	56	0	344
NOV	83	83	0	603
DEC	32	32	0	242
<b>TOTAL</b>	<b>723</b>	<b>717</b>	<b>6</b>	<b>3481</b>



ISBN: 978-0-621-40869-0



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Department:  
Labour  
REPUBLIC OF SOUTH AFRICA