



Addressing Child Rights and Child Labour – A Poverty Strategy for South Africa?

**Katerina Nicolaou¹
Monet Durieux²**

14 October 2005

**IDASA, Children's Institute (UCT) and Save the Children Sweden seminar on
research priorities in the area of the interface between child well-being and
unemployment in South Africa**

¹ Director: Labour and UIF at the National Treasury

² Economist in the Labour and UIF Directorate at the National Treasury

1. Introduction

Children are the future of our country and essentially rely on adults to nurture and take care of them. As a result, the South African Constitution, as the supreme or highest law in the country, insures that children, as citizens of the country, enjoy all the same rights as their fellow adult citizens, however, those that are under the age of 18, are afforded special rights. Most government departments have special programmes that endeavour to protect and maintain the rights of children, either directly or indirectly, in order to comply with the Constitution.

Section 28 of the Constitution states that children under the age of 18 have a right to be protected from work that is: exploitative, hazardous or otherwise inappropriate for their age; detrimental to their schooling; detrimental to their social, physical, mental, spiritual or moral development. Poverty is a significant cause of child labour since children are prepared to engage in more harmful and detrimental forms of child labour than would otherwise be the case in order to assist and alleviate the hardships their families face. As a result, their families tend to condone or encourage such work. Structural factors underlie South Africa's poverty problem with the poor being predominantly African, female or female-headed households, they reside primarily in the rural areas and have limited access to land, education, assets and basic services. This travesty can be attributed to the apartheid legacy. In South Africa, poverty is exacerbated by a lack of employment opportunities, targeting the youth, and the HIV/AIDS pandemic that results in the subsequent death of breadwinners.

“Both long-term poverty and impoverishment must be addressed, as both encourage child labour. Further, both sets of factors interact, and those in chronic poverty are more vulnerable to conjunctural shocks. Structural factors underlying chronic poverty are generally addressed in broad national strategies on development and poverty reduction. In South Africa, grants, public works programmes, income-generating programmes, and job creation are among government's strategies to address income poverty.³” Since children from poorer households are more likely to spend more hours working than their wealthier counterparts, efforts to address child labour cannot be done in isolation of strategies that aim to promote employment to the adult population in South Africa.

This paper will highlight some of the efforts of government to promote the rights of the child in addition to explaining the Department of Labour's strategy that aims to eliminate child labour. Finally, the discussion, will also broadly address government's efforts to promote employment initiatives to assist both youth and adults, thus indirectly trying to alleviate child labour.

³ Department of Labour (2003). White paper (DRAFT) on the National Child Labour Action Programme for South Africa. Version 3.1. July 2003. Draft for consideration by government departments and other stakeholders. Unpublished.

2. Poverty and Unemployment in South Africa - Drivers of Child Labour

2.1. Unemployment

According to the March 2005 Labour Force Survey, official unemployment declined from 27,9 percent in March 2004 to 26,5 percent in March 2005. Although unemployment for Africans decreased from 34,2 percent in March 2004 to 31,6 percent in March 2005, unemployment for this race group is significantly higher than for any other group. Despite unemployment rates increasing for Indians/Asians, Coloured and whites for the same period, these groups have significantly lower rates, with white being the minority. Not surprisingly, unemployment for women is higher than their male counterparts. There is an over-representation of youth in the unemployment rates of South Africa.

The ILO estimates that in 2003 there were approximately 88 million unemployed young people, compared to 69.5 million in 1993. It is expected that as much as 500 million youths⁴ would enter the labour market in the next decade. The President of the ILO Association in the Philippines, Gert Gus, has stated that “Labour-market focused education and training is the key to prepare the youth to become more productive and to develop their talents”. In addition, there should be equal access to education and more, on-the-job and vocational-technical skills development programmes for enhancing the employability of the youth⁵. Youth in South Africa are defined as individuals between the ages of 15 to 34 years. According to the March 2005 LFS, there are approximately 17,4 million youths as per the South African definition. Furthermore, according to the survey, official unemployment for individuals aged 15 to 24 is 52,6 percent and for those aged 25 to 34 year of age the rate is at 31 percent. Table 1 below, highlights youth unemployment in more detail.

Table 1: Youth Unemployment by race (Official rate)

Age group	Total Population	Number Unemployed	Race (% of unemployed Youths)			
			African	Coloured	Asian	White
15-24	9,489,000	1,206,000	85,7	10,0	2,3	2,0
25-34	7,932,000	1,613,000	89,6	6,4	2,4	1,4

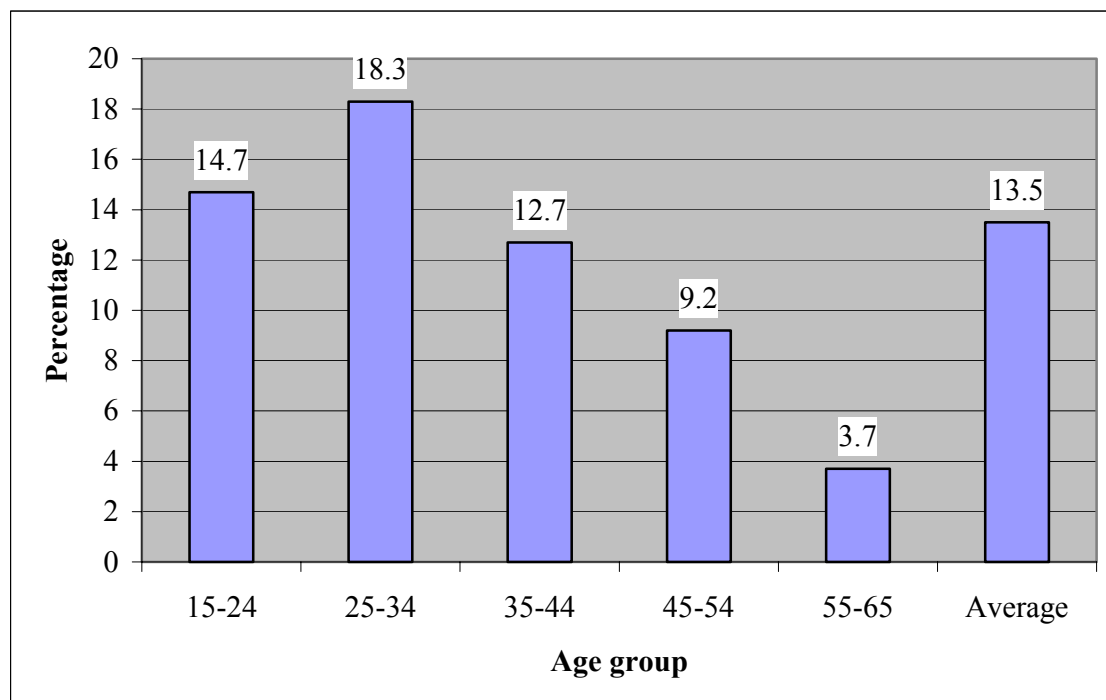
Source: SSA – LFS March 2005

The percentage of youths that are discouraged is high in comparison to other age groups. The chart below highlights the percentage of discouraged work seekers as a percentage of the working age population.

⁴ The ILO defines youth as individuals between the ages of 15 to 24 years

⁵ Inside PCIJ: Stories behind our stories: Addressing Youth Unemployment, Avigail Olarte, www.pcij.org, accessed 14/19/2005.

Chart 1: Discouraged Workseekers as a Percentage of the Working Age Population



Source: SSA – LFS September 2004

Labour force participation rates have remained somewhat stable and the labour absorption rate has increased marginally from 39,1 percent to 40,3 percent over the same period. Labour absorption for both males and females has increased over the period. Labour absorption rates are significantly lower for the individuals aged 15 to 24 years of age, compared to those that are aged 35 to 54 years of age. In other words, less than 15 percent of the labour force aged 15 to 24 are employed compared to nearly 62 percent of those in the 35 to 44 age group. The table below highlights the absorption rates for the various age groups.

Table 2: Labour Absorption rates per age group – March 2004 to March 2005

	15-24 years	25-34 years	35-44 years	45-54 years	55-65 years	RSA Average
March 04	12,8	49,7	60,3	56,8	34,7	39,1
Sept 04	13,6	50,1	60,1	58,4	35,1	39,7
March 05	13,4	50,4	61,5	58,7	37,7	40,3

Source: SSA – LFS March 2005

The March 2005 LFS highlights that nearly 27 percent of the population cite the fact that they cannot find work as the reason for not being economically active. A further 37 percent are scholars with 11,6 percent being either disabled or ill.

Compared to March 2004, employment increased in March 2005 in Gauteng, Kwa-Zulu Natal, North West and the Eastern Cape. Furthermore significant gains in employment seem to be in the trade sector as well as the community services sector. The severe drought in many parts of the economy affected agricultural employment, with employment declining 16 percent from 1 258 000 in March 2004 to 1 063 000 in September 2004. This sector saw a marginal increase in numbers in March 2005 (i.e.

107 000 jobs). Furthermore employment increased consistently in both the non-agricultural formal sector (3,6 percent or 267 000 jobs) as well as the non-agricultural informal sector (17,3 percent or 305 000 jobs) from March 2004 to March 2005.

2.2. Linking Poverty to the Labour Market and specifically Child Labour

Wage income is the most important source of household income in South Africa, representing more than 50 percent of household income in all households.⁶ “It is well recognised that employment is one of the most fundamental economic opportunities. It provides people with incomes that enable them to purchase a range of goods and services with which to enhance their and their dependants’ standards of living. ... [E]mployment is the bridge between economic growth, poverty eradication and opportunities for human development⁷”

From the February 2001 LFS, the first two income quintiles, representing the poorest households in South Africa, rely heavily on remittances and pension incomes. Moreover, more than 40 percent of the households in each quintile have no members working. Between 40 and 60 percent of the households in each of the second, third and fourth quintiles have only one household member working. This is most pronounced for African households, thus, showing the importance and dependence on income earners either through wage income, a pension or grant. Sole earners supporting the poorest households are more likely to be in low skill, low pay and low quality occupations. Moreover, these jobs have very few benefits and are not very secure, raising the vulnerability of these households. “Thus the type of employment available to, or occupied by, the poor is an additional problem faced by the ‘working poor’. Moreover, it reflects a labour market structure in which a relatively large number of households (with one or more workers) in the first income quintile are trapped in poverty.⁸”

Given these dire circumstances that the poor face, it is not surprising that they allow their children to work in unsatisfactory conditions, compromising their physical, emotional, intellectual and spiritual development. Employers favour children as they are cheaper than their adult counterparts and rarely stand up for themselves.

3. Child Labour in South Africa - Setting the Scene

In 1999, the Department of Labour commissioned a household-based survey, conducted in all nine provinces and all settlement areas on the Activities of Young People (SAYP). The first phase of the survey selected and visited 26 081 households in 900 primary sampling units to ascertain whether there was at least one child between the ages of 5 and 17 that was involved in some form of child work. In the second phase, a sub-sample of the households containing at least one working child

⁶ UNDP South Africa (2003). *Human Development Report, 2003: The Challenge of Sustainable Development: Unlocking People’s Creativity*, page 74. Oxford University Press, Cape Town.

⁷ UNDP South Africa (2003), page 76.

⁸ UNDP South Africa (2003), page 77.

was selected, where more detailed questions were asked of all the children. A total of 4 494 households were selected.

Defining 'child labour' is not a simple exercise. The survey aimed to investigate what kind of activities children are involved in without passing judgement as to what was work, labour or other activities and whether these were good or bad for the child. The survey aimed to pick all work-like activities. One set of questions asked whether the child had been involved in any form of activities for pay, profit or economic family gain in the past seven days or 12 months. Activities include: running any kind of business; helping in a family business; helping in farming activities; catching or gathering fish, prawns, shellfish, wild animals or any other food for sale or for family consumption; any work for a wage, salary or payment in kind; begging for food or money in public; fetching water or fuel; housekeeping or family care activities within households (household chores); and helping in cleaning and improvements at school unrelated to studies (school-related activities).

The SAYP estimated that there were 13,4 million children between the ages of 5 and 17. From the survey, 45 percent or 6,0 million children were undertaking at least one hour of 'economic' work a week, and/or five or more hours of school-related work and/seven or more hours of household chores. Using a slightly higher cut-off, 12,5 percent or 1,7 million children were involved in 12 hours of economic activities a week, and/or 12 hours of school labour, and/or 14 hours of household chores. Fetching of fuel and water is deemed to be an economic activity according to the SAYP. This is also the most common economic activity that children are involved in. 4,5 million children (or 33%) of all children aged 5 to 17 spend at least one hour or more on fetching fuel and water a week. Excluding the fetching of fuel and water and unpaid domestic work from the economic activities, 3% or 0,4 million children work for more than 12 hours a week. Boys are more likely to be involved in economic activities while girls are more likely to be involved in household chores and child-minding.

Citing reasons for working, children engaged in economic activities for three or more hours a week, 59 percent (or 625 000 children) stated that they worked because they had a duty to their family, 15 percent (or 155 000 children) stated that they worked to assist their family with money and a further 16 percent (164 000) indicated that they worked for pocket money.

Older children are more likely to work than younger children. For the category of children working three or more hours a week, 5 percent (or 261 000) were 5 to 9 year olds, 9 percent (or 467 000) were 10 to 14 year olds and finally, 15 percent (408 000) were aged 15 to 17, who are legally allowed to work.

Twelve percent of children in deep rural areas are most likely to work for three or more hours a week, with 11 percent of children being involved in commercial farming. Most children are not paid for their economic activities and are primarily involved in agriculture and trade which are likely to be micro enterprises. The table below highlights activities by industry.

Table 3: Children aged 5-14 working 3 hours per week or more in economics activities by industry

Industry	Number of children working		Proportion of these children who live in deep rural areas (%)		Number of children working as a proportion of all children aged 5-14 (%)	
	3 h/w +	12 h/w +	3 h/w +	12 h/w +	3 h/w +	12 h/w +
Subsistence Agriculture	390 000	129 000	83	91	3.7	1.2
Wholesale and retail trade	225 000	86 000	58	63	2.1	0.8
Commercial agriculture	67 000	29 000	61	52	0.6	0.3
Manufacturing and Construction	15 000	12 000	93	100	0.1	0.1
Private households	13 000	8 000	31	50	0.1	0.1
Total	728 000	266 000	44	77	6.8	2.5

Source: Department of Labour – Towards a National Child Labour Action Programme for South Africa: Discussion Document, October 2002, page 20.

It is quite evident from the table above that a vast majority of the children that engage in economic activities - with the exception of private households - reside in the deep rural areas. Furthermore, the SAYP also indicated that as the number of hours of work per week increase, so too does the proportion of children working in all industries, except commercial agriculture, who reside in rural areas, also increase. “This is probably related to the high levels of poverty in the deep rural areas, and indicates that these areas should be emphasised in a programme of action.”⁹ Children in households with an annual income of R4 200 or less account for 21 percent of all children however, 26 percent of these children are engaged in only economic activities of 3 hours per week or more, while 28 percent of these are engaged in school labour only, 25 percent these are involved in both economic and school labour and finally 27 percent are involved in economic, school and household activities. In contrast, households with an annual income of R18 000 account for 29 percent of all children, however on 18 percent are involved in economic, household and school work. Thus the problem of child labour really points to a problem of poverty and possibly even unemployment.

Looking at the household composition, 39 percent of children in South Africa live with both parents, with 25 percent of these children collecting fuel. Moreover, 70 percent of the children that collect fuel and water live with their mother only or neither parent. A small number of children begging were captured in the survey, of these, 15 percent lived with both parents while 61 percent resided with neither parent. Not surprisingly, only 9 percent of white children worked 3 or more hours a week compared to 41 percent of African children.

Children aged 5 to 14 years that are deemed to be working in contravention with the law, account for more than 30 percent of working children. Moreover, 70 percent of children working illegally, work in family businesses. “While such children are

⁹ Department of Labour (2002). *Towards a National Child Labour Action Programme for South Africa: Discussion Document*. In cooperation with the International Labour Organisation’s International Programme on the Elimination of Child Labour (IPEC), October 2002, page 20.

assisting their family in ‘carrying on’ business – and as such are technically employed – it will often be very difficult to prove since both the family and the child are likely to deny this.¹⁰”

Surprisingly, working did not seem to prevent children from attending school. However, 35 percent of children were not attending school when the hours of work increased to between 43 and 49 hours worked. These children are predominantly older children and are in full-time work. Nevertheless, work does interfere with the school performance of children, thus contributing to poor outcomes of education. These children had less time to devote to studying and experienced difficulties in catching up when compared to children that were not involved in any work activity.¹¹

Using the narrow definition of economic activity for children working 3 hours per week or more, 61 percent (or 2,1 million) said that they were exposed to hazardous conditions, 2 percent (or 58 000) suffered illness related to their work, and 4 percent (or 153 000) said that they had been injured at work.

The International Labour Organisation (ILO) Worst Forms of Child Labour Convention of 1999 identifies several types of child labour as the worst forms that must be addressed as a priority by ratifying states:

- all forms of slavery or practices similar to slavery;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances slavery;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- work which by its nature or circumstances is likely to harm the health, safety or morals of children (‘hazardous work’).

Very little information was available from the 1999 SAYP on the worst forms of child labour, except for some forms of hazardous work. Some evidence on the worst forms of child labour can only be derived from some of the Non-Government Organisations (NGOs) that work directly in these areas however, the evidence is sporadic and compiled on a case by case basis.

The incidence of child labour seems to target poorer households, who have limited access to resources and income. These are essentially households located in the former homeland areas and are thus predominantly African. The lack of access to services such as piped water and electricity raise the likelihood of children fetching and carrying heavy loads of wood and water. Service deprivation is a good proxy for measuring poverty. Moreover, the “importance of poverty as a factor encouraging child work is confirmed by the responses of many children that their reason for working is to contribute to the family.¹²”

In order to get a better understanding of the current status of child labour in South Africa, it is critical that a follow up survey be undertaken. Numbers need to be updated to get a sense of whether the child labour situation is improving or

¹⁰ Department of Labour (2002). Page 21.

¹¹ A study conducted by DEPRU in 200_ using the Time Use Surveys indicates that work does detrimentally affect school performance.

¹² Department of Labour (2002). Page 29.

deteriorating and whether there have been shifts in the predominance in specific sectors or not. Without this information, it is very difficult to make informed policy decisions that endeavour to alleviate child labour.

Having set the scene regarding child labour in South Africa, the next section highlights the various pieces of legislation that are geared to promote the rights of the child, more generally.

4. Looking at the rights of the Child in South Africa

South Africa has a very progressive Constitution that provides special rights to children under the age of 18. The Constitution has set the foundation for policies and strategies of government that give special benefits to children and protects their rights. As a result, South Africa has developed numerous pieces of legislation either entirely or in part, that address the rights of children more specifically. Moreover, South Africa has also ratified a series of Charters and Conventions that offer special rights to children. It would be impossible to address each one of these in adequate detail and still do justice to them. Hence this section merely addresses some of the key pieces of legislation that target children more broadly, with special emphasis on child labour.

4.1. The South African Constitution

Children, as citizens of the country, enjoy all the same rights as their fellow adult citizens, but the Constitution also gives children under the age of 18 special rights. The following items in the Bill of Rights (that indicates the basic rights that government must uphold and protect) within the Constitution, relates to children's rights¹³:

- Every child has the right to family or parental care, or to appropriate alternative care when removed from the family environment.
- Every child has the right to a name and nationality from birth.
- Every child has the right to basic nutrition, shelter, basic health care services and social services.
- Every child has the right to be protected from maltreatment, neglect, abuse or degradation.
- Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources.
- Every child has the right to be protected from exploitative labour practises.
- Every child has the right to have a legal practitioner assigned to the child by the state and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result.
- Every child has the right not to be detained except as a measure of last resort.
- A child's best interests are of paramount importance in every matter concerning the child.
- Everyone has the right to basic education (early childhood development).
- Article 23 of UNCRC: Rights of children with disabilities.

¹³ The Constitution of the Republic of South Africa, Act 108 of 1996

- Article 22 of UNCRC: Rights of refugee and foreign unaccompanied children.

4.2. Other initiatives by Government

Initiatives by government that aim to address the rights of the child can also be found in the following legislation:

- The Child Rights Framework, as developed by the Presidency.
- The Basic Conditions of Employment Act, that prohibits children below the age of 15 from taking up employment. Children from the ages of 15 to 17 are permitted to take up employment, but not if that work is detrimental to the child's development and also the necessary safety precautions need to be taken.
- The Sexual Offences Act and Sexual Offenders Bill where prostitution is illegal and both the prostitute and her clients commit the offence. Amendments to this bill address the commercial sexual exploitation of children.
- The Child Justice Bill.
- The SA Schools Act, states that no one may prevent a child from attending school.
- The Child Care Act, includes the provision of social services and social grants in addition to prohibiting the abuse of children,
- The Children's Bill addresses the rights of children more comprehensively and governs every possible area of engagement (thus overlaps with all the abovementioned legislations).

4.3. Conventions Ratified

South Africa has ratified a number of conventions relating to children, including the following:

- United Nations Convention on the rights of the Child of 1989 provides that every child has a right to be protected from economic exploitation and from any work that is likely to be hazardous or to interfere with the child's education, or deemed to be harmful to the child's health or physical, mental, spiritual, moral or social development. However, the convention does not set a minimum age, but refers to other international instruments. The convention says that the best interests of the child must be a primary consideration in all actions affecting children, whether undertaken by government or private actors.
- African Charter on the Rights and Welfare of the Child of 1990, provides that children should be protected from economic exploitation in addition to stating that children have responsibilities towards their families, societies, communities and the international community.
- ILO Minimum Age Convention of 1973, provides that children under the age of 15 should not engage in economic activities unless they are over the age of 12 and the work is light and unlikely to harm their health, development and

schooling. Moreover, the Minimum Age for work that is likely to jeopardise health, safety or morals is 18.

- ILO Worst Forms of Child Labour Convention of 1999 requires that ratifying governments take measures to abolish the worst forms of child labour, which include slavery, child prostitution, using a child in illegal activities and hazardous work that is likely to harm the child's health, safety or morals. Each country should determine 'hazardous work' in consultation with employer and worker organisations.

Thus, there are numerous efforts to address and protect the rights of the child in South Africa, which are guided by the South African Constitution. Annexure A highlights a scorecard of government expenditure on several programmes that relate to children.¹⁴ In the following section of this paper, the focus will be primarily on government's key strategy developed by the Department of Labour to address child labour.

5. Addressing Child Labour in South Africa - The Department of Labour's Child Labour Action Programme (CLAP)

The South African government embarked on a process of developing an appropriate national action programme to address child labour. The Department of Labour is the Lead institution in this regard. Like all other policies, bills and legislation, the starting point is always the Constitution. The CLAP derives its mandate from s28 of the Constitution that states that children under the age of 18 have a right to be protected from work that is:

- exploitative, hazardous or otherwise inappropriate for their age,
- detrimental to their schooling, or
- detrimental to their social, physical, mental, spiritual or moral development.

The CLAP does not only consider 'work' to be economic activities in the form of employment, but includes activities in the form of household chores such as the collection of wood or water, where it is exploitative, hazardous, inappropriate for their age or detrimental to their schooling or development. Thus, the CLAP refers to 'child labour' which includes all forms of work that is detrimental to the child.

5.1. The CLAP Process

In order to develop an action programme that would assist working children in South Africa, it was necessary to understand the extent of the problem. Thus, a credible database on child labour was necessary. A preliminary investigation was undertaken in 1996 to determine the appropriate tool, with a national household-based survey being recommended. In 1999, Statistics South Africa conducted the first national survey on child activities, entitled the *Survey of Activities of Young People* (SAYP). The survey as well as the policy development process that followed was conducted with financial and other support procured by the ILO. This resulted in a official Discussion being released in October 2002, entitled "*Towards a National Child Labour Action Programme for South Africa*". Furthermore, all qualitative research

¹⁴ This is by no means a complete list.

related to this topic that was available from various sources in South Africa, was also analysed. Based on these two critical processes, the Department of Labour began a series of consultation processes with the South African public, both adults and children, separately. Stemming from the inputs from these processes, the Department of Labour together with a core team of sector experts and the ILO engaged with key stakeholders including all government departments on the proposed action steps necessary to alleviate child labour.

Stakeholders indicated whether they supported the proposed action step that affected them and engaged in a process of refining the steps. The programme of action was updated to highlight the action steps that various line function departments were already engaged in, thus already addressing various aspects of child labour. Commitments of both financial and human resources were agreed to by the various stakeholders. Furthermore, line function departments agreed to seek and motivate for additional funding where necessary to take the action steps further or to initiate them. The process also highlighted which steps were urgent and possible to undertake in the short term compared to certain action steps that were desirable but had massive financial and political ramifications. The consultative process ended with the drafting of a Child Labour Action Plan (CLAP) document for South Africa, accepted by all relevant Departments in 2003. This document describes 131 actions steps, with the final part of the document devoted to separating the action steps out for each Department.

Currently, the CLAP is in the process of being costed (i.e. the financial implications of each action per department is being assessed). Furthermore, the programme is being presented to Cabinet for noting and preliminary approval.

5.2. A Brief Look at the CLAP

Many government programmes are aimed at alleviating poverty such as the child support grant, school nutrition programmes, free basic health care and so forth. The CLAP is designed to complement existing programmes of government while simultaneously addressing child labour. In developing the CLAP, care was taken so that the policy proposals or action steps identified would support existing initiatives and avoid duplication. When assessing the programme in its entirety, including all possible proposed action steps, the CLAP is in actual fact a poverty strategy for South Africa. This has massive financial ramifications for the fiscus. This section will merely highlight some of the aspects of the CLAP but is by no means a complete assessment of the programme not is it a summary.

Harmful work activities need to be identified by the programme. The policy aims to address the following work activities that increase or cause potential harm to children:

- long hours;
- night work;
- work that exposes the child to:
 - dangerous circumstances, tools, chemicals;
 - Commercial Sexual Exploitation;
 - high strain, heavy loads or exhausting work;
 - illegal work;

- ergonomically unsuitable;
- excessive responsibility;
- repetitive or non-stimulating work;
- work is detrimental to schooling;
- work is degrading and reduces child's self-worth;
- work that reduces the time for recreation and rest;
- work where adults coerce or intimidate the child; restrict the child's movements unreasonably; or where there is no caring adult present; and
- work that is performed on the street or work that is hidden, isolated or not easily monitored;

The following categories below are not deemed to be child labour however are included in the programme of action as areas that need special action since they are detrimental to the child's overall well being:

- Fetching of water and fuel
- Commercial Sexual Exploitation (crime)
- Inappropriate levels of domestic chores
- Indirect forms of exploitation
- Inadequate child care facilities

Furthermore, the programme identifies certain circumstances and characteristics that render children more sensitive. These are: age, gender and violence.

To try and address poverty and impoverishment, the programme identifies the elimination of illiteracy, improving the access to free and quality basic education for all and the grants as critical. The CLAP emphasises Job Creation for Adults as a means of addressing poverty, unemployment and therefore child labour. The CLAP states that the "The biggest opportunities for income-earning opportunities are the public works programmes. Income-generating projects could make a small contribution. The Basic Conditions of Employment Act's blanket prohibition on employment of children should also encourage jobs for adults. ... [T]he following is proposed:

(2) One of the factors of deciding where to implement public works programmes should be in areas where many children are involved in the worst forms of child labour. *Lead institution:* DPW; *Secondary Institution:* DL. *New Policy?* Elaboration of existing policy. *Once off Cost:* minimal. *Recurrent cost:* minimal. *Time line:* to be introduced within one year of adoption of policy.

(3) Assessing the government's job creation policy to ensure that jobs created go to adults and not children. *Lead institution:* DTI; *Secondary Institution:* DL. *New Policy?* Elaboration of existing policy. *Once off Cost:* nil. *Recurrent cost:* minimal. *Time line:* to be introduced within one year of adoption of policy.¹⁵"

All the 131 action steps are developed in exactly the same way as the above policy proposal. The Departments of Labour, Social Development, Justice and Education have the most action steps identified. However, there are action steps for all departments since all can contribute towards alleviating child labour either directly or indirectly.

¹⁵ Department of Labour (2005). Child Labour Action Programme for South Africa (CLAP). Drafted in cooperation with the ILO's International Programme on the Elimination of Child Labour (IPEC).

For the Department of Labour, these are some of the steps that have been identified:

- The provisions of the BCEA on child labour are too narrowly defined;
- Regulations regarding children aged 15 to 17 need to be drafted to guide employers as to what work is acceptable;
- The law should require child workers to be paid at the same rate as adults;
- Labour inspectors should receive training on how to address child labour;
- Allocate resources to ensure the enforcement of child labour provisions;
- National Awareness Campaigns: BCEA provisions relating to ‘forced labour’; Trafficking of Children; Children involved in making and selling liquor; Disadvantages and dangers of adult work that encourages child labour; and
- Monitoring and inspection of sectors in relation to child labour as defined in the policy;

The Department of Social Development’s action steps include some of the following:

- Poverty alleviation initiatives, including the rollout of grants should be targeted in child labour hotspots;
- Extension of the Child Support Grant (CSG) up to the end of the school year in which the child turns 15;
- In the medium term, extension of the CSG to those aged 16 and 17;
- Address the birth certificate and ID problem with respect to the CSG especially to caregivers in poorer and rural areas
- Appropriate strategies should be found for provision of childcare facilities, especially in sectors and areas where children often have to look after their younger siblings, with a focus on the rural poor.

The CLAP highlights steps that in many instances are already being undertaken in the various departments and in some cases, the programme needs additional resources to be scaled up. There are several action steps however, that have both political and financial implications. An example of this is the medium term proposal to extend the CSG to children aged 15, 16 and 17. This proposal is extremely costly and would require political buy in as well.

5.3. The Inter-departmental CLAP Committee

In South Africa the implementation of the CLAP is overseen by an interdepartmental Child Labour Action Programme Implementation Committee (CLAPIC). The members of this committee comprise of key government departments, organised labour and business, NGO’s and civil society, that meet on a regular basis to ensure the implementation, monitoring and evaluation of the CLAP. Progress with regards to CLAP action steps, policy development and special projects on the Worst Forms of Child Labour are also reported on.

5.4. Towards the Elimination of the Worst forms of Child Labour (TECL) – an ILO funded programme within the CLAP

“Towards the Elimination of the Worst Forms of Child Labour”, or TECL as it is commonly known as, is a programme initiated and funded by the International Labour Organisation (ILO). TECL is a tool geared to assist member states to fulfil their obligations in terms of the Worst Forms of Child Labour Convention within a defined period of time. TECL essentially supports the CLAP initiative in addition to behaving as an executing agency for some of the key aspects relating to CLAP. The TECL programme focuses on 45 action steps within the CLAP document. The key role players in this process are: the Department of Justice and Constitutional development, in relation to the Child Justice Bill; the South African Police, assisting in the investigations that will lead to the prosecution of those involved in criminal or illegal activities involving children; the Department of Education, assisting in the identification of children needing assistance; Social Development, in terms of social grants; and Labour as the lead department; with a supporting role played by a number of other Government Departments and NGOs. .

The timeframe for this programme is 3 years. The project commenced in April 2004 and has a budget of US \$5 million, with supporting work done in Botswana, Lesotho, Namibia and Swaziland as well as the sub-region. There are various projects within the TECL programme, including awareness raising around child labour issues focusing on:

- access to education;
- the prevalence of the Worst forms of Child Labour (WFCL);
- the negative impact of child labour; and
- steps taken to rectify the problem when encountering incidents of child labour, where activities are detrimental to the child.

Furthermore, the TECL identified four categories of worst forms of labour, namely: bonded labour; commercial sexual exploitation; trafficking of children, i.e. children recruited to work far away from their homes and families; and the use of children in other illegal activities such as drug trafficking.

The TECL is currently piloting three projects with the primary aim to: prevent children from participating in the worst forms of child labour; withdraw and rehabilitate those children already engaged in the worst forms of child labour; and finally to protect children of working age from hazardous and dangerous working conditions. These are:

- Children Used By Adults to commit Crimes (CUBAC). Very little is known about how children are used in criminal activities and the use of NGOs has played a critical role in designing this pilot programme to assist children that depend on and are involved with adult criminals in illegal activities, especially the production or trafficking of drugs.
- Commercial sexual Exploitation of Children (CSEC).
- The delivery of water to households that are situated far away from safe sources of water.

The TECL programme is also responsible for monitoring the implementation of the CLAP. A sister programme to TECL is RECLISA, reporting directly to the US Education Initiative, which focuses on educational and social services.

6. Additional Projects Relating to Children Undertaken by the Department of Labour

Further interventions by the Department of Labour include the Sectoral Determinations for Children in the Performing Arts, launched on the 29th of July 2005, which enables the Department to regulate the working conditions of children employed in this sector. Approval to employers wishing to engage children in this sector would be subject to the completion of a permit that would be evaluated according to the provision of article 8 of Convention 182 of the ILO. This sectoral determination would also assist in obtaining data on children in performing arts, as inspections can be undertaken and the appropriate remedial action can be taken.

The National Skills Development Strategy (NSDS) was launched by the Minister of Labour in February 2001, with key deliverables to be achieved by March 2005. In March 2005, the Minister launched the updated NSDS II effective from the 1 April 2005 to the 31 March 2010. NSDS II has 5 key objectives and 20 success indicators. Several of these indicators relate to learnerships. There is no minimum age for learnerships, but since children up to the age of 15 are subject to compulsory schooling, learnerships are likely to start from age 15 onwards. The Act provides an institutional framework for a national strategy to develop and improve the skills of the South African workforce. However, it would be better if these programmes encourage children under the age of 18 to stay and complete school albeit in the Further Education and Training sector and then move onto learnership programmes that result in an NQF qualification coupled with work based training. Adults, especially those that have been unemployed for longer periods of time should be given preference.

Objective 1 of NSDS II refers to “Prioritising and communicating critical skills for sustainable growth, development and equity.¹⁶” In order to achieve this, Success Indicator 1.2 requires information on critical skills be made widely available to learners. The Department of Labour will be responsible for consolidating SETA inputs into a document that will highlight the trends in employment, the shortages of various occupational categories and so forth. This information will be distributed widely to schools and FET colleges to guide learners as to the needs of the labour market and thus inform their career decisions.

Thus, the Department of Labour addresses child labour through a series of policies and legislative measures including the Basic Conditions of Employment Act, Sectoral Determinations for children in the Performing Arts and the detailed CLAP. However, the way to minimise child labour is to promote employment to youths¹⁷, aged 18 and older who have left school as well as the adult population.

¹⁶ Department of Labour. (2005). National Skills Development Strategy: 1 April 2005 – 31 March 2010, page 3. Department of Labour. Pretoria.

¹⁷ This refers to the South African definition which includes individuals up to the age of 34.

7. Government Programmes Geared Towards Alleviating Youth and Adult Unemployment

Government does not have one strategic policy document targeting unemployment, however, most government departments have policies or strategies that target the unemployed either directly or indirectly. This section will briefly address some of the government's key initiatives that aim to address unemployment. This is not a concise overview of all of government's strategies nor does it relate directly to the current initiative by the Deputy President.

In addressing the youth and adult unemployment problem, the government has developed several programmes that aim to promote: training and work-based experience; entrepreneurship through various mechanisms that assist small and micro enterprises; subsidised employment schemes such as the Expanded Public Works Programme (EPWP) that create either short term and long term employment; and legislative tax and levy breaks to small and medium enterprises learnership programmes.

7.1. The National Skills Development Strategy

To address skills shortages and also contribute to the reduction in unemployment, the Ministers of Labour and Education jointly launched the Human Resources Development Strategy in 2001 that encompasses the National Skills Development Strategy. The Department of Education is responsible for human resource development, relating more specifically to early childhood development, schooling, the FET colleges and tertiary education, while skills development refers to the role played by the Department of Labour regarding work-based training and development.

The Human Resources Development Strategy comprises four pillars. These include: a Demand side pillar that endeavours to increase employer participation in life-long learning; a Supply side pillar that improves the supply of high quality skills; a Building the Base pillar that aims to improve the foundations for human development; and finally a Growing the Future pillar that promotes national capacity for innovation, research and development. The major challenge facing government in the second decade of democracy, is the quantity, quality and relevance of the overall skills being produced in South Africa, thus highlighting the need for stronger linkages between the demand and supply side pillars. The strategic priorities for the second decade of democracy include:

- Strengthening high-quality scarce skills
- Strengthen the education base through ECD and schooling systems, with special emphasis being placed on language, maths and science skills
- Improve the pace and performance of service delivery regarding post-schooling, which should try to integrate the successful transition to work by school leavers, school drop outs and higher education graduates
- Target learning strategies at the 'second economy'
- Build capacity of the state.

The Skills Development Act (1998) and the Skills Development Levies Act (1999) seek to address the work and training component of the HRD strategy by fostering the linkages between the demand and supply side pillars, in addition to preparing learners adequately for employment and creating closer linkages between the employer and the employee. These objectives are achieved by providing a set of institutions - the Sector Education and Training Authorities (SETAs) - and incentives to employers to encourage and support training across all sectors of the economy. The Skills Development Levies Act requires that all employers, with a payroll less than R500 000 per annum, contribute 1 percent of payroll to promote skills development and work-based training of both the employed and unemployed in the South African labour market. Payments are made to SARS, which then transfers 80 percent of this levy to the relevant SETA (that the employer has registered with) and the remaining 20 percent is transferred to the National Skills Fund. A schematic representation of the levy is provided in the Annexure B. The National Skills Development Strategy was launched in February 2001 for a period of 5 years. A review undertaken in 2004, resulted in the Strategy being updated and extended to 2010.

The SETAs were developed to promote skills development across 23 sectors of the economy by promoting learnerships. A learnership is a vocational and educational training programme, which combines theory and practise that culminates in the learner obtaining a qualification that is registered with the National Qualifications Framework (NQF). In selecting the participants for a learnership, government has agreed that 85 percent of learners must be black, 54 percent woman and 4 percent should be people with disabilities. The focus of the learnership is on:

- Enabling the learner to practically use the skills that he/she has been taught.
- The learner is taught on why and how things are done.
- Learners are assessed at various stages.
- Learnerships are developed in areas where there is a skills shortage.
- Learnerships will be available for young as well as more mature students, whereas apprenticeships tended to be for young people starting their working lives.

Large and small employers enter into a learnership agreement with the learner and a training provider. The SETAs approve every learnership programme before it can be forwarded to the Department of Labour, but also facilitate the funding of the learnership. The SETAs disburse mandatory grants on the receipt of workplace skills plans and implementation reports from employers. A learnership tax deduction has been provided for to incentivise companies to take on learners. Employers are entitled to claim the incentive twice, once at the inception of the learnership and again when the learnership is successfully concluded. The inception deduction is 70 percent of the learner's annual salary to a maximum of R17 500 if the learner is a current employee or R25 000 if the learner is not an employee and was unemployed. On completion of the learnership, the employer is entitled to deduct 100 percent of the annual salary subject to a maximum deduction of R17 500 for existing employees and R25 000 for a previously unemployed learner. Employment and Skills and Development Lead Agencies (ESDLA) have been established to reduce the administrative burden of learnerships on companies. They can assist companies to access grants, find the right candidates, conduct training, assess the competency and facilitate the certification of

the learner. The length of a learnership programme would differ, but would normally not be less than 1 year.

The Departments of Education and Labour have gone to great lengths to align their policies. The NSDS II has several indicators that promote centres of excellence, thus allowing public providers and especially the Further Education and Training (FET) sector to access SETA funds. Moreover, the recapitalisation of the FET sector is aimed at making this sector more responsive to labour market trends and the changing needs of the economy as well as to ensure private sector buy-in in the form of financial assistance and expertise. The NSDS II focuses on the quality and appropriateness of skills obtained by graduates in an effort to prevent a mismatch of skills between those possessed by graduates and those required by the economy, thereby promoting employment.

7.2. The Umsobomvu Youth Fund

The Umsobomvu Youth Fund (UYF) was established in January 2001 to facilitate the creation of jobs and skills development for the youth of South Africa (ages 18-35). The three focus areas of the UYF are:

- Contact Information and counselling.
- Skills development and transfer.
- Youth Entrepreneurship Programme.

The UYF supports the development of entrepreneurs in addition to promoting skills development projects for the youth executed through the FET Colleges. The UYF has committed R22,3 million to 19 FET colleges for the creation of skills programmes and learnerships aimed at addressing skills shortages and youth unemployment. The projects will focus on bridging the gap between school and work

7.3. The Expanded Public Works Programmes

The Expanded Public Works Programme (EPWP) was a central element of Government's commitment to the Growth and Development Summit (GDS). The EPWP is a framework that focuses on providing poverty and income relief through temporary work for the unemployed to carry out socially useful activities. The EPWP has been designed to provide participants with training and work experience that should enhance their ability to earn a living in the future. The programme creates employment opportunities in the following sectors:

- Infrastructure: The creation of labour intensive government funded infrastructure projects managed by the Department of Public Works.
- Environmental and Culture: Projects in the public environmental programmes such as Working for Water under the leadership of the Department of Environmental Affairs and Tourism.
- Social Services: Public Social programmes such as Early Childhood Development and Home-based Community Care Work where the Department of Social Development is the lead department.

- Economics Services: Small enterprise learnerships (New Venture Creation learnerships) and incubation programmes under the Department of Trade and Industry.

Although the employment programmes in the infrastructure pillar provide short-term poverty relief and employment, the programmes within the social services pillar have the potential to provide more long-term relief. Since employment in the infrastructure sector are short-term, averaging about three months, additional exit strategies need to be considered, where individuals can progress into second tier learnerships that possibly assist in business enterprise skills, small business development, financial management and new venture programmes.

The EPWP is integrated with the country's skills development strategy to ensure that participants acquire the skills necessitated by the economic conditions prevailing in the country. For example, the infrastructure or construction element of the EPWP has developed the necessary linkages with the Construction SETA to provide training in the form of life skills.

The infrastructure component of the EPWP is facilitated through the Provincial and Municipal Infrastructure Grants, which include labour intensive methods for building roads, schools, clinics and water infrastructure. Over the 2005/06 MTEF, provincial and municipal infrastructure allocations amount to R38,6 billion. These projects show the commitment by government towards labour intensive construction methods. According to the 2004 Budget R4 billion will be allocated to the environmental and cultural sector for the period 2004/05 to 2008/09 and R600 million in the social sector for the same period.

7.4. The National Youth Service

The National Youth Service Programme (NYS) is an initiative co-ordinated by a committee comprising of the National Youth Commission (NYC), the UYF, the South African Youth Council (SAYC), the National Departments of Labour and Education as well as other relevant Departments. The aim of this programme is to harness the potential of young people and improve their employability. Young people are trained in a technical skill, which they can then put into practise at a community level. Moreover, there is a focus on providing life skills and developing a career path. A key element of the NYS programme is the integration of different programme components and co-ordination among the multiple programme partners.

7.5. Youth Advisory Centres

The Youth Advisory Centres (YACs) are funded through the UYF and implemented by NGO's. They provide information and counselling services to the youth and are located within communities. YAC's are also a source of information regarding careers and job opportunities to the youth, and services such as CV writing interview skills and life skills are provided.

It has been highlighted that the success of initiatives aimed at assisting the youth, should include the following:

- Involving as many stakeholders as possible
- Young people should be consulted in the design phase and implementation of a project.
- The projects must demonstrate sustainability.
- Quality standards should be met.

In conclusion, the discussion above highlights several programmes that government has in place to assist unemployed youth and adults. This discussion has excluded the efforts of the: DTI that relate to the programmes that promote SMMEs and entrepreneurs either financially or technically; tax breaks for SMMEs; Agricultural and land restitution programmes; social grant programmes that alleviate poverty; and other programmes under various departments that promote employment by addressing critical skills needs through skills development and training programmes.

8. Overlaps in Government Policies Relating to Children

The Office on the Rights of the Child (ORC) is the central co-coordinating body within government on issues relating to children, and as such their Child Rights Framework forms the overarching policy through which all other policies and legislation are integrated.

The Inter-Ministerial Core Group (IMC) and the National Programme of Action Steering Committee (NPASC) established by government is tasked with coordinating policies and legislation around child rights. The IMC comprised a number of Ministers and their departments that had a key role to play regarding children's issues. This group was however dismantled and replaced by the National Plan of Action (NPA) that reports directly to Cabinet through the Social Cluster. The NPA's co-ordination resides in the Office of the Status of the Child, located in the Presidency.

The key functions of the NPA are:

- Co-ordinate policy development.
- Monitoring the implementation of the policy developed.
- Evaluation of programmes developed for children.

The vision of the NPA is to create and build an environment where children are nurtured and can grow to their full potential. It also seeks to create a situation where children are given priority in their school, home and community life.

The above-mentioned legislation and policies on children are all interlinked and ultimately serve the same purpose, i.e. protecting one of the vulnerable groups within society, namely children, as well as outlining their rights.

The various committees that constitute the same government departments emphasize the overlaps within these programmes. Although the aim within government is to ensure better co-ordination between government departments on matters that are crosscutting, this is not always the case. Moreover, it is more difficult to ensure that

there is no duplication of work effort. For example, the CLAP and the Children's Bill address issues relating to child labour, the commercial sexual exploitation of children, child trafficking, and so forth. If departments do not work closely together, duplication is inevitable.

9. Policy Gaps and Coordination Weaknesses

It is clear that in order to reduce child labour, it is critical that unemployment and poverty be addressed. There is a whole host of government programmes that target poverty and/or unemployment. However, many of these programmes are uncoordinated, sporadic or operate on a small scale and are therefore not able to make a significant difference in the numbers of people plagued by poverty and unemployment. Although the Departments of Education and Labour are working in a more co-ordinated manner, there are still great strides that need to be taken in order to promote greater cohesion of policies to address skills development as per the market's needs, thus promoting employment. This is still not enough, these efforts need to be complemented by the programmes of the Departments of Science and Technology and Trade and Industry. Furthermore, as a second tier of policies need to be co-ordinated, relating to the policies of the Departments of Agriculture, Social Development and Home Affairs. In assessing the type of co-ordination necessary to unblock the bottlenecks that hamper employment creation and poverty alleviation, it is evident that more and more role-players are needed and this eventually becomes a mammoth and very complex process, which is difficult to coordinate and manage.

The problem is often exacerbated by the low level of support for programmes where junior officials attend committee meetings or key processes geared to promoting coordination. Moreover, there is a lack of staff permanence and consistence in the officials attending these processes, resulting in coordination weaknesses. Junior officials lack the vision necessary and cannot take decisions in these processes thus stalling the process and delaying the outcomes. Political buy-in is difficult to ensure except through continuous engagement. However, one easy step in promoting greater coordination is simple information sharing of processes and issues being addressed by various government departments. Possibly a database should be developed containing information relating to the projects worked on by a specific Department, the person's contact details who is responsible for the programme as well as their area of speciality within the arena of children's issues.

Another approach to promote coordination is an audit that could be conducted to get a general view of all the policies and legislation currently undertaken in Departments, so that further work could start from a common point of departure. Research should be conducted into how, practically, further co-ordination between stakeholders could be established, focusing on inter-departmental committees and the strengthening of the capacity at the ORC within the Presidency to assist in their role as overall co-ordinator in all children's issues.

Promoting coordination between government departments is already quite complex, however, in order to succeed, coordination between government and civil society in the form of a partnership, is also critical in ensuring the most efficient development of

policies and programmes that affect children and their unemployed and/or poor parents.

The CLAP is an excellent example of a strategy that requires greater co-ordination between government departments and civil society. The Department of Labour and the ILO team have devoted a lot of time and attention to promoting greater co-ordination between government departments, civil society and NGOs and still this has been a cumbersome and difficult exercise. An effort to include civil society and NGOs has proved to be quite useful and informative in developing policies and programmes in the CLAP and the TECL programmes.

As has already been mentioned, the CLAP is a poverty strategy, however, the primary focus, is child labour. Future enforcement of child labour will render families worse off financially. Although the CLAP does highlight employment programmes such as the EPWP, and indicates that these are necessary to alleviate child labour, these are not the salient elements of the CLAP. Where a child is taken out of work and the family is poorer, especially where there are no adults working, there is no referral system between government departments that will allow the adults in the family to: receive a Child Support Grant, where they do not; receive preference regarding employment in the EPWP programmes; enter into a learnership or skills development programme through the NSDS; enter into a New Venture Creation Programme through the DTI and the Department of Labour; participate and receive financial and technical support through the DTI SMME initiatives; receive financial and other support through the UYF; and so forth. Thus, there is no central processing centre that assesses the needs of the individual in a wholistic and consistent manner. Currently, adults will have to link up to the various government programmes by themselves, and the lack of finance might render this impossible. This is the most prominent policy gap and coordination weakness of government. Despite the CLAP being a poverty strategy, when it comes to enforcement, the CLAP will in fact exacerbate poverty and worsen the conditions and environment that children live in. It is quite probable that the abuse towards children will worsen as the adults or parents of the child resent the added burden placed on them by the child. Greater initiatives are necessary to promote the referral linkages in government otherwise there will be unintended consequences of certain policy actions.

An added referral failure relates more directly to child between the ages of 15 and 17 that are either committing crimes on behalf of adults or being commercially sexually exploited. Although children can be referred to relevant safe houses, if policies are not in place to address the long term needs of the child by either training them or placing them in meaningful employment, where they can support themselves, the child will return to what it knows best and re-enter the environment that it was originally in when released from the safe house. Currently, the policy measures in place by the Departments of Social Development, Justice, Corrections, SAPS and the relevant NGOs and short-term ones, with little effort by government to create the necessary linkages between other government departments that will take the long-term well-being of the child into account. This is another prominent co-ordination weakness and policy gap that applies more generally to policies in place that assist children.

Recent amendments in the Treasury Guidelines for the 2006 Medium Term Expenditure process emphasized improved synchronization of cross-cutting issues between government departments. Several cross cutting issues were piloted by the

National Treasury this year in an effort to promote ‘joined up government’ discussions and policy debates. Success in the pilots will allow this to become a prominent feature of the MTEC process in years to come. The discussions will highlight duplication as well as coordination weaknesses and necessitate future engagement, while the appropriate placement of funds will allow departments to work more closely together. Thus, in future, the budget process will force greater co-ordination between departments.

10. Conclusion

The South African Constitution protects the right of the child in an effort to secure the optimal development of future generations of this country. Several government policies and programmes have been developed stemming from the South African Constitution. Initiatives are geared to: ensure good quality education; access to adequate nutrition; income supplementation to primary care givers; access to basic services and infrastructure; access to social assistance; and measures that prevent the child from engaging in activities that will hamper his or her mental, emotional, physical and spiritual development. One such activity relates to children under the age of 15 engaging in child labour.

Children from poorer households, especially in rural areas, are more likely to engage in child labour. Children between the ages of 15 and 17 leave school in search of work to assist their families financially at the cost of their own development. Thus, there is a clear link between unemployment and poverty and child labour. Addressing poverty and unemployment contribute towards the alleviation of child labour.

Government has developed several pieces of legislation and ratified several charters in an effort to promote the rights of the child in South Africa. The Child Labour Action Programme or CLAP, is a strategy that addresses all forms of child labour. It is a strategy that co-ordinates the efforts of all relevant government departments by incorporating what they are already doing in a systematic and consistent manner. Much of the CLAP refers to existing government programmes, however, it does also refer to programmes that can be extended or scaled up in the medium to long term. The CLAP also includes programmes that aim to alleviate unemployment.

Government has several initiatives that target the unemployed and aim to reduce poverty. To mention a few, these include: SMME support through the DTI’s financial and technical support initiatives; tax breaks to SMMEs; EPWP programmes; the National Skills Development Strategy and New Venture Creation initiatives; UYF programmes and other programmes that target the youth; support to subsistence agriculture farmers; social assistance; and free basic services.

Government’s efforts are not targeted in a consistent poverty or unemployment strategy, however all government departments have programmes that endeavour to promote employment and/or alleviate poverty. Possibly, the most prominent government weakness centres around the uncoordinated manner in which these various programmes interact and engage with each other.

Enforcement of the CLAP will exacerbate poverty especially if there is poor co-ordination between government departments in referring and placing the adult parents of the child into meaningful work through the various employment initiatives of government. Another policy gap centres on the long-term well being of the child, since enforcement programmes place the child in places of safety, however, these are only short term measures, with the child having no place to go to after leaving the place of safety. The referrals, after leaving the places of safety, are left up to NGOs, who have limited financial resources.

As the CLAP starts to move towards its implementation phase, co-ordination will become more prominent. The 2006 MTEF process piloted several cluster discussions quite successfully, implying that issues around children will feature more prominently next year and in years to come. Thus, in the future, the budget process will drive greater co-ordination between government departments.

ANNEXURE A: Government's Score Card regarding Expenditure and Achievements relating to Children

Department of Health

The Department of Health has various programmes that focus on children including:

- Mother to child transmission of Aids
- Maternal, Child and Woman's Health and Nutrition receiving R142 million in 2004/05 and R148 million in 2005/06¹⁸
- 360 million condoms were distributed in 2004/05, with increased condom use leading to a decline in the infection rates amongst the youth.
- Full immunisation coverage of 82% per cent of 1-year old infants achieved in the 2003/04 financial year.

Department of Education

Focuses on the following areas:

- A target of enrolling 300 000 grade R learners met in 2004.
- Development of basic infrastructure at schools including access to water, electricity and sanitation.
- HIV and AIDS and School nutrition, 6.8 million learners received meals during 2004. R847 million was spent in 2004/05 and R928 will be spent in 2005/06⁵

Department of Labour

- Conducts blitz inspections that investigate a number of issues around compliance with legislation, including the Basic Conditions of Employment Act, which makes provision for the fact that children under the age of 15 may not take up employment. Up to March 2004, 187187 blitz inspections were conducted
- The Department has requested funding of R4, 5 million in 2006/07 for the Child Labour Action Plan with the aim of producing a memorandum for

¹⁸ National Treasury Estimates of National Expenditure (ENE) 2005.

cabinet outlining the cost implications of this programme. The memorandum will also attempt to identify what government departments have done in terms of child labour and the related issues.

- Skills development funding was nearly R52 million in 2004/05 and estimates for 2005/06 stands at a further R52 million.
- The Umsombomvu Youth Fund has spent R500 million on 90 projects, affecting 1 million young people with 25 000 jobs created.

Department of Social Development

- The Programme: Children, Families and Youth Development aims to ensure the empowerment and protection of vulnerable children, youth and families, has installed the child protection register in 7 provinces.
- Children and Family benefits develop and monitors the implementation of social security for children and would receive nearly R5 million for the financial year 2005/06.
- The child support grant that currently stands at R180 per month would have an estimated 7 million beneficiaries by 2005/06 with a cost of R15 billion.
- A co-ordinated action plan for orphans and vulnerable children, realises the rights of children affected by HIV, and will receive R1, 4 million in 2005/06.

The Presidency

- The National Youth Commission: facilitate, co-ordinate and monitor policies aimed at promoting youth development, will receive nearly R18 million for the financial year 2005/06.
- The Office of the Rights of the Child, promotes children's rights by co-ordinating and monitoring interdepartmental initiatives receives R3, 5 million for 2005/06.

Department of Sport and Recreation

- The Lovelife games, receiving R15 million in 2005/06 and R20 million in 2006/07, has a target of 180 185 learners for 2004/05

Department of Justice and Constitutional Development

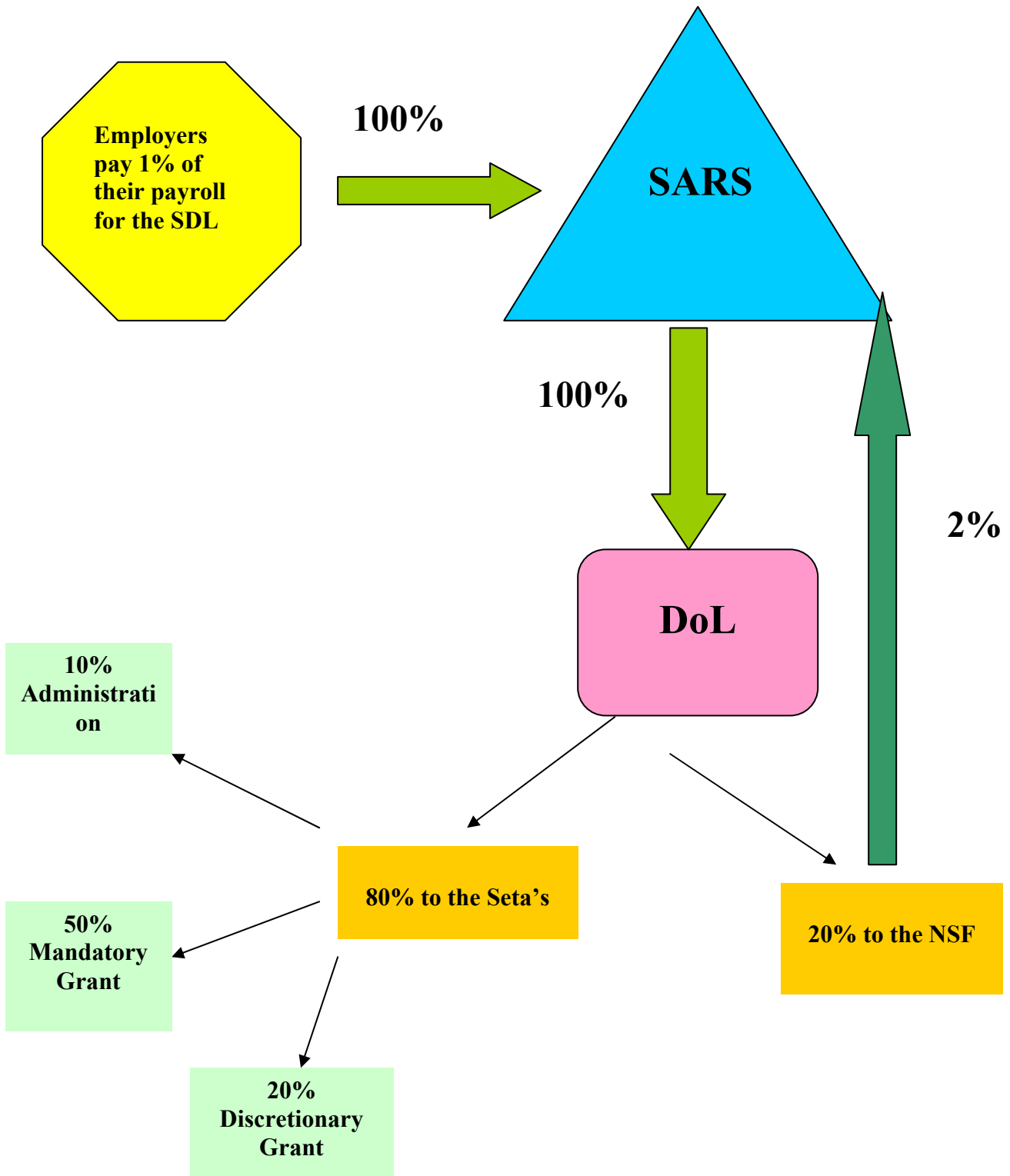
- 52 sexual offences courts have been established.
- A play entitle "Speak out", that encourages children to report sexual offences, was presented to 120 359 learners.
- The Child Justice bill and Sexual Offenders Bill is under development.

Department of Safety and Security

- Under the programme for Detective Services, an increase was given over the MTEF period to improve specialised units for child protection and sexual offences, resulting in 13 099 cases that were handled from April to September 2004. R4, 8 million and R5 million was allocated for the 2005/06 and 2006/07 financial years respectively.

For the financial year 2004/05 nearly R5 billion was spent on programmes that target children.

ANNEXURE B: Skills Development Levy Funding Flows



References

Department of Labour (2002). *Towards a National Child Labour Action Programme for South Africa: Discussion Document*. In cooperation with the International Labour Organisation's International Programme on the Elimination of Child Labour (IPEC),

Department of Labour (2003). White paper (DRAFT) on the National Child Labour Action Programme for South Africa. Version 3.1. July 2003. Draft for consideration by government departments and other stakeholders. Unpublished.

Department of Labour (2005). Child Labour Action Programme for South Africa (CLAP). Drafted in cooperation with the ILO's International Programme on the Elimination of Child Labour (IPEC).

Department of Labour. (2005). National Skills Development Strategy: 1 April 2005 – 31 March 2010, page 3. Department of Labour. Pretoria.

National Treasury. (2005). Estimates of National Expenditure (ENE) 2005. Government Printer, Cape Town.

Olarte, A. (2005). *Stories behind our stories: Addressing Youth Unemployment*. www.pcij.org, accessed 14/19/2005.

Statistics South Africa. (2004). Labour Force Survey: September 2004. Statistics South Africa, Pretoria.

Statistics South Africa. (2005). Labour Force Survey: March 2005. Statistics South Africa, Pretoria.

UNDP South Africa (2003). *Human Development Report, 2003: The Challenge of Sustainable Development: Unlocking People's Creativity*, page 74. Oxford University Press, Cape Town.