

IMPLEMENTATION OF THE CHILD LABOUR POLICY IN SOUTH AFRICA

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Abstract

Child labour is a social problem that affects several countries worldwide, and South Africa is not an exception. It is the result of adverse economic conditions in the country, where children feel they have to resort to finding employment in order to support their families. There is a general consensus that child labour in South Africa needs to be dealt with, and this is seen via the ratification of the two most important ILO conventions that speak to child labour. The ratification of these conventions led to the development of a child labour policy for South Africa; the Child Labour Programme of Action. However, despite the existence of this policy and its implementation, child labour continues. This report looked at how the child labour policy was implemented, and to verify if the continued occurrence of child labour was due to a disconnection between the policy as it is presented on paper, and those who are supposed to implement the policy on the ground. The report used qualitative methods, specifically documentary analysis and interviews. The documents that were analysed included the Child Labour Programme of Action, as well as its follow up documents. Meanwhile, government officials as well as members of civil society were the interview subjects. The main finding of the research is that the implementers of the policy do not have a full understanding of the policy and what it entails. And because of this they are unable to properly implement the policy to produce an effective solution against child labour. The report concludes with recommendations intended to help the government to get more out of the Child Labour Programme of Action.

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Declaration

I, Asobo Simo Mambi, make the declaration that this research report for a MASTERS OF MANAGEMENT DEGREE in the field of PUBLIC POLICY at the University of the Witwatersrand hereby submitted by me has not been previously submitted by me at this or any other university, and that this is my own work in design and all the materials used herein have been duly acknowledged.

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TABLE OF CONTENTS

List of Abbreviations	vii
Chapter One	
1.1 Introduction	1
1.2 Problem Statement	2
1.3 Research Objectives	7
1.4 Proposition	7
1.5 Research Questions	7
1.6 Framework of the Research Report	8
Chapter Two	
2.1 Introduction	10
2.2 Literature Review	10
2.3 The Child Labour Programme of Action	20
2.4 The Policy Process Model	33
2.5 The 5C Protocol	34
2.6 Conclusion	38
Chapter Three	
3.1 Introduction	39
3.2 Research Methods	39
3.3 Types of Qualitative Data Collection Methods	40
3.4 Documentary Analysis	40
3.5 Interviews	41
3.6 Operationalisation of Research Questions	41
3.7 Ethical Considerations	42
3.8 Conclusion	43
Chapter Four	
4.1 Introduction	44
4.2 Primary Research Question	44
4.3 Secondary Research Question	49
4.4 Tertiary Research Question	51

Chapter Five

5.1 Introduction	53
5.2 The Common Cause of Child Labour	53
5.3 A lack of Understanding of the aim of the policy	54
5.4 Discrepancies between civil society and government	55
5.5 Not enough priority placed on child labour	56
5.6 Analysis with the 5C Protocol	58
5.7 Conclusion	60

Chapter Six

6.1 Conclusion	61
6.2 Limitation of the Research	62
6.3 Recommendations	62
Bibliography	64

List of Abbreviations

AIDS – Acquired Immune Deficiency Syndrome
BCEA – Basic Conditions of Employment Act
CLIG – Child Labour Intersectional Group
CLPA – Child Labour Programme of Action
COGTA – Department of Cooperative Governance and Traditional Affairs
COSATU – Congress of South African Trade Unions
CSEC – Commercial Sexual Exploitation of Children
CUBAC – Children Used by Adults to Commit Crime
DA – Department of Agriculture
DBE – Department of Basic Education
DEA – Department of Environmental Affairs
DEAT – Department of Environment and Tourism
DHA – Department of Home Affairs
DHET – Department of Higher Education and Training
DIRCO – Department of International Relations and Cooperation
DOH – Department of Health
DOJ and CD – Department of Justice and Constitutional Development
DOL – Department of Labour
DPE – Departments Responsible for Education
DPLG – Department of Provincial and Local Government
DRDLR – Department of Rural Development and Land Reform
DSC – Department of Correctional Services
DSD – Department of Social Development
DT – Department of Transport
DTI – Department of Trade and Industry
DWA – Department of Women’s Affairs
HIV – Human Immunodeficiency Virus
IC – Implementation Committee
ILO – International Labour Organisation
IPEC – International Programme on the Elimination of Child Labour
NGO – Non Governmental Organisation

NPA – National Prosecuting Agency

NSDS – National Skills Development Strategy

PDE – Provincial Departments of Education

STD – Sexually Transmitted Disease

CHAPTER ONE

1.1 Introduction

This chapter gives a preview of the entire research report; the soil on which the research is planted. The chapter consists of the problem statement, the research objectives, the proposition and the research questions. The problem statement is the back bone of the entire thesis. It is the reason for which the research is being carried out. It identifies the problem which the research attempts to solve. And in order to shed some light on how the official approach to child labour has changed in South Africa over time, a review of previous child related policies will be done. This will count as part of the problem statement. The proposition represents the mind of the researcher at the initiation of the research. At the end of the work, the proposition will be shown to be either true or false. The research questions give direction to the work. They act as a guide for where the researcher should look for information. This is because the researcher will go to different sources for information; and the nature of the questions will determine where the answers come from. The objectives provide the expectations that the research is supposed to meet. They constitute the results that the researcher wants to achieve. However, before embarking on the analysis of the implementation of the Child Labour Programme of Action 2003, it is vital to first of all understand what a policy is.

Policies are embedded into the very fabric of the everyday life of a country. They determine what children learn at school, the kinds of food found at the supermarket, the quality of the water we drink; it controls what gets into the country as imports and what gets out as exports. A country's policies are the reason why it is perceived in a particular way by the world. Its economy, social and cultural life, and even the way politics is carried out, are mostly determined by its policies. Given the amount of influence that policies have, it leaves the question of actually defining a policy. This is often not an easy question to answer, as there are many views and opinions on what a policy is. The most popular policy definitions all have one thing in common: they hold that a policy consists of a government's choice of action (Lasswell and Lerner, 1951; Dye, 1984; Jenkins, 1978; Howlett and Ramesh, 2003) Policy should not be confused with politics. The difference between the two is that while the latter sees to the allocation of public resources; who gets what, when and how(Lasswell, 1936), the former establishes which actions need to be taken so that those resources are distributed and then it sets out measures for the actual carrying out of those actions.

After defining a policy, it is important to understand how it is formulated. Policy formulation is a complex process, if it is to be done properly. People who do not have knowledge about the designing of a policy are of the impression that it entails one or two people deciding on the fate of an entire nation based on their own personal perspectives and opinions. But it is not so. Policy formulation requires brainstorming, calculations, negotiations, discussions and sometimes even arguments, in order to come up with policies that are not only beneficial to the people, but also feasible and cost efficient for the government. There are a number of approaches to policy formulation that have been developed over the years by different policy scholars. One of the more popular of these approaches and the one that will be used in this research is the one developed by Dunn (1994). He came up with different processes which when put together, lead to the development of a policy. These processes are: agenda setting, policy formulation, policy adoption, policy implementation and policy assessment. These will be addressed in detail in Chapter Two.

1.2 Problem Statement

This research focuses on the implementation phase of the policy process. The policy under examination is the South African Child Labour Programme of Action of 2003, as well as its second phase which was implemented from 2008-2013 and its third phase which is currently being implemented from 2013-2017. Child labour here can be defined as the use of children to carry out tasks that negatively affect their physical, intellectual, emotional and psychological development.

Child labour is a problem that has raised concern in many societies around the world. However, slave labour is not an occurrence that was brought on by colonial influence. History has records of slavery being practised on the African continent long before the era of colonialism. In every region of Africa, there are tribes that engaged in the buying and selling of slaves. In the North, it was practised by the Berbers and Touaregs of the Sahara region. In North East Africa it was the Ethiopians, Somalis, Egyptians and Sudanese. In West Africa, the people of Senegambia Guinea, Ghana Ivory Coast, Mali, Dahomey and Nigeria, In Central Africa the Duala of Cameroon and the people of modern day Democratic Republic of Congo recognised slavery. And in the South of Africa the Cokwe of Angola and the Sena of Mozambique also made use of slaves (Perbi, 2001). The institution of slavery in pre-colonial Africa differed to the type of slavery that was introduced by the Europeans. Usually, slaves were captives from war. They were mostly women who were used either in agricultural or economic functions, or used for domestic work. It was actually possible for slaves in Africa to

rise in rank and become trusted confidants or advisers for their masters. Others were integrated into the families of their masters, and their children or grandchildren were free members of society (Wright, 2000).

The colonial style of slavery and child labour in South Africa was introduced by the Dutch who settled at the Cape of Good Hope in 1652 and imported slaves, children included, from West Africa (Levine 2009). According to Levine, the traders believed that by submitting the children to labour, they were saving them by making them less primitive. Child labour continued up to the Apartheid era, where there was vast marginalisation of blacks by whites. Black children were deprived of a good standard of education. Most of them lived in abject poverty, with their parents doing only the most menial jobs. In order to be of assistance to their families, many children began working to act as a financial support system. The end of Apartheid in 1994 and the setting up of a new constitution two years later saw the elevation of the status of black South Africans. Over the years, different policies have been developed to manage the issue of child labour, but none have successfully eradicated it. Child labour has existed in South Africa since the colonial era; however it has taken on different forms depending on the period in history. And it is important to know the factors that keep the practice going, what actions the government has taken against it so far and why these actions do not seem to be yielding results. That is the essence of this research.

Child Labour is thought to be quite inappropriate in many countries. According to the South African framework document for the New Growth Path (2009), there was wide spread agreement that the major causes of the problems in South Africa's economy are poverty, unemployment and inequality. The 2011 diagnostic report of the South African economy outlines the most pertinent problems that are presently affecting the country namely poverty, inequality and weakness on the part of the government (National Planning Commission, 2011). The government has highlighted the difficulties in the economy via this document. However these are things that the poorer South Africans have had to deal with for decades, during and after Apartheid. They devised other means of bringing in extra income for themselves, one of which is child labour. But child labour is quite a covert activity. And although the government has formulated policies to address the problem, it still seems to go unnoticed.

According to the Minister of Labour, Mildred Oliphant, there are approximately over 800.000 children still involved in child labour (Fin24, 2013). Based on this, it can be said that the policy that has been put in place to combat child labour is not working as it should, as this figure is quite high. The question therefore stands; why is the policy not working? The

following section will bring out the approaches that the government has used thus far to manage child labour. National policies as well as international conventions over the years have helped to shape South Africa's policy approach to child labour today.

Earlier South African Policy Documents

The earliest policy that was set up for the protection of children was the Child Care Act of 1983. This act revolved around the setting up of a children's court, and determining how children in problematic situations will be taken care of. The only form of child labour that was recognised and addressed in this act was children being sexually exploited for commercial purposes. According to the act, any person found guilty of using children for commercial sexual exploitation will be liable to a fine, imprisonment or both (South African Government, 1983). The Child Care Act was repealed in favour of the Children's Act of 2005.

After the apartheid regime was broken down the new Constitution became the 'supreme law of the Republic' (Constitution of South Africa, 1996), and it also made provisions for the rights of children. Under chapter 2 article 13, the Constitution forbids that any person be subjected to slavery, servitude or forced labour. In the same chapter, section 28 (1)(e) mentions that all children have the right to be protected from abusive work, and in (f) it says that it is the right of a child not to be permitted to do work that is age inappropriate or that puts the child's all round well-being or education at risk. However after apartheid, there was still a high level of imbalance in the economic scales between the poor and the rich (Seekings, 2007). And despite their new found freedom, many black South Africans were still struggling to maintain their livelihood. This imbalance led to people looking for alternative means of income, and thus children flooded the grape farms. These were children who often had to combine school work with farm work in order to help in making ends meet (Levine, 1999). Even today, children can still be found in the grape farms.

In 1998, the Basic Conditions of Employment Act (Act75/97) began to be implemented. The purpose of the act was to ensure that fair labour practices were established at all places of work in the Republic. It also catered to the needs of children who are involved in work. Basically, it reiterated the limitations that were earlier placed on child employment by the constitution. Chapter six of the act focuses on child employment and forced labour. Section 43 of the chapter says that it is forbidden to employ children less than 15 years of age, or less than the official school leaving age. Also, the same section, in subsection 2, says that a child should not be employed if that form of employment is harmful to the child's well-being, growth and development or if the job is age inappropriate. Anyone who contravenes this is committing an

offence. According to section 44, a child who is at least 15 or no longer bound by the terms of compulsory schooling can be prohibited by the Minister from working, if the conditions of work go against section 43(2) of the Act. Section 48 says that forced labour in all forms is forbidden according to the Constitution, and overlooking this is tantamount to committing an offence.

As earlier mentioned, the Child Care Act, as well as all its amendments was replaced by the Children's Act of 2005. The 2005 Act addresses the care and protection of children and sets up the rules around children's courts. It also stipulates the rules around adopting a child be it within or across the South African borders. The act equally addresses the rights and responsibilities of parents and surrogate mothers. Finally it reinforces some children's rights that were laid out in the constitution as well as the Hague Convention of 1980 on the civil aspects of international child abduction. This convention speaks to cases where a child was forcibly abducted by one parent across international borders. It provides directives on how to return that child to their country of origin, and back to the parent who has custody of the child (The Hague, 1980).

The Prevention and Combating of Trafficking in Persons Act was approved in 2013. As can be seen from the title of the Act, it was designed to deal with issues of trafficking in persons, including children. The Act makes it illegal to traffic in persons. It is officially an offense, and the Act sets out the penalties that will be paid in any case of such an offence. It also seeks to help and protect people who have been trafficked within or across the South African borders. Although this act does not deal directly with child labour, they are closely related. This is because most children who are trafficked within and across the borders end up being involved in one form of child labour or the other. Chapters 4, 7 and 8 of the Act make provision for child victims of trafficking. Chapter 4 Section 18 of the Act deals with the processes to be undertaken if a child is a suspected victim of trafficking. According to the document, a person who has a definite knowledge or a reasonable suspicion of a child victim of trafficking has the right to overlook the laws against the release of personal information. That person is bound by the act to release that knowledge to the police. The police have the right to search the suspected premises without a warrant to ascertain that no trafficked child is being held. The next step will be to contact the Department of Social Development to have the child removed into temporary safe care while the case is being handled in court, in accordance with the Children's Act. And if it is found that the child is an illegal immigrant from across the border, then permission will be granted for the child to remain in the territory for the length of the trial.

International Conventions

Aside from national policies designed to help curb child labour, there has been influence from International Organisations. South Africa has ratified some conventions that speak to the issue of child labour. And these conventions have guided the government in their actions against child labour. First off, a convention is defined by the UN as an agreement between different countries on certain issues. And countries that ratify or approve the agreement are bound by law to abide by the decisions in the convention (The United Nations). There are two main conventions that have been ratified by South Africa, and hence laid the premise for the design of the Child Labour Programme of Action.

Convention No 138 on the Minimum Age for Admission to Employment, 1973 otherwise known as the Minimum Age Convention from the International Labour Organisation (ILO) stipulates that ratifying countries have to design a policy aimed at the eradication of child labour. The other requirement is that countries have to gradually raise the age at which a person can be lawfully employed to an age that is appropriate considering the level of physical and mental development of a child. South Africa ratified this convention on the 30th March 2000, setting the minimum age at 15 years.

According to Convention No 182 on the Worst Forms of Child Labour of 1999, all ratifying countries need to take steps to prevent and eliminate the worst forms of child labour “as a matter of urgency” (ILO, 1999). The worst forms of child labour are specified by the convention in Article 3

- All forms of slavery, which includes the trafficking of children to be used for forced or bonded labour or for military purposes;
- The use of children for sexual exploitation;
- The use of children in the production and distribution of illegal drugs;
- Work that puts a child’s safety, health or morals at risk.

Article 6 of the same convention requires that all member countries should take definitive actions towards the elimination of child labour. Also members are to consult institutions and trade unions that are already present and functional on their respective territories as tools in the implementation of the actions against child labour.

The National Child Labour Programme of Action of 2003 is a direct result of Convention 182, as it is the action that was taken by the government in response to the request of the convention. However, despite all the previous policies that were developed, as well as

the international conventions, child labour can still be found practised in South Africa. This is the problem that this research seeks to understand.

1.3 Research Objectives

There are a number of goals that this research aims to achieve:

- Firstly, develop an understanding of the child labour policies that have been developed thus far.
- Then identify the most fertile grounds for child labour and what encourages the practice, both on the side of the labourers and the employers.
- And finally it will analyse, in more detail, the work that the government has done so far in bringing an end to child labour and see where the government is failing, and recommend steps for the future.

1.4 Proposition

The economic situation currently being faced in South Africa is one that does not make it easy for people to have good living standards, especially those in the lower income brackets. For instance, for the tax year 2016 which runs from 1march 2015 - 29 February 2016, those between the income brackets of R0 – R181900 per annum have to pay 18% of each R1 they earn (SARS, 2015). Thus encouraging them to look for alternative sources of income, and this results in the continued presence of child labour. The government has set up a policy to deal expressly with the problem of child labour, to little avail. And despite the correctness of the policy, it seems not to have the intended effect on the state of child labour. The proposition therefore as to why child labour is still prevalent is that; the policy on paper is not aligned with the realities on the ground. This apparent misalignment is what the research will be investigating.

1.5 Research Questions

The following questions will guide the research. In the actual conducting of the research, these are the questions that will be answered:

Primary Research Question:

How widespread is child labour and what are the drivers of child labour in South Africa?

Secondary Research Question:

To what extent are the objectives of the 2003 Child Labour Programme of Action being achieved?

Tertiary Research Question:

What are the implementation challenges associated with the 2003 Child Labour Programme of Action?

1.6 Framework of the Research Report

This research report is made up of six chapters. Each chapter deals with a different but equally relevant part of the research:

Chapter One is the introductory chapter. It looks into the local and international legislations that have influenced the design of the Child Labour Programme of Action. The problem statement, proposition, research questions and research objectives are also brought out. These enable the reader to see what direction the research is going to take.

Chapter Two consists of the Literature Review, a summary of the Child Labour Programme of Action of 2003 and its updates of 2008 and 2013, the Conceptualisation, the Policy Process Model and the 5 C Protocol. The Literature Review takes a look at the different approaches that have been used in the past to approach the subject of child labour. This shall be seen in the form of articles and research on child labour from around the world and from South Africa as well. A detailed summary of the child labour policy that is currently being used by the government will equally be presented. The Policy Process Model developed by Dunn in 1994 will be expounded, and the 5C Protocol which entails the different factors that influence policy implementation will also be examined.

Chapter Three is the Methodology chapter. The method that will be used for data collection and data analysis will be discussed and justified. This chapter will also carry the field operations i.e. the way in which the research will actually be carried out, as well as the ethical considerations that will be taken into account during the research.

Chapter Four: This is where the research questions will be answered. This will be done via the interviews, and all the data that will be gathered from the interviewees will be presented.

Chapter Five: In this chapter, the data that was put together in the previous chapter will be analysed. The answers from the different interviewees will be compared and this will aid in bringing out the correlation between the proposition, the research questions and the actual findings of the research.

Chapter Six: This concludes the research and provides recommendations for the gaps that may be found in the current government implementation of the child labour policy. There may also be limitations to the research and these will be brought out as well.

CHAPTER TWO

2.1 Introduction

This chapter contains literature that was found to have some relevance as far as the implementation of the South African child labour policy of 2003 is concerned. The literature review discusses the work that has been done by other researchers so far on the issue of child labour from around the world and from South Africa. A summary of the current policy that is in place to address the issue of child labour in South Africa is included. The Policy Process Model speaks to the process that is used in building a policy. It is components from this model that will inform the analysis of how South Africa's Child Labour Programme of Action is being implemented. The 5C Protocol draws from the Policy Process Model, concentrating on the one aspect of the policy process that the research hinges on. All these helped to guide the line of thought for the research.

2.2 Literature Review

Many people have different conceptions about child labour. Several authors have developed theories as to the causes of child labour, and the dynamics that affect the way child labour is carried out around the world. There are differing schools of thought with relation to the causes of child labour, the measures that can be taken to alleviate the problem, and the way child labour is practised. However, the focus of the literature presented here will be around the causes of child labour as well as the various actions that have been taken to curb it, from around the world, in other parts of Africa, and in South Africa more specifically. Looking at the causes of an issue as well as the measures that have already been applied and suggested as solutions to it, provides a deeper insight into how that issue can be resolved. The literature review will also look into articles that have used the opinions and experiences of child labourers. Understanding their perception of child labour could help in making more realistic suggestions toward ending child labour. Thus, the literature review will help to reveal how much work has been done already on the issue of child labour, and where the focus has been so far.

Child Labour around the world

In an article by Baughman, certain factors are discussed as causes of child labour worldwide. First off, there is poverty. She states in the article that the rate of child labour increases in proportion to economic pressure (Baughman, 2011). The article mentions a study carried out in Vietnam where it was seen that there was a 30% decrease in child labour between the years 1993 and 1997, which occurred in conjunction with an average of 9% yearly growth in the country's GDP. The study goes further to say that 60 % of the decline in child labour during those years can be explained by the economic improvement that was experienced in that time. The article also makes reference to an ILO study in Brazil, where the number of children who dropped out of school dramatically reduced once families were given a financial motivation to keep their seven to fourteen year olds in school. The article equally brings to light the fact that some families send their children off to work in order to reduce the number of mouths they have to feed. Their article portrays poverty as being the source of other factors that could lead to child labour. The explanation they give is that; children who work do not go to school. Hence they never obtain those skills that will help them get out of poverty in the future. In short, they are condemned to a life of poverty and will most likely put their own children to work, as that is the only way they have learned to obtain an income.

The second cause of child labour that they identify is the globalised economy. The article says that agriculture is an area where child labour is very rife. This is explained by the fact that agriculture is affected by the market forces of demand and supply, thus it works to the advantage of some, but to the disadvantage of others. Globalisation has made this matter worse because it has increased the levels of competition in the markets. This mostly affects farmers in developing countries, as the prices are often determined by the more influential Western markets. The norm in the market scenario is that three quarters of the benefits go to those who can affect the price (Baughman, 2011). Therefore, in order to be able to compete, these farmers resort to the use of child labour in a bid to reduce employment costs. Children will rarely complain about their pay and can be easily manipulated. Thus making them an easy target for those looking for cheap labour. As a result, agriculture in developing countries has created a fertile ground for child labour. And the problem is made worse because in developing countries, most farms are small and family owned. Those that are bigger hardly keep a record of their employees. So it is difficult for governments to check all the farms within their borders for labour law inconsistencies.

As a solution, the article proposes the use of fair trade as a means to ensure that countries leave no stone unturned with regards to the struggle to eliminate child labour. Fair trade can be defined as “a trading partnership, based on dialogue, transparency and respect that seeks greater equity in international trade” (World Fair Trade Organisation, 2013). It aims at securing better rates for food producers in third world countries who are at an economic disadvantage as compared to first world consumers who control the market. The article points to advantages that come with the use of fair trade. Firstly, it is easier to apply sanctions against countries that have signed the charter, but do not comply to the stipulations therein. Secondly, because it is a private decision taken by governments, fair trade avoids all the political manoeuvres that are involved with conventional economic agreements. The authors posit that by giving every producer a fair chance at making profit, fair trade makes child labour irrelevant, as producers in the poorer countries will not have to worry about their costs and both parties; producers and consumers alike, are able to make profits.

Another article shows the practical use of fair trade to combat child labour. The 2006 article by Edmond shows that the United States of America has also used threats of trade sanctions as a means of reducing the global incidents of child labour. According to this article, the U.S Congress has considered putting up laws that will prohibit the import of products made using child labour into the U.S. In Bangladesh, garment factories released over 10.000 children under the age of 14, on account of such threats. This was in the mid-1990s. In 2002, the U.S government came up with the ‘Child Labour Elimination Act’ which was to cut off financial aid and imposes trade sanctions on some 62 developing countries that were seen to have high rates of child labour. However the bill was not accepted by Parliament though the reason for the rejection of the bill is not mentioned in the article. The authors suggest that increasing the demand for adult labour will increase income and reduce the demand for child labour. They also propose improvements in educational systems and offer incentives for sending children to school as even quicker solutions to the child labour issue.

Another author whose work is quite relevant is Woodhead (1999). His research focused on children who were actually involved in child labour in India, analysing how they felt about the work they did. From his research it could be seen that work was actually a necessary part of some children’s lives. International organisations are driven to eradicate child labour. They however fail to see that for some of these children work gives them a sense of pride and increased self-esteem, which they do not get from school. Some of them have been so stigmatised from their work that re-entering a school milieu is practically impossible. As an

answer to child labour, the article suggests that rather than viewing child labourers as passive victims, they should be used as active partners. This will help in creating a solution that will benefit the children.

Child Labour in BRIC countries

Eleonore Meyer (2010) reveals that the BRIC countries have also been shown to have an intersection between poverty and child labour. According to Meyer, Maplecroft risk analysts conducted research into the levels of child labour found in the world's fastest developing economies; BRIC. This research was done with the aim of identifying potential risks to investors as a result of child labour. In the ensuing report it was noted that India ranked 1st place out of 169 countries on the Maplecroft child labour index. The report stated that national and international NGOs placed the child labour count in India at an estimated 60-115 million children. Meanwhile government reports have the figure at an estimated 16.4 million. And many of these children are involved in the worst forms of child labour. China, Brazil and Russia did not escape this analysis and each of them was found to be high risk areas for investment because of their child labour numbers (Meyer, 2010). China was found to have high levels of child labour in the manufacturing sector where along the line, labour is passed to home workers, many of which include children. For Brazil, prevalence of child labour was in the agricultural sector, with 27300 work place accidents occurring in 2006 involving children. The report counted 10.000 children in child labour violations in 2008. Russia as well was tagged as a high risk place for investment, ranking 75th out of 196 on the Maplecroft index. Despite the fact that there were no actual child labour figures found, the Federal Labour and Employment Service found more than 10.000 cases of violation of child labour laws.

Despite these child labour figures that came up from Maplecroft's research, these countries were counted among the nations that could have been the powerhouses of the world. And with South Africa joining this group of countries in late 2010, it indicates that South Africa was recognised as the representative of Africa among the world's fastest growing economies. However with the current state of South Africa's economy, it raises doubt as to whether South Africa can still retain its position as one of the economic power houses of Africa and the world. This follows for some of the other BRIC countries as well, with Russia and Brazil currently in recession. BRIC was a force to reckon with between the years of 2008-2015. However, the economic and political tides have turned and these countries have lost their standing and the emerging powers of the world.

Child labour in the rest of Africa

On the African continent, child labour is not an occurrence that is singular to South Africa. Other African countries face the same challenge with child labour. The most popular case of child labour in Sub-Saharan Africa excluding South Africa, is that of the cocoa plantations in West Africa, notably Ghana and Cote d'Ivoire. Sackett (2008) gives a comprehensive account of child labour in the West African cocoa industry, beginning from its origins in the late 1800s right down to modern day attempts to end it. She draws her information from other articles that have been published on the subject, and she uses extracts from those articles to bolster her arguments. As per the article, slave labour in West Africa was abolished by the Portuguese in 1876. But it quickly re-emerged and has prevailed till present day. Despite the fact that slavery in West Africa no longer exists as it used to in the 18th and 19th century, where people owned slaves as their property, slavery still exists in a contemporary form. It has adopted the use of violence or coercion. And children in developing countries very easily fall prey to this form of slavery because of poverty (Sackett, 2008).

The article states that with regards to the exact number of child labourers in that area, there is no reliable information available due to questionable methodology used in collecting data. However, it is certain that those children who do work on cocoa farms are poorly treated. They usually work for the same hours as adult labourers but are paid less, they use machetes which often result in severe injuries, and they use pesticides without any protective masks (Sackett, 2008). Mention is made of how as a consequence of fatigue from their work, child labourers are unable to excel at school. Thus trapping them in a poverty cycle. The causes of child labour in the cocoa industry range from the labour intensive nature of the crop, to the World Bank and IMF structural adjustment programs of the 1990s, to the West African agrarian culture where children are raised to help maintain the family's farms.

According to Sackett, attempts have also been made to remove child labour in the cocoa industry. The USA and international organisations came up with the Cocoa Protocol which encouraged cocoa production that fell in line with the ILO convention 182. They also conducted awareness raising in order to educate farmers on the worst forms of child labour. This took the form of Farmer Field Schools that were set up in Ghana, Nigeria, Cameroon and Cote d'Ivoire. Non-governmental organisations like Anti-Slavery International and Free the Slaves have played a role by lobbying for the governments to take child labour more seriously. The International Labour Rights Fund and Global Exchange took to the courts in 2004 to enforce custom regulations against cocoa produced by child labour. However the case was dismissed

after members of the industries blocked it. The governments of the West African countries that have this child labour problem have also tried to address the issue by instituting child labour laws, though none of the laws are enforced thus rendering them redundant.

Child Labour in South Africa

According to Levine (1999), child labour in the Western Cape province of South Africa is the result of income inequalities brought about by the racial differentiation of the Apartheid era. In other words, poverty was the main cause for the presence of child labour in South Africa. Her research focused on children who worked on the grape farms and she analysed the opinions of child labourers on whether or not children should be allowed to work. Some saw it as a necessary evil, even though the conditions were sometimes inhumane; they were deprived from school and some jobs posed a potential health hazard. Others were of the view that as long as it did not interfere with schooling, then child labour should be allowed. But all the children came to the same consensus; an attempt to completely eradicate child labour will only lead to children or parents finding a new alternative means of getting more income. And this may result to even more covert and hazardous forms of the practice. This is in line with the aforementioned article by Woodhead that suggests that children should be used as active instruments in the ending of child labour.

Bray (2002) outlines a study she did which shows that the South African government has not ensured the wellbeing of its children. In the 1996 Constitution, the government made a commitment to the wellbeing of South Africa's children. It recognised the role school children played in the democratization of the country via the 1970s protests that occurred in retaliation to the Bantu Education Act, where some children lost their lives in the quest for better education.

Bray (2002) states that the National Programme of Action for Children (NPA) set out the standards that were going to be kept for the children of South Africa. The problem with the policy was that it was vague and overly ambitious. No description was given of how the plans for better education, protection, health care and so on, were going to be achieved. Nor were the means of measuring progress towards these objectives. Such an oversight on the part of the government is what has contributed to the high occurrences of child labour today. More so, the necessary data to track the condition of children is not readily available and up to date, and the minimal information that is available is not of good quality. This makes it difficult to make any improvement on the plight of children, because even the government has no real idea of

the goings-on in the world of child labour in South Africa. Despite the fact that the government has come up with a policy to improve the situation of child labourers, it remains to see whether this policy is doing its work.

Unemployment, which is defined as the inability of an adult to find a job despite an individual's desire to do so (South African Reserve Bank), is also a factor that affects child labour. McLaren (2010) in her work aptly describes how high levels of unemployment can lead to increased child labour. She uses Woytinsky's *added worker effect*, whereby in the case of the head of the family losing his job, the wife and children begin to look for work (Humphrey, 1940 as used by McLaren, 2010). Due to the reduced per capita income caused by unemployment, the other family members will rather sacrifice their leisure activities and invest more time in looking for employment opportunities, especially if they are not willing to dip into their savings. Therefore, higher adult unemployment rates lead to increased incidences of children entering the labour market.

Edmonds (2004) provides a link between increased incomes, in the form of pension, and the reduction of child labour and increase in school attendance. Pension in this case refers to an amount of money given monthly by the South African government to aid elderly people who are unable to earn an income for themselves. His study purports that the more liquid cash a family has access to, then the need for children to engage in labour reduces. The implication of this is that with the prospect of the inflow of liquid cash, people are more ready to take children off work and put them into school. It all boils down to the issue of poverty, and its effects on child labour.

Another angle that is taken on the case of child labour in South Africa is that taken by the topmost organisation on labour worldwide, that being the International Labour Organisation (ILO). This body has done several studies on child labour and produced documents that can be examined. Despite the fact that the ILO usually produces documents on the general state of child labour globally, South Africa always features. One of such reports is the World Report on Child labour 2013, which focuses on economic vulnerability, social protection and the fight against child labour. The report is the first out of a series that was requested during The Hague Child Labour Conference of 2010. The reports will be produced to represent the state of child labour across the world during the time of production. They will use already existing research from each country, as well as research information from the International Programme on the Elimination of Child Labour (IPEC), the Understanding Children's Work (UCW) programme, the United Nations Children's Fund (UNICEF) and the

World Bank (ILO, 2013). Considering the fact that poverty has stood out as one of the most prominent causes of child labour, this first report looks at the effect that different social security measures have had so far in reducing the global child labour figures.

As per international consensus, the role of social protection is quite central to the ILO's target of eliminating the worst forms of child labour by 2016. This was emphasised by the adoption of the new international standard for social security; The Social Protection Floors Recommendation. It brings out two approaches to establishing social protection;

- Horizontally, through the government ensuring that it is a basic part of its social security strategy, and
- Vertically, by using methods that will enable higher levels of social security to reach more people, as guided by the ILO standards.

This report is concerned mainly with the horizontal method, and it touches on some ways by which this can be achieved. First off are programmes that transfer cash directly to families with children. These transfers can either be conditional or not. And there are indications from around the world that such schemes actually work to reduce child labour, for instance the CESSP policy in Cambodia. Nonetheless, these programmes have not succeeded to singlehandedly eradicate child labour. That is why there are other programmes that have been used such as employment programmes. These will facilitate the employment of adults. This has however not yet been tested, so there is no hard proof to show that this will work when related to child labour. Then there is social health protection, which will mitigate the situation where family bread winners are incapacitated due to health problems, and children feel the need to assist by engaging in economic activities. There is evidence of this method yielding the desired fruit in Guatemala, Pakistan and Kenya. Furthermore, there is the provision for disabled people, especially adults who are unable to work. This has not been tested either. Again according to the ILO report of 2013, in Brazil and South Africa, there is a pension scheme for elderly people particularly in multi-generational homes, and research has shown that this has helped reduce the number of children who engage in employment activities. Also, if adults get unemployed without their choosing, the chances of child labour are greatly increased. Thus programmes guarding against this are needed. But no links have so far been created between such programmes and the effects on child labour.

The document analysed here is right in citing social security as a tool for addressing child labour. Despite the fact that it shows evidence that reducing economic uncertainty reduces instances of child labour, one has to take stock of the fact that it is the first in a series of reports

to be produced by the ILO. Therefore, the document has to be looked at with an opened mind, as global trends can change the realities presented in this report.

Social Security already forms a big part of South Africa's economy. There are child support grants, old age grants, free primary school education schemes, just to name a few. These are just some of the measures the South African government has taken in order to lift the financial burdens from the most underprivileged citizens. It is recognised in South Africa that poverty and adult unemployment are some of the main drivers of child labour. And the government has set up means of curbing these ills through the South African Social Security Agency (SASSA). But social security alone cannot act as a solution for child labour. Other paths have to be taken in order to achieve the goal of eradicating the worst forms of child labour by 2015. That explains why other government departments are involved in different capacities, performing different roles in the fight against child labour.

Added to the above mentioned ways by which child labour is handled in South Africa, there are also organisations that advocate for children's rights across the country. These include children's right groups, human rights lawyers, as well as the South African Congress of Trade Unions (COSATU). South Africa has several NGOs that seek to promote children's rights. Children First is one of such NGOs. They are an international network that grounds their work on UN child rights conventions. They use policy, research and advocacy to push for child rights in South Africa. Another of such is Save the Children. This is an independent organisation that has representation in over 120 countries across the world. The focus of Save the children is childhood care and development from an early age, education, health and nutrition, child rights, and child protection. They came up with the 2030 agenda which aims to get South Africa's poorest and most vulnerable children out of the poverty gap, as well as ending violence against children by the year 2030.

The Lawyers for Human Rights is a non-profit group that provides gratis legal services to those whose rights have been violated, and who are unable to pay for such services. They act as watch dogs and advocate for human rights across the country. Another legal organisation that champions human rights in South Africa is the Black Sash. They are also a non-profit and have been working to promote human rights in South Africa during and after the Apartheid era. They help South African with all sorts of human rights issues, ranging from labour rights to the rights of asylum seekers and refugees. COSATU has also taken a stand to protect labour rights in South Africa, and has been vocal in the fight against child labour. They participated in this year's national day against child labour event that was organised by the Department of

Labour, and over the years they have made it a point to speak out against child labour in South Africa especially in those provinces where agriculture is widespread.

These organisations all recognise that child labour exists due to the fact that some members of society are poor and so are unable to provide for or fend for themselves. Thus the need for them to stand and defend the underprivileged, providing services that aid in restoring the rights of child labourers.

Congdon (2012) posits that child labour cannot be narrowed down to a single cause. There are a number of factors that can act either to promote child labour or to reduce it. In her research based on the empirical studies of other child labour researchers, she makes the conclusion that the incidence of child labour can be brought about by factors such as poverty, gender inequality, market imperfections, macroeconomic factors, just to name a few. She equally states that due to the fact that child labour is influenced by so many factors, there is no single policy that can act as a panacea for child labour, it is going to take quite a number of policies, working in conjunction, in order to solve the problem.

The essence of this research is to establish the link between child labour policies on paper, and what happens on the ground during implementation. The literature presented above highlights the root causes of child labour on a global scale. Taking a look at the causes behind the problem helps to bring an understanding of the direction that it has taken. The main cause that links most of these works is poverty, as it is singled out as being the root which all the other causes stem from (Baughman, 2011; Meyer, 2010). Putting this in the South African context, one finds that it is highly relevant seeing as widespread poverty is an issue that the government faces. The articles mostly describe the practice of child labour, and what influences it, such as the government and the economy respectively (Bray, 2002 and Edmonds, 2004). The other articles look at the causes of child labour from the perspective of areas outside South Africa; the Global market, BRICS and other African countries (Edmonds, 2006; Meyer, 2010). Some research has been done into the nature of child labour in South Africa, its most common forms and what has already been done so far in terms of policy. But there is no research that has looked into the reason for which child labour, despite the existing policies continues to exist and in high numbers; 121000 children still involved in child labour in the year 2010 (News24, 2012). Hence the relevance of this research, as it will provide information that will speak to this knowledge gap. It is information that looks into the issue of implementing child labour policy in South Africa, and it sets the foundation for the problem statement and research questions.

2.3 The Child Labour Programme of Action (2003, 2008 and 2013)

Background Information

This section details the policy that is at the centre of this work. There will be a summary of the origins of the policy, its stipulations as well as the progress that has been so far made of the policy's implementation. All the information is sourced from government reports on the policy. However, before embarking on the details of the policy, it is vital to shed some light on the different concepts that are core to understanding the policy, and the research as a whole. The main concept that warrants an explanation is 'child' that is say; who is recognised as a child. The Oxford Dictionary Online defines a child as being 'a young human being below the age of puberty or below the legal age of maturity'. In the South African context, the Children's Act of 2005 characterises a child as someone below the age of eighteen, as long as that person is single and has not been emancipated by the court. This is in line with the South African constitution, section 28(3). UNICEF, via the Convention on the Rights of the child defines a child as one who is below the age of eighteen. All the above definitions, except the Oxford Dictionary definition, agree that eighteen years is the cut off age for a child. This definition will aid the understanding of the definition of child labour.

The next concept that needs to be clarified is 'child labour'. People and institutions have developed a myriad of ideas about child labour. The South African Constitution defines child labour as all forms of "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" (South African Government, 1996). Bonnet (1993) gives an apt definition to the concept as pertains to the African context. He defines it as 'all activities, except attendance at school and occupations which children themselves describe as games, regardless of the status assigned to them in their social environment' (Bonnet, 1993). According to the ILO, child labour is work that destroys childhood, potential and dignity. In its extreme form it enslaves children, separates them from their families, and hinders their physical and mental development (ILO, 2012). Another definition of child labour is that it is work that children should not be carrying out, either because they are too young to work, or the type of work is too dangerous or unsuitable (the United Nations). Nonetheless, the UN identifies a good side to child work, as long as there is no interference with the health and education of the child. The concept of implementation also needs to be broken down, so that there is clarity from the context of the research report. Implementation usually involves a set of steps taken to achieve a goal. Brynard (2011) makes the idea of implementation quite clear when he uses the definition

set forth by Van Meter and Van Horn in 1974. They said implementation is concerned with actions taken by individuals that are intended to attain the objectives that were spelled out in policy decisions.

As mentioned in the previous chapter, the Child Labour Programme of Action is the policy that is being used to address the issue of child labour in South Africa. The South African government began the process of designing this policy as a fulfilment of the conditions of the ILO convention of 1973, which relates to the minimum age for admission to employment, which South Africa has ratified. The convention requires states to develop a policy aimed at putting an end to child labour and progressively raising the minimum age required for employment. The Worst Forms of Child Labour Convention (1999) demands that countries take 'time-bound measures' to remove the Worst Forms of Child Labour (WFCL). South Africa took part in the drafting of this convention and ratified it in the year 2000. Also, in the constitution, sections 28(e) and (f) (i) and (ii), speak to the rights of children as relates to labour practises. Thus, the Child Labour Programme of Action came into being in order to support the WFCL convention as well as the Constitution of South Africa. So far, there are a number of activities that are already being undertaken by government with the aim of improving child welfare. These activities include the provision of social grants and providing the basic infrastructure (South African government, 2003). However, the burden of delivering these services and managing every other aspect of child labour cannot fall on the Department of Social Development alone. In this regard the policy acts as a guide on how to put in a concerted effort by all the necessary government departments, into tackling the issue of child labour. The policy is being carried out in phases: the original policy document was published in 2003. The follow up document of 2008 covered phase 2 of the implementation process. Phase 3 was begun in 2013, and is supposed to run through to 2017.

Child Labour Programme of Action 2003 – Phase 1

The policy was first conceptualised in 1999 with a survey carried out by Statistics South Africa called Survey of the Activities of Young People (SAYP). The survey came up with activities that children regularly carry out that can be classified as work, and it helped the government to classify those children who were at a higher risk of exploitation and who were most in need. The government then went on to consult key stakeholders such as NGOs, labour unions, organised business, government departments, as well as children, and used their input to formulate the policy, with the Department of Labour overseeing the entire process

(Department of Labour, 2003). This document which was officially released in 2003 was one of the building blocks of the policy, as well as the qualitative research that was carried out.

Information obtained from children

The information that was obtained from children themselves had to do with the kind of work they do on a regular or even daily basis. All the information was gathered during the 1999 survey by Statistics South Africa on the kinds of activities children do, and the information helped to guide the formulation of the policy. Questions were asked to the children about the different kinds of activities they carried out; for instance helping to run the family business, or farming or even begging. These questions were asked technically in order to prevent hesitation on the part of the children. The findings from the survey can be summarised in the tables below;

Table 1.1 Children aged 5-14 years working 3 hours a week or more in economic activities by industry in deep rural areas

Industry	Number of children spending 3h/w+ on economic activities	Proportion of these children who live in deep rural areas	Number of children working 3h/w+ as proportion of all children aged 5-14
Subsistence agriculture	390 000	83	3.7
Wholesale and retail trade	225 000	58	2.1
Commercial Agriculture	67 000	61	0.6
Manufacturing and Construction	15 000	93	0.1
Private Households	13 000	31	0.1
TOTAL	728 000	44	6.8

Source: The Research Report-National Child Labour Action Programme for South Africa, Department of Labour-2003.

Table 1.2 Children aged 5-14 years working 12 hours/week or more in economic activities by industry in deep rural areas

Industry	Number of children spending 12h/w+ on economic activities	Proportion of these children who live in deep rural areas	Number of children working 12h/w+ as proportion of all children aged 5-14
Subsistence agriculture	129 000	91	1.2
Wholesale and retail trade	86 000	63	0.8
Commercial Agriculture	29 000	51	0.3
Manufacturing and Construction	12 000	100	0.1
Private Households	8 000	50	0.1
TOTAL	266 000	77	2.5

Source: The Research Report-National Child Labour Action Programme for South Africa, Department of Labour-2003.

The survey also found that older children were more likely to be involved in economic activities for three hours or more per week, and so were children in deep rural areas (Department of Labour, 2003 pg.13).

The worst forms of child labour were identified as bonded labour, child trafficking, the use of children for illegal activities and the use of children for sexual exploitation or pornography. However, due to the covert nature of these activities, statistics are very rare.

Child Labour Programme of Action 2008 - Phase 2

The aim of this section is to bring out the responsibilities each department had towards the elimination of the worst forms of child labour with regards to phase 2 of the policy, and how far they have gone in carrying them out. Cabinet decided to adopt the first phase of this policy in the year 2003. The second phase was adopted in 2008, to span through the 2008/2009-2012/2013 financial years. The lead department in the implementation is the Department of Labour (DOL), through the Implementation Committee (IC). Alongside other tasks within the programme, the DOL is responsible for ensuring that every department performs its assigned tasks as well as collecting feedback from the different departments involved (Department of Labour, 2008). Below is a rundown of the tasks that each department was to carry out, and how much they had done at the time of the issuing of this document. All the information below was taken from the Department of Labour progress report on the child labour policy (2008).

i.) The Department of Labour (DOL):

Being the backbone of this policy had a myriad of responsibilities. It was to check for child trafficking alongside the National Prosecuting Agency (NPA), monitor children in the performing arts, and consider the results of the 'Towards the Elimination of Child Labour' programme (TECL) which was concerned with child labour in commercial agriculture, then decide with the Department of Social Development (DSD) on what house chores were appropriate for children. According to the report, the first three are done but there has been limited progress on the last one. The DOL had to put in place general measures such as training labour inspectors, allocating sufficient funds and human resources for DOL policy implementation, and the production of the 'State of Child Labour' report; a two yearly report on child labour affairs in South Africa. These are all ongoing. The DOL had to set up measures to ensure the health and safety of children already involved in child labour, as well as measures to effectively monitor the activity. It was expected to provide support to all the other departments in the performance of their allocated responsibilities. So far, the DOL's tasks are all under way.

ii.) The Department of Trade and Industry (DTI)

There was the need to secure government created jobs for adults alone. This department, with the help of the DOL was to guarantee that provincial liquor legislations are in line with the National Liquor Act of 2003, especially regarding child labour. In collaboration with the DOL and the SA Police Services (SAPS), the DTI was to target 'hotspots' namely shebeens and taverns where there was suspicion of the use of children for prostitution or drug sales. The report states that only the DOL has begun doing its part on this action point.

iii.) The Department of Social Development (DSD)

This department had several responsibilities relating to children used by adults to commit crime, abbreviated as CUBAC, the commercial sexual exploitation of children abbreviated as CSEC, as well as the Toward the Elimination of Child Labour (TECL pilot programme for CSEC, children affected by HIV/AIDS, and the acceptable kinds of household chores for children. Most of these tasks have been accomplished, but for the last one where limited progress has been made. Furthermore, the DSD was to put up systems to monitor vulnerable children and their movement between departments and to take part in training on how to identify and handle likely serious cases of child labour alongside other departments like the Department of Health (DOH), the DOL, the Provincial Departments of Education (PDE) and

the Department of Home Affairs (DHA). These are ongoing. The DSD also had several duties regarding child trafficking, street children, social assistance grants, refugee children and awareness raising. Most of the tasks assigned to the DSD are either done or ongoing.

iv.) The Department of Basic Education (DBE)

The Department of Basic Education had to ensure that children have access to schools. The suggestions of the Ministerial Committee on rural education will be implemented but ensuring that children in farm schools are not deprived of education in the process. To address this, guidelines for school hostels have been designed by the DBE and these are being concluded upon. These will be used by both teachers and pupils in rural areas. There will also be the provision of safe transport for those who live far from school. This task is under the jurisdiction of the province. Regarding curriculum development, the needs and problems faced by child labourers, relevant parts of this policy and related legislations will be included in the training of teachers, the life orientation classes of learners as well as being given to curriculum advisers and school managers. The progress of this action point was not reported. In addition, the department was to raise awareness of the national school fee policy, as regards under privileged children. This was to go alongside capacity building for school administrators for the implementation of the policy, and the process towards this has begun. There was also the need for awareness as far as school related labour was concerned. Children were only to do work that was necessary for them to develop a sense of responsibility. The report on this action step is ambiguous, as one part says the process is ongoing, and another says that no progress has been made. The National School Nutrition programme has been successfully extended to secondary schools in poor areas, as was stipulated in the policy document. This department was also to see that principals assist those children who are frequently absent from school by identifying them and aiding them to get to social grants and school fees exemptions. This has already been put in place. There was also the issue of school drop outs who left to find work and cannot reintegrate the school system. The process of providing support for them is also ongoing.

v.) The Department of Health (DOH)

The responsibility of this department was to see that field workers for all home and community based care centres received proper training regarding children affected by HIV/AIDS. Also, they had to ensure the distribution of anti-retroviral drugs for HIV/AIDS/STDs to both adults and children in need of them. According to the report, this had also begun.

vi.) The Department of Justice and Constitutional Development (DOJ and CD)

Duties were given to this department regarding children who are used by adults to commit crime, also known as CUBAC as well as the commercial sexual exploitation of children known as CSEC. With cases of CUBAC, they were to make the use of children for crime a criminal offense, which has been done. In the case of children at risk due to their desire to separate from criminal adults, policies for their protection were to be developed. The process is currently on going. Then there was the issue of children who carry out criminal activities. The department was to ensure that for children in such a situation, an alternative be found for them rather than incarceration. This too was ongoing.

vii) The Department of Agriculture (DA)

This department was to provide expansion services to farmers and carry out research to improve and facilitate the job for subsistence farmers so they don't rely so much on manual labour from children. No feedback on the progress was available.

vii.) The Department of Correctional Services (DCS)

The Department was tasked with ensuring that children in correctional facilities were kept occupied by work. However, the times when the children will be obliged to work, as well as when they will be paid for the work, will be controlled by a policy. The policy will have to follow national (Basic Conditions of Employment Act) and international (UN Rules on Juveniles Deprived of their Liberty) standards. The DCS had already set up the programmes and they were ongoing.

viii.) The Department of Environment and Tourism (DEAT)

The department was charged with coming up with a National Waste Management Bill based on the research by TECL. This bill must have measures for: preventing children from accessing scavenging sites, by holding landfill site managers accountable; policy and law on scavenging and informal salvaging for recycling should be able to make such activities recognised and controlled, so they don't become areas where children can be exploited; a forum whereby the exploitative salaries of adult scavengers can be discussed and standardised. If the adults are paid reasonably, there will be no need for children to be involved. This department was also to work alongside municipal waste managers to keep a daily record of the adults and children who carried out this kind of work. This was to help in monitoring the activity. The relevance of these action points are under review. Another task for the DEAT was to work with local

municipalities, social welfare departments and waste recycling companies to strategize on how to assist families living on waste sites. This assistance could be in the form of housing, sources of food and ensuring good remuneration for the parents. They were also to find out what the core cause of this activity was and its consequences. The DSD has taken charge of identifying and helping children in need and their families, according to the Children's act.

ix.) The South African Police Services (SAPS)

The function of the South African Police Service in the implementation of the policy was to assist in raising awareness about child labour. Support for the other departments in instances of reduced safety was to come from the SAPS. The officers in the department were also to receive proper training to enable them tackle any case of CUBAC or CSEC. These actions are either done or ongoing.

x.) The Department of International Relations and Cooperation (DIRCO)

The department has completed its assigned task, which was to curb child trafficking by ensuring the ratification of the UN Convention on Transnational Organised Crime. The convention was ratified by South Africa in 2004. Also, the Prevention and Combating of Trafficking in Persons bill was tabled to parliament in 2010. This bill was passed into law in 2013.

xi.) Non-Governmental Organisations (NGOs)

As their assigned task, NGOs have begun projects for raising funds for adults in those areas where the worst forms of child labour are rife. This is nonetheless on the condition that these projects become self-reliant after a realistic amount of time.

xii.) The Department of Home Affairs (DHA)

Access to child care grants requires birth certificates and ID documents, which orphans in rural areas often lack. This is the main problem faced by the DHA. They were to see to it that social workers assist these children to obtain the documentation they need and they have already begun the process.

xiii.) The National Prosecuting Agency (NPA)

The National Prosecuting Agency was to instruct all prosecuting officers that child labour was now a serious offence. This is still pending. The NPA has begun the process of deciding on the steps to be taken within the South African territory in the event of human trafficking. A number

of countries have already signed mutual agreements with South Africa. Officials handling cases of trafficking in any capacity were to be properly trained so they could advise victims of trafficking on their rights and properly prosecute traffickers. They were equally charged with spear heading awareness raising about child trafficking to different audiences in different capacities. This has been partially achieved.

xiv.) The Department of Rural Development and Land Reform (DRDLR)

The prevention of the use of children for bonded labour was the task of this department. The preventive measures have already been put into place in the form of the Constitution of South Africa and the Basic Conditions of Employment Act (BCEA).

xv.) The Department of Provincial and Local Government (DPLG)

Every household is to have 6kl of free water per month, and this department was to come up with a plan to slowly increase the rates after the first free 6kl.

xvi.) The Department of Transport (DT)

The department was tasked with exploring the possibility of providing transportation for those children who live in remote areas with no access to school. So far, it has been reported that this task is in the jurisdiction of the provinces. But no further progress has been recorded.

xvii.) The Department of Water Affairs (DWA)

With regards to water provision, it was the duty of the DWA to ascertain that water was provided to those areas that needed it most. Part of this duty was to work on the recommendations from the TECL project and to see to their implementation. No report has been put far on progress so far.

Child Labour Programme of Action 2013 - Phase 3

This next phase of the policy is to be implemented during the years 2013 through to 2017. The document that records the information for phase three mentions that many tasks were left undone or unfinished from phase two. Due to this fact, phase three is to focus on finding reason for which the Departments were unable to complete their assigned tasks setting up effective monitoring to ensure that pending tasks are completed, and amending tasks where necessary. This third phase aimed at coming up with action steps that;

1. Are practical and attainable for the 2013-2017 period
2. Will directly impact children who are currently involved, or are at high risk of getting into child labour
3. Will set proper priorities on the magnitude of the issues they are trying to address as well as the impact of the action step.

This phase three also provides acting steps only for government departments as opposed to phase two which included businesses and NGOs. This is because despite the fact that these non-government institutions can greatly assist with ending child labour, the government cannot guarantee that they will play their part. Below is an outline of all the steps that have been assigned to each government department. However, no details are provided in the report regarding how far the departments have gone in accomplishing their assigned action steps. All the following information is drawn from the CLPA phase three report of 2013.

i.) Department of Correctional Services (DCS)

Formulating a policy that outlines when incarcerated children will have to work, and when they will receive pay for this work is the role assigned to this department.

ii.) Department of Environmental Affairs (DEA)

The department is charged with ensuring that the National Waste management Act is amended to prevent children from accessing scavenging sites and holding site managers liable if any children are found; to certify that by law, informal scavenging is recognised and regulated and controlled; to find a way to make sure that recycling companies that make use of salvages find a proper mode of remuneration for them.

iii.) Department of Basic Education (DBE), Department of Higher Education and Training (DHET) and Provincial Departments responsible for Education (DPE)

Recommendations made by the ministerial committee on rural education are to be promptly carried out by the department, while making sure that the children concerned do not miss out on schooling during the process. They are also to provide safe means of transport to children who live far from school. And for those province that have not yet begun supporting the use of bicycles by school goers, the department is to encourage them to do so. Relevant information on child labour will be included in school curriculums and teachers' training programmes. The DBE is expected to monitor the implementation of the national school fees policy. The department is also to carry out awareness raising and school nutrition programmes, as well as

assisting vulnerable groups of children reintegrate the school system. They are to develop a monitoring system to check school non-attendance and that work done by children is school is not more than what is necessary for the development of a sense of responsibility.

iv.) Department of International Relations and Cooperation (DIRCO)

It is the responsibility of this department to work together with the Southern African Development Community (SADC) to deal with cases of trafficking, and provide assistance to victims where necessary.

v.) Department of Health (DOH)

Health field workers for home and community based care programmes have to be trained to identify the problems of children directly affected by HIV/AIDS, and be able to direct them to the adequate services for assistance.

vi.) Department of Justice and Constitutional Development (DOJ)

Concerning children used by adults to commit crime (CUBAC), the department is to reinforce training given to law enforcement officials for the prosecution of CUBAC offenders. Statistics on CUBAC also need to be regularly captured. As for the commercial sexual exploitation of children (CSEC) they are to check the feasibility of the non-legislative action steps proposed by the South African Law Reform Commission (SALRC), and facilitate the agreement between its line departments and non-governmental organisations on responsibilities, actions and time frames for implementation and monitoring. The Trafficking Act is also supposed to be set as a priority by the DOJ.

vii.) Department of Home Affairs (DHA)

Citizens and permanent residents of South Africa need to have identifying documents such as birth certificates to facilitate access to basic services; education, health care, employment, pensions and so forth.

viii.) Department of Labour (DOL)

The department will monitor employment agencies to check the provision of trafficked children for the purpose of domestic labour and other forms of employment. They are also expected to put down guidelines regarding acceptable house chores depending on the age of children as well as the recommended amount of time to be spent on chores. Each department with assigned tasks have to provide quarterly as well as annual reports to the Implementation Committee,

which will be put together in a nation-wide annual report on the implementation of the policy. This is to be overseen by the DOL. The labour inspectors under the DOL have to receive continued training on dealing with cases of child labour. They will also make sure that taxi drivers do not use children below the age of 16 in the industry.

ix.) Department of Rural Development and Land Reform (DRDLR)

With regards to bonded labour, the department is to ensure make certain that farm workers are unable to offer their underage children to work in their place, and that land owners cannot demand underage children to work in the place of their parents. This is to be done via the development of appropriate legislation.

x.) Department of Cooperative Governance and Traditional Affairs (COGTA)

The department is to ensure the provision of basic services such as the programme to provide a minimum of 6 kl per month free water per household. This will be implemented in municipalities that have not yet done so. The Department of Provincial and Local Government (DPLG) has to guide municipalities nationwide on how to encourage a more gradual increase in tariffs after the free 6 kl.

xi.) Department of Social Development (DSD)

For all provinces, the department is to provide standardised assessment forms that outline CUBAC risk factors. The DSD will also be the lead department on CSEC for coordination of all related services and activities of concerned departments and institutions. Steps have to be taken so that existing shelters rendering services to children involved in or at risk of CSEC will be transformed into and registered as child and youth care centres by 30 March 2014. Sufficient beds will also be made available to children with or without proper identification documents. Provisions have to be made so that children who have been removed from such work and are not living with caring adults must be reintegrated with their families if possible. After the removal of children from such work the department will have to make sure that they are in a better financial situation. This can be done by ensuring that there is access to social grants in the family. Appropriate systems will be set in place to monitor the services to vulnerable children, 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. Ongoing inter sectoral training will be provided for officials of provincial DSD, DOH, DOL, PDE and DHA in ways of detecting potentially serious cases of child labour and what action to take when it is found. Part A of the Child Protection Register

of the DSD will be reviewed and amended if necessary to record details of children found in child labour and thus provide the basis for monitoring, identification of patterns and trends, planning and budgeting.

xii.) Department of Trade and Industry (DTI)

Liquor regulations in the provinces are to tie with the National Liquor Act, and provinces are to ensure that the conditions that pertain to child labour are adhered to. The DOL is to assist the liquor boards in the provinces with reviewing and in necessary revising their legislation as far as child labour is concerned. The DTI is equally charged with the task of working alongside the DOL and the South African Police (SAPS) with the aim of identifying shebeens and taverns where it is believed children are being used for prostitution and the sale of drugs.

xiii.) Department of Transport (DT)

The department of transport is to ensure that children who live far away from institutions of learning are provided with adequate means of transportation to facilitate their access to schools

xiv.) Department of Water Affairs (DWA)

Alongside the Department of Provincial and Local Government (DPLG), this department is to come up with guidelines on the Water Services Development Plan/Integrated Plan process to encourage the prioritisation of the provision of basic water and energy services to those who need it most. This document will also bring to light the problems faced by those households, children included that lack these facilities

xv.) Department of Women, Children and People with Disabilities (DWCPD)

This department is to incorporate child labour and child rights into all its activities

xvi.) National Prosecuting Agency (NPA)

The NPA has to provide orders will be given to all prosecutors in order to allow them to treat trafficking and the other worst forms of child labour with more seriousness. Trafficking has to be listed among the serious crimes that are recognised in South Africa. The NPA will lead the standardization of the process for taking foreign traffickers to court based on the prevailing laws of the land. They have to see to it that all the processes that are concerned with trafficking, prosecuting traffickers and providing assistance to trafficking victims.

xvii.) South African Police Services (SAPS)

The Police department is to provide safety measures for labour inspectors and social workers whenever they face threatening situations. They are equally to assist with ensuring that employers provide full access to labour inspectors when requested. The Police department is to provide efficient training to their operatives with regards to identifying, and prosecuting adults who are using children illegally. They are also responsible for improving the procedures to enable trafficking victims to receive identification and assistance. This task is to be performed with the assistance of the DHA and the DSD.

xviii.) Statistics SA (StatsSA)

This institution is to provide regular updates to the SAYP report on the activities of young people in South Africa.

According to the document summarised above, this policy is one that has made use of almost all government departments, and even NGOs. Such a large support system should normally be able to yield results leading to the reduction and eventually the eradication of the WFCL. However, given the fact that this is not the case, it becomes vital to understand what the actual policy process is. That way it can be compared to what government officials are or are not doing. The policy process that is spoken of in the subsequent section is the one that was developed by Dunn (1994).

2.4 The Policy Process Model

The process of developing a policy is one that is divided into steps. A number of scholars over the years have come up with different approaches to policy development. However the one that is most appropriate for this research report is the process that was developed by Dunn in 1994. This report focuses on one of the aspects of Dunn's policy development process, which is implementation. Nonetheless, it is important to highlight the other steps of the process, so as to lend context to the report.

Agenda setting is the first process that Dunn's approach proposes. It entails the 'elected and appointed officials' (Dunn, 1994) putting public problems on the desk to be addressed. These could be issues that have been a point of complaint from the people and need to be handled. Some issues are addressed before others, but this is just based on what those in power think are more pressing at the time. After this step comes the **Policy Formulation** phase. It is here that the leaders decide on which line of action will best suit each issue that was agreed

upon during the agenda setting phase. When the policy is formulated, it has to be **Adopted**. This means that it is given a stamp of approval by all the arms of government. Without this, the policy cannot run its full course. Next is the **Implementation** of the policy. It is here that those actions are actually carried out on the ground. The final stage is the **Assessment stage**. This has to do with monitoring and evaluation. Here, the government takes stock of the policy; whether each branch of the government associated with that policy is in accordance with the laws of the country, and whether or not the policy is doing what it was created to do. However, all these steps do not always go as smoothly as expected. There may be short falls here and there. And that is what makes this research necessary, especially pertaining to the implementation phase.

2.5 The 5C Protocol

The 5C Protocol was developed to aid in the understanding of the complexity involved as a policy goes through the implementation phase. Brynard (2011) points out that although the path taken by a policy to get to the implementation stage is case specific, there are certain factors that are vital in determining whether a policy is successfully implemented or not. These variables are applicable, not depending on the government's perspective on the policy issue. The following are the variables that Brynard brings out; Content, Commitment, Clients and Coalitions, Context, Capacity. Each of these variables can positively or negatively affect the policy implementation process, depending on the focus of the implementing body.

Each of the components of the 5C Protocol are intrinsically linked and one component has an influence on the others; "policy content may, or may not, provide for resources for capacity building; the institutional context of the relevant agencies may hinder or help such capacity enhancement; the commitment of implementers to the goals, causal theory, and methods of the policy may make up for the lack of such capacity -- or vice versa; or the coalition of actors opposed to effective implementation may stymie the capacity which might otherwise have been sufficient -- here, again, supportive clients and coalitions may in fact enhance capacity" (Brynard, 2011). This portrays the complex interactions that exist between the different components. Therefore, here are the facts; they all address different issues in the implementation process, and they are influenced by the perspective and focus of the person implementing the policy. Nonetheless, for a policy to be deemed as being properly implemented, it is vital to be able to take a holistic view at the 5C Protocol in order to identify any loopholes that may be created in the policy implementation process. They all

feed into one another, thus it a policy implementer needs to be able to find the balance in all of the components during implementation.

Perspective, as mentioned above, refers to the way in which the implementers look at policy implementation. This brings us to a very pertinent question in the field of policy implementation; is it ‘top-down’ implementation or ‘bottom up’ implementation? According to Brynard (2011) this is the ‘single most important fault line’ as far as implementation is concerned. To fully understand the dichotomy between ‘top-down’ and ‘bottom-up’ implementation, one has to understand what these perspectives entail.

The ‘top-down’ perspective originates from the approach taken by those in the higher echelons of government. Brynard (2011) mentions the four questions that are asked by ‘central level’ government officials when looking at implementation, as they were brought out by Sabatier (1986). This perspective seeks to find out;

- The extent to which the policy implementers and target groups kept in line with the objectives and decisions in the policy decision.
- How far the objectives of the policy were attained over time.
- The main factors that affected the outputs and impacts of the policy.
- How experience influences the reformation of policies over time.

The ‘bottom-up’ perspective was developed in response to the aforementioned approach. It was developed by those who meant to identify and address the weaknesses of the top-down approach. Brynard (2011) again reveals the criticisms that were purported by the non-supporters of the top-down approach. Firstly, the ‘top-down’ approach is critiqued for the assumption that policy makers are supposed to have a great amount of control over the policy implementation process. The next critique comes from the notion held by ‘top-downers’ that their commands have to be automatically followed by those in lower positions. Kaufman (1973) points out that this assumption will probably hold true in heaven, but it is not very likely on earth. The last criticism, and the main argument of the ‘bottom-up’ perspective, is that rather than focusing on those who make the policies, attention should be given to those who implement them. Lipsky (1978) holds this view. Other ‘bottom-uppers’ like Palumbo and Colista (1987) are of the opinion that policy implementers should have more rights over policies than the formulators, because policies need to be reshaped in order to fit the situation on the ground.

Despite the above arguments, Brynard emphasises that the point should not be to see which is best between the two approaches. Rather it should be about making the best of both, and ultimately developing new approaches that focus on the strengths of both approaches. As earlier mentioned, the 5C protocol is an essential tool in the understanding of the inner workings of policy implementation. Thus it is necessary that the 5Cs be expatiated on so as to bring out a proper understanding of each component.

i.) **Content:** This is perhaps the most central issue in the policy implementation process. Brynard (2011) uses Lowi (1963) to illustrate how the content of a policy can sway actions in one direction or the other. He says policies are either distributive (creating goods to be used by society as a whole), regulatory (Stipulating codes of conduct along with sanctions for those who don't comply) or redistributive (taking from one group in society and giving to another that is more in need). Basically, Lowi takes the stand that government has the ability to coerce, and the content of policy dictates the kind of coercion that government will use. Pressman and Wildavsky (1973) elucidate more on the importance of policy content. They define implementation as a 'process of interaction between the setting of goals and the actions geared towards achieving them'. Thus the policy content indicates what kind of activities will be carried out in order to attain the goals.

ii.) **Context:** The context of a policy refers to the environment in which it is drawn up and implemented. In his work, Brynard (2011) identifies five contexts in which a policy can operate, namely the social, economic, political, legal and institutional contexts. But his paper focuses on the institutional context. Despite being the smallest of the five, it in no way reduces the importance of the others. Instead it emphasises their importance because they create the scenes of human interactions that hugely affect the institutional context. The human factor has a lot to do when it comes to policy context. This is due to the fact that human relations, be they good or bad, generate associations that can either be beneficial to policy implementation or detrimental.

iii.) **Capacity:** Before a policy can be properly implemented, the government must have the ability to do so. This ability is what is known as capacity. Capacity can be tangible (physical resources) or intangible (human qualities). The network approach to service delivery goes very much in line with this variable. Savitch (1998) is of the view that in order to build capacity, the government has to shift its nature. Compared to all the other variables, this one is the most political, because in its own way it seeks to answer the question 'who gets what when how where and from whom' (Brynard 2011). Six areas are

identified by Brynard (2011) that the government will have to change if capacity is to be developed in the right way. (a) The government has to decentralise its functions. It has to think of alternative modes of service delivery. (b) The one main bureaucracy has to be broken down into smaller more manageable organisations. However, care must be taken to avoid duplication of functions. (c) Policy and financial planning should not be isolated, but rather they should be integrated and strategic. (d) Instead of focusing on resources and inputs the government has to move its attention to the outputs and results of the policy. This should go along with a change from rough qualitative estimates to accurate quantitative measurements of the policy outputs. (e) The fifth change involves the inclusion of the public (citizens or partners) in the policy process, making it more transparent, as opposed to a closed bureaucracy-dominated environment. (f) The last change requires the including of economists and accountants with the necessary skills to make the financial planning more complex and accrual. In all, these changes will need the government to rely on partnerships with the public, the private sector and non-profit organisations.

iv.) **Clients and Coalitions:** The variable discussed above shows how vital it is for the government to join individuals or groups to facilitate the implementation process. Rabinowitz (1978), as used by Brynard (2011), reminds us that, individuals or interest groups outside the policy implementation process can cause ‘power shifts’ that can push the process in one direction or the other. There are several people or groups that can directly or indirectly affect the policy process. Rather than taking on every single actor, Brynard says it is best to identify those who can actually directly play on the outcome of the policy. However, it could also be dangerous to leave out the minor policy actors. As much as possible, their opinions have to be used. The key is in finding the balance for inclusion.

v.) **Commitment:** This refers to how much policy implementers are willing to put in to see that a policy is implemented. A country’s policies may be wonderful, with an impeccable bureaucracy. But without commitment on the part of government officials, little or no results will be achieved. ‘Bottom-uppers’ lay claim to this variable, saying that it is directly linked to the policy context, as well clients and coalitions, because these are supposedly controlled from the bottom. On the other hand, those who have the ‘top-down’ perspective hold the view that this variable is most applicable to them, seeing as they rate commitment based on the policy content and the capacity of the government. Both of which are also supposedly controlled from the top. In order to unify these differing opinions, Brynard (2011) makes two important assumptions; firstly, that commitment is not applicable to only

one level, but all along the implementation spectrum. Secondly, that all the variables are interlinked, one always being affected by the other four. And an implementer should always focus on the one that is best suited for the process at hand.

This exposition on the 5C Protocol enables one to take a closer look at the government of South Africa and the way the policy implementation is carried out, especially the Child Labour Programme of Action. This leads to the question of if the South African government is top-down or bottom-up, and which of the elements of the 5C Protocol are taken into consideration by the government during policy implementation. Examining these questions could in fact explain the dichotomy that seems to exist between the write up of this policy and its implementation.

2.6 Conclusion

As seen in the report that has been detailed above, the child labour policy that is in place in South Africa appears to be quite solid and the departments seem to be carrying out their assigned tasks, except for the few who have failed to report their progress. However, the expected results are not attained. It is imperative to understand why the aims of the policy are not reflected at the grass roots level. This is the question the research aims to answer. Nonetheless this chapter has helped to bring out certain aspects of child labour that are common the world over. It thus facilitates the task of drawing lessons from other nations who face the same problem.

CHAPTER THREE

3.1 Introduction

The aim of this chapter is to bring out the methodology that will be used, and explain why it is the best for this research. The chapter equally shows how the chosen methodology will be carried out in practical terms. Also, the chapter will reveal just how the research questions will be used to get results. Another purpose of this chapter is to look at the ethical problems that this research could have, and how they will be addressed.

3.2 Research Methods

Research can be defined as searching for knowledge (Kothari, 2004). In other words, research entails collecting data in order to acquire knowledge about a particular issue. There are essentially two ways of collecting this data. One could use either qualitative or quantitative methods. The most prominent features of quantitative methods are: the presentation of data which is mostly in numerical format; it's rigidity concerning the research design; the fact that it is carried out in a controlled environment; it's main purpose which is to study cause and effect associations; the fact that there is a precise hypothesis to be tested at the start of the research. Meanwhile, qualitative methods can be identified by its verbal or narrative format of presentation; the flexibility in its research design; the fact that it makes use of the natural environment of the subject that is being studied; its motivation which is to observe events as they occur; and the development of the hypothesis during the course of the research through the asking of questions.

This work is using Qualitative methods to investigate the implementation of the South African child labour policy. This method was chosen because of the nature of the issue being studied. It is an occurrence that is found in society, relating to human beings. Thus it is best to observe the research subject in its normal environment. And given the fact that society is not static, it is impossible to conclude on a proposition at this point of the research report. The proposition has to develop alongside the subject of the research. Given these qualities, it is clear that the most appropriate methods to use for this research are the qualitative methods.

The use of Qualitative methods has its benefits. It is possible to do a very in-depth study of any one topic, and with a lot of detail. The use of qualitative methods allows for a very flexible research activity. It gives room to shift focus at any one time during the course of the research. The availability of different opinions from the participants in the research provides the researcher with more tools to use in answering the research questions. Notwithstanding,

there are challenges that come with using Qualitative methods for research. Firstly, the fact that the research deals with mostly social issues involving real people, it becomes difficult to be objective, since opinions and emotions are likely to be involved. Also, because of the ever changing nature of society, it is very unlikely that if the research is reproduced, the same results will be achieved. Furthermore, it tends to be very time consuming. The data collection of data may be difficult because the researcher can never be sure about the willingness of individuals to participate.

3.3 Types of qualitative data collection methods

The four most common ways of collecting data for qualitative research are; case studies, interviews, focus groups and documentary analysis. A case study refers to an in-depth study of one particular person, group or institution. Interviews involve asking questions to individuals in order to get specific information. Focus groups are a lot like interviews, except that they involve a group of people discussing questions around a particular topic, sharing ideas and opinions. The information obtained from the discussions is what the researcher uses. Documentary analysis, as the name implies involves the thorough study of documents related to the topic in order to draw out the relevant information. These documents are often written by authority figures in the field. This research will make use of two of the methods outlined above; documentary analysis and interviews.

3.4 Documentary Analysis

As aforementioned, this method entails the study of documentation about the topic. This method provides the researcher with already prepared material coming from a knowledgeable and reliable source. This greatly facilitates the work of the researcher. However, this documentation may not always be readily available due to red tape and bureaucracy. Also, the original author is almost always absent at the time of the analysis of the document. Thus there is no room for clarifications leading to possible misinterpretation. An analysis of the main document which pertains to this policy, the Child Labour Programme of Action 2003 and its follow up documents that cover the years 2008-2012 and 2013-2017, have been discussed in the previous chapter. Nonetheless, it is also necessary to discuss the opinions of the most prominent institution that deals with labour issues all over the world; the International Labour Organisation. Their 2013 report on Child labour in South Africa has also been summarised in detail in the previous chapter.

3.5 Interviews

Interviews involve asking questions to individuals, with the aim of acquiring specific information. Interviews can be structured, which entails asking a pre-set group of questions asked without room for follow up questions or diverging into a discussion other than what pertains to the question. They can also be semi-structured where questions are pre-set, but act only as a guide and there is the freedom to pursue questions in a different direction, or interviews could be unstructured, where there is no guide and participants are allowed to give as much or as little information as they like (McLaughlin, 2003). Interviews can be very eye opening to the researcher as they can reveal avenues that were ignored at the beginning of the research. But because they involve human beings, the answers given can have an element of bias.

For this research, the structured interview method will be used. This is due to the fact that the aim of the research is to identify the factors that are adversely affecting the implementation of the policy. Thus, asking the same questions in each department, and noting discrepancies with the answers can point to the problems that are slowing down the implementation process for the policy.

3.6 Operationalisation of Research Questions

There are three research questions which all gear towards the understanding of why the Child Labour Programme of Action is not bearing the expected fruit. Each of these questions has been broken down into three other sub questions. These nine sub questions are more detailed and address the core issues in the main research questions. The questions will be asked to seven government departments that are involved in the implementation of the policy. These departments are central in the implementation process;

- The Department of Labour
- The South African Social Security Agency
- The Department of Home Affairs
- The Department of Basic Education
- The Department of Justice and Constitutional Development
- The Department of Social Development
- The South African Police Service

And because civil society is also part of the implementation, a number of NGOs such as Child Line and Women on farms, will equally be part of the interviews. To get an international perspective of the implementation process, the ILO will be interviewed as well.

3.7 Ethical Considerations

The Constitution of South Africa defines a child as a person less than 18 years of age. Children in South Africa as well as most societies are unable to take care of themselves. They are almost always dependent on an adult for provision and guidance. They are unable to use financial systems such as banks and they are unable to own property such as cars or houses. They lack the wisdom and experience needed to make decisions about their future. That is why they are expected to go to school in order to learn basic life skills, and why they are not allowed to vote. All this speaks to the fact that children have a certain place in society. They are still at a stage in their lives where development in every form- physical, intellectual or psychological, is still ongoing. Any tampering at that stage could have long term or maybe even life time impact on a child's future.

Child labour, especially in South Africa, is a sensitive and delicate issue. This is due to the fact that the circumstances around the practice have switched around the concept of childhood and what is expected of children. We find child headed homes where a child even as young as 7 is expected to fend for him/herself as well as younger siblings. There are also situations where the family is so poor that the child feels that he/she has to help to support the family or starve, or parents get so desperate that they lose that protective parental instinct for their children, pushing them into work so they can bring in more income. Thus, child labour bends the very fabric of what is ethical and acceptable in society with regards to children. However, child labour is perceived as a need, and therefore something that many parents or children will not admit to, for fear of having it taken away from them. There is also the issue of stigma that has been attached to child labour. A child who is involved in prostitution, or who spends their days working on a farm while their friends are at school or playing will not so easily open up about their situation because of shame. Furthermore, children provide a source of cheap, easy and gullible labour. It is often easy to intimidate and threaten them into doing an adult's bidding. This also poses an ethical problem, because those who hire them will not be ready to comment at the risk of losing their labour. So instead of protecting the children as adults are supposed to do, they keep them under wraps to maintain their profits.

All the factors mentioned above had to be taken into consideration in the gathering of information. Consequently, as a solution to these problems, the research was conducted as a

desk top study. All the information used was taken from already existing documentation that was compiled by people who have more clearance to obtain actual details from the child labour environment. The interviews did not involve any children or any child employers, meaning that their identities are preserved in this research. The interviews were carried out with government officials and members of NGOs who were not seeking any gain, but who are genuinely in a position to deal with the issue of child labour in South Africa. More so, in order to maintain the anonymity and privacy of those who were involved in the interviews, no names will be mentioned.

3.8 Conclusion

The methods that are used in carrying out any research project can greatly determine how successful it is going to be. Those used for this research are aimed at producing as much information as possible. This information is to be used in understanding how South Africa's child labour policy is implemented, and where the implementation gap is. The point of this chapter was to bring the focus down from the entire research just to the gathering of information. The methods that are presented in this chapter will help guide the quality and quantity of the information that will be gathered. It also brings to mind the level of delicacy that surrounds the topic. In summary, this chapter streamlines the research and takes the emphasis to where it is needed.

CHAPTER FOUR

4.1 Introduction

This chapter will serve to present all the data that has been collected. The two methods of data collection used are; documentary analysis and interviews. A thorough breakdown of the Child Labour Program of Action 2003 was done in Chapter Two as part of the Literature Review. Therefore, the data that will be presented in this chapter is that which was collected via the interviews. The information outlined here will be a spring board for the data analysis which will be done in the next chapter.

As already mentioned in previous chapters, the aim of this research is to make an inquiry into why South Africa's child labour policy of 2003 is not yielding the expected results, and investigating if the answer could be in the way the policy is implemented. In the first chapter of this research report, a proposition was made. The proposition suggested that the continued prevalence of child labour was due to the fact that there is a disconnect between what the written policy requires from each government department and the activities that are actually carried out by the departments with regards to the implementation of the child labour policy. Three research questions were used in interviewing the respondents who represent both the public sector as well as civil society. Of the seven interviews that were carried out, six were done telephonically, because that was more convenient for both the respondents and the interviewer. The interview that was done face to face was done with a Department of Labour official in the city of Johannesburg. For ethical reasons and for the sake of confidentiality, each individual will be referred to using an anonymous title; Interviewee A, B, C, D, E, F and G. Interviewees A, E and F were from the Department of Labour, Interviewee D was from the Department of Women, Children and People with disabilities, and lastly, Interviewees B, C and G were from civil society. The three research questions were broken down in a bid to come up with more in-depth questions and to ensure that every facet of the questions was addressed.

4.2 Primary Research Question

The first question seeks to explore the nature of child labour as it is in South Africa today; why it is practised, how it is practised and how widespread it is. Each of the following sections attempts to delve deeper into the question to bring a fuller understanding of how child labour presents itself across the Republic.

The factors that promote the practise of Child Labour

This issue was approached from two perspectives; what encourages children to look for work, and what encourages people to employ them. Therefore, this section is further split in two in order to touch on each perspective separately.

1: Poverty is the first and foremost factor that was named. It was mentioned by all seven respondents. They all said it is the primary reason why children work. They see their parents are unable to make ends meet, so they put themselves up for employment in an attempt to assist them and increase the family's income. Interviewee F said "conditions of extreme poverty and hunger drives children from their homes into the streets looking for work" (Interview with the DOL, 2014). They all said also that poverty is the root cause for all other causes of child labour in South Africa.

In the South African context, parents sometimes play a big role in promoting child labour. They encourage and sometimes even force their children to work. Interviewee B mentioned that especially in the agricultural sector, employers do not often go directly to children and offer them employment. Instead, it is the parents who go to the employers and present their children as alternative sources of labour when they get too tired. Interviewee D also corroborated this point. He said this is seen mainly in farming communities, where the parents are illiterate and cannot get any employment other than farming. They know no other means of making money, so push the children to go out and look for work on the farms. Another aspect that he raised is that of house hold chores. Some parents, in a bid to "develop their kids" (Interview with the Department of Women, Children and People with disabilities, 2013) (Department of Women, 2013) burden them with heavy household chores that interfere with the child's development and wellbeing. They do not realise that such chores are qualified as child labour. Interviewee G also agreed with this. She said there is a "fine line between chores and actual work" (Interview with Anex CDW, 2014) and many parents cross that line without realising it.

The problem of HIV/AIDS in South Africa also makes child labour rampant. This is found in situations where the parents are either too sick to work or dead. Thus leading to the children having to live with grandparents who themselves are often too old to work, or to the children living by themselves in child headed homes. In both cases, the older children are more often than not forced to find some form of employment to support the younger siblings. Interviewees E, F and G spoke of this as one of the main causes of child labour in South Africa.

Economic inequality is also a point that was mentioned. Interviewees F and G raised this point. The high rate of income inequality in the country forces some children to live in places that are so remote that there is little or no access to educational institutions. Interviewee F indicated that some of them are even ignorant of the government facilities at their disposal. So they turn to labour as a way of improving their economic status.

Some children are just looking for financial independence and this provokes them to go out looking for work. In this case, the children are not necessarily forced by their circumstances to get employed. They get employed because they want to be able to have the freedom spend money. Interviewees A and G raised this point. Interviewee A said some children do not want to have to ask their parents when they need anything “The allure of financial freedom is a huge motivation for some of these kids” (Interview with the DOL, 2014). So they would rather get a job so they can freely buy whatever they want. Interviewee G said gender dynamics and culture also play a big role as far as the desire for financial freedom in children is concerned. In some South African cultures like the Xhosas, a boy begins to feel a sense of manliness, especially after having gone through the rites of circumcision. He then starts to feel like should be able to fend for himself, despite the fact that he is still considered underage according to the law. Meanwhile, in the Venda culture, a girl begins to feel she is a woman after being circumcised also. She thus believes should work to help in supporting the family. Such cultural influences therefore push children to look for work, despite the fact that the law stipulates that their focus should be on obtaining education.

2: Employers also have a part to play as far as child labour is concerned. The first point that was raised was exploitation. It was raised by six out of seven interviewees. Interviewee A said that employers know they are able to pay less money to a child than they would to an adult for doing the same job. Also, in some cases, children are more productive, given that they are able to do more work as compared to an older adult. And this serves as motivation for employing children. Interviewee C said employers take on children because they see they are vulnerable and seek to exploit them as cheap labour. Interviewee D upheld the same point of exploitation. He mentioned that children are not covered by any trade unions, so they have no one to fight for their employment rights. This gives room for employers to pay and treat them unfairly. Also along the lines of exploitation, Interviewee E said children can easily be abused and coerced to work, thereby encouraging some employers to hire them. Interviewee F spoke of cases where farm owners view their labourers as slaves. So the employers feel that fact that the parents work means that the children should work as well, alongside the parents. Meaning there is no need to pay the children as they and their parents are viewed as a unit. The farm owners see this as

a means of saving money, but it is in fact exploitation of the children. Interviewee G mentioned employers who hire desperate victims of child trafficking who are migrated from the rural to urban areas, or even from neighbouring countries into South Africa. Knowing that these children have nowhere else to turn to, they are most times used for the worst forms of child labour.

Another point that was brought to light is that of ignorance: Some respondents raised the possibility of ignorance in hiring children. Not knowing the ethical implications of child labour, and the legislations surrounding child labour. Some people actually employ children with good intentions. Interviewee E painted a scenario where people hire children out of pity, in an attempt to get them out of the streets and raise their living standards. Interviewee G mentioned the ‘Baby boomer generation’, who began working at quite tender ages. Thus they believe it is normal for a child to work. She also mentioned people who want to give back to their communities, but out of ignorance about prevailing child labour laws, they give inappropriate work to children.

A vital point that was raised is that of family responsibility: This point was raised by interviewee G, in cases where adult family members employ the children in the family because they are expected to assist in the family business. Thus for some children, after school activities involve working for the family. But still others devote all their time to the family business, meaning they have no time to attend school. And taking into account the age of the child, this could be considered as child labour.

The areas of prevalence in the practice of child labour.

Prevalence here was approached from two perspectives; geographical and practical. Therefore the interviewees spoke about the geographical locations that hold the highest incidences of child labour, as well as the forms of child labour that are most popular.

1: Child labour in South Africa is not geographically confined. It is found in different parts of the country, both rural and urban. The interviewee responses attested to that. Interviewees A, C and E said the phenomenon of child labour was found only in rural areas, specifically in the provinces where farming is common. Interviewee A stated the North West and Eastern Cape, Interviewee C stated the grape farms in the Eastern Cape, and Interviewee E listed the Western Cape, Limpopo, Free State and KwaZulu-Natal. Interviewee B alone said that child labour is seen exclusively in the urban areas like Johannesburg and Cape Town. Meanwhile Interviewees D, F and G said that child labour is present in both rural and urban areas. The provinces that

were cited by Interviewee D for rural child labour were; Western Cape, Limpopo, Free State, KwaZulu-Natal, Northwest and Eastern Cape. Interviewee F said child labour is common in the provinces of Mpumalanga and Limpopo due to their proximity to the Zimbabwean border. Thus adults and children alike cross the border in order to find a means of sustenance. And because most of them are illegal immigrants, they are willing to endure hardship and unfair treatment, as long as it permits them to stay in South Africa and work. Interviewee G cited the Eastern Cape, particularly the grape farms. As for the prevalence of child labour in urban areas, the interviewees did not zero in on specific provinces. It was more about specific cities. The cities of Johannesburg, Pretoria and Cape Town were cited, given that they are the biggest cities in the country and they are viewed as havens for employment seekers. Interviewee G spoke of cases in Cape Town where male children work for taxi drivers in the Cape Flats area, directing commuters on which taxis to board.

2: When it comes to the actual practise of child labour, the most common area that was cited was agriculture. And that explains the occurrence of child labour in the rural areas where there are a lot of farms. Interviewees A, C and E were of the opinion that child labour is seen on farms mostly during the harvest period for fruits like grapes, tomatoes and citrus fruits. Given that the demand for labour rises during these times, there is a great influx of children who want to make extra money. Another field in the rural areas where children get quite involved is domestic work. Interviewees D and F pointed this out. Despite the fact that domestic work is different from the more classic forms of child labour, it is considered nonetheless because some domestic chores interfere with the child's education and development. For instance, some children have no portable water in their vicinity and they have to go very long distances in order to fetch water. In some cases it is fire wood for fuel. Due to this they are unable to attend classes regularly, and they are opened to dangers from the elements. Not counting their physical health and development which can be affected. In the urban areas, the most common practice of child labour is begging on the street and trolley pushing. Interviewee D said this is mostly seen in male street children who have no home to go to. Begging on the streets was also corroborated by Interviewee G. They said children stand around traffic lights in order to beg from those in oncoming cars, or wait for people as they leave shopping centres and propose to push their trolleys for them. Interviewee B said child labour in the urban areas also takes the form of car guarding, or selling things on the streets, again with boys. They stand in front of shopping centres and watch the cars of the shoppers who go in. With these two forms of child labour, there is high exposure to danger; ranging from car accidents to armed thieves and even to the elements.

Child labour in numbers

The exact number of children that are involved in child labour was unknown by the interviewees. Some of them made rough estimates as to the figures, but then they clarified that their responses were not exact. They made reference to the Survey of the Activities of Young People (SAYP) of 2010, as it is the most recent document that details the activities of South African youth. Nonetheless, Interviewee E spoke of 300 actual cases of child labour that have been discovered by labour officials nationwide since the year 1998 when the labour inspectors division was created. He also reported that there are surely more cases than that, but the covert nature of the practice makes it difficult to uncover “Child labour is very difficult to detect, but we have had cases of successful prosecutions” (Interview with the DOL, 2014)

4.3 Secondary Research Question

This question sought to understand the work that has been done so far to achieve the purpose of the policy. It looks at the actions taken by the government as well as civil society. Child trafficking is also included in this question because there is a correlation between child labour and child trafficking. Interviewee G pointed out that if a child is smuggled from one country to the other, there are high chances that the child will get involved in one form of child labour or the other. Thus, it is important to see the steps that have been taken against child trafficking as well.

Government action against child labour in South Africa

According to the information obtained via the interviews, so far the government has recognised that child labour is indeed something that needs to be addressed and that the Child Labour Programme of Action alone cannot effectively eradicate it. To that effect, other steps have been taken alongside the policy to curb the incidences of child labour. Interviewee A mentioned some programmes that the government has developed to address older children. These programmes are intended to shape them for the employment market, so they are able to find jobs that will not leave them opened to hazardous situations. One of such programmes she mentioned is the third National Skills Development Strategy (NSDS III). This is a five year programme intended to unify educational and training institutions, Sector Education and Training Authorities (SETAs), and employers, therefore eliminating the discrepancies between education and demands in the labour market. She also spoke of the youth wage subsidy which was signed into law early 2014. This is a tax incentive aimed at encouraging employers to hire young people with little or no experience, in a bid to reduce youth unemployment. Interviewee

B spoke of the labour inspectors that were included as a branch of the Department of Labour. Their function is to visit farms and factories to check for any signs of child labour and to carry out the necessary action. Interviewee C raised the point of social security services such as child support grants that are given to parents or care givers of children below the age of 8. She said grants such as these help keep children in school for longer, as the grant helps to reduce the weight of poverty to some degree. Interviewee D commented on the child support grants also, as well as the efforts that the Department of Labour has put in to develop legislations to help mitigate child labour. Interviewees E, F and G also spoke about legislations as the primary instrument being used by the government for child labour. Such legislations include mainly the Child Labour Programme of Action, which was developed specifically to combat child labour in South Africa, and the Basic Conditions of Employment Act that stipulates under which conditions a child can be hired for economic activities.

Action taken against child trafficking

All the interviewees said that legislations have been passed that address on child trafficking issues. They mention the Prevention and Combating of Trafficking in Persons Act which was passed into law in 2014. Interviewee E made this clearer by saying “....just transporting a child from one province to the other to go and work is considered trafficking. Offenders must be treated accordingly” (Interview with the DOL, 2014). Therefore, child trafficking has been rendered illegal, and will be treated as a criminal offense if found. Another law that was mentioned is the Children’s Act of 2005 which provides legal measures for dealing with cases of child trafficking in chapter 18.

Departmental responsibility

As seen in chapter two, the policy document clearly outlines the functions that different government departments are supposed to play with regards to the Child Labour Programme of Action. To this effect, the interviewees were questioned about the extent to which the different departments are monitored to ensure that they carry out their functions. Interviewees A, C, D and E spoke of the Child Labour Intersectional Group (CLIG) that was set up in 1998. This group consists of several government departments as well as members of civil society that come together to raise child labour awareness, assist in enforcing the policy and training labour inspectors. The interviewees said that the CLIG holds regular meetings to weigh on the impact of the policy and make necessary changes and adjustments. Interviewee B said that government departments are encouraged to report any cases of child labour they find and to enforce the necessary fines and penalties on employers of children in their areas of specialisation.

Interviewee F was of the opinion that child labour is an issue that pertains mostly to the Department of Women, Children and People with disabilities. Thus, this department should carry more responsibility for ensuring the proper implementation of the policy than the Department of Labour. But because this is not the case, other departments fall short on their duties as well. Interviewee G shared the same opinion as Interviewee F that because there is misallocation of responsibility, it is difficult to hold other departments accountable for failing to carry out their duties in the policy implementation process.

4.4 Tertiary Research Question

This question dealt with the current policy implementation process. Given that the desired results are not being obtained, it follows that there may be some hitches at some point. And that is what this question focuses on.

A: This section looks into the labour inspectors. They are the people charged with the actual implementation of the policy at the grass roots level. They are charged with inspecting farms and factories and carrying out the necessary actions if any cases of child labour are found. The interviewees were asked about the way labour inspectors work; how they do their job. Interviewees A, C, D and F said they had very limited knowledge on the working of labour inspectors and were unable to comment on this question. Interviewee B said that labour inspectors go out once every quarter to perform checks. Interviewees E and G gave a rundown of the activities of labour inspectors. They go out on a daily basis inspecting factories and farms, “not necessarily looking for cases of child labour” (Interview with the Department of Labour, 2014). They inspect rather to ensure that employers are up to par with the regulations. However when cases of child labour are found, the inspectors have the right to remove the child from the premises. They have to hand the child over to the Department of Social Development, where social workers will see to it that the child receives the necessary assistance so they do not return to find work. As for the employer, according to the Basic Conditions of Employment Act, the police take them into charge as the situation becomes a criminal case.

B: This question looked into the challenges that labour inspectors face, especially where child labour is concerned. Child labour, especially the worst forms of it, is very covert. People do not like being identified as propagators of child labour, and it is possible that labour inspectors face resistance from those who practise child labour. Thus making the job of labour inspectors more difficult. Interviewees A, C and D had no information on this question. Interviewee B said that depending on the time of the year, labour inspectors sometimes find gates to factories or farms locked and they are denied access to go in and do their job. Interviewee E said that

labour inspectors do face resistance. Some employers refuse to cooperate and let their premises be checked, meanwhile some children lie about their ages to give the impression that they are of age to be employed. Interviewee F raised the point that entire communities sometimes resist labour inspectors by hiding known incidences of child labour. And that at times, being fully aware of the wrongful nature of the practice, families conceal the fact that they have children working for them that are of school going age. Thus making the work of labour inspectors more problematic. Interviewee G also corroborated the issue of domestic child labour being a problem area for labour inspectors. She added that this difficulty stems from the fact that they are not allowed to search people's private homes without consent. Thus a lot of domestic child labour cases go unaccounted for.

C: Here the question of funding was asked as to whether the South African government is responsible for the expenses incurred from the efforts to eradicate child labour, or do international organisations and NGOs bear the financial burden. Interviewees A, D, E and G said that the government financially supports the fight against child labour ".....funds are allocated to the Department by the National Treasury to enable us do our work" (Interview with the DOL, 2014) Interviewee G mentioned the funds that are released by the Department of Social Development to back the youth programme. She also mentioned that training on child trafficking is held by the same department all in a bid to reduce the cases of child trafficking and consequently child labour. On the other hand the other interviewees gave either one of these answers; that the government has not set aside any fixed funds for child labour or that most of the funds come from international funders. Interviewee B said 80-90% of the funds for child labour in South Africa come from international organisations and a small percentage from the National Development Agency (NDA). Interviewee C said that international NGOs like Networks against child labour and Terre des Hommes provide finances. Interviewee F pointed to the fact that although the budget was amended in 2014, no specific provision was made for child labour. Nevertheless, he did not have information on where the funding for child labour was currently coming from.

CHAPTER FIVE

5.1 Introduction

This research was carried out with the aim of finding out why child labour still prevails in South Africa even with the presence of a policy designed for the purpose of eliminating it. An exploration was done into how the policy is currently being implemented in order to verify if this is where the issue lies. This chapter will therefore look into the researcher's interpretation of all the data that was laid down in the previous chapter. Using the thematic analysis method, the researcher was able to come up with themes that will be used as the focal points for analysing the data. Three themes were derived from the interviews as they represent the commonalities that stood out in all the interviews. These themes are:

- The common cause of child labour
- A lack of understanding of the aim of the policy
- Discrepancies between civil society and government
- Not enough priority placed on child labour

The 5C Protocol will likewise be used based on the information received from the interviews to determine the effectiveness of the implementation of the policy. Brynard (2005) expressly says that implementation studies seek to determine why a specific thing happened. This analysis will look into why child labour still occurs in South Africa.

5.2 The common cause of child labour

The first question that was asked to the interviewees was that of the cause of child labour. Understanding the cause of a problem can be the first step toward solving it. Each and every interviewee raised the point that poverty was the principal driving factor that encouraged children to look for work. Other causes were cited; like Interviewees E, F and G who spoke of child headed homes caused by HIV. Interviewee A said some children are driven by the need for financial independence, Interviewee B mentioned hunger, Interviewee D said parents pushed their children into child labour. Within all these other causes, the root is in poverty. This is in line with what was brought up in the article by Baughman (2011). The need for sustenance is so strong a factor that children are willing to sacrifice their safety, health and education in order to find a means to sustain themselves. More so, parents who are supposed to be the first protectors of their children are ready to expose them to harsh and sometimes dangerous conditions, as long as they can help sustain the family. This shows how much of a

concern poverty is, as it has the capacity to influence people and make them ignore basic instincts.

5.3 A lack of understanding of the aim of the policy

The Child Labour Programme of Action was developed with the intention of reducing and eventually eradicating child labour, especially in its worst forms. It was intended for it to be a combined effort by all government departments, as well as civil society. Every department was given a role to play, as can be seen in the detailed summary of the policy document in Chapter Two. It clearly stipulates the responsibilities of all the government departments concerned with the implementation of the policy. And as per the policy document, the work of each department feeds into the work of the other departments. Therefore rendering them co-dependent in accomplishing the purpose of the policy. However, during the stage of this research where the researcher was looking for interviews, it was found that many government departments that are supposed to be involved with the implementation of the policy seem to have no connection with child labour related issues. Most of them claimed not to have anything to do with child labour matters and referred the researcher to the Department of Labour.

This gives one the idea that the involvement of other government departments in the implementation of the policy is not as solid as it should be. There is a discrepancy between what the policy says and what is observed at the grass roots level. Eight government departments were targeted for interviews. Of those eight departments, only the Department of Labour was able to provide information for the interview. When contacted, all the other departments either said they had very limited knowledge on child labour, or that they did not have any relation whatsoever with the issue of child labour. Most of them made reference to the Department of Labour as the source of all child labour related information. Thus forcing the researcher to focus attention on the Department of Labour and civil society as the institutions used to gather the material for the research.

However, the policy document clearly carves out the role that each of these government departments has to play. Yet at the implementation level, there is no awareness of these functions. The idea that child labour is an issue that concerns the Department of Labour alone is still deeply entrenched in the minds of implementing officers in the other government departments. The other department that the researcher was referred to was the Department of Women, Children and People with disabilities. Notwithstanding, the department did not have current information on child labour, as the best person who could who could respond to the interview had ceased working on child labour a few years ago. Implying that at the time of the

interview, there was no one handling child labour related matters at the department. Thus, there is a gap in the understanding of the policy and the way it was intended to be implemented.

5.4 Discrepancies between civil society and government

Civil Society is where the researcher was able to get most of the information used for the research. The NGOs that were approached for interviews were more open, knowledgeable and willing to assist the researcher. Their responses were more comprehensive and they gave room for follow-up discussions. They also provided documentation for further reference, in order to give the researcher a broader perspective of child labour as it is in South Africa today, as well as the legislations that exist regarding child labour. The policy document states that child labour NGOs are to be involved with coming up with self-sufficient programmes for fund raising in order to assist adults in areas where the WFCL are most common (Child Labour Programme of Action, 2008). According to the policy document, NGOs were supposed to work in conjunction with government departments in order to come up with these different sustainable programs that will aid in putting an end to child labour. But from the interviews, the researcher was able to deduce that NGOs were more concerned about eradicating child labour than the government departments. For instance, the interview with Interviewee G revealed some of the difficulties that labour inspectors face; this being the fact that labour inspectors are not allowed to search private homes, and many incidences of domestic child labour actually occur inside people's homes. This shows that NGOs have gone beyond their stipulated responsibility in order to understand the intricate workings of child labour as opposed to the government departments that were contacted and had little or no knowledge of the research topic.

Another area where a difference was found between civil society and government was concerning funding for the implementation of the Child labour Programme of Action. Of the government institutes that were interviewed, only Interviewee F said that no funds have actually been set aside by government for the policy. All the other government departments said that there is a budget that is allocated by the government treasury. On the other hand, the NGOs that were part of the interviews for the research were unaware of any funds that were allocated by the treasury. They all seemed to depend of foreign assistance. Interviewee B actually said that 80-90% of their support came from international organisations. Interviewee C mentioned two sources of their funding; Networks for child labour and Terra des Homes which are both NGOs. Interviewee G posited that the government – the Department of Social Development (DSD), supports the implementation of the policy. This leaves questions as to

where the real support comes from, because the policy document states that the programmes for the policy have to become self -supporting and sustainable even after the support from the treasury is removed. However, from the information received during the interviews, it becomes questionable whether the government is indeed providing financial support. Furthermore, the one interviewee from civil society who acknowledged support from the government mentioned only one department. And she said this support came because of the youth programme carried out by the DSD. Nonetheless, funding for the implementation of the CLPA cannot come from just one government department. The policy affects the nation as a whole and involves several parties. That said funding should ideally be set aside from the government treasury as part of the national budget to ensure that all the parties concerned in implementing the policy can stand on their feet regarding the implementation of the policy, before it is removed. Interviewees A, D, and E, who were all civil employees, confirmed that government financial support was available, but interviewee F, also a civil employee, said no funds have been allocated by treasury for the policy. This inconsistency even among the government officials that were interviewed leaves gaps in the researcher's mind. It leaves questions as to if resources have actually been allocated for the implementation of the CLPA. Considering the budget allocation for the year 2016, it is clear that no funds are allocated directly to the implementation of the Child Labour Program of Action. However, funds are set aside for social protection, which includes child support grants and provincial social development. Government funds have also been assigned for local and infrastructural development. Although these do not feed directly into child labour, they may affect the occurrence.

5.5 Not enough priority placed on child labour

The government has several important issues that need attention in the form of funds and human resources. But it is the prerogative of the government to decide what comes first on the agenda. The things that come first are given more priority and resources. It is the opinion of the researcher that child labour is an issue that needs to be resolved as soon as possible. Child Labour is part of a vicious cycle of poverty where children forfeit education today in order to look for ways of making money, but in adulthood, these children will form part of the population that the government will have to cater for via grants. Thus it is something which if tackled now, will benefit the nation as whole in years to come. However, from the interviews it shows that child labour is not receiving as much attention as it should be, especially on the government front. This comes through clearly with the fact that several government

departments, even the ones that are central to child labour such as the Department of Social Development or the Department of Women, Children and People with disabilities seem complaisant about it.

When asked about the areas of prevalence of child labour, the answers given by the interviewees were very different. This made it difficult to establish a trend or make a comparison between government and civil society. For instance, Interviewee B said child labour is more common in urban areas, Interviewee C said it is mostly found in rural areas, Meanwhile Interviewee G said child labour prevails in both rural and urban areas. These are the responses from civil society. Out of the interviewees from the government, two of them, Interviewees D and F said child labour is found in both rural and urban areas. Interviewee E spoke of rural areas. And Interviewee A gave the names of two provinces; North West and Eastern Cape, not specifying whether child labour thrives in the rural or urban areas of these provinces. The fact that every interviewee had a different view of where child labour is most common shows that the government has not placed proper attention on it. Otherwise there would have been a clear pattern with very similar responses from the interviewees. This variety of responses indicates to the researcher that each interviewee answered from their own experience and knowledge, and that there is no defined answer as one would expect if it was an area of focus for the government.

Another question that brought this out clearly is the question on the figures of child labour. The researcher expected to receive exact figures or at least close estimates on how many children are involved in child labour. But this was not the case. Three out of the seven interviewees (B, D, and F) had no information on how many children are currently involved in child labour. And of these three, two of them are government officials. Yet government officials are to be the enforcers of the policy. Thus by implication they are to have knowledge of what the policy is addressing. Therefore the fact that some of the people who are supposed to implement the CLPA do not know about the number of children involved in child labour indicates to the researcher that not enough interest has been put on child labour. Three other interviewees (A, C and G) made reference to the SAYP report of 2010. This report is quite generic, as it examines all the activities of young people aged 7 – 17 years (see chapter one for more detail). On the other hand, it does give a figure – 784000 children, who were vulnerable and most likely to be involved in child labour at the time of the survey (SAYP report, 2010). This report even proves to be out dated, as in an online article dated August 1st 2013, the Minister of Labour stated that South Africa has over 800,000 child labourers. Interviewee E said 300 actual cases of child labour have been handled by child labour inspectors since 2011.

Nonetheless the researcher was able to draw from the interviews that the interviewees did not have a lot of detail about the current situation of child labour. Even those who made reference to the SAYP studies did so because they were not sure and wanted the researcher to go through the document personally to get the information. And as stated above, the SAYP has already outdated information. Meaning that none of those who were interviewed have a true picture of the problem at hand. And because they have not taken the time to find out such basic information, it can be taken to mean that they have not viewed it as a problem that needs prompt attention.

5.6 Analysis with the 5C Protocol

As already mentioned the 5C protocol explains the different variables that go into the implementation process of a policy. In the case of this report, it will be used to better understand and assess the implementation process of the Child Labour Programme of Action for South Africa. The policy implementation has been split into phases that run over a period of four years each. And each phase is accompanied by a report that details all that has been achieved. This analysis will use each component of the 5C protocol to evaluate how the information from the interviews tallies with the information in the policy documents.

With regards to the content of the policy, the reports on the three current phases of implementation show that quite a lot of work has been done as far as the actual carrying out of the policy. The reports show that progress has been made and that the different parties involved are playing their part. This is evident from the content of each of the progress reports. The first report speaks to the foundations that were laid at the inception of the policy. The second one brings out the different stakeholders in the implementation and the tasks they all have to carry out. This includes not only government departments, but also civil society. The most recent report allocates new tasks to different departments and revises the tasks of others where necessary, but excludes civil society. This results in a more streamlined report that focuses on the role that government alone has to play in the implementation of the policy via the various departments. Despite this progress on the reports, the interviews paint a different picture. As already mentioned, when approached, several government departments did not have any information about the policy or its implementation process. There by leaving the component of the policy content lopsided as they could provide no insight into the policy.

The policy will be most understood within the institutional context. Albeit there are different contexts that could very well be used in the understanding of the implementation of this policy, the institutional context is most relevant. This is owing to the fact that it is

government institutions that are responsible for execution of the policy. And as Brynard (2011) points out, the human interactions surrounding a policy make up the context. The policy reports show a great amount of interaction between the departments of government. According to the reports, no single departmental task is to be carried by that department alone. There is always a buy-in from other department. However, the amount of interaction that came through in the interviews was not as robust as presented in the reports. The DOL or the DWCPD were most often referred to as the hub for child labour, thus negating the perception of departmental interaction during the implementation process.

With regards to commitment, the fact that the reports show that over the different phases of the implementation of the policy, the departments have chronicled their progress. The report for phase two provides a fairly detailed account of what has been achieved or not and what still needs to be done by all the parties concerned with implementing the policy. The report for phase three proffers an outline of tasks that focus solely on government departments. This is because as per the report, government cannot give account for whether civil society is playing their role in the implementation process. Thus it was decided that emphasis should be placed only on the government departments. The interviews once again present a skewed view of this variable. On the one hand, the government departments that did provide information for the research did so without hesitation, and made relevant contributions to the interview questions. The same can be said about civil society. The NGOs that were approached for interviews were very forth coming with information. This shows some level of commitment to the process. On the other hand, others had no information about the policy. And commitment cannot be made when there is ignorance about the policy.

For any policy to be successfully implemented, resources are needed. These resources being tangible (finances, human capital, technology etc.) and intangible (leadership, skills and know-how, motivation etc.). Without these, the implementation process will be unable to leave the ground. The implementation reports state that every department needs to allocate a fixed budget that will feed into implementing the policy, and this is to be overseen by the national Treasury. The reports also make mention of trainings that need to be carried out by the different departments to equip their officials. On the ground however, during the interviews, there were differing voices as to the source of funding for the implementation of the policy. Some departments confirmed that the National Treasury makes provision for the policy. Meanwhile others, with civil society were of the view they government does not fund the implementation, and that funds sometimes come from international donors.

The CLPA requires the input of several parties in order to achieve its purpose of eliminating child labour in South Africa. It is paramount for the government to create coalitions with groups that have similar interests in the eradication of child labour. The 2008 report showed the charges of the departments that are most relevant to the policy, as well as civil society. This created the sense that the policy implementation was taking an inclusive approach where outside actors were working alongside government against the child labour problem. But the most recent implementation report of 2013 has taken a step to exclude nongovernmental institutions on the basis that the government cannot vouch on them carrying out their assigned tasks. This raises the question as to whether government has chosen to tackle to problem of child labour apart from civil society. Brynard 2011 makes it clear that power shifts among coalitions can work either to the benefit or detriment of the implementation process. It is left to see how the implementation process will play out as the government has decided to focus their gaze solely within.

5.7 Conclusion

These themes and the 5C protocol that have been discussed above bring out the major faults that the researcher was able to draw from the interviews. The similarities and dissimilarities in the answers given by the interviewees and the lack of coherence with the 5C protocol point out that there are areas in the implementation process that have gaps. This will help the researcher to propose recommendations that could possibly help to move the implementation of the policy along and achieve better results as far as the CLPA is concerned.

CHAPTER SIX

6.1 Conclusion

This last chapter of the research will cover the conclusion to the research report, limitations of the report and recommendations that can be made concerning the Child Labour Programme of Action (2003). The conclusion will look back at the research objectives and to see if they were attained. Then the proposition that was made at the beginning of the research will be reviewed to verify if the researcher's original opinion about the implementation of the child labour policy was right or if it needs to be adjusted. The limitations will portray the known short comings of the research as well as those of the researcher. The recommendations will stem from the findings that were obtained from the data analysis. They will address the gaps in the implementation process that were found during the interviews and suggest means by which an improvement may be made.

The objectives of this research were as follows; to bring an understanding of the child labour policies that have been developed thus far; to expose the most fertile grounds for child labour and what encourages the practice, both on the side of the labourers and the employers; and then lastly to analyse the work government has done in bringing an end to child labour and see where the government is failing, and recommend steps for the future.

The first objective of the research was attained in the first chapter. In chapter one, the researcher went through the earlier policies and international conventions that South Africa has ratified on child labour. This was vital because it showed that the Child Labour Programme of Action is not the first step the government has taken against child labour. Nonetheless it is important to mention that this policy is the first that addresses child labour exclusively. The other national legislations have different focal points and child labour is a surrounding factor.

The second objective was accomplished via the interviews, as they revealed that in rural areas, the most popular form of child labour is in the agriculture sector, especially in grape farms. Meanwhile in the urban areas domestic work and street begging prevail. As for the driving force behind child labour, it was brought out in the interviews that most children will go out to look for work because of poverty; they want to offer financial support in their families. And on the other hand, people who hire children do it because children can easily be manipulated or coerced into accepting a lower amount in wages. Hence offering a cheaper source of labour.

The interviews also achieved the third objective of the research. The researcher was able to take a critical look at the Child Labour Programme of Action, which is the government's attempt to deal with child labour. The shortfalls in the policy were identified, and recommendations will be offered to help in making the policy more effective.

The proposition made at the beginning was that the continued presence of child labour is due to a misalignment between what the policy lays down on paper and what is actually practised in the field by the parties who implement it. The researcher found that most government departments that were contacted do not have an active force set up to tackle child labour issues, as it was quite difficult to find people with relevant information for interviews. Unfortunately, the few that could offer relevant information were not current. However, the policy document clearly spells out the duties for each department, as well as the deadlines by which they need to be carried out. This raises questions as to whether there is a proper understanding of the policy at grass roots level. In order for a policy to function according to its purpose, it is necessary that all those responsible for its implementation are on the same page from the inception and formulation of the policy right up to the implementation. What the researcher found was evidence that there is a lack of coherence between the top and the bottom. On this basis, it can be concluded that the proposition made at the beginning is true.

6.2 Limitation of the Research

The nature of the research may act as a short coming. Throughout the research it has been reiterated that child labour in South Africa is a covert activity and those who practise it are not keen on being revealed. Thus, being more of a desk top study, the research did not have interviews with children or adults who are actually involved in child labour. The researcher had to depend on information from third parties who are not directly involved in the practise of child labour. And this therefore means that the research lacks a perspective that would have given more depth and understanding to some aspects of the research.

6.3 Recommendations

The aim of this section is to propose steps that can be taken in order to improve on the current implementation of the policy. These recommendations are based on the gaps that were found in the way the policy is currently being implemented.

Policy Sensitisation

The first step that could be taken to make the policy implementation more effective is sensitisation. Those at the grass roots level; those who are actually supposed to be implementing the policy, showed that they are ignorant and disconnected from the policy and what it entails. This prevents them from implementing the policy given that they are unaware of what it stipulates and what the expected results are. They are even unaware of their responsibilities with regards to the policy within the different departments. The government via the Department of Labour could set up regular workshops and training programmes in every department to basically take the employees through the details of the policy document. This will help to reinforce the importance that each Department holds as to the eradication of child labour. Such workshops will act as reminders of how vital it is to eradicate child labour and create a new sense of commitment, especially in those at the lower levels of the administrative ladder.

Government Funding

Another recommendation is that a part of the government budget should be clearly given to the eradication of child labour. During the interviews, there was no evidence of a defined source of funds for the implementation of the policy. Despite the fact that some government departments pointed to the national treasury as the source for their funds, others were not sure of whether government provides funds. Ensuring a constant supply of funds for the implementation of the policy could act as an incentive for the different departments to actually perform their assigned tasks. This is due to the fact that the presence of sufficient finances will facilitate the task and allow for more creative means of dealing with the problem.

Continued Research

It will benefit the county as a whole if more research is done into implementation techniques. As this research report has uncovered, the policy is not being properly implemented at the ground level. The DOL, being the department heading the CLPA could delve into more efficient, effective and all-inclusive ways of implementing the policy. Such research could in the long run be used as a standard for the implementation of other policies.

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