

Child Labour

Economic Exploitation a Form of Abuse

Jackie Loffell

Throughout the developing world, millions of children are exploited for their labour. The International Labour Organisation (ILO) believes that more than 90% of these children are in Africa and Asia. There is an appalling lack of data on the extent of the problem in South Africa. The ILO estimated that, in 1987, more than 60 000 black children between 8 and 14 years were employed as labourers on South African farms. According to the National Children's Rights Committee (NCRC) and the United Nations Children's Fund (UNICEF), there were possibly as many as 781 268 children in unprotected labour in this country in 1991 (Children and Women in South Africa, 1993). Whatever the actual figures, it is clear from the accounts of many organisations and individuals that we have a widespread and serious child labour problem in this country, involving abuse in multiple forms. Despite this, we have lagged behind many other developing countries in opposing the economic exploitation of children.

Poverty and Child Labour: A Vicious Cycle

Child labour is rooted in poverty, illiteracy and the willingness of employers to exploit the survival needs of impoverished children and families. A vicious cycle occurs in which children prematurely enter the work force, their education is limited or non-existent and their physical, emotional and social development is impeded or in some cases severely damaged. They emerge as adults able to command only the lowest wages and, where labour in childhood has taken a heavy physical toll, have a shortened working life. They are then more likely to be dependent on an income from their own children. Furthermore, because children can be more easily underpaid and exploited, it often happens that they are employed in preference to adults. Hence, unemployment and the resultant poverty increase, setting the scene for an increase in child labour.

Patterns of coerced or semi-coerced labour have been a feature of life in South Africa for centuries, and children have been part of this reality. From the times of early European settlement in the Cape, child slaves were at work in homes and on farms. There are records of the capture, sale or barter of indigenous children for labour up to and long after the legal emancipation of

slaves in the Cape Colony in the 1830s. Coercion continued via the web of laws designed to dispossess black people of their land, restrict their movement and channel them into specific types of work. These measures reached their extreme under apartheid.

Exploitation on the Farms

Employers in the agricultural sector have, until recently, been free from the constraints of industrial legislation and its associated minimum age provisions. An increasing number of children on the farms have become part of a captive workforce along with their parents. An investigation by the London based Anti-Slavery Society in 1979-80 into fruit, wine, maize and vegetable farms in various parts of the country (*Child Labour in South Africa*, 1983) revealed numerous instances of children doing hard labour while being provided with poor food and squalid accommodation. Many migrant children working on a contract basis existed in conditions approximating captivity and slave labour. Children's wages were far lower than those for adults. Wages were often paid irregularly or in small quantities of produce rather than in cash.

There is ample evidence that serious abuses are still occurring. Since 1991, the Network Against Child Labour has been gathering reports of abuses. According to the Food and Allied Worker's Union, the piecework system involves hard work for low pay, for example, 20 cents for a basket of oranges. Employers often use unregistered labour contractors to recruit workers. They pay contractors for the labour, but, in many instances, the contractors fail to pay the workers and vanish without trace.

According to another report, "Refugee children from Mozambique work for wealthy black and white farmers. Some farmers go to a refugee settlement and recruit every available child for labour. The children work until pay day arrives and are then reported to the police as illegal aliens, following which they are repatriated to Mozambique. Unions are powerless to help such children and their families."

Farm workers are dependent on their employers for their accommodation. In another input, it is pointed out that this "makes it extremely difficult to counteract the exploitation of workers' children, regardless of the law. Parents will not want to divulge the fact that their children's labour is being used by the farmer when they run the risk of being thrown off the farm."

The exchange of child labour between farms appears to be a common practice. Children are transported to other farms on weekends, from as early as five in the morning. There are accounts from the northern Transvaal of children

working on another farm being selected by lot for rape by adult workers on that farm. Child farm workers are also exposed to a number of other hazards.

For example, children on an eastern Transvaal tobacco farm were photographed spreading pesticides with their bare hands (*New Nation*, 4/2/1993). In *A Brutal Harvest* (Black Sash, 1991), Segal quotes, "A girl of twelve had her leg mauled by a dog belonging to the farmer. Her leg was amputated. Not only were her parents not told of the incident until some time after it had happened, but they were threatened with eviction from the farm. The little girl had been the only working member of the family and they were no longer of any use."

Where education is provided for farm children, this is dependent on the goodwill of the farmer. Not only does he provide for the establishment of the school, but he can also influence the hiring and firing of staff. Furthermore, farmers take children out of school when they require their labour. Many children have to walk long distances to school. In a recent survey by the Rural Education Forum, teachers on farm schools in the southern Transvaal estimated that the school children were working between 10 and 50 hours per week, for wages ranging from R2 to R10 a day.



Farmworkers are dependent on their employers for their accommodation. Photo: Afrapix

Mphahlele describes the reality on the farms as follows, "There are atrocities and these are never reported, farm labour children get beaten up, they get sexually abused, accidents and deaths take place on the way to the farm fields ... and the farmer is always protected by the law" (Child Labour and Farm Schools, paper for SACC seminar on children's rights, 1991).

Behind Closed Doors, On the Streets and In the Coalyards

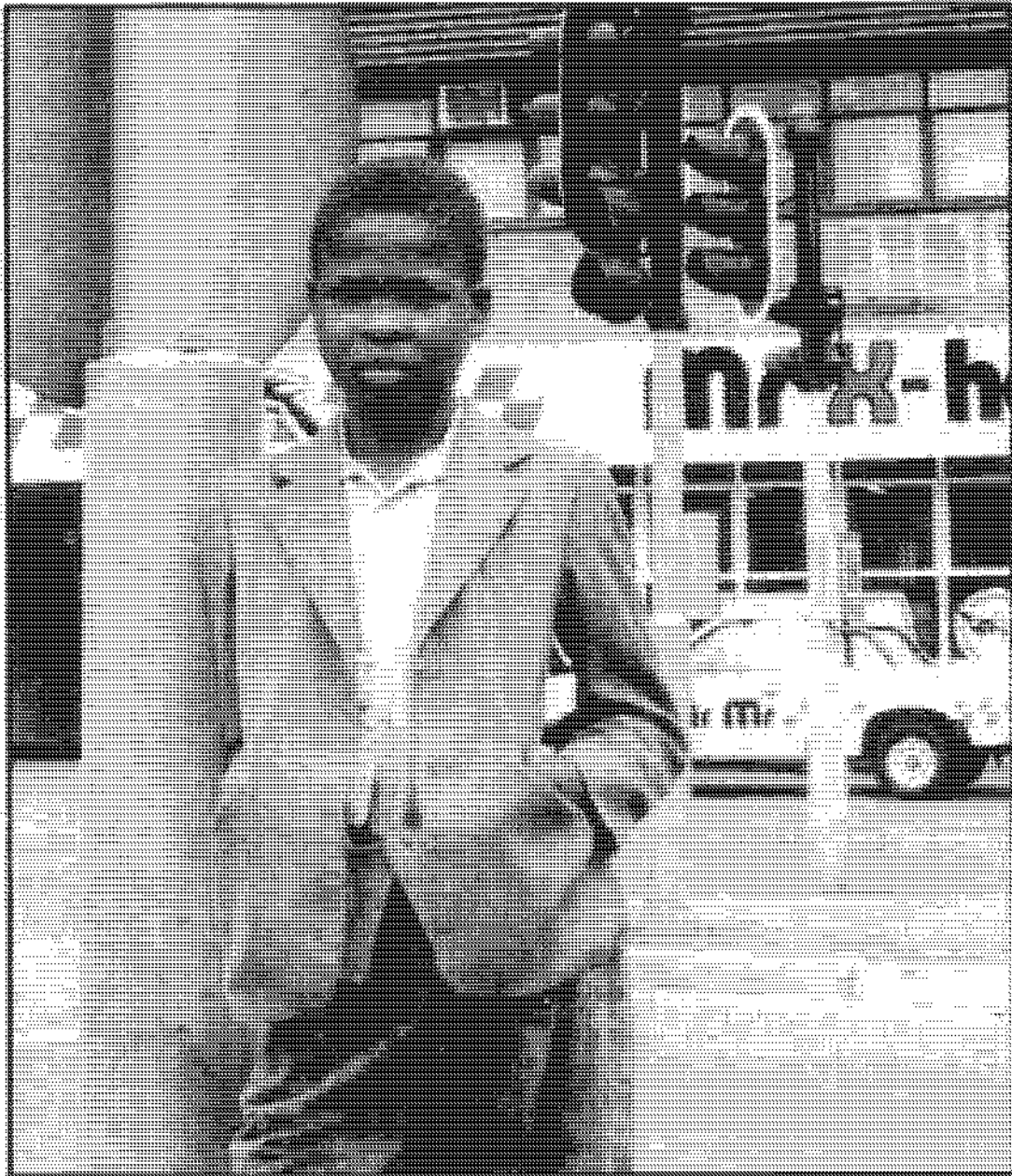
Child labour is also exploited in a number of other sectors, including domestic service. Internationally, child domestic workers have been found to be subject to every kind of child abuse. Apart from long hours, poor pay, and age-inappropriate responsibilities, they are frequently victims of physical, emotional and sexual abuse. In South Africa, this form of child labour is particularly well hidden, literally behind closed doors. Employers of these children have, like farmers, been free of the restrictions of industrial legislation.

Child hawkers can be seen at work on pavements and roadsides in all parts of the country. They include newspaper vendors. Young boys, dodging traffic to sell papers, often until late at night, come rain or bitter cold, have been a feature of our streets. Trade union efforts have led to many of them being replaced by adults, but children still sell papers in many areas.

The harsh and unhealthy working conditions of child coalyard workers in Soweto are vividly captured by Peter Magubane's photographs. The children carry weights which are excessive for young bodies. Addiction to glue is rife and reported to be a means by which employers hold children in their service. Magubane's personal follow-up work shows such children typically graduating to a life of crime. He points out that the situation is perpetuated not only by exploitative township employers but also by residents who are prepared to buy coal from children.

No Child Labour Under 15

Internationally, various steps have been taken to counter child labour. For a number of decades, the International Labour Organisation has been advocating that all countries include minimum age requirements in their labour legislation, thus barring children from the work force. It is striving for a situation in which, within the shortest possible time, no child under 15 years will be employed, with the limit rising to 18 for hazardous work. The ILO accepts that light work for children over 13 should be provided for, subject to strict safeguards. It has, at the



Young boy begging at an intersection. Photo: Ismail Vawda

same time, recognised the large numbers of child workers in many poor countries who are without alternative provision for their support, and has allowed for a certain amount of flexibility while this reality persists.

Articles 31 and 32 of the United Nations Convention on the Rights of the Child recognise the child's right to rest, leisure, play and recreation, and to protection from economic exploitation and hazardous work or work harmful to his/her education or development. The Organisation of African Unity Charter on the Rights and Welfare of the Child, and the recently adopted Children's Charter of South Africa, have similar clauses.

In South Africa, enormous loopholes in labour and child protection legislation have permitted many employers to hire children without restriction. The Basic Conditions of Employment Act (BCEA), which sets the minimum age

for employment at 15, specifically excluded a number of sectors from its ambit, including agriculture and domestic service. However, by 1990, the trade union movement ensured that the wheels were set in motion for these sectors to be covered by the BCEA.

In 1991, a new section, 52A, was added to the Child Care Act. This prohibits the employment of persons under fifteen years, but empowers the minister of health to allow employment sectors or specific employers to benefit from child labour. The agricultural employers' lobby is pushing to be allowed to employ children over 12, subject to a series of conditions and safeguards, which are regarded in children's rights advocacy circles as unenforceable. The government initially developed draft regulations for the implementation of Section 52A, which allow children over 12 years to work for 'pocket money'.

The Emerging Lobby Against Child Labour

In the past three years, the number of organisations and individuals committed to ending the economic exploitation of children has been growing. Developments in legislation were the main catalyst for the emergence of a multi-sectoral lobby, namely the Network Against Child Labour. It currently includes some thirty seven organisations and several individuals. The education, trade union, welfare, health, law, human rights, development and church sectors are represented. The network's secretariat is provided by the NCRC.

It held a media campaign to heighten public awareness of both the prevalence of child labour and the related legal issues. It made strong representations to Rina Venter against the draft regulations allowing children over 12 to work and these are now being reconsidered.

The BCEA was extended to farmworkers this year and will cover domestic workers in the near future. The employment of children on farms is now illegal in terms of both the Child Care Act and the BCEA, unless the minister decides otherwise. However, there is a lack of effective machinery to prevent the illegal use of child labour. The Manpower inspectorate is overloaded and child farm workers and their families face numerous risks in laying charges at the nearest police station, which is their option in terms of the child care act. The relevant laws are being ignored and children are still being exploited on a large scale.

Strategies for Change

The network recognises that child labour is a multi-dimensional problem. Its roots lie in poverty and underdevelopment, it contributes to adult unemploy-

ment, and it must be combatted by a range of strategies. Appropriate laws and machinery for enforcement are vital, but universal compulsory education, proper social security provision and development are also indispensable.

To date, the network has largely been concerned with raising consciousness and with lobbying for the necessary legislative reforms. Increasingly, it is facing the need to deal with reports of specific abuses. The network is encouraging its member organisations, and others who wish to take up the issue, to form local linkages to join in the lobby for broader changes and to tackle reported cases of exploitation of children in their areas.

Hence, for example, court action could be initiated by local branches of legal groups, while welfare organisations could assist families who depend on the labour of their children to apply for grants or pensions. Local churches and civics could also play a vital role in helping children and their families, in conscientising their communities regarding the effects of child labour, and in negotiating with amenable employers. Trade unions, which now have the right to organise farm workers, have a key role to play.

The Community Law Centre of the University of the Western Cape has recently commenced major research into the South African child labour problem. This is a vital step forward for the local lobby. It is envisaged that the research will both draw on and inform the work being done by the network.

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