

South Africa

South Africa's policies and legislative framework have been globally admired for human rights protections. Nevertheless, over 20 years since the end of apartheid, children in South Africa, especially those from poor backgrounds, continue to face numerous challenges, including poverty, inadequate nutrition, lack of protection from violence and limited access to education. In 2016, the [UN Committee on the Rights of the Child expressed concern](#) that business activities, particularly in the [extractives industry](#), have a negative impact on the rights of the child.

Workplace

According to the [Children's Rights in the Workplace Index](#), companies operating in, or sourcing from, South Africa should exercise moderate [due diligence](#). South Africa scores 3.6 out of 10 (moderate due diligence category) in the Index, primarily due to child labour rates and challenges for parents and caregivers.

- **Child labour**

South Africa is taking action to eliminate child labour, for instance, by establishing the National Child Labour Program of Action for South Africa in 2013. South Africa has ratified including ILO Convention No. 138 on Minimum Age and ILO Convention No. 182 on Worst Forms of Child Labour, and The Basic Conditions of Employment Act (BCEA) makes it a criminal offence to employ a child under 15 years of age or under the minimum school-leaving age, if this is older.

According 2015 government statistics, [5.2% of children aged 7-17 years are in child labour](#). The situation is improving, and child labour rates decreased by 1.9% between 2010 and 2015. Nevertheless, poverty and limited access to education are key drivers of child labour in South Africa. According to World bank data, [16.6% of South Africans live below \\$1.90 per day](#).

Child labour is commonly reported in the [agricultural sector](#). Over [30% of working children are exposed to hazardous working conditions](#), and this is a particular risk in agriculture and extractives. Although there is limited data collection, there are also reports of the worst forms of child labour, including forced labour, prostitution and trafficking. [Food and beverage](#) and [extractives](#) companies in particular should implement [due diligence](#) to ensure that their activities contribute to the elimination of child labour.

- **Decent work for young workers**

Working conditions for young workers – those aged 15-17 – are of particular concern in South Africa. According to official statistics, nearly 30% of adolescents aged 15-17 years are engaged in economic activities. The HIV/AIDS epidemic has resulted in many child-headed households. UNICEF estimates suggest that [150,000 children are living in child-leaded households](#). Young workers in South Africa are more vulnerable to poor working conditions and exploitation, especially if employers take advantage of their young age and inexperience. All companies operating in or sourcing from the country should therefore examine their policies and procedures to ensure that young workers are protected and supported in all business activities and facilities.

- **Decent work for parents and caregivers**

Living wages are critical to allow working parents to provide an adequate standard of living for their children. There is no national minimum wage in South Africa. Instead, there are [nine sectors covered by minimum wages](#), where workers are deemed by the Ministry of Labour to be particularly vulnerable, including: domestic work; contract cleaning; private security; wholesale and retail; farm workers; forestry; taxi; learnerships; and children in performing arts. Outside of these sectors, minimum wages are negotiated through Collective Bargaining Councils (CBCs) at the industry level.

Despite existing wage-setting mechanisms, businesses and industries in South Africa are often criticised for paying wages below a living wage standard. Trade union demands indicate that living wage is approximately R10,000 (US\$828) per month. However, in [2016 median minimum wages](#) set through collective bargaining were R4,155 (US\$344) per month, and R2,959 (US\$245) per month. Income inequality remains a critical concern; [white South Africans earn an on average five times more than black South Africans](#), who are much more likely to be in working poverty.

Maternity protections are vital to protecting and supporting children's health, development and well-being. Although South Africa has not yet ratified ILO Convention No. 183 on Maternity Protection, women have the right to 4 months (approx. 17 weeks) of maternity leave. Leave can be paid at up to 60% of earnings for those that pay into the Unemployment Insurance Fund. However, employers are under no obligation to provide paid maternity leave for women who are not paying into this fund, and this is a challenge for working women in the informal and agricultural sectors.

Without an adequate period of paid maternity leave, working mothers are less able to provide an adequate standard of living for their families, and may be compelled to return to work before they and their infants are ready. An inadequate period of paid leave can also interfere with exclusive breastfeeding in the first six months of life, as recommended by [UNICEF and WHO](#) guidelines, which is critical to children's health and development. In 2016, [32% of children in South Africa were exclusively breastfed](#) for the first six months, which is lower than the global average of 40%.

Marketplace

According to the [Children's Rights in the Marketplace Index](#), companies operating in, or sourcing from, South Africa should exercise enhanced [due diligence](#). South Africa scores 4.8 out of 10 in the Index, largely due to concerns for children's safety online; rising obesity rates and limited restrictions on marketing of HFSS foods; and high rates of tobacco and alcohol use among children.

- **Safe products and services**

[ICT](#) companies should enhance their [due diligence](#) approach and ensure that safeguards are in place to protect children online, including limiting the dissemination of child pornography and protecting children from online sexual abuse. In 2009, South Africa ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. South African laws prohibit child pornography and establish a special investigation team to identify and prosecute perpetrators of online child pornography. The government has also introduced new legislation requiring internet service providers (ISP) to report suspected child pornography to law enforcement agencies. However, in 2016 [the Committee on the Rights of the Child expressed concern](#) about the reported increase in cases of online child sexual exploitation.

There is also a significant risk of cyberbully and children's access to inappropriate pornographic content online. The extent of cyber-bullying in South Africa is unknown, although it is thought to be increasing in prevalence. According to a 2016 report by UNICEF and the Centre for Justice and Crime Prevention, [1 in 5 children \(21.9%\)](#) reported having being treated in a hurtful or nasty way in the past year, either in person or online. The same report also found that [20.5% of child participants](#) received unsolicited adverts or links to pornographic websites, usually from friends or strangers met online.

Product safety is regulated by the Consumer Protection Act, which guarantees the right to safe and good quality goods. The National Consumer Commission is tasked with promoting fair business practices and consumer protection from unsafe goods and services. However, death rates from injuries caused by product use and mortality rates from poisoning are significant. In 2016, nearly [9% of deaths of children under five years](#) of age were attributable injuries caused by product use according to WHO data; higher than the regional average of 6%. Companies should therefore take steps to ensure that product safety standards are enhanced, with a special focus on child safety.

- **Marketing and advertising to children**

Childhood overweight and obesity is a growing concern in South Africa. In 2016, [24.7% of children and adolescents aged 5-19 were overweight](#), and [11.3% were obese](#). These figures have increase significantly from 2006, when 10.8% of those aged 5-19 were overweight, and 3.2% were obese. There is also growing evidence of the impact that marketing of foods with high fat, salt and sugar (HFSS foods) has on children and childhood obesity.

The [Advertising Standards Authority of South Africa's Advertising Code of Practice](#) encourages participating companies not to advertise to children in a way that might be harmful to them, including food advertising. National laws also prohibit false or misleading claims in food advertising. However, there are not yet regulations protecting children from being targeted with marketing of HFSS foods. Given the increasing obesity rates, [food and beverage](#) companies in South Africa should adopt responsible marketing practices and refrain from targeting children with marketing of HFSS foods.

South Africa has adopted the full provisions of the International Code of Marketing of Breast-Milk Substitutes are implemented into national law. The country has also improved rates of exclusive breastfeeding from [7% in 1998 to 32% in 2016](#). According to [UNICEF and WHO](#) guidelines, infants should be exclusively breastfed for the first six months of life, and continue to be breastfed up to two years of age. Exclusive breastfeeding helps [children to survive, and supports healthy development](#).

South Africa has ratified key conventions on children's rights in relation to marketing and advertising, including the [Ratification of the WHO Convention on Tobacco Control](#) and the [Protocol to Eliminate Illicit Trade in Tobacco Products](#). The government is making additional efforts to regulate tobacco advertising, including introducing a measure to require plain packaging of tobacco products. However, health warnings are currently limited to text-only notifications on cigarette packets. Despite efforts to prohibit the advertisement and sale of tobacco products to children, an estimated [21.5% of young people aged 13 to 15 years use tobacco products](#).

Fewer government restrictions are in place to limit alcohol consumption among adolescents. While the government has developed a [self-regulatory marketing and advertising code](#), which explicitly addresses marketing and advertising to children, it is largely voluntary. To reduce reputational risks, [food and](#)

[beverage](#) companies in South Africa should adopt responsible codes of practice to refrain from marketing of alcoholic beverages to children.

Community and Environment

According to the [Children's Rights in the Community and Environment Index](#), companies operating in, or sourcing from, South Africa should exercise moderate [due diligence](#). South Africa scores 4.3 out of 10 in the Index, due to environmental challenges affecting children, especially pollution and drought, and health risks such as high rates of HIV/AIDS.

- **Children's rights in relation to the environment**

South Africa has made notable efforts to protect children's rights in relation to the environment. The Constitution protects the right to environmental protection, for the benefit of present and future generations, through reasonable legislative and other measures. The government has ratified a number of international agreements on environmental protection, including the UN Framework Convention on Climate Change and the Paris Agreement.

Key environmental issues that affect children in South Africa include pollution and natural disasters, especially droughts. Each year, [over 20,000 deaths in South Africa are attributable to air pollution](#), according to WHO data, including 2 of every 100,000 deaths in children under five. In urban areas, concentrations of particulate matter can reach 48 (Pm2.5), compared with the regional average of 37.

Children in some parts of South Africa are affected by disasters, especially droughts, which are being made worse by climate change. South Africa scores [8.6/10 for drought risk in the Index for Risk Management \(INFORM\)](#), a risk index for humanitarian crises and disasters. In 2018, South Africa declared a national disaster over the drought affecting large parts of the southern and western regions of the country. Children are likely to be disproportionately affected by these disasters; natural disasters increase the vulnerability of affected children to health risks, school disruption, displacement and separation.

- **Reinforce community and government efforts to protect and fulfil children's rights**

South Africa has made progress in ensuring the rights of children with respect to education, health and protection from violence. However, there is still progress to be made. Education is compulsory until the age of 15; however, it is not always free, which limits poor children's ability to access education. Primary enrolment rates are just 86.3%, which is higher than the regional average, but lower than the average for upper-middle income countries. Quality of education remains significant issue with 3 in 4 (74%) children in Grade 4 are unable to read for meaning.

HIV/AIDS is a critical area of concern for South Africa's children; [HIV and AIDS epidemic in South Africa puts children at risk physically, emotionally and economically](#). In 2016, [12,000 children \(aged 0 to 14\) were newly infected with HIV](#). All children are indirectly affected when their communities, and the services these communities provide, are strained by the consequences of the epidemic. Nurses, doctors, teachers and others can become ill and die from AIDS, affecting health care, education and other basic services.

Further reading

UNICEF, 2017, State of the World's Children 2017, Available at: <https://data.unicef.org/>

UNICEF South Africa, 2017, Country website, available at: <https://www.unicef.org/southafrica/>