



An analysis of the South African educational policy from a child labour perspective

Full report

Zafar, Kgobe, Napo and Parker



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of Centre for Education Policy Development (CEPD)

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Acronyms and Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
BCEA	Basic Conditions of Employment Act
BMP	Basic Minimum Package
CEPD	Centre for Education Policy Development
CLPA	Child Labour Programme of Action
CL	Child Labour
CRC	Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CUBAC	Children Used by Adults to commit Crime
DBMTs	District Based Management Teams
DBSTs	District Based Support Teams
DoE	Department of Education
DoL	Department of Labour
ECD	Early Childhood Development
ECOSOC	(United Nations) Economic and Social Commission
EFA	Education for All
EMGD	Education Management and Governance Directorate
EMIS	Education Management and Information Systems
FET	Further Education and Training
GoSA	Government of South Africa
GPAC	Gauteng Action Plan for Children
GEM	Girls' Education Movement
GER	Gross Enrolment Rate
GET	General Education and Training
GDE	Gauteng Department of Education
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
IC	Implementation Committee of the CLPA
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
IRDS	Integrated Rural Development Strategy
MDGs	Millennium Development Goals
MTEF	Medium Term Expenditure Framework
NSNP	National School Nutrition Programme
NACL	Network Against Child Labour
NAPTOSA	National Professional Teachers Association of South Africa
NER	Net Enrolment Rate
NGOs	Non-governmental organisations
NCS	National Curriculum Statement
ORC	Office on the Rights of Children
OSY	Out of School Youth
OVC	Orphans and Vulnerable Children
PED	Provincial Department of Education
PSNP	Primary Schools Nutrition Programme
RDP	Reconstruction and Development Strategic Framework
SADTU	South African Democratic Teachers Union
SAPS	South African Police Services
SASA	South African Schools Act No. 84 of 1996
SSRCs	Special Schools as Resource Centres
SGBs	School Governing Body
SMTs	School Management Teams

TECL	Programme Towards the Elimination of worst forms of Child Labour
TLSM	Teaching and Learning Support Material
URS	Urban Renewal Strategy
WP6	White Paper 6 (DoE)
WFCL	Worst Forms of Child Labour

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Executive summary

The Programme *Towards the Elimination of the worst forms of Child Labour* (TECL)

The TECL programme was established in 2004 by the Department of Labour (DoL) in order to provide technical assistance and to support the implementation of the Child Labour Programme of Action (CLPA) across government departments. Regarding its programme in South Africa, TECL is essentially an executing agency for key elements of the CLPA, as partner to relevant government departments, regarding identified obligations that government departments have in terms of the CLPA.

The CLPA was provisionally adopted in 2003 by government departments (including the departments responsible for education, provincial and local government, water services, justice, policing, prosecution, and social development), as well as a wide range of organisations of civil society, including organised business, labour, NGOs, CBOs and FBOs. The overall lead department is the *Department of Labour*. Regarding the educational components, the lead department is the national *Department of Education*.

The education-specific actions suggested in the CLPA represent one set of activities within a wider initiative to address child labour in South Africa across government departments.

Terms of reference

This research study has been approved by CLPA Implementation Committee (IC) and is the first phase of a three-part intervention by TECL to address the CLPA within the Department of Education (DoE), the Gauteng Department of Education (GDE) and other provincial departments of education (PEDs). The Centre for Education Policy Development (CEPD) was commissioned by the TECL Programme to undertake the following activities, namely:

- Conduct a rapid assessment of the education policy and legislative framework in order to identify gaps and opportunities with respect to child labour.
- Assess the relationship between child labour and education in South Africa, based on a review of the relevant qualitative reports and quantitative data sets.
- Obtain information through semi-structured face-to-face and telephonic interviews with officials from the DoE, the GDE, other relevant government departments and individuals from non-government organisations (NGOs).
- Draft a strategy for the implementation of CLPA within education for discussion with the DoE, PDEs of education and other key education stakeholders.

Some caveats

Firstly, the decision to focus on interventions to address child labour within the GDE was taken by TECL. It is based on recognition of the existence of a province-wide effort to address child poverty through the *Bana Pele* (Children First) initiative. The interventions suggested for the GDE are unique and are not intended for replication in the other provinces.

Secondly, child labour is intensified by the widespread and deepening poverty in South Africa, as noted in this and other research reports. Therefore reducing child labour requires the introduction of poverty reduction strategies and systemic and structural changes in South African society, which lie largely outside the scope of the education sector.

Purposes of this research report

This research report serves as a discussion document to assist TECL and the DoE to mainstream interventions to address child labour, and especially its worst forms, at a policy and operational level across the department and the PEDs. It clarifies the responsibilities that are being, and should be,

taken on by the DoE, the PDEs and the GDE in particular, to respond to child labour, and it indicates how these can articulate with the priority areas of the CLPA and other government departments to combat the negative effects of child labour on learners. Attention is also drawn to child labour practices at schools and the importance of policy and interventions to address this.

Conceptual framework

A rights-based framework has been used to argue for the right to quality basic education for all children and the relevant international human rights instruments are discussed briefly in the report. Section 29 of the South African Constitution (Republic of South Africa, 1996) in particular, names the right to basic education as an immediate, unqualified right. It is therefore incumbent upon the schooling system to give effect to this Constitutional imperative for *all* learners. The '*4As Model*' developed by Tomasevski (former special rapporteur to the United Nations on the right to basic education) is drawn on to appraise and assess the provision of basic education in South Africa for '*Out of School Youth*' (OSY) and children in child labour.

For the purposes of this research and in order to address education-specific activities in the CLPA, the research category '*Out of School Youth*' (OSY) has been constructed. It was agreed between the TECL team and the researchers that this larger category would enable the researchers to identify entry points to address child labour within the strategic plans and priorities of the DoE and GDE.

Key findings

The review of the education policy and legislative framework indicates that whilst 'universal access' to basic education as guaranteed in the South African Constitution is echoed through the primary planks of the policy and legislative framework, procedures and mechanisms required to address learners who are 'out of school', or 'at school and engaged in child labour', or 'lost to schooling due to child labour' are unspecified. Further, whilst the governance of public schools is vested in School Governing Bodies (SGB) under the South African Schools Act No. 84 of 1996 (SASA) (Department of Education, 1996a), the powers and functions granted to SGBs are not extended to address 'out of school' learners. A closer reading of the range of policies on access suggests that responsibility does rest with the DoE and the Heads of the Department of the provincial departments of education, in particular, to ensure that all children receive a basic education.

The policy review points to particular education policies and legislation that have been designed to address child protection, care and support in the education system. These include an HIV/Aids policy, a drug abuse policy, and a code of conduct for educators that address gender-based violence at schools. These initiatives are mentioned to demonstrate that the education and training system has the capacity to respond to the needs of learners who are out of school.

It is argued in this report that 'universal access' as catered for in the current education policy framework is a necessary but insufficient measure to ensure that 'children at risk in schooling' and 'children who are functionally not at school' remain in schooling for the duration of the compulsory phase and that those who have prematurely dropped out of the system, such as those involved in child labour, are re-integrated. This is strongly supported in the review of the quantitative data on learner enrolment and throughput in the basic education phase, which indicated that there are a significant number of learners who are lost to the system and whose location remains unknown to the DoE and the PDE. The loss of these learners from schooling can in part be attributed to 'push out' factors or 'hidden' barriers to access and to retention in schooling, such as the cost of uniforms and/or transport, and the ineffectiveness of the fee exemption policy. This renders learners open to all forms of abuse including child labour and its worst forms. Given the dearth of information the report makes some limited comments on the number of out-of-school youth based on changes in enrolment patterns across the GET band.

Programmes to deal with 'out of school children and children in vulnerable groups' in the DoE Strategic Plan 2005-2010 (Department of Education, 2005c) and in the GDE strategic objectives, have

been considered as part of this review. These programmes have been mapped against the education-specific actions in the CLPA.

DoE officials who were interviewed indicated that out of school children and children in vulnerable groups are to some extent being considered in programmes across a range of directorates. However, they acknowledged that there is an absence of data on the nature, extent of, and complexities around, ‘*Out of School Youth*’ (OSY) and children in child labour, and that this has made it difficult to assess the impact of the existing interventions in the DoE. This report therefore recommends that TECL supports a dedicated intervention to scope the area of out of school youth and as a priority to field test an intervention strategy by the Inclusive Education Directorate in all nine provinces.

Whilst the constitutional mandate of the DoE is to ensure universal access to education, several DoE and GDE officials saw a focus on child labour as a move away from the core business of education and as a responsibility of the DoL rather than the DoE. Even though officials saw the need to respond to the problems created by child labour and other forms of abuse against children, they ‘expressed a concern with regard to taking action on “unfunded mandates” and of moving away from the “core business” of the department.’ There is therefore a need for greater advocacy with the DoE on the CLPA.

The GDE is engaging in a wider provincial development strategy and the *Bana Pele* (Children First) initiative, both of which provide an opportunity for the CLPA to be piloted in the GDE (Gauteng Provincial Legislature, 2005).

Based on the above findings, a set of guiding principles and recommendations has been developed for the implementation of the CLPA in the DoE and the GDE.

The guiding principles emphasise: the need for further advocacy with senior DoE officials on the CLPA; multiple points of entry and engagement with the education system; links between education specific actions on child labour with other TECL pilot projects where relevant; interventions in nodal areas identified within the IRDS and the URS. Further, the guiding principles for TECL interventions call for a greater responsiveness of the schooling system at policy and executive level to address the impact of child poverty and child labour on schooling and to address the diverse learning needs of out of school and vulnerable children.

Problem statements and recommendations

Problem statement 1: Building an inclusive education system through White Paper 6 (WP6)

WP6 attempts to build an inclusive education system that is responsive to the diverse needs of all learners and provides several avenues through which this can be achieved, namely: the creation of District Based Support Teams (DBSTs), Full Service Schools (FSSs), Special Schools as Resource Centres (SSRCs) and diversifying the curriculum to cope with the needs of all learners. The short-term steps in WP6 in particular require the DoE to develop a dedicated intervention strategy to address out of school youth. Following these intended outcomes of WP6 this research study makes two major recommendations.

(Please note that the recommendations have been matched to the problem statements and are not sequential.)

Recommendation 1: Scoping the Issue of Out of School Youth (OSY), Orphans and Vulnerable Children (OVC) and Child Labour and Field Testing Intervention Strategies.

Recommendation 1 suggests that TECL support the DoE's Inclusive Education Directorate's efforts to scope an intervention that is dedicated to the area of OSY and to field test an intervention strategy in all nine provinces (or a sample of provinces based on budgetary constraints) as an immediate priority. TECL should fund research, which would yield a baseline on OSY and OVC and to inform the Inclusive Education Directorate's intervention strategy.

Relevant policy:	Short-term steps in White Paper 6
Time-frames:	Medium to long-term
Projected costs to TECL:	Major budgetary implications
Relevant directorate:	Inclusive Education

Recommendation 3: Support for teaching and learning within the National Curriculum Statement (NCS)

Recommendation 3 points to the need for TECL to initiate a NCS materials development process (including educator guides and learner workbooks) that addresses child labour across learning areas in the General Education and Training (GET) and Further Education and Training (FET) bands. These materials should provide the requisite content and methodology across the learning areas to meet the learning needs of OSY¹, OVC and children in child labour in order to re-integrate these learners into schooling. TECL's intervention in developing curriculum materials for distribution in target districts in nodal areas² and/or districts linked to other TECL flagship projects should target the age group(s) in which child labour is most prevalent, and should focus on a sample of learning areas, including Life Skills and Life Orientation.

Relevant policy:	National Curriculum Statement (NCS), 2002 and Ministerial Committee Report on a National Framework for Teacher Development
Time-frames:	Short to medium term
Projected costs for TECL:	Moderate costs
Relevant directorate:	School Education, Inclusive Education

Problem statement 2: Lack of data on Out of School Youth (OSY), Orphans and Vulnerable Children (OVC)

There is an acknowledgement by the officials that were interviewed that there is a lack of data on the nature, extent of, and complexities around, OVC and OSY and this has made it difficult to assess the impact of the existing interventions within the DoE.

Recommendation 4: On-going research, analysis, monitoring and evaluation

Recommendation 4 suggests that TECL builds the capacity of the DoE Education Management and Information Systems (EMIS) to develop relevant variables and indicators to monitor OVC, OSY and

¹ Several categories of vulnerable children have been constructed for the purpose of research and based on the empirical evidence to describe the various groups of children whose schooling is compromised. These include: out of school youth; orphans and vulnerable children, children at risk in schooling; children on the edge of schooling etc. For a description of these categories see Appendix 2.

² The nodal areas are specific municipalities that have been identified for the implementation of the Integrated Rural Development Strategy (IRDS) and the Urban Renewal Strategy (URS)

child labour in target districts in nodal areas and/or districts linked to other TECL flagship projects. The relationship between child labour, school attendance, drop-out and learner migration (including refugees) should also be mapped in this process in order for the DoE to have fairly reliable data on OVC and OSY and to identify children at risk of becoming involved in child labour. The data should be disaggregated by gender, age, grade and rural/urban classifications.

This capacity in the DoE together with the baseline data collected in Recommendation 1 will provide critical information on OSY, OVC and child labour and could inform the DoE's practice and policies to raise the school attendance level amongst children from these groups.

Barriers to access can partly be attributed to lack of awareness in poor communities of socio-economic rights. This requires engaging in advocacy activities relating to the importance of schooling, children's right to education, school fee exemption, and the National School Nutrition Programme (NSNP).

Relevant policy:	South African Schools Act No. 84 of 1996 and Ministerial Committee Report on a National Framework for Teacher Development
Time-frames:	Medium to long term
Projected costs for TECL:	Once-off moderate costs of adjustments of current EMIS. Recurrent costs minimal.
Relevant directorate:	EMIS; National Assessment and Research

Problem statement 3: 'Push out' factors or hidden barriers in schooling contribute to placing children at risk because the education system does not always cater for the needs of Orphans and Vulnerable Children (OVC), Out of School Youth (OSY) and those in need of second-chance learning

The policy review concludes that 'universal access' as catered for in the current education policy framework is a necessary but insufficient measure to ensure that 'children at risk' attend school and that 'children-who are functionally not at school' remain in schooling for the duration of the compulsory phase. This is strongly supported in the review of the quantitative data on learner enrolment and throughput in the basic education phase, which indicates that there are significant numbers of learners who are lost to the system and whose location remains unknown to the DoE and the PDEs.

The loss of these learners from schooling can in part be attributed to 'push out' factors or 'hidden' barriers to access and retention in schooling, such as the cost of uniforms and/or transport, and the ineffectiveness of the fee exemption policy. This renders learners open to all forms of abuse, including child labour and its worst forms. Addressing these push-out factors is therefore seen as an immediate priority.

Recommendation 2: Addressing push-out factors and barriers to access:

- a. Increase access for Out of School Youth (OSY) and Orphans and Vulnerable Children (OVC) through access to child grants and school fee exemptions.*
TECL to participate in the campaigns of the DoE and the PDEs and to assist OSY and OVC to access social grants and to apply for exemption from school fees in order to raise the level of school attendance amongst children from these groups.
- b. Addressing Out of School Youth (OSY), Orphans and Vulnerable Children (OVC) and child labour through support for the National School Nutrition Programme (NSNP)*

In the 4As model, school meals are considered to be an important part of the right to education. Research evidence also indicated that school meals have a positive effect on school attendance. TECL can assist the Nutrition Directorate to evaluate the outcomes of various models of the NSNP in a target number of school communities in order to develop sustainable, innovative and community-based school nutrition programmes that assist in the re-integration of OSY, OVC and children from child labour back into schooling. Such school communities should be identified in nodal areas of the Integrated Rural Development Strategy (IRDS) near commercial farms in deep rural areas (paying particular attention to difficulties of attending school in rural areas of SA), and nodal areas within the Urban Renewal Strategy (URS).

Recommendation 4 is also applicable here. (See above for detailed wording of recommendation 4.)

Relevant policy:	White Paper 1, National Education Policy Act No. 27 of 1996 – Admission Policy for Ordinary Public Schools, South African Schools Act No. 84 of 1996, the School Fee Exemption Policy; National Policy on HIV/Aids for learners and educators in public schools and students and educators in Further Education and Training Institutions as promulgated in terms of National Education Policy Act – Act 27 of 1996 and Recommendations of Ministerial Committee Report on Rural Education, 2005.)
Time-frames:	Medium to long-term
Projected costs for TECL:	Major budgetary implications
Relevant directorate:	Inclusive Education, Social Issues Management, School Nutrition
Additional:	Structures and/or Task Teams that may be established to take forward recommendations of the Ministerial Committee on Rural Education.

Problem statement 4: Lack of awareness in communities about education and socio-economic rights

Recommendation 5: Advocacy, Public Awareness and Community Linkages

Recommendation 5 suggests that TECL participate with the DoE in a national and local awareness campaign. The campaign should highlight the negative impact of the various forms of child labour and its worst forms, such as commercial sexual exploitation of children (CSEC), and should be aimed at parents, teachers, and the general public. The campaign should also highlight the importance of schooling and the child care and support services that promote access to schooling e.g. the school fee exemption policy.

Relevant policy:	South African Schools Act No. 84 of 1996 and Ministerial Committee Report on a National Framework for Teacher Development
Time-frames:	Immediate, and on-going
Projected costs for TECL:	Moderate Costs
Relevant directorate:	National and Provincial Communications, Quality Promotion, Social Issues Management.

Structure of the report

Section 1 provides some background to TECL and the aims and objectives of this research study. It details the methodology used in conducting a rapid assessment of education policy and legislation.

Section 2 provides the contextual framework for this research study. The rights-based approach to basic education, the *4As Model* and the concept of mainstreaming are discussed briefly. Further, the enabling features and gaps in the policy and legislative framework to address child labour are detailed.

Section 3 is a review of policy and legislative provisions regarding access, out of school and vulnerable children and child labour.

Section 4 identifies the strategic priorities of the DoE and the GDE.

Section 5 is a review of the CLPA and operational procedures of TECL.

Section 6 presents the field-notes from the face-to-face and telephonic interviews that were conducted.

Section 7 is statistical overview of child labour and vulnerable groups of children in South Africa.

Section 8 presents summary findings for the overall research project, and a set of recommendations.

Section 9 provides a set of guiding principles and implementation strategies for the DoE and pilot interventions in the GDE and the PEDs to address the diverse needs of learners who are eligible for basic education but who for various reasons are pushed out of the schooling system.

1. Introduction

1.1 Background and objectives of review

The national CLPA was developed in 2003 through extensive consultation with stakeholders in a range of government departments such as education, justice, social development and labour. The DoL is leading and co-coordinating government's response to the actions suggested in the CLPA. Funding and support for the CLPA has been channelled through the TECL programme. TECL, an executing agency for the CLPA and a partner to government departments, offers support and funding for specific actions suggested in the CLPA.

The CEPD was contracted by TECL to focus on the actions specific to the national DoE and the PDEs within the CLPA, and was tasked to:

- Undertake an environmental scan on the issues of child labour and its relationship to the education system by reviewing both qualitative and quantitative data.
- Identify both the potential in the policy framework and the gaps, through desk-top research and interviews with key informants in the DoE and the GDE.
- Develop guidelines and a framework to inform implementation in Phase 2 of the project.

1.2 Research methodology

The review was responsive to the core objective of TECL which in relation to this project is to scope the education policy and legislative framework, identify the policy gaps and opportunities and develop appropriate partnership interventions with the DoE and the GDE to address the issue of child labour. There was regular communication between TECL and CEPD researchers during the research process.

The interviews conducted with policy makers and officials in the DoE and the GDE allowed the interviewers to gauge their understanding of the relationship between education and child labour and their views on roles, possibilities and challenges within education to respond to this issue. The information obtained from these interviews also influences the construction of the draft implementation plan.

1.2.1 Research process

The research was based on the following activities:

- Preparatory meetings and feed-back meetings with the TECL team throughout the project.
- Collection of relevant policies and background documents.
- A rapid assessment of policy and relevant research reports.
- Face-to-face and telephonic interviews with key decision-makers in the DoE and GDE.
- An analysis of national survey and Education Monitoring and Information Systems (EMIS) data to establish trends and patterns in child labour.
- Development of a draft research report with implementation plans to address the problem of child labour as it affects the DoE and GDE.
- The establishment of a reference group to validate and review the draft research report and implementation plans.
- The identification of possible districts in which the interventions could be piloted.

1.3 Terminology that includes both categories of learners and types of work done

The typology that follows is an attempt to capture the various categories of children who require schooling. They have been designed for the purposes of this report and are not mutually exclusive. In addition, the categories are not intended to label learners. The categories attempt to represent the forms of material and psycho-social deprivation that children suffer as a result of being unable to fully exercise their rights and to receive adequate protection, care and support.

The term 'children who are functionally not at school' has been fashioned in relation to a similar term 'on-the-edge children', which has been used by Porteus et al. (2000). Their use of the term includes children who are officially registered at a school but who do not attend, or attend regularly enough, to allow for a meaningful school experience. This term captures the effects of systemic 'push-out factors', which place these learners at risk of dropping out of the system, and into the category of 'out of school' and vulnerable learners. It is important for the education system to respond to the problem of these learners and to retain them for the compulsory phase of schooling.

- **Children enrolled at school — at risk in school**

These are children that are enrolled at school and who attend regularly, but whose schooling experience is threatened. The factors putting these learners at risk include household poverty, under-preparedness to participate fully in the academic programme and inadequate teaching and learning infrastructure and resources. Some schools are not safe due to the poor infrastructure and difficult access.

- **Children enrolled — functionally not at school**

These are children who are officially registered at a school but who do not attend regularly enough to allow meaningful schooling to take place.

- **Pushed out of school — direct costs of schooling**

These are learners who are enrolled but who cannot continue their schooling because of direct costs of participation in schooling namely school fees, transport, uniforms, curricular cost of books and projects, school trips etc.

- **Pushed out of school — opportunity costs of schooling**

This category of children have to forfeit their responsibilities in the household in order to participate in schooling e.g. working children, children who are responsible for siblings, care-givers to parents or guardians who may be ill, and children who head households.

- **Out-of-school youth**

These are children who are of compulsory school going age (5 -15) but who are not registered at a school in a given year. Out-of-school and vulnerable children are considered in this study to be 'slipping out of the state's social security net', which places them at further risk and exposes them to many forms of discrimination and exploitation, including child labour. However, the term 'vulnerable children' as used in this report in no way reflects the tenacity and resilience of these children to survive under difficult circumstances, and in some instances to change the conditions of their existence.

- **Missed Opportunity**

These are children who have missed out on schooling and who may require a fast-tracking programme that focuses specifically on addressing their learning needs in ways appropriate to their ages.

1.4 Categories of child labour

For the purposes of this study a working definition of child labour has been drawn from the national CLPA and reads as follows:

Work by persons between 5-17 which is exploitative, hazardous or otherwise inappropriate for their age, or detrimental to their schooling or their social, physical or moral development. It includes chores in the home or work for the family if these are excessive or unsuitable (Department of Labour's National Child Labour Programme of Action for South Africa, 2003. p.5).

Within this broad definition, we propose that distinctions be made between different categories of vulnerable children at risk of exploitative child labour practices. Given the provisions for children in the South African Constitution and sensitivity to cultural practices in South Africa, we wish to distinguish between three forms of child labour:

- Household child labour (including work by children in subsistence agriculture).
- Commercial child labour (including working unpaid in the commercial or family business).
- School child labour.

There are acceptable or 'appropriate' forms of labour by children that include reasonable assistance with non-hazardous domestic chores, which are not detrimental to their well-being and are important to the survival of the family and the socialisation and integration of children in certain communities. These may include fetching water and firewood, herding cattle, weeding and domestic tasks such as domestic work and looking after the elderly and siblings. However, even household-based forms of child labour can be exploitative and may lead to children not attending school, thereby affecting their well-being and life opportunities. Hence it is important to note that whilst certain forms of child work, especially in the domestic environment, may not qualify as exploitative or hazardous, they may still be inappropriate and detrimental to children's well-being and require intervention by the DoE and PDE to enable more flexible access to schooling.

The worst forms of child labour include:

- Commercial sexual exploitation of children for prostitution and/or pornography (CSEC).
- Child trafficking in children for purposes of coercive or bonded labour (CT).
- Exploitation of children for illegal activities – often linked to drugs (CUBAC).
- Exploitation of children for hazardous work.

The third form of child labour addressed by this report refers to practices in schools whereby children are used by educators in unfair and exploitative ways. As with household-based child labour, it is not easy, in the main, to draw a clear boundary between appropriate and inappropriate practices. For example, it may be appropriate for children keeping the school premises clean or work in a school vegetable garden providing food for use in the school nutrition programme, especially if these activities are linked to the curriculum and add to the learning experience. However, these practices can become inappropriate and unacceptable when the work has a detrimental impact on children's learning. Other unacceptable forms of school-based child labour include educators using children for domestic tasks such as cleaning an educator's house or doing their laundry. Further, there reports of children being abused sexually at school by educators.

1.4 Validation and verification of findings

A first draft of this research report was presented to a reference group comprising interviewees and key education stakeholders. An attempt has been made in the report to respond to the comments and feed-back received from the reference group on the findings and the implementation plan.

1.5 Limitations and risks

- The research was scheduled during the June-July 2005 school vacation, during which time several education officials were on leave.
- The time-frames set for the research were extremely constraining and this limited follow-ups with persons interviewed.
- Whilst the CLPA has been developed in consultation with senior managers across the government departments including the DoE, there was a degree of scepticism about its 'official status' on the part of those interviewed. Their limited engagement with and prior knowledge of the CLPA meant that their reflections were not based on practical experience of the CLPA.
- The implementation time-frames set by TECL to support the CLPA in education have been set for 2006, and the life span of the TECL programme itself appears to be limited to the period 2006 to mid 2007, with some possibility of an extension. This has been factored into the suggestions for TECL interventions in education.
- There remains the need to involve other key stakeholders that have not been consulted in the development of this research report, but whose participation remains central to the success of TECL interventions in education³.
- The success of the TECL interventions in education is contingent on their being accepted and implemented in the DoE and GDE with the requisite human and financial resources and capacity. There is also the need for the national and provincial departments of education that participate to establish strategic partnerships with other government departments to address the problem of child labour more holistically.
- Further delays in the implementation of the actions within the CLPA in education may compromise the effectiveness of the strategies suggested in this report.

2. Conceptual framework and policy review – a rights-based approach

This research is informed by a rights-based approach to education. According to Engelbrecht et al, (1999), a rights-based approach extends beyond problems of professional practice in schooling to a global framework that views schooling as an extension of social life. This requires the education system to establish the conditions and opportunities to enable all learners to achieve the essential outcomes of basic education based on equal opportunity and the development of an individual's full potential.

More generally, South Africa has ratified several international conventions that include recommendations on child labour, and the rights-based approach underpins the South African constitutional and legislative framework. Some of the international and constitutional provisions that are pertinent to this research study are as follows:

2.1 International conventions on child labour and child rights

▪ ILO minimum age convention (C138), 1973

This maintains that children should not engage in economic work before they reach the age of 15, or unless they are over 12 and the work is light and unlikely to be harmful to their health, development and schooling. A minimum age of 18 should operate in cases where the work is likely to be a threat to the health, safety or morals of the children.

³ For example, the officials from the Office of the Premier in Gauteng who are responsible for the *Bana Pele* initiative were not included in the assessment.

▪ **ILO convention on the worst forms of child labour (C182), 1999**

This requires ratifying governments to take measures to effect the immediate abolition of the ‘worst forms of child labour’, which include slavery, child prostitution, using a child for illegal activities, and work which by its nature or the circumstances is likely to harm the health, safety or morals of children (‘hazardous work’), which could be specific to a country.

▪ **African charter on the rights and welfare of the child, 1990**

This provides that children should be protected from economic exploitation, but also acknowledges that children have responsibilities towards their families and the international community. South Africa signed this Charter in 1997 but is not yet subject to its terms, as it has not come into operation. The terms state that governments are required to take measures to eliminate harmful social and cultural practices. The state must also provide health care and medical assistance for all children. The responsibilities of the child towards her/his family are also stressed.

▪ **United Nations convention on the rights of the child, 1990**

This has provisions that address the issue of protection of children from exploitative labour practices. Signed and ratified in 1995, this Convention secures the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development (Article 27) and places a positive duty on governments to take appropriate steps to prevent all forms of violence in school systems.

2.2 The right to basic education in the South African constitution

The South African Constitution of 1996, section 28, defines a child as a person below the age of 18 and states that children are entitled to:

- Family/parental care or appropriate alternative care.
- Basic nutrition, shelter, health care services and social services.
- Be protected from maltreatment, neglect, abuse or degradation.
- Be protected from exploitative labour practices.
- Not be required or permitted to perform work or provide services that (i) are inappropriate for a person of that child’s age and (ii) place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development⁴.

Unlike other fundamental socio-economic rights, which are subject to progressive realisation by the state within its available resources, the rights pertaining to children do not have any such limitations, thereby placing a special responsibility on the state to recognise and protect children. The primary responsibility for safeguarding children’s rights in South Africa rests with the Office on the Rights of Children (ORC) in the President’s Office. This body is responsible for monitoring, co-ordinating and evaluating all actions pertaining to children and for producing the State of the Nation report on children. However, given the constitutional provisions, the responsibility to protect children extends quite directly to other government departments and to the Department of Education in particular.

At an international level, the right to education has been recognised by a variety of universal and regional instruments. The objectives of basic education are probably best described in Article 26(2) of the Universal Declaration of Human Rights, which requires education to be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It is also to promote understanding, tolerance and friendship among all nations, racial and religious groups, and to further the United Nations activities for the maintenance of peace.

⁴ Notwithstanding the constitutional entrenchment of the right to freedom from violence, the GoSA has likewise committed itself to the protection of the rights of victims of sexual violence through policies operating at a national level (e.g. national Crime Prevention Strategy) that serve to reinforce their ratification of international human rights documents.

Chapter 2 of the South African Constitution sets out the Bill of Rights, which affirms the democratic values of human dignity, equality, and freedom. The Constitution underlines the critical role of education in the transformation of society. It enshrines education as a human right and a public good and affirms the role of the state in ‘freeing the potential of each person’. The Bill of Rights affirms the right of all children to basic education that is based on *building social justice and freeing the potential of each person*. Section 29 [1 a] states that:

Everyone has the right —

- (a) to a basic education, including adult basic education
- (b) to further education which the state, through reasonable measures, must make progressively accessible.

Section 36 of the Constitution explains the circumstances in which particular rights may be limited, but here, too, the caveat limiting these rights must be ‘reasonable, and justifiable in an open and democratic society, based on human dignity, equality and freedom’ and have regard to particular ‘relevant factors’ such as the nature of the rights, their limitation, and the purposes of such limitation. The right of provinces to pass legislation and to produce policy in respect of these matters must be seen in the same light. Provinces are bound by the national Constitution and cannot deviate from the rights set out in it, even though they may have concurrent legislative and other powers.

2.3 The 4As model for basic education provision

One of the limitations of the international human rights instruments is that they are normative and are couched in very general language. There is also the assumption in these instruments that they have universal application across quite diverse socio-economic and cultural contexts. This is seen as a weakness in the efficacy of the human rights framework and therefore the former special rapporteur to the United Nations Katerina Tomasevski has distilled a set of measurable indicators in what she refers to as a 4As model⁵. This model was based on her work as special rapporteur on the right to basic education in which she examined the provision of basic education in a range of developed and developing countries, and the enjoyment of that right by poor and vulnerable groups of children in particular.

In this model, Tomasevski argues that the state has to make provision for functional educational institutions that are **available, accessible, acceptable** and **adaptable**.

The modalities of schooling within these 4 principles are sketched as follows:

- **Availability** implies that schools are established, that funding is provided and that freedom is granted for the establishment of schools.
- **Accessibility** implies that schools should be within reasonable proximity and should be affordable.
- **Acceptability** implies that education institutions and programmes have to be available in sufficient numbers and should have sanitation facilities, trained teachers and teaching materials, among other such factors.
- **Adaptability** implies that education should be sufficiently flexible to adapt to societal changes and respond to the needs of learners within their diverse social and cultural backgrounds. (More specifically basic education should be made available to all the groups of children listed in Fig 1. in 1.2.3 above.

The 4As model clearly defines the right to basic education as more than simply access to a school building. It requires that the provision of basic education be responsive to the needs of vulnerable and marginalized groups such as learners in child labour and Out-of-School Youth (OSY).

⁵ See <http://www.right-to-education.org>

Within this model the principle of **quality** basic education can be understood as follows:

- The modes of delivery and the curriculum should adhere to quality and standards and be adaptable to particular times and places and to the circumstances of particular learners.
- Quality education cannot be regarded as a process of consumption but a process of interaction between teachers and students and where the students are given the opportunity to develop their skills and their confidence in order to enable them to adapt to their life circumstances.
- There is a need to improve infrastructure because there is an obvious correlation between quality of educational provision and general infrastructure.

2.3 Mainstreaming the issue of child labour

According to an ECOSOC definition (Quoted in Tabatabai 2003) mainstreaming of efforts to eradicate child labour covers —

- an assessment of the implications for child labourers or those at risk of becoming child labourers of any planned action, including legislation, policies, programmes, in any given area and at any given level;
- strategies for making the concerns about child labour (and indeed other vulnerabilities) an integral part of the design, implementation and evaluation of policies and programmes in all political, economic and social spheres so as to reduce the supply and demand for child labour especially in its worst forms; and
- has the ultimate goal of eliminating child labour as soon as possible.

This research study is an attempt to elaborate on possibilities of expanding options currently available in the education system in order to ensure that all children engaged in child labour and those at risk of being drawn into it are provided with educational opportunities that allow them to enjoy their right to a basic education. In addition, the research will examine how the education system can work with other agencies to eradicate child labour.

3. Review of policy and legislative provisions regarding access, out-of school and vulnerable children and child labour

3.1 Background

There has been significant legislative and policy reform in South Africa the post-apartheid era. Various national statutes, together with related regulations and notices, and supplemented by provincial legislation, seek to give effect to the right to basic education by regulating matters such as the funding and governance of schools, discipline for educators and learners, and language and admission policies. In this section, we review some of the relevant education policy and legislation with the intention of assessing what is said about the position of out-of-school and vulnerable children, especially those involved in child labour.

3.2 DoE policy review

3.2.1 The National Education and Policy Act of 1996 [Act 27 of 1996]

The National Education and Policy Act of 1996 [Act 27 of 1996] was passed to ‘facilitate the transformation of the national system of education into one which serves the needs and interests of all the people of South Africa and upholds their fundamental rights’. This Act reaffirms the right of every person to basic education and equal access to education institutions.

3.2.2 The South African Schools Act (SASA) 1996 [Act 84 of 1996]

The South African Schools Act stipulates the state's minimum obligation for the compulsory school phase: providing free compulsory basic education for all children aged 7-15 or to the ninth grade, depending on which limit is reached first. This Act defines a learner as 'any person receiving education or obliged to receive education in terms of this Act' i.e. it includes and vulnerable children, who qualify by age or grade.

Chapter 2 of the SASA gives further substance to the rights of learners and states, *inter alia*, that '...every parent must cause every learner...to attend school...' If a learner is not enrolled or fails to attend a school, the Act puts the responsibility on the (provincial) head of department to investigate the circumstances of the learner's absence from school and to take appropriate measures to remedy the situation.

Section 20 of the Act addresses matters of school governance and confers power on the governing body to promote the best interests of the school and strive to ensure its development through the provision of quality education for all its learners.

3.2.3 Norms and standards for school funding

The main provision of the National Norms and Standards for School Funding policy (DoE 1998) is to ensure equity in school funding by prioritising the poorest schools with regard to non-personnel-related recurrent expenditure. The policy requires each PDE to rank schools according to poverty, defined by conditions within the school as well as in the surrounding community. The PDEs must then divide the non-personnel recurrent budget amongst schools in such a way that the first, second, third, fourth and fifth quintile of learners (from the poorest to the least poor) receive respectively 35%, 25%, 20%, 15% and 5% of funding.

Despite the intentions of the policy to ensure an equitable redistribution of non-personnel-related funds to ensure that the poorest schools receive enough money, persistent difficulties and inequities have continued, and prompted a review of the policy. In 2003 the Minister of Education, Professor Kader Asmal established a Review Committee on the Financing, Resourcing and Costs of Education in Public Schools. The Committee submitted a report with several recommendations relating to each aspect, especially with regard to funding mechanisms, which would reduce the costs associated with public schooling borne by the poorest and most disadvantaged learners and households in South Africa.

Amongst the recommendations that were adopted are the following:

- Amending the policy to establish a national resource targeting framework. Learners from poor households will be funded according to nationally defined minimum funding norms irrespective of region.
- Amending the school fee exemption policy in order to align exemptions with government's overall poverty alleviation strategy.
- Exempting 25% of learners from poor households in richer schools from paying school fees.
- From 2004 onwards, schools in national quintiles 1 and 2 (the lowest) need formal approval from government to charge fees.
- Providing school feeding in 2004 to the poorest 20% of learners through the primary school nutrition programme (Plan for Action: Improving access to free and quality basic education for all: June 2003).

These responses promise to be important steps in addressing some of the barriers to education access, especially those related to fees and nutrition, and are likely to address some of the issues facing OSY and OVC. There was a public announcement of a 6 billion Rand allocation by Treasury for infrastructure in 2005. According to the DoE strategic plan, the DoE aims to eliminate the backlogs and shortage of school infrastructure over a 5-year period. The plans for 2005 are to secure funding

from Treasury, to participate in devising integrated development plans including the private sector and to target infrastructure development in Limpopo, KZN and Eastern Cape (This is termed Workplan One (See DoE, 2005: 137). However, it appears that the implementation of these recommendations has not progressed very far since the report was released.

3.2.4 Early Childhood Development (ECD) and Adult Basic Education and Training (ABET)

The developments and participation rates in both of these education sub-sectors have a bearing on participation rates in education. Many learners of school-going age are forced to drop out of school to take care of younger siblings due to unavailability and prohibitive costs of ECD centres. Learners are also forced to drop out of school for a number of reasons cited elsewhere, and require second-chance learning. (As indicated in Chapter 7 there are in the DoE's estimates approximately 280,000 children and youths outside the system who have no access to schooling (Department of Education, 2005d: 21).

3.2.5 White paper on Early Childhood Development (ECD) (White Paper 5)

The white paper on Early Childhood Development provides for a reception year for all children before they enter Grade 1. This is being introduced in 2 800 community-based sites, all located in areas identified by the President for urgent intervention. By 2010 the Department plans to have 800 000 children in a reception year. This White Paper focuses on children in the age range from birth to nine years of age, although in effect it concentrates on pre-school children. The same principles as those that inform SASA, such as the right to basic education and upholding the rights of learners to a healthy, safe and secure learning environment, are also covered in this policy document. It emphasises the importance of introducing inter-sectoral programmes co-ordinated and supported jointly by the Departments of Health, Education and Social Welfare.

3.2.6 Adult Basic Education and Training

Central to addressing ABET and upgrading schools and communities are community learning centres, which were acknowledged by the Tirisano programme in 2000. The 2005-2010 strategic plan of the Gauteng Dept of Education includes the establishment of centres in communities in which second-chance learning opportunities can be provided (GDE, Strategic Plan, 2005).

3.2.7 White paper on inclusive education (White Paper 6)

The white paper on inclusive education focuses mainly on the provision of educational opportunities for learners who experience or have experienced barriers to learning, or who have dropped out of school because of the inability of the education system to accommodate their learning needs. It acknowledges that '... all children and youth can learn, and all children and youth need support.' Furthermore, the government has the responsibility to provide '.... enabling education structures, systems and learning methodologies to meet the needs of all learners... acknowledging and respecting differences in learners, whether due to age, gender, ethnicity, language, class, disability HIV or other infectious diseases.' It acknowledges that in order to achieve these objectives '...changing attitudes, behaviour, teaching methods, curricula and environment to meet the needs of all learnersmaximising the participation of all learners in the culture and the curriculum of educational institutions and uncovering and minimising barriers to learning' are required.

Although White Paper 6 does not refer specifically to child labour (that is, to the learning needs of children who are working, or the re-integration of working children) it does address several issues for children 'at risk' especially from HIV/Aids and infectious diseases. It also states that the DoE will collaborate with the Department of Social Development and the provincial departments of education to ensure that children and youth awaiting trial in reform schools and schools of industry will be provided with a supportive and effective learning and teaching environment, and that appropriate assessment practices and clear criteria and guidelines for their placement are established.

Of special relevance is the proposal that school-based support teams should be involved in identifying at risk learners and addressing barriers to learning. However, White Paper 6 does not identify these at risk learners. The focus appears to be mainly on HIV and infectious diseases where it states that 'the Ministry will develop and implement appropriate and timely programmes, including strengthening information systems, establishing a system to identify orphans, coordinate support and care programmes for such learners, put in place referral procedures for educators, and develop teaching guidelines on how to support orphans and other children in distress.'

3.2.8 The National Curriculum Statement (NCS)

Curriculum reform has been seen as central to the transformation of the South African education system since 1994. There were many reasons for this but in essence curriculum reform was seen as an essential component of the transformation agenda in order to meet goals of equity, redress and gender equality, amongst other related goals.

Life Skills is an integral part of the new outcomes-based curriculum. It is one of three compulsory learning programmes and is subsumed under the Life Skills Learning Programme in the Foundation Phase (grades 1-3) and Life Orientation Learning Area in grades 4-9 within the General Education Band. It is also proposed as a compulsory component in Further Education and Training (FET) (grades 10-12). Life Orientation covers three main content areas: Health Promotion, Social Development and Personal Development and includes topics such as nutrition, communicable diseases and safety measures. The Life Skills curricula and teacher guides should address the issues of children engaging in economic activities.

This curriculum emphasises participatory exercises such as role-play, drama and discussion groups. It thus presents an opportunity to ensure that vulnerable children are catered for, especially because of the flexibility that characterises the development of learning programmes. However, to be properly utilised, it will require teachers to be sensitive to the needs of out of school and of vulnerable children, especially when it comes to re-integration of those learners who have been involved in child labour.

3.2.9 HIV/Aids

A 2000 report on the impact of HIV/Aids on the education sector (Coombe 2000) claims that HIV/Aids will result in higher mortality rates at all ages, and that by 2005 nearly one million children will be without one or both parents. By 2015, when the epidemic is expected to peak, orphans will constitute between 9% and 12% of the total population of South Africa, or number about 3,6 to 4,8 million children. The HIV/Aids pandemic aggravates the challenge of reducing child labour (ILO 2002), due to various factors. These are: the increased number of vulnerable children, the increased pressure on households and children, the increased demands on public and private services, the increased burden on communities, and the increased risk that susceptible children will engage in survival sex, which brings with it a higher risk of HIV infection.

The state's response to the pandemic has been to develop the HIV/Aids/STD Strategic Plan for South Africa 2000-2005 and the National Integrated Plan for Children Infected and Affected by HIV/Aids, both of which must now be put into practice. Action against HIV/Aids has begun through the national department's *Tirisano* programme, which introduces a programme of action throughout the education system. These initiatives are being taken forward through the work of the HIV/Aids directorate. One of the strategic objectives of this directorate is to ensure inter-sectoral collaboration with other government departments and non-government organisations in support of health education programmes in schools.

3.3 Education policy responses to address child protection, support and care

The research undertaken by Human Rights Watch (Tate, 2004) has shown that sexual violence, including rape, sexual harassment, sexual abuse and assault, is rife in our schools⁶. The issue of school safety is pertinent to OSYs and child labour in that it acts as a 'push-out' factor and has a direct impact on absenteeism, drop-out rates and the continued participation of girls in schooling.

The DoE has taken various measures to address the issue of violence in schools and has published an instructional manual for teachers, dealing with alternative models of discipline and setting out the ways in which teachers can proactively create a learning environment that limits discipline problems. Similar advocacy, together with appropriate teaching and learning support materials developed for educators, will assist the re-integration into schooling of vulnerable children and children from child labour.

3.3.1 Drug abuse

The DoE has developed a drug abuse policy framework (Gazette no. 24172 of 2002), which is built on the principles of developing a safe and supportive school environment that values human dignity, and celebrates innocence. This document states that there are ample media and research reports that point to the fact that 'there is a high correlation between drug abuse and other anti-social and high risk behaviour such as violence, sexual violence, gangsterism and theft, and also high prevalence levels of HIV/Aids and hence early death.' It is the responsibility of the DoE to ensure that those who abuse alcohol and drugs and would like to get treatment, have an entitlement to appropriate assistance, and should not be denied the opportunity to receive an education or the right of reintegration into a school community. However, the policy states that 'if such integration is deemed by the SGB and the school management to be detrimental to the safety or discipline of the school, the learner should be assisted in finding an alternative school.' In the final instance, it is the responsibility of the provincial head of education to find an alternative school. This regulation demonstrates some degree of flexibility in the education system to accommodate learners who abuse substances, and places responsibility on senior officials to take action. Similarly, the education system can elaborate policy and regulations to address child labour.

3.3.2 National School Nutrition Programme (NSNP)

Attempts are being made by the DoE and the provincial departments of education to extend the Primary Schools Nutrition Programme (PSNP) established in April 1994 as a Presidential Lead Programme under the Reconstruction and Development Strategic Framework (RDP). It was aimed at improving primary school pupils' active learning capacity, alleviating temporary hunger, educating pupils about nutrition, improving micro-nutrient intakes and enhancing broader development initiatives (RDP White Paper, 1994). This programme was implemented in September 1994 following the announcement by President Mandela during his State of the Nation Address on 24 May 1994 that 'a nutritional feeding scheme will be implemented in every primary school where such a need was established'.

The NSNP was envisaged to have the following principles:

- Involvement of community members, parents and education personnel in the design, implementation and monitoring of the projects.

⁶ A hot line has been established by the DoE to allow learners and educators who experience sexual harassment and/or corporal punishment to lodge complaints directly with the DoE. School Safety is also being addressed by the Education Management and Governance Directorate (EMGD). The Employment of Educators Act of 1996 provides caters for strong measures regarding the discipline of teachers that can be executed by the DoE and South African Council of Educators (SACE). Parents also have recourse to the criminal justice system and can take independent action against educators who violate learners.

- A holistic approach, linking school nutrition activities to other initiatives to improve education quality, and to other community development and health initiatives.
- A multi-sectoral and interdisciplinary intervention, jointly managed by the departments of Education and Health and involving other departments such as Welfare and Water Affairs.
- Projects to be part of the sustainable development processes aimed at achieving greater self-reliance, food provision being seen as a short-term measure, to be phased out as other RDP initiatives began having positive effects.

At its establishment this programme operated under the Department of Health but was given to the Department of Education in April 2004 and is now referred to as the NSNP.

The provision of school meals by the state has positive effects on education in two ways. Firstly, well-nourished learners perform better in the classroom, and secondly, school meals are an important incentive for poor parents to ensure that their children attend school every day.

Successful implementation of the NSNP is vital to ensure that ‘children on the edge’ of the schooling system are protected and supported, especially if the programme is well co-ordinated with the school fee exemption policy and the child grants provided by the Department of Social Development.

3.3.3 Gender equity in schooling

The Girls’ Education Movement (GEM) is an initiative in the DoE Gender Unit. It is based on a child-to-child strategy in which both female and male learners are provided with the necessary skills in GEM clubs at schools to enable them to work in their communities, and to invite out-of-school girl learners back into school. The programmes utilise the learning areas in the curriculum and workshops for GEM club members to address gender as it relates to both male and female learners. GEM clubs have been established at a handful of schools in the Eastern Cape, KwaZulu-Natal and Limpopo. Gender Equity in schooling will receive a renewed attention following the report of the Ministerial Committee on Gender Equity that is to be released before the end of 2005.

3.4 Conclusion

The DoE is engaged in a broad range of initiatives intended to give substance to the right of all children to a basic education. The overarching policy framework to provide education for all and to assure the safety and well-being of all children is in place. However, the issue of child labour is not addressed directly.

If all children ought to be attending school, and if child labour is a reason why some children are not attending school, then the provincial heads of department have a legal obligation to remedy the situation.

Therefore, what requires more attention is the development of specific programmes and initiatives that will address the problems of child labour and of children not attending school. Hence this report does not suggest there is a need for new policies, nor does it suggest that the issue of child labour and OSYs should be addressed by the DoE and the provincial departments of education alone. Rather, it proposes a set of recommendations that can be taken forward within the strategic plan of the DoE and the strategic objectives of the GDE and other provinces.

However, it is also clear from the above review that South Africa does not have an integrated approach to eliminating child labour (other than in the CLPA) nor is there any explicit description of the role that education could play in this regard, apart from the actions that are suggested in the CLPA.

Notwithstanding the above, there appears to be a conscious strategy to deal with the many vulnerabilities that children face that inhibits access to schooling. In particular, the strategic plans and priorities for the next five years indicate the general direction of thinking in the DoE regarding

education access. We examine these in the section that follow, with a view to identifying synergies between the strategic plan of the DoE and the CLPA.

Additional support in vulnerable communities is required to assist schools to liaise with parents of vulnerable learners, and SGBs should be enabled to support learners whose difficult social circumstances negatively affect their schooling or school attendance.

4. Strategic priorities of the Department of Education and the Gauteng Department of Education

4.1 Strategic priorities of DoE

4.1.1 Tirisano frameworks (2002-2004)

On 22 February 2000, the then Minister of Education, Professor Kader Asmal introduced the *Tirisano* plan ('working together') to the Portfolio Committee on Education. This plan identified nine priorities, which were later covered by five programmes. One of the priorities was to develop schools as centres of community life. This in the view of the researchers is a strategic objective which is crucial to the re-integration of out-of-school, vulnerable children and children involved in child labour. This is a strategic priority that appears to have slipped off the DoE agenda and should be picked up in the TECL interventions to address the problem of child labour.

The programme to address school safety in the *Tirisano* plan, and the goals of lowering incidents of violence and substance abuse in schools has been retained in the current strategic priorities of the DoE.

4.1.2 Some key aspects of the DoE's strategic plan (2005 — 2010)

There is evidence from the Department of Education's 2005-2010 Strategic Plan that the department has put adopted measures to deal with vulnerable or 'at risk' children in directorates in the General Education and Training, and Quality Promotion and Development branches.

The mandate of the General Education and Training Branch is to —

- consolidate citizen's access to quality basic education and training;
- develop viable and relevant Outcomes Based Education programmes;
- monitor and evaluate the delivery of General Education and Training programmes.

The mandate of the Quality Promotion Branch is threefold:

- To promote quality improvement through ensuring the availability of credible and up-to-date data on the performance of learners and educational institutions.
- To protect the right to quality education and ensure meaningful participation by all children, particularly children at risk.
- To build social cohesion in the system by ensuring that all educational institutions embrace the values enshrined in the Constitution, placing special emphasis on equity and non-racialism.

The key thrust of programmes in the Quality Promotion Branch are continuous improvement in the attainment of learning outcomes by all, and in bridging the quality divide between previously advantaged and previously marginalized schools and communities.

Three key foci of importance to this study are:

- The refocusing and broadening of health programmes in education to ensure the overall well-being of both learners and educators.

- A resourcing strategy to increase access to and participation in rural and urban nodes in the Integrated Sustainable Rural Development Programme and Urban Renewal Programme.
- The implementation of the recommendations of the Ministerial Committee on Rural Education to ensure equality and parity in the education system and provide a positive learning experience for learners in rural areas, including those on commercial farms. (At the time of writing the DoE had not initiated a programme to take forward the recommendations from this report.)

According to the Deputy Director-General in the Quality Promotion and Development Branch, the above foci will guarantee access to and the completion of quality education by children at risk as well as raise accountability levels towards quality educational outcomes for all learners.

Within this branch, the Chief Directorate, HIV/Aids and Nutrition contains three directorates whose work can impact on OSY:

- The **HIV and Aids Directorate** deals with health-related issues that impact on the education system. A wellness programme is being developed and inter-sectoral health and education programmes will be enhanced.
- The **Nutrition Directorate** focuses on poverty alleviation programmes such as school feeding, generating food production and economic activity in communities in order to improve household food security, and strengthening the nutrition programme in the school curriculum and the community in general.
- The **Social Issues Management Directorate** ensures that programmes are approached in an integrated manner both inter-departmentally and inter-governmentally. It will also ensure that all education institutions are safe learning areas, by striving to create safety nets for children who are at risk. This would entail finalising the Guidelines for the Management of Substance Abuse in all public schools and training teachers on these guidelines by 2008. A profile of children at risk not receiving schooling will be developed jointly with other government departments in the social cluster. A strategy will be developed with the Department of Social Development and non-governmental organisations to assist street children to gain access to formal education and training.

4.2 Strategic priorities of the GDE

The strategic priorities of the GDE have to be read in conjunction with the Gauteng provincial initiative to address child rights through the Gauteng Action Plan for Children (GPAC). The GPAC was developed to ensure a focus on children in the province and the GDE officials who were interviewed indicated that the GDE is playing an active role in this structure.

On Children's Day, 1 June 2005, the province launched a **single window project**. This is an integrated approach to the well-being of children and will identify, refer and track all children under 14 years of age, as they are ones eligible for the child support grant. It will enable them to access free health care at clinics, free screening for the early detection of disabilities and special needs, as well as free psycho-social support by social workers.

The Gauteng MEC for Education identified the following strategies as education-specific interventions to contribute towards the single window package for poor children in the province⁷:

- Identify learners who qualify for free school uniforms.
- Provide free meals to qualifying learners⁸.
- Provide transport for learners that live more than 5 kilometres away from the school.
- Exempt from paying school fees children attending schools in poorest communities.
- Provide learning, teaching and support material.

⁷ See Gauteng Online: <http://www.gpg.gov.za>

⁸ To date the GDE is providing 356 264 learners with meals during school and 51 321 learners are transported daily to school as part of the scholar transport service.

In order to tackle substance abuse, the province has committed itself to intensifying its awareness campaign at schools and working with the South African Police Services (SAPS) Youth Desks. Together with the SAPS the province will focus on the increasing problems of drug abuse and trafficking, and related problems at school, in a proactive manner.

The province has committed itself to implementing the early childhood development (ECD) strategy over a five-year period, focusing on children at risk and those in the most disadvantaged communities. In year one, staff responsible for ECD from the departments of Health, Social Development and Education will be placed in the Department of Education to begin a process of integrating and consolidating existing ECD service delivery including developing uniform norms and standards.

Key challenges that the GDE experiences include:

- Shortage of classroom space in many districts. Coupled with this is the increase in actual class sizes. These pressures are felt most strongly in secondary schools. As a result of migration into the province, the GDE has to provide more educators to schools where there has been an increase in the number of learners. This increase in the number of migrants, from within and outside South Africa to urban areas and the constraints placed on PDE to ensure them access to school, is likely to place these children at considerable risk.
- Challenges posed by the impact of HIV and Aids. The GDE has to face the challenge of child-headed households, the increasing number of orphans and the high level of absenteeism.
- The challenge of linking the GDE's poverty alleviation programmes and projects to capacity-building in local communities. For example, school-based projects such as food gardens, school uniform production and motor mechanics' work have to be integrated with community initiatives.
- Plans to expand the School Nutrition Programme to secondary schools and to provide scholar transport to learners from rural areas and informal settlements.
- The implementation of the 'Single Window' information and service centre for social and health services to enable children to gain access to all services provided by the different sectors of government and other organisations.
- Farm and Rural Schools in the GDE: The target of either merging and or closing 60 farm schools has been achieved. However, the GDE aims to pilot 5 schools as multi-purpose centres and to extend the food garden project to all remaining rural and farm schools in 2005.

4.3 Conclusion

Despite the commitments from the intervention programmes mentioned above, none seem to be addressing child labour in particular. Despite the fact that programmes refer to 'vulnerable children' or children who are 'at risk', child labour is not explicitly referred to in strategic objectives of the DoE and GDE. Furthermore, despite the laudable commitments within the GDE and the province as a whole to ensure child protection, support and care *none of the Gauteng provincial government initiatives that were reviewed address child labour*. Furthermore, despite the reference in the programme documents to 'vulnerable children' or children who are 'at risk', child labour is not explicitly identified as a key challenge in the documentation that was reviewed.

5. The Child Labour Programme of Action and operational procedures of TECL

5.1 The Child Labour Programme of Action (CLPA)

The CLPA (DoL, 2003) is underpinned by an integrated approach to mainstreaming the issue of child labour in government departments. The inter-sectoral strategies required for the success of the various actions are detailed, together with the projected costs of the implementation of the actions and the time-frames within which each of the actions should be take place. As such the CLPA must be read as

a web of inter-connected activities that must work in concert across the government sectors to effectively address the issue of child labour.

The detailed CLPA actions for education are appended as Appendix 5: Education-specific Actions, as extracted from the Child Labour Programme of Action plan).

The priorities set out for education in the CLPA have been clustered into the following thematic issues:

- Access and retention.
- Elaboration of policy and legislative framework.
- Infrastructure provision and resources.
- Focus on rural and farm schooling.
- Support for teaching and learning in the National Curriculum.
- Capacity development for provincial, district and school-based education stakeholders to address child labour.
- Advocacy, public awareness and community linkages.
- Develop monitoring and evaluation systems and maintain data sets disaggregated in respect of age, gender, distribution of child labour and other vulnerabilities.
- Child and learner participation in CLPA interventions.
- Cross-sectoral collaboration.

The actions specific to education appear to cluster around policy formulation and monitoring and evaluation interventions in the education system. Whilst the education-specific actions suggested in the CLPA are relevant to the needs in the education system and are in synergy with the DoE's and GDE's strategic priorities, there is a strong need for cross-sectoral implementation of the CLPA across the government departments if interventions to address child labour are to be effective.

5.2 Operational guidelines of TECL

The full title of the TECL Programme is *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*.

TECL is funded as part of the ILO's 'Time-bound Programme' and was set up in South Africa in 2004 as part of the DoL. TECL provides technical assistance and support to government departments to support the implementation of the CLPA.

TECL reports to the Child Labour Programme of Action Implementation Committee (CLPA IC), which is chaired by the DoL. Government departments including the DoE, are represented on the CLPA IC. The CLPA was drafted on behalf of the DoL by a team of consultants and is based on extensive consultation with each of the government departments and the primary stakeholders in the various social sectors.

The CLPA was adopted by CLPA IC in September 2003. Furthermore, the CLPA was presented to the various relevant Director-General clusters, and no objections to its referral to Parliament for approval were raised. In addition, senior government officials below the level of the Directors-General from the various departments approved the document with respect to the actions that were suggested. The DoL was tasked to submit the CLPA to Parliament for noting and to cost the key CLPA activities for each of the departments and to submit the document to Parliament for approval. There have, however, been serious delays in this process and the CLPA will be submitted to Cabinet for noting in August 2005 and for adoption soon after.

There are four key elements framing the TECL programme as indicated in the programme strategy document (ILO, 2004) which are pertinent to this research study:

- Data collection on child labour including information on actors and actions taken to address child labour (2004-2005).
- Designing and testing of models by way of pilot projects (2005-2007).
- Addressing the environment within which the problem of child labour is being tackled, through facilitating networks and joint action, and raising government awareness (2005-2007).
- Designing appropriate policies and making recommendations, enabling the implementation of such policies and enforcement of laws (2006-2007).

In addition, there are also several important issues that are raised in the overall programme strategy document and country strategy which have informed this research and the intervention strategies for education suggested in Chapter 9:

- There is an acknowledgement that in attempting to mainstream the issue of child labour, the relevant government departments may require that the programmes do not focus specifically at child labour issues. The overall country strategy document for South Africa (ILO, 2004: 8), points out that ‘the educational programmes to facilitate the inclusion/rehabilitation of children who have been out-of-school due to child labour are likely to have to address problems regarding provision of services for all out-of-school children. This has been taken as a point of departure in this research and in scoping the education interventions.
- There is a comment on the indicators of success regarding the CLPA. The number of beneficiaries of TECL and CLPA interventions and of children removed from child labour should not be considered as the primary indicators of success in addressing the problem of child labour. Instead, a more important indicator of success would be to assess how the various programmes and strategies in the various line departments have been influenced to ensure appropriate removal and prevention once the CLPA and TECL interventions have been accepted and applied.
- TECL is to play a role as facilitator rather than implementer.
- Comprehensive information on WFCL is difficult to obtain. For this reason it is expected that some of the actions addressing WFCL will have to be carried out without extensive information being available, and therefore ‘learning-by-doing’ will be an important strategy.

IPEC has pointed out that it is impractical to collect defensible national figures on WFCL. This has been its experience in a range of rapid assessments and other research projects on the issue. In light of this, the TECL strategy is as follows:

- To select pilot sites for other rapid assessments based on available information and views of stakeholders with knowledge on a given issue.
- To collect reliable information and statistics within these sites.
- To use the information so obtained to illustrate the extent and nature of the problem.
- Not to assume that the information so obtained is necessarily representative of the country as a whole.
- Vulnerable children who are exploited in child labour are unlikely able to organise themselves into a strong lobby group NGOs can therefore play a crucial role and their stronger role in this regard should be strengthened. Civil society should act as a strong advocate on child labour to encourage government to address the issue. For this reason the TECL programme will also seek to strengthen civil society in its various projects.

TECL is responsible for the monitoring and evaluation of the implementation of the CLPA across the government departments and the role of CLPA IC in this process is unclear.

A major limitation of the TECL programme is that the duration for technical support for the implementation of the CLPA is due to end in 2007 and therefore the CLPA actions for education need to be considered with some urgency.

6. Field notes

6.1 Views of persons interviewed in DoE and GDE

The views expressed by the various persons interviewed have been categorised as follows: (See Appendix 1 for list of persons).

- **‘Core business’ of schooling and the responsibility of other government departments**

Officials unanimously expressed the view that there are limits to what schooling can do to address the problem of child labour. In the view of the majority of interviewees from the DoE and GDE, child labour appears to lie 'outside the core business' of schooling. Many believed that the first line of action against child labour was stronger enforcement of the law by the DoL and the South African Police Services against those who abuse children through all forms of child labour. Officials indicated that there should be stronger action when incidents of child labour are reported.

However, several interviewees acknowledged the need for collaboration between departments in the social services cluster, e.g. one official suggested that 'there should be a mechanism in place that ensures that children who receive a social grant automatically qualify for exemption from school fees without having to go through the difficult process of applying for an exemption'.

Officials were also of the view that the intervention strategies suggested in the CLPA could be implemented only if they fitted into the funded mandates and strategic objectives of the various directorates in the DoE and the GDE, as it is very difficult for departmental officials to act on issues for which the funds are not available. [The implementation plan in this report does address this concern.]

- **97% Enrolment in Schooling in South Africa**

One viewpoint from the DoE was that South Africa has a relatively high school enrolment rate in comparison to other countries with a similar context, and that the main task of the DoE was to attend to the learning needs of these children. (This viewpoint did not take into account the large number of children who are in the system, are at risk and who having enrolled in Grade 1 do not successfully proceed to Grade 12.)

- **‘Child Labour’Yet another issue for schooling’**

Many officials spoke of the policy overload and the demands placed on educators in the new curriculum framework. They cautioned that CLPA could be seen as yet another issue that schools and educators had to respond to.

- **‘The Picture on OSY and Child Labour is Unclear’**

Several interviewees indicated that the picture regarding children not attending school and vulnerable children is unclear, and that once learners drop out of school they are lost to the system because their destination is very often unknown. An official from the GDE EMIS indicated that there is evidence of migration between the provinces, from rural to urban areas and within the urban areas, but these trends are difficult to monitor and are masked by the high overall enrolment figures of learners in schooling. However, a contrasting viewpoint was expressed in interviews with other GDE officials. These officials spoke of ‘once-off, ad hoc and case-by-case’ responses to learners who fall into the OSY category and whose plight is brought to the attention of schools and district offices. School principals have been supported by the district official, in particular district officials from Education Support Services, to arrange for these learners to attend school.

- **Ownership and Community Participation in Programmes for OSYs**

Officials from the Social Issues Management Directorate spoke of their experience with the ‘Adopt a Cop’ programme across the various provincial departments. They indicated that interventions to address the problem of OSY and OVC are more successful when they are adapted to suit particular

school communities and when there is genuine ownership of the interventions by the school community as a whole.

- **‘If it’s not in the curriculum, it will not fly’**

A strong and, in the view of the researchers, highly plausible, argument was made by officials in the Inclusive Education Unit of the GDE and the Inclusive Education Directorate in the DoE for an extended interpretation of the NCS and of White Paper 6 when addressing the issue of OSY and child labour. Officials in the Inclusion Unit of the GDE and the Inclusion Directorate of the DoE indicated that the operational procedures being put in place for the implementation of White Paper 6 will address the issue of OSY. In particular, the full-service schools that are to be established with DBSTs were seen as viable institutions to address the issue of OSY in its broad definition, extending beyond special learning needs of learners with disability to re-integrating children from child labour back into schooling.

- **Processes towards Mainstreaming and Ensuring Buy-In for the CLPA**

There was a strong call during the individual interviews and at the reference group by DoE and GDE officials for a presentation of the CLPA to HEDCOMM. This they stated was a first and very important requirement for the success of any further action on the CLPA within the education system.

- **Structural Constraints in the Bureaucracy**

Officials cited the lack of human and physical resources as constraining factors that limited the response of the education system to the needs of OSYs. GDE officials in particular spoke of the restructuring of the GDE which has resulted at times in a lack of clarity in line functions between certain directorates and a great deal of mobility of GDE officials within the department.

6.2 Responses from Non-Government Organisations

Telephonic interviews were conducted with representatives from several NGOs active in the area of child rights and child labour. All the interviewees indicated that their organisations were active in innovative projects in school communities across the country, in which the barriers to schooling were being addressed. The Crime Reduction in Schools Project (CRISP), which operates in KwaZulu-Natal, for example, has been involved in setting up advisory committees with cross-sectoral representation from the SAPS and organisations like Child Line at a sample of schools. Similarly, interventions that involve parents, community members and cross-sectoral collaboration can be designed to assist schools to be responsive to the needs of OSYs and learners involved in child labour.

NGOs expressed concern about continued inequitable resourcing across the schooling system, which is manifest in learners having to clean their classrooms, for example. Children sometimes have to arrive early to clean their classrooms at school in rural areas, whilst this is not the practice at urban schools and ex-Model C schools. One interviewee expressed his concern as follows:

‘When the education system operates like this it deepens the effects of poverty and suffering of these learners and increases the inequity. Children are forced to do the work that the education department or the SGB should be paying an adult to do’.

7. Child labour in South Africa — a statistical overview

7.1 Introduction

The problem of child labour is a worldwide phenomenon and requires urgent attention on the part of governments. The International Labour Organisation (ILO) estimates suggest that —

- there are 246 million working children world-wide aged between 5 and 17;
- 179 million children work in the worst forms of child labour;
- 111 million children are in hazardous work;
- 8.4 million are in slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment into armed conflict, prostitution, pornography and other illicit activities.

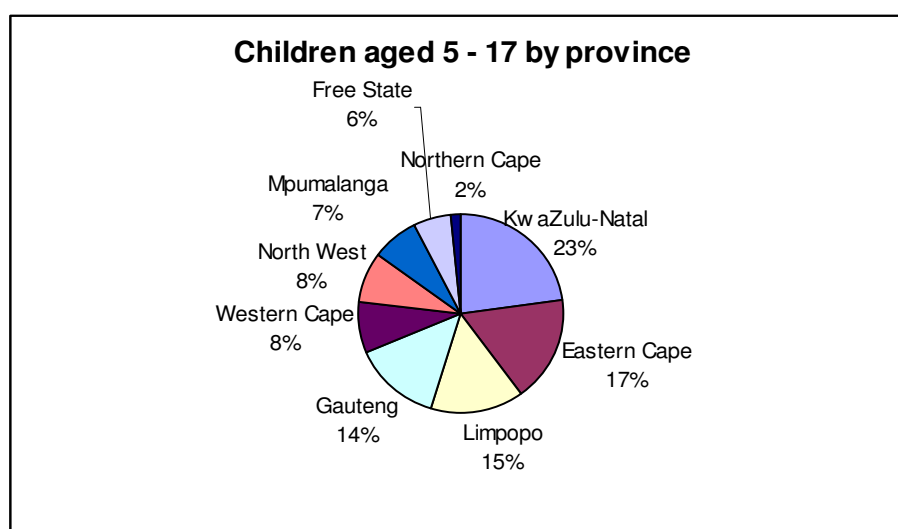
The ILO further suggests that girls are particularly in demand for domestic work, and around 70% of child workers carry out unpaid domestic work.

7.2 The South African scenario

7.2.1 A profile of children aged 5 to 17 in South Africa

Data from Census 2001 suggests that there were 17.38 million children in South Africa below the age of 18 years, an increase from 16 million counted in the 1996 Census (CASE, 2003). African children constituted the majority of these at 83.6% (or 14,5 million), followed by coloured children at 8.5% (or 1.49 million), whites at 5.9% (or 1.03 million), and Indians at 1.8% (or 328 505). Girls constituted the majority of children at 50.2%. Of the 17,38 million children in South Africa, 13 million were in the age category of 5 – 17 years⁹. The distribution of these children by province is represented in the graph below.

Figure 1. Children aged 5 to 17 by province



Source: Statistics South Africa, 2003. Census 2001. Database. www.statssa.gov.za/census01

More than half (55%) of the 5 to 17 year old children in South Africa live in the three poorest provinces of Eastern Cape, KwaZulu-Natal and Limpopo. Gauteng province accounted for 14% of children aged 5 to 17. The urban and non-urban distribution of children by province is represented in Table 1.

Table 1. Proportion of children aged 5 to 17 years living in urban and non-urban areas by province

Province	Urban	Non-urban
EC	28.5%	71.5%
FS	68.1%	31.9%
GP	97.3%	2.7%

⁹ The 5 to 17 year age category is widely used in relation to child labour. We also use this category in this document.

KZN	34.3%	65.7%
LP	8.6%	91.4%
MP	34.4%	65.6%
NW	31.9%	68.1%
NC	72.5%	27.5%
WC	88.5%	11.5%
Total	44.6%	55.4%

Source: Statistics South Africa, 2001 (25)

The table shows that the majority of children aged 5 to 17 lived in non-urban areas, based on 1996 census data. It is widely acknowledged that there is much inter-provincial migration in South Africa, which means that the patterns may have changed since the 1996 Census.

7.3 Child labour in South Africa

In recent years, especially since the democratic government came to power in South Africa in 1994, more data on child labour in South Africa are being collected, although there are still major gaps in such data. By far the most comprehensive picture of child labour was provided by a study conducted in 1999, the “*Survey of activities of young people in South Africa*” (Statistics South Africa 2001). It collected and analysed data of activities of children aged between 5 and 17, in relation to both economic and non-economic tasks. The study reported that 45% of South African children (or 6,04 million¹⁰) were engaged in some kind of work-related activities, using the low time-based cut-off points. This was defined as at least one hour of labour per week for economic activities. When using a higher cut-off point for economic activities, three hours or more per week, the number of children engaged in such activities was 36%, or 4,82 million children. The study reported that the majority of children engaged in such activities were in apartheid-created former homelands, especially in deep rural areas.

Children in deep rural areas (12%) were most likely to do economic work of 3 hours or more per week, followed by those in commercial farms (11%). Their activities are mostly in unpaid family enterprises such as agriculture and micro-enterprises (Statistics South Africa: 2001).

The study highlighted differences in the racial profile of children engaged in work, with 9% of white children reported to be engaged in work activities with cut-off of 3 hours, compared to 41% of African children (Statistics South Africa: 2001). Those working in contravention of the law accounted for approximately 30% of working children, across all hour-based categories.

Almost 1.4% of the 13.4 million children aged 5 to 17 in South Africa in 1999 were involved in commercial agriculture. This Survey was not exhaustive as it missed some key elements of child labour like child prostitution. Yet it concluded that child labour, in its exploitative sense, was rare in South Africa. Given the limited data available, this may be a premature conclusion.

The main activities in which children were involved are as follows:

- **Collecting firewood / water**

Twenty-three percent of 5 to 17 year olds spent 3 hours per week collecting firewood and fetching water. In the deep rural areas, 42% of children were involved in these activities. Nine percent of children aged 15 to 17 year worked 12hrs per week collecting firewood and water as against 7% of 10 to 14 years olds and 4% of 5 to 9 year olds.

- **Commercial and subsistence agriculture**

Fifty-nine percent of children engaged in agriculture-related activities (commercial and/ or subsistence) for 3 hours per week and 65% of children aged between 5 and 9 years worked for 12

¹⁰ It is worth noting that data for the study was drawn mainly from Census 1996.

hours per week. Subsistence agriculture accounted for activities of 48% of children for over 3 hours a week.

- **Retail and wholesale**

The activities in this sector accounted for a significant proportion of activities of young children, with 26% of 5 to 9 year olds, 33% of 10 to 14 year olds and 35% of 15 to 17 year olds working in the various aspects of the sector.

- **Family business**

Approximately 2% of children were reported to undertake activities in family business.

- **School-related work**

This involved mainly cleaning and maintenance and accounted for 6% of 5 to 9 year olds' activities, 14% of 10 to 14 year-olds and 11% of 15 to 17 year old children.

- **Paid domestic**

Nearly 2% of children between the ages of 5 and 17 were engaged in paid domestic work.

- **Other household chores**

Activities in this category also accounted for a significant proportion of the time spend by children. The report indicates that 12% of 5 – 17 year olds were engaged in household chores, when using 7 hrs per week cut-off. This percentage drops when the time-based cut-off times are increased. Furthermore, in a study conducted in rural areas (CEPD, 2003) it was found that many children have to balance time spent at school with various household obligations; and as a result absenteeism and drop-out are rife in schools in rural areas.

The Statistics South Africa (2001) report and other research, suggest that there are many children who are also engaged in worst forms of child labour in South Africa.

7.3.1 Worst forms of child labour

ILO WFCL (1999) defined worst forms of child labour as follows:

- All forms of slavery or practices similar to slavery
- Using, procuring or offering child for prostitution, production of pornography or pornographic performances
- Using, procuring or offering child for illicit activities, especially drug production and trafficking
- Work which by its nature is likely to harm health, safety or morals of children (hazardous work) – i.e., those exposing children to physical, psychological and sexual abuse; work underground, under water, at dangerous heights; work with dangerous machinery, equipment and tools involving manual handling of heavy loads; work under particularly difficult conditions such as long hours, at night, etc. (DoL, 2002: 11).

The Statistics South Africa study (2001) revealed the following trends with regard to worst forms of child labour:

- 61% of children said that they were exposed to hazardous conditions.
- 36% of children reported working in very hot environments.
- 27% of children reported that their work was tiring.
- 26% of children worked in very cold environments.
- 19% of children worked long hours, under potentially harmful conditions.

Other studies also highlight the prevalence of worst forms of child labour in South Africa although the data is not coherent. An article by Yazeed Kamaldien estimates that there are up to 38,000 child

prostitutes in South Africa and 25 percent of the country's street children engage in survival sex. Victims come from Angola, Botswana, the DRC, Lesotho, Mozambique, Malawi, South Africa, Swaziland, Tanzania, Zimbabwe and Zambia. Extra-regional victims are from Ethiopia, Kenya, Nigeria, Senegal and Uganda. Others are from Thailand, Taiwan, China and Russia." (IOM 8/03/2005).

In 2003 a research study by the International Organisation for Migration (IOM) also found that South Africa is a main destination for trafficked women and children.

7.3.2 Children of migrants and refugees

Although the scale of the practice is not clear, there are indications that children of migrants (from other African countries) are involved in child labour on South African farms. A recent newspaper article cited at <http://www.afrol.com> highlighted the plight of children as young as six from Mozambique being forced to work on farms in Mpumalanga as part of a deliberate strategy by farmers to use the cheapest and most docile workers available. The children were paid as little as R2, 08 per day in return for 12 hours of hard physical labour, from sunrise to sunset.

According to a recent study conducted by the University of the Witwatersrand Education Policy Unit 30% of refugees in South Africa do not send their children to school. The reasons given are the cost of schooling and schools' refusing to admit children of refugees on the grounds that these learners do not have the necessary documentation.

7.4 Risk factors

Whereas the above discussion has sketched a picture of child labour in South Africa, there is increasing recognition that the circumstances of many children in South Africa create conditions that make them vulnerable to child labour, including its worst forms. The risk factors include poverty, dropping out of the schooling system and the impact of HIV/Aids.

According to the DoE there are approximately 280,000 children and youths outside the school system and 12 587 626 learners enrolled in ordinary schools (public and private) ABET, special needs and ECD institutions in 2003 (Department of Education, 2005d: 21). (The number of OSY is not fleshed out and the location of these children is unknown.) However, this figure may be too low if one examines the data derived from Census 2001, which revealed that there were more than 17 million children under the age of 17 in South Africa in 2001. In view of the difficulties of establishing the ages of children in the different kinds of institutions, it is difficult to estimate precisely the number of 5 to 17 year olds who are out of school. If this figure is approximated and compared with the enrolment figure in 2005, there is a short-fall of approximately 500 000 children who are unaccounted for. These discrepancies indicate there is clearly a need for data that will provide precise indications of the scale of the problem of out-of-school children. Therefore there is a need for more studies on the number of children who are out of school, and their educational profile, as this will permit proper planning for their educational needs.

An analysis of the enrolment patterns provide some indications of the number of children who may be out of school, despite the fact that the country is widely credited with ensuring near universal primary education provision (estimated at 97%). Data from the Education 2000 Plus study revealed that the lower grades have a greater number of appropriately aged learners compared to the higher grades. Table 2 shows that between 1991 and 2001, the highest enrolment was in grade 1 and the lowest in grade 12. While proportionally fewer learners were in grade 1 in 2001, enrolment in grade 12 remained far too low (4%). Many learners thus do not progress to Grade 12.

Table 2. Learners by grade, 1991-2001

Grade	1991		1995		2001		% Change 1991—2001
	No.	%	No.	%	No.	%	
1	1 505 202	14.9	1 676 273	14.1	1 139 676	10.1	-24
2	1 137 884	11.3	1 244 411	10.5	916 745	8.1	-19
3	1 074 669	10.7	1 172 260	9.9	1 052 817	9.3	-2
4	969 661	9.6	1 096 489	9.2	1 130 838	10.0	+17
5	938 539	9.3	1 079 551	9.1	1 054 942	9.3	+12
6	817 967	8.1	958 493	8.1	983 231	8.7	+20
7	745 617	7.4	897 842	7.6	890 089	7.9	+19
<i>Subt. Pr.</i>	<i>7 189 539</i>	<i>71.3</i>	<i>8 125 319</i>	<i>68.4</i>	<i>7 453 150</i>	<i>66.0</i>	<i>+4</i>
8	780 824	7.7	982 700	8.3	1 021 490	9.1	+31
9	665 067	6.6	844 969	7.1	872 782	7.1	+31
10	550 095	5.5	728 509	5.1	804 150	7.1	+46
11	470 786	4.7	633 546	5.3	671 849	6.0	+43
12	421 430	4.2	559 725	4.7	462 082	4.1	+10
<i>Subt. Sec.</i>	<i>2 888 202</i>	<i>28.7</i>	<i>749 449</i>	<i>31.6</i>	<i>3 832 353</i>	<i>34.0</i>	<i>+33</i>
TOTALS	10 077 741	100	11 874 768	100	11 285 503	100	+12.0

Source: Bot M, November 1997; Mabogoane 2004.

There were also variations by province, with over-enrolment at primary level still very high in the Eastern Cape, KwaZulu-Natal and Mpumalanga. These provinces had a primary Gross Enrolment Rate (GER) of between 122% and 125% in 2001, while under-enrolment at secondary level was most pronounced in the Northern and Eastern Cape, with a GER of 66% and 67% respectively.

Table 3. Gross enrolment rates by province, 2001 (%)

Level	EC	FS	GT	KN	LP	MP	NC	NW	WC	TOTAL
Primary	125	117	112	122	110	122	100	108	111	117
Secondary	67	89	96	91	90	97	66	85	82	86
TOTAL	100	105	106	109	101	111	86	98	99	103

Source: Calculated from information provided by the Department of Education, Directorate EMIS, October 2001.

An analysis based on recent data (2003) provides a slightly different picture from the above. According to a report released recently by the Department of Education (2005), there were significant levels of under-enrolment of appropriately aged learners in grades 11 and 12 in 2003, 33,7% and 44,8% respectively. Grades 4, 5 and 9 were also under-enrolled with regard to appropriately aged children.

Based on 2000 data, the HDI report (2003: 272–273) suggests that only 65% of children in South Africa reach Grade 5. Secondary NER is a mere 57% in South Africa. This suggests that children may be enrolled, but do not progress through the schooling system. Very little information is available on out-of-school children who drop-out from the system.

Gauteng is one of the provinces that has started to collect data that seeks to identify children/youth at risk. The data focus on drop-outs at Grade 12 level. According to emerging trends, approximately 3 411 learners dropped out in 2003. These are young people who registered for Grade 12 at the beginning of the year but dropped out during the course of the year – i.e. they did not sit for the final Grade 12 examinations. The figure also excludes those learners who were not allowed to enter Grade 12. In addition to those who dropped out in 2003, a further 11043 failed the year, with only 813 repeating, giving a net figure of 13 641 learners classified as at risk in 2003.

However, the data is not conclusive regarding where such learners could be, which implies that a significant proportion of these children may be exposed to various kinds of child labour.

7.4.1 Impact of poverty on schooling

Poverty contributes to children dropping out of the schooling system or going to work to supplement family income. The poverty context of the majority of children in South Africa is a cause for concern, especially in the mostly rural provinces. According to data from Statistics South Africa, the official unemployment rate in the Eastern Cape was 54.6%, KwaZulu-Natal 48.7% and Limpopo 48.1% (Zafar, 2004). Zafar further draws on data from the South African Human Development Report (UNDP, 2003) which suggests that overall food insecurity in South Africa is approximately 16% for households with children under seven years, and 26% for rural households.

There has been a decline in access to basic services (water, housing, energy for heating and lighting, sanitation and refuse removal) as measured by the Service Deprivation Index. Such poverty directly affects young children, to the extent of inhibiting their enrolment at school.

Based on 1995 data, the situation regarding poverty in Gauteng province can be outlined as follows:

- More families in Gauteng are living in poverty now than in 1995.
- 38% of Gauteng adults live in poverty; 47% of this group are men and 53% are women.
- Africans are by far the most affected, with 44% living below the poverty line.
- 48% of Gauteng children live in poor households. An equal proportion of girls and boys are affected.
- Outline of children living in poverty:
 - 51% of children under the age of 5;
 - 48% of children aged 6-12 years; and
 - 46% of children aged 13-17 years live in poverty.
- The proportion of children living in poverty is much higher among Africans than other groups (55% compared to Coloured 32%, Indian 15%, White 3%).

This poverty situation is further exacerbated by other push-out factors that characterise the South African schooling system, most notably the impact of costs of schooling such as school fees, uniforms, transport and the impact of HIV and Aids.

7.4.2 Impact of costs of schooling

Cost has been highlighted as one of the key barriers preventing access to schooling. This includes school fees, and cost of uniforms, books, stationery and transport.

Taken together, these costs have been shown to have a negative effect on school attendance.. In relation to transport, for example, there is data that shows that there are a number of children who are affected by transport costs. A recent study conducted in one of the settlements (Sol Plaatje) in Gauteng revealed that 327 children from the settlement travel distances of 4 – 6 km to school, and a further 382 travel between 12 and 14 km. Some of them incur costs of R14 per day on travel. Interviews with children in the study suggested that if there is no money for taxi fares, they do not go to school (Wilson, 2003).

There is also data emerging in relation to farm schools and rural settlements that indicate that the cost of transport often prevents children from going to school.

In some instances, there have been attempts to address the issue of travel costs through the establishment of transportation schemes in which private service providers have been contracted to transport learners to and from the school daily. Such schemes have proved useful but have been beset by many problems, including non-payment of contractors and poor maintenance and consequent unreliability of vehicles.. Recent media reports highlighted the plight of children in the far west of Gauteng who were left stranded for days when the transport broke down. A bus in a rural area near Tarlton broke down and was not operational for weeks and the contractor did not provide an alternative vehicle. In the meantime, and without the knowledge (and therefore without the

intervention) of the department, children walked long distances to school. In this regard, there is a need for closer monitoring and the provision of immediate back-up measures where systems fail (CEPD, 2005). Despite the existence of a school transport policy in Gauteng, the mechanisms for monitoring its effective operation are often too slow to pick up the problems and ensure speedy resolution so that learners are not left stranded.

In other contexts, there has been experimentation with bicycle projects, which involve providing learners with bicycles for use to travel to schools. The effectiveness of such schemes in improving access to schools is unclear, but emerging indications are that there are successes and challenges. One of the challenges is that once the bicycles have been provided, responsibility for maintenance passes to the owner and if the family has no money for repairs, the bicycles eventually become unusable.

School fees and other costs such as uniforms and books are among the key barriers preventing school attendance. The Nelson Mandela Foundation report on rural schooling (NMF, 2005) revealed that notwithstanding the policies that seek to lighten the cost burden of schooling on families, policies are themselves not being implemented, with the result that parents are forced to pay fees, or allow children to stay home because they cannot afford the fees. This may have the effect of putting such children at risk of becoming involved in child labour.

As Motala (2004) argues, despite improvements in the spending equity across provinces, substantial differences have remained in provincial finance resource bases, learner– educator ratios, and other such indices. This prompted the Department of Education to conduct a review of financing, resourcing and costs of education in public schools. Amongst the key recommendations of the report (Department of Education, 2003) are the following:

- Amending the school funding norms to establish a national resource targeting framework. Learners from poor households will be funded according to nationally-defined funding norms irrespective of region.
- Amending school fee exemption policy in order to align exemptions with government's overall poverty alleviation strategy
- Exempting 25% of learners from poor households in the richer schools from paying school fees
- From 2004 onwards, schools in national quintiles 1 and 2 to obtain formal approval from government to charge fees
- Providing school feeding in 2004 to the poorest 20% of learners through the PSNP.

Despite these noble intentions, the implementation of these recommendations is yet to materialise, placing further strain on parents trying to meet the costs of schooling.

Another response in trying to mitigate the impact of poverty has been the introduction of the PSNP. The PSNP was designed to:

- Contribute to education quality by enhancing primary school pupils learning capacity, school attendance and punctuality
- Contribute to general health by alleviating hunger
- Educate pupils about nutrition and improve their nutrition through micro-nutrient supplementation
- Develop the nutrition component of the general education curriculum.

Since it was first implemented in 1994, however, there have been a number of problems marring the programme. In particular, several evaluation studies reveal the following key challenges:

- Poor geographical coverage
- Inconsistency for significant periods of time
- Poor quality of the food provided, which did not provide optimal nutrition
- Unsatisfactory performance of the scheme due to personnel problems.

In all of these, children were the first victims, especially given the extreme poverty in which many of them lived. Senosi (2004: 17) suggests that under such circumstances, children ‘become potential wage earners and are often withdrawn from school to work and provide extra family income.’

Enhancing the capacity of provinces to monitor policy implementation is a key area that requires attention in order to ensure that policies do not remain merely symbolic.

7.5 Impact of HIV/Aids

HIV/Aids is one of the key issues that is likely to exacerbate the risk of many children and draw them into child labour. Emerging data suggest that many children who are orphaned as a result of HIV/Aids are ‘forced to abandon education to care for ill parents or to work in order to supplement family income’ (CASE, 2003: 11). Table 4 shows estimates of orphans in South Africa from 1990 to 2005.

Table 4. Estimates of orphans in South Africa from 1990 to 2005

Vulnerable groups	1990	1995	2001	2005
Number of children 0 – 14	13 939 000	24 405 000	14 733 000	14 817 000
Total number of orphans	1 089 000	1 087 000	1 528 000	2 069 000
Total of orphans as % of all children	8%	8%	10%	14%
Total number of orphans due to Aids	1 000	61 000	662 000	1 328 000
Aids orphans as % of total orphans	0.1%	6%	43%	64%

Source: Case, 2003:11.

The table shows that the number of aids orphans has been increasing at a fast rate over the 15-year period. This is likely to increase the vulnerability of children to labour activities.

Mary Metcalfe’s presentation in June 2005 at the Electoral Institute of Southern Africa’s round table discussion on ‘*Quality Education for All – A Human Rights Issue*’ highlighted the following issues with regard to HIV/Aids prevalence in Gauteng:

- Prevalence for all ages between 7 to 14 = 14.7% and 16%.
- Prevalence among women attending antenatal clinics = 29.8 %.
- Prevalence among Gauteng youth aged 15 to 24 = 11.6%.
- Youth living in urban informal areas = 13% .
- Prevalence in 15 to 49 age group (both sexes) = 20%.
- Prevalence among women of childbearing age = 25%.

The same paper revealed the projections regarding orphans due to HIV/Aids as indicated in Table 5.

Table 5. Orphans due to HIV/Aids

	1991	2010	2001	2005
Number of orphans due to HIV/Aids	18	245 470	1 000 000	1 4817 000

The study defined HIV/Aids orphans as children under the age of 15 who have lost a parent to Aids.

7.6 Conclusion

This section of the report shows that child labour is a significant issue in South Africa. The study by Statistics South Africa (2001) highlights how widespread child labour is in the country. Children who are at school, as well as those who are not, are engaged in various kinds of child labour, for a variety of reasons. However, there are difficulties in establishing the exact geographic location of these children. Data emerging from the education departments are also limited with regard to indicating the exact nature and extent of the problem of out-of-school children in South Africa. In addition, the geographical trends on OSY and child labour appear to vary from one province to another. There is thus a need for the education department to collect data that indicates the number and distribution of

children who are of school going age but are not in the system, so that the conditions that keep them out of school can be understood and appropriate action taken.

This section has also revealed that there are structural issues that push children out of schools. In particular, poverty and the cost of schooling (transport, school fees and uniforms) should be addressed as a matter of urgency in order to ensure that children enrol and stay at school.

These are areas where TECL can assist by working with the department of education in targeted areas, and by developing and experimenting with models that will ensure that children enrol and stay in schools. Experiences emerging from such targeted interventions can be shared with the relevant departments through the CLPA IC.

8. Summary findings, problem statements and recommendations

8.1 Summary findings

Undoubtedly, poverty is the primary cause of children having to work or being out of school. Over the past five years – since 2005, the challenges of poverty have been increasingly exacerbated by the HIV/Aids pandemic. Whilst education alone cannot eradicate poverty, the high level of school enrolment in South Africa and the geographical spread of schools then give them a vital role in addressing these challenges. As indicated in this report, schools can be used both to identify vulnerable children at school, play a major role in ensuring the safety and well-being of these children, and working to re-integrate out-of-school children. More importantly, it is incumbent upon schools to be responsive to those children whose vulnerability has been translated into actual harm and who are denied access to schooling.

The above review illustrates the complexity of addressing the challenges of both child labour and out-of-school children. For example, some out of school children are not engaged in child labour, and some children engaged in child labour are attending school. Furthermore, the variety of forms of child labour makes it impossible to devise a single ‘one size fits all’ approach to dealing with the problem. What is clear, however, is the need for a multi-sectoral and integrated approach to addressing the challenges of vulnerable children. For example:

- The need for heavy household tasks like collecting firewood and fetching water may require local government and parastatals to provide water and electricity.
- There may be a need for schools to be more flexible over the timing of the school day and of vacations so as to accommodate the diverse learning needs of OSY.
- Addressing commercial forms of child labour such as trafficking in and sexual exploitation of children is, in the first instance, a matter for the South African Police Services and the Department of Social Development. Once ‘rescued’, these children need both a secure environment and education - which may be best provided by schools with hostels.
- There is a lack of legal enforcement of child rights and lack of a social net.
- In addition to co-operation with other government departments, parastatals and NGOs that have a role to play, it is important for the DoE and the GDE to work closely with SGBs and local communities to both identify and address the needs of vulnerable children.

The major interventions that the DoE should embark on to combat child labour include the following:

- Improving access to schooling by developing education programmes that are responsive to vulnerabilities in children, e.g. relating to child labour, child-headed households, children living with HIV/Aids and malnutrition.
- Developing intervention strategies to address drop-outs and absenteeism
- Developing intervention strategies to enhance learner performance and achievements

- Improving school safety and security, ensuring a safe and enabling learning environment and protecting the school's infrastructure and assets.
- Developing a policy to regulate the work children may be asked to perform at schools, with strong enforcement mechanisms to prevent transgressions.
- Extend the National Curriculum Statement (NCS) and educator development programmes to be responsive to and re-integrate children in child labour into teaching and learning, and provide the requisite psychological support for them.
- Raising awareness, through advocacy campaigns at community, district, provincial and national levels, of the importance of children's education, the mitigating impact of education on the worst forms of child labour and the negative effects of the worst forms of child labour.
- Strengthening the capacity of government to develop programmes, systems and policies to address the problems and meet the needs of children at risk of, or engaged in, the worst forms of child labour.
- Increasing access to non-formal education, formal vocational education and skills training opportunities.

8.2 Problem statements and recommendations

Problem statement 1: Building an inclusive education system in terms of White Paper 6 (WP6)

WP6 envisages an inclusive education system, responsive to the diverse needs of all learners, and providing several avenues through which this can be achieved. These are: the creation of District-based Support Teams (DBSTs), Full Service Schools (FSSs), Special Schools as Resource Centres (SSRCs) and diversifying the curriculum to meet the needs of all learners. The short-term steps in WP6 in particular require the DoE to develop a dedicated intervention strategy to address out-of-school youth. Following these intended outcomes of WP6 this research study makes two major recommendations.

(Please note that the recommendations have been matched to the problem statements and are not sequential).

Recommendation 1: Scoping the Issue of Out-of-School Youth (OSY), Orphans and Vulnerable Children (OVC) and child labour and field testing intervention strategies

Recommendation 1 suggests that TECL support the DoE's Inclusive Education Directorate's efforts to scope an intervention dedicated to the area of OSY and to field test an intervention strategy in all nine provinces (or a sample of provinces based on budgetary constraints) as an immediate priority. TECL should fund research that would yield a baseline on OSY and OVC and help to determine the Inclusive Education Directorate's intervention strategy.

Relevant policy:	Short –term steps in White Paper 6
Time-frames:	Medium to long-term
Projected costs to TECL:	Major budgetary implications
Relevant directorate:	Inclusive education

Recommendation 3: Support for Teaching and Learning within the National Curriculum Statement (NCS)

Recommendation 3 points to the need for TECL to initiate a NCS materials development process (e.g. educator guides and learner workbooks) that addresses child labour across the learning areas in the General Education and Training (GET) and Further Education and Training (FET) bands, and that provides the requisite content and methodology across the learning areas to address the learning needs

of OSY¹¹, OVC and children in child labour and to re-integrate these children into schooling. The extent of TECL's intervention in developing curriculum materials in target districts in nodal areas¹² and/or districts linked to other TECL flagship projects should be based on the age group(s) in which child labour is most prevalent, and should focus on a sample of learning areas including Life Skills. Implementing a further diversified curriculum may require some re-orientation of teachers and officials.

Relevant policy:	National Curriculum Statement (NCS), 2002 and Ministerial Committee Report on a National Framework for Teacher Development
Time-frames:	Short to medium term
Projected costs for TECL:	Moderate costs
Relevant directorate:	School Education, Inclusive Education

Problem statement 2: Lack of data on Out of School Youth (OSY), Orphans and Vulnerable Children (OVC)

There is an acknowledgement by the officials interviewed that there is a lack of data on the nature and extent of, and the complexities surrounding, OVC and OSY, and this has made it difficult to assess the impact of the existing interventions in the DoE.

Recommendation 4: Ongoing research, analysis, monitoring and evaluation

Recommendation 4 suggests that TECL assists the DoE Education Management and Information Systems (EMIS) to develop relevant variables and indicators to monitor OVC and OSY and child labour in target districts in nodal areas and/or districts linked to other TECL flagship projects. The relationship between child labour, school attendance, drop-out and learner migration (including refugees) should also be mapped in this process in order for the DoE to have fairly reliable data on OVC and OSY and to be able to identify children at risk of becoming involved in child labour. The data should be disaggregated by gender, age, grade and rural/urban classifications.

This capacity in the DoE together with the baseline data collected in Recommendation 1 will provide critical information on OSY, OVC and child labour, and could help to determine the DoE's practice and policies to improve school attendance of children from these groups.

Barriers to access can partly be attributed to lack of awareness in poor communities of socio-economic rights. This requires engaging in advocacy activities relating to the importance of schooling, children's right to education, the school fee exemption policy, and the National School Nutrition Programme (SCNP).

Relevant policy:	South African Schools Act No. 84 of 1996 and Ministerial Committee Report on a National Framework for Teacher Development
Time-frames:	Medium to long term

¹¹ Several categories of vulnerable children have been constructed for the purpose of research and based on the empirical evidence to describe the various groups of children whose schooling is compromised. These include: out of school youth; orphans and vulnerable children, children at risk in schooling; children on the edge of schooling etc. For a description of these categories see Appendix 2.

¹² The nodal areas are specific municipalities that have been identified for the implementation of the Integrated Rural Development Strategy (IRDS) and the Urban Renewal Strategy (URS)

Projected costs for TECL: Once-off moderate costs of adjustments of current EMIS.
Recurrent costs minimal.
Relevant directorate: EMIS; National Assessment and Research

Problem Statement 3: ‘Push out’ factors or hidden barriers in schooling contribute to placing children at risk because the education system does not always cater for the needs of Orphans and Vulnerable Children (OVC), Out of School Youth (OSY) and those in need of second-chance learning

The policy review concludes that ‘universal access’ as catered for in the current education policy framework is a necessary but insufficient measure to ensure that ‘children at risk’ can access school and that ‘children-who are functionally not at school’ remain in schooling for the duration of the compulsory phase. This is strongly supported in the review of the quantitative data on learner enrolment and throughput in the basic education phase that indicates that there are significant numbers of learners who are lost to the system and whose location remains unknown to the DoE and the PDEs.

The loss of these learners from schooling can in part be attributed to ‘push out’ factors or ‘hidden’ barriers to access and retention within schooling, such as the costs of uniforms and transport, and the ineffectiveness of the fee exemption policy. This renders learners open to all forms of abuse including child labour and its worst forms. Addressing these push-out factors is therefore seen as an immediate priority.

Recommendation 2: Addressing Push-Out Factors and Barriers to Access:

2a. Increase access for Out-of-School Youth (OSY) and Orphans and Vulnerable Children (OVC) through access to child grants and school fee exemptions

TECL to participate in the campaigns of the DoE and the PDEs and to assist OSY and OVC to access social grants and to apply for exemption from school fees in order to increase the school attendance of children from these groups.

2b. Addressing Out of School Youth (OSY), Orphans and Vulnerable Children (OVC) and child labour through support for the National School Nutrition Programme (NSNP)

In the 4As model, school meals are considered to be an important part of the right to education. Research evidence also indicated that school meals have a positive effect on school attendance. TECL can assist the Nutrition Directorate to evaluate the outcomes of various models of the NSNP in a number of school communities in order to develop sustainable, innovative and community- based school nutrition programmes that assist in the re-integration of OSY, OVC and children from child labour back into schooling. Such school communities should be identified in nodal areas of the Integrated Rural Development Strategy (IRDS) near commercial farms and in deep rural areas, paying particular attention to difficulties of getting access to schooling in rural areas of SA, and nodal areas within the Urban Renewal Strategy (URS).

Recommendation 4 is also applicable here. (See above for detailed wording of recommendation 4.)

Relevant policy: White Paper 1, National Education Policy Act No. 27 of 1996 – Admission Policy for Ordinary Public Schools, South African Schools Act No. 84 of 1996, the School Fee Exemption Policy; National Policy on HIV/Aids for learners and educators in public schools and students and educators in Further Education and Training Institutions as promulgated in terms of National Education Policy Act – Act 27 of 1996 and Recommendations of Ministerial Committee Report on Rural Education, 2005.)

Time-frames:	Medium to long-term
Projected costs for TECL:	Major budgetary implications
Relevant directorate:	Inclusive Education, Social Issues Management, School Nutrition
Additional:	Structures and/or Task Teams that may be established to take forward recommendations of the Ministerial Committee on Rural Education.

Problem statement 4: Lack of awareness in communities about education and socio-economic rights

Recommendation 5: Advocacy, Public Awareness and Community Linkages

It suggests that TECL participate in a national and local awareness campaign together with the DoE. The campaign should highlight the negative impact of the various forms of child labour and its worst forms such as commercial sexual exploitation of children (CSEC) and should be aimed at parents, teachers, and the general public. The campaign should also highlight the importance of schooling and the child care and support services that promote access to schooling e.g. school fee exemption. The campaign should also highlight the importance of schooling and the child care and support services that promote access to schooling e.g. the school fee exemption policy.

Relevant policy:	South African Schools Act No. 84 of 1996 and Ministerial Committee Report on a National Framework for Teacher Development
Time-frames:	Immediate, and on-going
Projected costs for TECL:	Moderate Costs
Relevant directorate:	National and Provincial Communications, Quality Promotion, Social Issues Management.

9. Guiding principles and suggested areas for TECL interventions

9.1 Guiding principles and operational strategies

Based on the previous chapters and the summary of research findings above, the following principles and operational strategies have been identified to guide the implementation of TECL activities:

- Advocacy with key DoE decision-makers on the CLPA.
- TECL and CLPA IC provide ongoing input into education policy development and review processes relating to child labour and its impact on education.
- Advocacy, public awareness and community linkages are crucial aspects of the TECL programme in education.
- The TECL programme has multiple points of entry and engagement with the education system.
- CLPA interventions should articulate with the strategic plan of the DoE and GDE for long-term and sustainable interventions on child labour.
- TECL should ensure child participation in its initiatives (child-to-child strategies).
- Children who are vulnerable to being drawn into full- or part-time child labour activities that impede their attendance at school should be the primary beneficiaries of TECL activities in education.
- TECL activities should assist education officials to support initiatives to address the harmful affects of child labour in education.

- Ongoing monitoring and evaluation should include the application of qualitative, quantitative and impact indicators to assess activities.
- Adequate resources should be identified or obtained to support the implementation of the TECL activities.
- Cross-sectoral collaboration is needed to support the school attendance of children involved in child labour.
- Initially the interventions supported by TECL should be piloted in a few districts that fall within the nodal areas identified for the delivery of the Integrated Rural Development Strategy (IRDS) and the Urban Renewal Strategy (URS) before these go to scale.
- CLPA interventions in the education sector should also address and dovetail with education-related activities of other TECL pilot projects including:
 - children used by adults to commit crime (CUBAC) or illegal activities;
 - delivery of water to households to reduce the involvement of children in fetching water.
 - commercial sexual exploitation of children and child trafficking, including a focus on educational rehabilitation for such children.

It is envisaged that these principles and strategies will be considered in further elaboration of the following recommendations and implementation plans.

9.2 Implementation plan

9.2.1 Recommendation 1 — scoping the issue of Out of School Youth (OSY), Orphans and Vulnerable Children (OVC) and field testing intervention strategies

The time frames included in the implementation plan presented below were created as part of this research report but may be amended to comply with the TECL programme of action.

A target number of children can be identified as direct beneficiaries of the interventions below.

Activity 1.1 Baseline study in eight districts

TECL to design and finance a study to establish baseline information on OSY and OVC including information on numbers, gender, age, economic activities and circumstances, education profiles and needs, home circumstances, migration and refugee status.

The eight districts to include two urban, two peri-urban, two ex-homeland and two commercial farming areas.

This is to be done in support of the DoE's broader research activities.

Institution and section

DoE: Inclusive Education; relevant PDE where the studies will be conducted, incl GDE.

Specific linked objectives of relevant Department of Education

- DoE: Develop an integrated programme for vulnerable youth and children, namely disabled children, out of school children, youth in conflict with the law, street children and children in need of care and support in 30 districts (DoE, pg. 26).
- GDE: To ensure that the priorities of WP6 are prioritised through an implementation plan.
 - Scholar transport is in place.
 - All public schools have nutrition programmes.
- Programmes evaluated and monitored.

Performance measures and budget (2005 – 2009)

- As per strategic plan.
- DoE —
 - Formulate a strategy to mobilize out of school vulnerable children in nodal areas for access to education.
 - Implement a system wide strategy for OSY and OVC by 2008. June – Sept 2005. R 300 000. (DoE, pg. 114).
- As per GDE policy 2004 – 2009 —
 - Well functioning poverty alleviation programmes that contribute to economic growth, poverty alleviation, job-creation and wellness (GDE, pg. 22-23).

Performance measures and completion date

TECL research design aligned with Inclusive Directorate (DoE) programme (Oct 2005).

CLPA and policy link

Linked to CLPA action step 95. Elaboration of existing DoE policy.

Activity 1.1.1 TECL clarifies the indicators and methodology to collect data on CL. Methodology to include small scale-qualitative research. (Consider using child-to-child participation strategies.) Design methodology.

Links: 1.2; 4.

Performance measures and completion date

Indicators and methodology relating to economic activities prepared (Nov 2005).

Data and narrative reports on OSY, OVC from pilot districts (Dec 2005).

Activity 1.1.2 Pilot study on data collection to test indicators and methodology in two of eight districts. Recommend: 2 districts in Gauteng

Performance measures and completion date

Data collected (Feb 2006).

Activity 1.1.3 Analysis of findings and modification of research tools and recommendation re research in remaining six districts.

Performance measures and completion date

Report on activity (Mar 2006).

Activity 1.1.4 Data collection in remaining six districts.

Performance measures and completion date

Data collected (Jun 2006).

Activity 1.1.5 Analysis of findings and writing of research report.

Performance measures and completion date

Report submitted (Jul 2006).

Activity 1.2 Develop and pilot an intervention strategy to mainstream OSY and OVC

—

- in the eight districts identified in 1.1; and
- taking into account the trends identified during Activity 1.1

Links: 1.1; 1.3.

Institution and section

DoE: Inclusive Education; relevant PDE where the studies will be conducted, incl GDE.

Performance measures and completion date

Report on draft intervention strategy developed and the piloting thereof (Mar? Jul 2006).

CLPA and policy link

Linked to latter half of CLPA action step 89.

Elaboration of existing DoE policy.

Activity 1.2.1 Design of pilot intervention in three of the eight districts —

- to assess actions needed to mainstream OSY and OVC; and
- to identify structures needed within the GDE and communities to ensure their sustainability.

Recommended that two of the three pilots fall within Gauteng districts.

Links: 3.1; 3.2.

Institution and section

GDE: Inclusive Education. GPAC. Office of the Premier – *Bana Pele* Co-ordinator. DBST.

Specific linked objectives of relevant Department of Education

Institutionalising OBE and NCS, as well as the provision of special needs must form part of an effective education strategy (GDE pg. 18).

Performance measures and budget (2005 – 2009)

Ensure that basic education is prioritised (GDE, pg. 18).

Performance measures and completion date

Poverty alleviation programmes/ pilot interventions established in two districts in the GDE.

Implementation plan for OSY and OVC developed for the Gauteng province (May 2006).

Report on pilot with recommendations (Jul – Sep 2006).

Activity 1.2.2 Implement and assess pilot study on nature of interventions and structures to advise on approach and strategy for the remaining five districts.

Institution and section

Inclusive Education.

Specific linked objectives of relevant Department of Education

Develop a strategy for identifying and mobilising OSY and OVC to enrol at school.

Activity 1.2.3 Implementation of intervention in remaining five districts.

Specific linked objectives of relevant Department of Education

DoE: To expand the reach of education programmes to disabled OSY (DoE, pg. 114).

Institution and section

DoE. PDEs: Inclusive Education.

Performance measures and budget (2005 – 2009)

Project managers start implementing the strategy to identify CNAS in the feeder areas of the designated schools (DoE, pg. 114).

Performance measures and completion date

Report on mainstreaming intervention in target districts (Sep? Nov 2006).

Activity 1.2.4 Analysis of findings and writing of report.

Prepare reports and documents to raise awareness re mainstreaming.

Performance measures and completion date

Reports: Nov – Dec 2006.

Plan in place to increase in enrolment and retention of OSY and OVC in targeted districts in selected provinces (Dec 2006).

Activity 1.2.5 Design and budget for intervention strategies for DoE to go to scale.**Performance measures and completion date**

Jan 2007.

Activity 1.3 Alternative curricula and school models

Pilot curriculum materials and educator support materials in selected Gauteng project schools.

Links: 1.2; 2.3; 3.1.

Address CLPA step 58 and 59 i.e. the education rights of children awaiting trial and in custody.

Institution and section

GDE: LPFDS Inclusive Education.

Specific linked objectives of relevant Department of Education

No clear match in GDE objectives to the aims and purpose of this intervention.

Performance measures and budget (2005 – 2009)

Providing additional support programmes that will benefit all learners in critical subjects (GDE, pg. 22).

Performance measures and completion date

Alternate curriculum support materials developed to address learning needs of diverse groups of learners.

Activity 1.3.1 Pilot material used in the New Nation School in Gauteng to attract OSY and OVC back into schooling.**Performance measures and completion date**

Report: Assessment of pilot material used to reintegrate OSY and OVC into one pilot site in Gauteng (Nov 2005/ Feb 2006).

Activity 1.3.2 Pilot five schools in Gauteng as multi-purpose centres/ drop-in centres by inserting the material developed in 3. into these centres.

Address CLPA step 128 i.e. education rights of street children.

Links: 2.3; 3.1.

Institution and section

GDE (Inclusive Education).

Specific linked objectives of relevant Department of Education

Develop curriculum materials for Life Skills in education (GDE, pg. 25).

Performance measures and budget (2005 – 2009)

Two full service schools and/ or special schools as resource centres extended to accommodate OSY and OVC.

Five multi-purpose schools established (GDE, pg. 25).

Performance measures and completion date

Assessment of alternative curriculum and nature of school models needed to reintegrate OSY and OVC into schools (Aug 2006).

Report (Sep 2006).

Activity 1.4 Evaluation of pilot programmes: 1.1, 1.2 and 1.3

Link with 4.

Institution and section

GDE: Inclusive Education.

Specific linked objectives of relevant Department of Education

Increase in enrolment and retention of OSY and OVC in pilot schools.

Performance measures and budget (2005 – 2009)

Increase in enrolment and retention of OSY and OVC in pilot schools.

Performance measures and completion date

Report on activity (Jan 2007).

9.2.2 Recommendation 2 — addressing ‘push out’ factors and barriers to access

Activity 2.1 Focus on rural and farm schools

Links: 1.1; 1.2; 2.2; 2.3.

Directorate/ DoE structure/ process

Structure set up by DoE to take forward the recommendations of the MCRE.

Specific linked objectives of relevant Department of Education

To be established as further action on the MCRE is taken by the DoE.

Performance measures and budget (2005 – 2009)

To be established as further action on the MCRE Report is taken by the DoE.

No reference in DoE strategic plan.

Activity 2.1.1 Collaborate with structures set up by DoE to take forward the recommendations of the Ministerial Committee Report on Rural Education (MCRE) prioritised from CL perspective:

- Assess what has been accepted;
- what is being implemented;
- whether other recommendations should be accepted;
- move towards operationalising through implementation plan.

TECL to take forward CLPA action step 32.

Performance measures (TECL) (Sep 2005 – 2007)

Implementation plan to address schooling needs for children in CL and OSY specific to rural areas has been developed.

Report: Strategy on increasing access to schools in commercial farming areas and other rural areas, with a focus on OSY and CL (Nov 2005).

Activity 2.1.2 Plan implementation of recommendations as an integral part of the intervention strategies across rural districts (1.2.1 and 1.2.3).

Performance measures (TECL) (Sep 2005 – 2007)

Number of districts, schools, educators, learners and OSY involved in activity.

Report on GDE pilots (Jun 2006) and final intervention strategy report (Dec 2006).

Activity 2.1.3 Prepare and disseminate advocacy materials re OSY and OVC on commercial farms and other rural areas for

- educators;
- SGBs; and
- DBSTs.

Performance measures (TECL) (Sep 2005 – 2007)

Number of educators, SGB members and broader communities involved in capacity building relating to learners in rural areas (Nov 2006).

Activity 2.1.4 Assess enrolment on commercial farms and rural areas as per scoping.

Link: 1.2.3.

Performance measures (TECL) (Sep 2005 – 2007)

Information included in final evaluation report (Jan 2007).

Activity 2.2 Increase access for OSY and OVC through facilitating access to grants

Directorate/ DoE structure/ process

DoE (Social Issues Management).

Specific linked objectives of relevant Department of Education

To create safety nets for children at risk.

Performance measures and budget (2005 – 2009)

Assist all eligible learners to access social grants in the nodal areas.

Learners living in the extreme poverty are enabled to access social grant.R250 000 (DoE, pg. 167).

Performance measures (TECL) (Sep 2005 – 2007)

Report on GDE pilots (Jun 2006): Facilitating access to social grants (Nov 2005 – Jan 2006 to coincide with enrolment at school or pledges to enrol).

Activity 2.2.1 TECL to engage with ERP at Wits EPU to extract material from advocacy booklets on education rights developed by the ERP..

Directorate/ DoE structure/ process

As per ERP project plan.

Performance measures (TECL) (Sep 2005 – 2007)

Report: Impact of ERP materials on governance, enrolment and absenteeism (Dec 2006).

Activity 2.3 Addressing the health and wellness of working children through engaging them in activities of the NSNP

Liase and support the Nutrition Directorate to develop NSNP models to stimulate economic activity in nodal areas and to consolidate teams to manage food production and implement food production activity.

TECL to take forward CLPA action step 32.

Directorate/ DoE structure/ process

DoE and GDE: school nutrition.

Specific linked objectives of relevant Department of Education

To generate food production and economic activity in communities in order to improve household food security.

Performance measures and budget (2005 – 2009)

Researched business models on NSNP are available R400 000.

Inter-sectoral teams for food production are in place and more than 90 new food gardens are established in nodal districts R400 000 (DoE, pg. 165).

Performance measures (TECL) (Sep 2005 – 2007)

Consolidated teams to manage food production and implement food production activity in eight districts (Jan 2006).

Report on GDE pilots (Jun 2006): the impact of the NSNP on OSY and OVC.

Activity 2.3.1 Address child labour through NSNP. Assist the GDE to roll out the food garden project to all remaining rural and farm schools and multi-purpose and drop-in centres.

Links: 1.1; 1.2.

(Elaboration of existing policy.)

TECL to take forward CLPA step 32.

Directorate/ DoE structure/ process

GET, GPAC, Office of the Premier – official in charge of *Bana Pele*.

Specific linked objectives of relevant Department of Education

Strengthen multi-sectoral teams to assist school – communities to set up good garden, e.g. Department of Water Affairs, Department of Agriculture.

Performance measures and budget (2005 – 2009)

Food gardens present in all rural and farm schools (GDE, pg. 18).

Performance measures (TECL) (Sep 2005 – 2007)

Report: Status of food gardens in farm schools in Gauteng and extent of participation of OSY and OVC in NSNP community empowerment projects. Report on GDE pilots (Jun 2006).

Activity 2.3.2 Assist with the development of NSNP models in the same eight districts as per 1.1 – 1.2:

- to stimulate economic activity;
- to consolidate teams to manage food production; and
- implement food production activity;
- lessen the risks faced by OSY and OVC.

Directorate/ DoE structure/ process

DoE and PDE nutrition programmes.

Performance measures (TECL) (Sep 2005 – 2007)

Report: Impact of school feeding on enrolment and attendance (aligned with DoE and PED objectives). To be included in final report, Jan 2007.

Activity 2.4 Address barriers to access: support GDE's enrol your child early campaign

TECL participation in register your child early campaign in October 2006 in pilot sites.

Support to Wits EPU to prepare and disseminate advocacy materials on school fee exemption policy used as part of this campaign.

TECL to take forward CLPA action steps 16 and 32.

Link with 5.1.1.

Directorate/ DoE structure/ process

ECD; GET.

Specific linked objectives of relevant Department of Education

Advocacy on admissions policy and school fee exemption policy.

Performance measures (TECL) (Sep 2005 – 2007)

Number of booklets prepared and disseminated to schools in pilot districts (Oct 2006).

Report on changes in enrolments at schools in pilot districts.

Report on GDE pilots (Jun 2006).

9.2.3 Recommendation 3 — support for teaching and learning in the revised national curriculum targeting OSY and OVC

Activity 3.1 A service provider appointed to prepare diversified LTSM for NCS to meet the needs of OSY and OVC

Directorate/ DoE structure/ process

DoE: Inclusive Education (school education).

Specific objectives of relevant Department of Education

To ensure access to the NCS for children with disabilities and children experiencing barriers to learning and development (DoE, pg. 117).

Performance measures and budget (2005 – 2009)

Develop and distribute advocacy materials, which will assist stakeholders at all, levels to understand the implications of inclusive education provision in the nodal areas (DoE, pg. 117). (Not quite the same as TECL Activity but provides an entry point to address the diverse needs of learners)

R1 000 000.

Performance measures (TECL) (Sep 2005 – 2007)

Interim report (Nov 2005).

Activity 3.1.1 Assessment of available NCS materials in —

- New Nation pilot school; and
- five GDE multi-purpose centres.

Directorate/ DoE structure/ process

Curriculum programme development support (CPDS).

Activity 3.1.2 Develop and pilot teaching and learning materials that address the learning needs of OSY and OVC.

Links: 1.2; 2.2.3.

Addresses CLPA action steps 30, 99, 102.

Directorate/ DoE structure/ process

School education.

Teacher development.

Specific objectives of relevant Department of Education

To support the implement of the National Curriculum Statements in the GET Band (DoE, pg. 32).

Performance measures and budget (2005 – 2009)

Develop and implement a comprehensive programme to build the requisite capacity of personnel, institutions and systems for curriculum delivery in Grade 7 (DoE, pg. 32).

R15 000 000 (DoE, pg. 121).

Performance measures (TECL) (Sep 2005 – 2007)

Report: Extent to which existing and newly developed materials reflect the needs of OSY and OVC as determined by an impact assessment .

Activity 3.1.3 Develop and pilot educator training material that addresses issues relating to OSY and OVC.

Extend activity to include commercial publishers' participation in materials development..

Links: 1.2.

Addresses CLPA action steps 30, 99, 102.

Directorate/ DoE structure/ process

Curriculum Programme Development Support (CPDS).

Gauteng Institute for Education Development (GIED).

Performance measures and budget (2005 – 2009)

Greater parental involvement and community support.

Functioning SGBs and schools.

Existence of parent participation strategy and programme.

Promotion of patriotism, values through curriculum R10 800 000 (GDE, pg. 15).

Performance measures (TECL) (Sep 2005 – 2007)

Interim report: Coverage of educator support materials and training process in GDE and other pilot sites and their impact (Feb 2006).

Final report on intervention regarding LTSM development relevant to the needs of OSY and OVC in eight pilot districts covering the number of learners, OSY and OVC participating in the project (Jun 2006).

Activity 3.2 Capacity building: DBSTs on child labour issues

Conduct DBST workshops in three pilot sites in Gauteng relating to CL, enrolment and absenteeism of OSY and OVC.

Addresses CLPA action steps 30, 99, 102.

Directorate/ DoE structure/ process

DoE: Inclusive Education, GET and Inclusive Education, relevant directorates in other PDEs.

Specific objectives of relevant Department of Education

To ensure access to the NCS for children with disabilities and children experiencing barriers to learning and development (DoE, pg. 117).

Performance measures and budget (2005 – 2009)

Two phases of human resource development completed in 30 full service schools, special schools as resource centres and DBSTs. R12 816 000 (DoE, pg. 117)..

Performance measures (TECL) (Sep 2005 – 2007)

Interim report:

- Scope, coverage and training procedures for DBSTs in three pilot districts.
- Recommendations for training DBSTs in five remaining districts (Jun 2006).

Final report on GDE intervention in pilot districts covering the number of learners, OSY and OVC participating in the project (Jan 2007).

9.2.4 Recommendation 4 — ongoing research, analysis, monitoring and evaluation**Activity 4.1 Develop methodology and capacity within DoE and PDE EMIS directorates and SSA to determine the extent of OSY in South Africa, disaggregated by gender, age, grade level, economic status, etc.****Directorate/ DoE structure/ process**

DoE and PDEs, EMIS, SSA, DoL (aligned with the SAYP).

Specific objectives of relevant Department of Education**Performance measures and budget (2005 – 2009)**

Note that the TECL activity (4.1 above) is not echoed in the DoE strategic plan for EMIS.

It was not possible to find discrete activities within the EMIS strategic plan that match this log-frame. However, there are discrete systemic data collection activities, e.g. the 10th day of school survey that is undertaken by the DoE EMIS, which can be drawn on to collect data on OSY and, possibly, CL. The capacity development for EMIS personnel should be negotiated directly with the EMIS and its provincial counter-parts.

NB One major limitation of this task is that the quantitative data collected may not be fed back to the individual schools or districts involved in the data collection exercise.

Performance measures (TECL) (Sep 2005 – 2007)

Report: Required changes in data collection and reporting regarding OSY and OVC by SSA and EMIS (cross reference to the proposed SAYP). Date to be established by DoL.

Activity 4.1.1 Development of a set proxy indicators for CL within EMIS to —

- monitor patterns of drop-out; and
- monitoring of migration patterns of learners.

Take forward action CLPA action step 33.

Activity 4.1.2 Pilot the indicators in the eight pilot sites.

Links: 1.1; 4.2.

Performance measures (TECL) (Sep 2005 – 2007)

Report (Feb 2006): The number of OSY, OVC and CL within the pilot sites.

Activity 4.2 Development of methodology and capacity within DoE and PDE EMIS directorates: local level data collection

Directorate

DoE EMIS; Strategic planning directorate (EMIS in particular) in collaboration with GET directorate.

Specific objectives of GDE

Ongoing research in terms of building capacity of district offices to become central points that focus on the core business of the GDE (GDE, pg. 21).

Performance measures (GDE 2004 – 2009)

Number of programmes delivered.

Schools performing well according to the norms and standards developed.

Percentage of schools monitored.

Number of programmes delivered.

(GDE, pg. 21).

Performance measures (TECL) (Sep 2005 – 2007)

Development of readily accessible child labour databases for research, policy and operational use.

Presentation of CL and OSY data and by TECL at budget votes.

Development of proxy indicators of child labour patterns of drop-out and migration.

Activity 4.2.1 Support capacity development of DoE and GDE provincial EMIS to develop indicators and variables and to collect and record data on OSYs and OVC at a local level, e.g. consolidate data from attendance registers, transfers, etc.

Link: 1.1.2.

Directorate

Provincial EMIS.

Performance measures (TECL) (Sep 2005 – 2007)

Number of EMIS officials participating in capacity development programme.

Report: Proposed quantitative and qualitative methodologies to monitor child labour trends and the affects of child labour on school enrolment and transfers (final report Jan 2007).

Activity 4.3 Monitoring and evaluation of TECL interventions

Link: 1.1.

Performance measures (TECL) (Sep 2005 – 2007)

Included in final report (Jan 2007).

Activity 4.3.1 Design of M&E system to monitor education interventions against:

- projected budgets;
- time-line;
- number of children as beneficiaries, etc.

Performance measures (TECL) (Sep 2005 – 2007)

Final report (Jan 2007).

9.2.5 Recommendation 5 — advocacy, public awareness and community linkages

Activity 5.1 National campaign

TECL to develop a multi-media campaign targeting education television and community radio stations to increase awareness of child labour.

Link: 2.2.1.

Directorate/ DoE structure/ process

National and provincial communications.

Social issues.

Quality promotion; inclusive education.

Specific objectives of relevant Department of Education

To ensure access to the NCS for children with disabilities and children experiencing barriers to learning and development (DoE, pg. 26).

Performance measures and budget (2005 – 2009)

Advocacy campaign and communication strategy for inclusive education developed by 2006 and all school management teams, governing bodies, professional staff and parents are exposed to a focused campaign and communication strategy in four provinces by 2007 (DoE, pg. 26)..

Performance measures (TECL) (Sep 2005 – 2007)

Interim report: details of multi-media campaign (TECL activity) covering the coverage of the campaign and number of people participating (Jun 2007).

Activity 5.1.1 Support the development of advocacy strategy and materials on school fee exemption policy, child grants, in indigenous languages, and the dissemination of material in eight pilot sites using, for example, the booklet for Wits EPU.

Link: 2.4.

Take forward CLPA action step 16.

Directorate/ DoE structure/ process

Social issues management.

Specific objectives of relevant Department of Education

To create safety nets for children at risk.

Performance measures and budget (2005 – 2009)

Assist 50% of all eligible learners to access social grants in the nodal areas. Learners living in circumstances of extreme poverty are enabled to access social grants. R250 000 (DoE, pg. 167).

Performance measures (TECL) (Sep 2005 – 2007)

Interim report: changes in learner accessibility to grants in eight pilot districts (Jun 2006).

Activity 5.1.2 Develop capacity amongst youth and community leaders in the eight pilot sites to conduct advocacy campaigns against CL and promoting compulsory schooling in their communities by providing the requisite training and materials.

Directorate/ DoE structure/ process

PEDs: inclusive education.

Specific objectives of relevant Department of Education

To ensure access to the NCS for children with disabilities and children experiencing barriers to learning and development (DoE, pg. 26).

Performance measures and budget (2005 – 2009)

Advocacy campaign and communication strategy for inclusive education developed by 2006 and all school management teams, governing bodies, professional staff and parents are exposed to a focused campaign and communication strategy in four provinces by 2007 (DoE, pg. 26).

Performance measures (TECL) (Sep 2005 – 2007)

Interim report: assessment of local campaigns on CL indicating the numbers of youths participating in campaigns and assessing their capacity to facilitate change (Jun 2006).

Activity 5.2 TECL to contribute to South Africa's country report for UNESCO to EFA

(Elaborate existing policy.)

Directorate/ DoE structure/ process

DoE and PDE: gender equity.

Specific objectives of relevant Department of Education

Co-ordinate the preparation of the EFA report on behalf of the DoE. Deadline March 2006.

Performance measures and budget (2005 – 2009)

EFA report for 2006 developed R280 000 (DoE, pg. 158).

Performance measures (TECL) (Sep 2005 – 2007)

CL in South Africa addressed in South African report to EFA (Mar 2006).

9.2.6 Recommendation 6 — co-ordination of CLPA activities

Activity 6.1 DoE in CLPA IC

DoE to co-ordinate and implement its response to the implementation of the CLPA.

Directorate

DoE: inclusive education.

Specific objectives of relevant Department of Education

Strengthen the role of the DoE in the inter-departmental strategy for child labour and implement programmes.

Performance measures and budget (2005 – 2009)

A document clarifying the role and responsibilities of government departments in the CLPA is approved and operational R44 000.

Responsibilities of inclusive education wrt children held in custody and awaiting trial are detailed (DoE, pg. 116).

Performance measures (TECL) (Sep 2005 – 2007)

Availability of document (Mar 2006).

Report: responses to vocational training and formal education needs of OSY and children in custody.

Activity 6.1.1 TECL to assist the inclusive education directorate to co-ordinate and implement a DoE response to child labour as outlined in CLPA.

The action should address CLPA action steps 27, 58, 59, 128 and 130.

10. Conclusion

This rapid assessment of education policy has pointed to the gaps, achievements and contextual challenges with respect to addressing child labour within education. The document has reviewed the relevant policies of the DoE and programmes to address child rights in the GDE. In addition, an attempt has been made to sketch the contextual realities that face children in South Africa, in particular those who are poor, out of school and involved in child labour.

Recommendations to address the problem of child labour within a broader focus on out-of-school and vulnerable children have been made based on a review of the CLPA, the operational procedures of TECL and the current and emerging priorities of the DoE and the GDE.

In addition, the report provides a review of the CLPA with respect to the strategic plans of the DoE, GDE and further developments in education through a co-ordinated effort with the DoE, the GDE and other PDEs.

However, TECL's strongest support to the education system will be given over a longer term and will require a sustained response by the education system to out-of-school and vulnerable children, including those in child labour.

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GDE school uniform project: <http://gpg.gov.za/docs/sp/2005/sp0222.html>

RDP white paper, Discussion document:

http://www.polity.org.za/govdocs/white_paper/rdpwhite.html

Urban renewal development strategy,

<http://www.polity.org.za/html/govdocs/rdp/urban1.html?rebookmark=1>

Appendices

Appendix 1. List of persons interviewed

Structure/ organisation	Name of person	Contact details
Gauteng Department of Education (GDE)		
Inclusion Unit	Anthony Meyers	T 011 355 0835 (Direct) F 011 355 0747 anthonym@gpg.gov.za
	Enid Smidt	T 011 3550836 F 011 355 0747 enids@gpg.gov.za
Divisional Manager Districts (GDE representative on GPAC)	Nokuzola Moiloa	T 011 355 1515 nokuzolam@gpg.gov.za
Gauteng Dept of Education Education Policy Co-ordination and Planning Decision Support Unit (GDE EMIS)	Mohammad Sujee	T 011 355 1783 F 011 355 0670 mohammads@gpg.gov.za
Mathew Goniwe School of leadership (MGSL)	Anusha Naidu	T 011 830 2200 F 011 830 2201 anushan@mgsi.co.za
Tshwane North District (GDE)	Gugu Kgare	T 012 341 0356 F 012 440 8278 C 082 808 4895
Department of Education (DoE)		
Gender Equity	Mary Mononela	T 012 312 5465 F 012 312 5218 mononelam@gpg.gov.za
Inclusive Education Directorate	Khatija Okeke	T 012 312 5349/5074 F 012 312 5029 okeke.k @doe.gov.za
Education Management and Governance Directorate (EMGD)	Wim Slabbert	T 012 312 5373 F 012 323 0134 slabbert.w@doe.gov.za
Teacher Development	Haroon Mohomed	T 012 312 5147/5369 F 012 323 3253 mahomed.h@doe.gov.za
Other government departments		
Office of Rights of the Child (President Office)	David Shabalala (Director)	T 012 300 5507 F 012 321 4566 david.c@po.gov.za
Department of Correctional Services	Joey Coetzee	T 012 307 2049 F 012 323 6173 joey.coetzee@dcs.gov.za
Non-governmental organisations (NGOs)		
National Association of School Governing Bodies (NASGB)	Victor Mathonsi (ex-coordinator)	C 082 853 3203 F 011 738 3205
Southern Migration Project (SAMP)	Gayathri Singh	T 011 717 4031 gayathri@migration.wits.ac.za
Wits-EPU	Sara Motha	T 011 717 3028 saramotha@yahoo.com
ACCESS	Shirin Motala	T 031 209 6230 C 083 789 8844 shirin@wn.apc.org

Khulisa Management Services	Liora Hellmann	T 011 447 6464 F 011 447 6468 C 082 330 3398 lhalmann@khulisa.com
Children's Institute	Norma Rudolf	T 021 689 5404 F 021 689 8336 norma@netactive.co.za
CRISP	Bashni Devnarain	T 031 202 8081/2 F 031 202 8071 bashi@crispcc.co.za
Net Work Against Child Labour	Piyushi Camay	T 011 836 9942 F 011 836 9944 corejhb@mail.ngo.za
Gauteng Institute of Education Development (GICD)	Victor Naidu	T 011 628 6068 vnaidu@gicd.co.za

Appendix 2. Interview schedule: GDE and DoE

Interview schedule: Department of Education officials

- Fax letter from TECL programme prior to interview.
- Introductions and designations of interviewers and interviewees. Briefly introduce CEPD.
- Background to TECL (refer to letter from TECL Programme).
- Introduce CLPA and plan of action for DoE. Provide a copy to interviewee.
 - Q1. What is the mandate of your Directorate/Programme and what are its current activities?
 - Q2. Is there an awareness of the CLPA and programmatic action with regard to children that are out of school, and in particular those that are in Child Labour or Worst Forms of Child Labour?
 - Q3. Are there inter-Directorate/ inter-programme linkages within the DoE, to address the issue of out of school and child labour?
 - Q4. Are there active linkages and cross-sectoral collaboration between the DoE and other social sector departments on the issue of out of school children/ children in child labour/ vulnerable groups?

Interview Schedule: GDE Officials

- Fax letter from TECL programme prior to interview.
- Introductions and designations of interviewers and interviewees. Briefly introduce CEPD.
- Background to TECL (refer to letter from TECL programme).
- Introduce CLPA and plan of action for DoE. Provide a copy to interviewee.
 - Q1. What is the mandate of your directorate/ programme and what are its current activities?
 - Q2. Is there an awareness of the CLPA and programmatic action with regard to children that are out of school and in particular those that are in child labour or worst forms of child labour?
 - Q3. In your view and in the work of your Directorate and/or Programme(s) how do the key education policy and legislation speak to the issue of out of school and child labour
 - Q4. Which directorate or programme assumes or should assume responsibility for out of school/vulnerable children and children in child labour?
 - Q5. Are there inter-directorate/inter-programme linkages within the DoE, to address the issue of out of school and child labour?
 - Q6. Are there active linkages and cross-sectoral collaboration between the DoE and other social sector departments on the issue of out of school children/ children in child labour/ vulnerable groups?
 - Q7. What are enrolment, attendance and drop-out rates telling us about children who are out of school?
 - Q8. What are the trends in gross enrolment ratios across the provinces?
 - Q9. How is the trends in enrolment and absenteeism the GDE monitored?
 - Q10. How are GDE districts responding to the issue of out of school or vulnerable children?
 - Q11. Who at the district level should assume this responsibility?
 - Q12. Who at school level should assume responsibility for out of school children?

Appendix 3. Interview schedule: NGOs and other departments

Other government departments and NGOs

- Fax letter from TECL programme prior to interview
- Introductions and Designations of Interviewers and Interviewees. Introduce CEPD briefly
- Background to TECL (Refer to letter from TECL Programme)
- Introduce CLPA and Plan of Action for DoE. Provide a copy to interviewee.
 - Are you aware of the CLPA programme?
 - What is the policy or legislation in your sector that relates directly to the CLPA?
 - Do you currently run activities/ programmes that relate to the CLPA?
 - Do you have cross-sectoral linkages with the Department of Education and or/any provincial department of education with regard to out of school/vulnerable children or children in child labour (names of officials, names of directorates and programmes)?
 - In your view and from your experience with vulnerable children/out of school children and children in child labour: How best should the DoE intervene? How best should the Provincial?
 - How would your organisation support such an intervention?

Appendix 4. Implementation checklist for article 28 of the convention on the rights of the child: the child's right to education

Specific issues in implementing article 28

- Do budget allocations aim for a progressive increase in education provision and a progressive development of the quality of education?
- Does education policy ensure progress towards maximum take-up of educational opportunities by all children (up to the age of 18?)
- Is there an established timeframe for achieving this policy?
- Has the state adopted mechanisms to measure the effectiveness of its education provision in terms of take-up and outcomes for all children within the jurisdiction?

How to use the checklist

- Are active measures taken to ensure that all children have equal educational opportunities, including all —
 - girls?
 - children from rural areas?
 - children from minority cultures and indigenous groups?
 - disabled children?
 - sick, including hospitalised, children?
 - immigrant and refugee children?
 - children living away from their families?
 - nomadic or gypsy children or children in temporary accommodation?
 - children excluded from school?
 - children in all forms of detention?
- Is primary education compulsory?
- Is primary education free to all children?
- Are all aspects of this education free (for example books, equipment or uniform (if any))?
- Are different forms of secondary education, including vocational and general education, available to every child?
- Are these free?
- If not, are measures being taken to develop then accessibility of secondary education to every child, for example by offering financial assistance to those in need?
- Are these free?
- If not, are measures being taken to develop the accessibility of secondary education to every child, for example by offering financial assistance to those in need?
- Are the legal ages for completion of compulsory education and admission to employment the same?
- Where this age is below 15, are steps being taken to raise this age?
- Is higher education accessible to all children on the basis of capacity?
- Is educational and vocational information and guidance made available and accessible to all children?
- What measures have been adopted to encourage school attendance and prevent school drop-out?
Do these measures take into account:
 - The child's home circumstances (such as a need to secure an income, to do domestic chores or to work at harvest time)?
 - The appropriate geographical location of schools and their hours and times of opening?

- The relevance of the curriculum to the child's life and the provision of vocational education?
- The appropriateness of curriculum to the child's intellectual development?
- The child's first language?
- Any special needs of the child (such as disability, sickness or pregnancy)?
- Respect for the child's views?
- Respect for the child's dignity?
- Identification of learning difficulties and help provided to avoid exam failure or forced repetition of grade years or classes?
- The need to involve the local community in the delivery of education and the need to involve schools in the life of the community?
- The effectiveness of teacher recruitment and training in preventing school disaffection?
- Have all appropriate measures been taken to ensure that all forms of school discipline are consistent with the child's human dignity?
- Is corporal punishment prohibited by law in all schools?
- Have all appropriate measures been taken to ensure that corporal punishment is never used?
- Do all forms of school discipline conform with the Convention, including the child's right —
 - Not to be discriminated against?
 - To be treated in a manner consistent with his or her evolving capacities?
 - To maintain direct contact with both parents on a regular basis (save where contrary to best interests)?
 - To freedom of expression, thought, conscience and religion?
 - To freedom of association (save where it is necessary to protect others)?
 - To privacy?
 - To protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation?
 - To his or her identity, culture and language?
 - To rest and leisure?
 - To social inclusion and reintegration?
- Is an appropriate level of development aid sought for, or directed at, educational programmes?
- Do programmes of international technical cooperation include —
 - Teacher training methods?
 - Access to scientific and technical knowledge?
 - The effective delivery of primary and secondary education?

Appendix 5. Education-specific action steps extracted from the Child Labour Programme of Action (CLPA)

CLPA Action Step 16	As South Africa has a high rate of school enrolment, schools are probably best placed to identify children needing assistance, both with regard to access to grants for their families and exposure to excessive and detrimental forms of child work.
Lead	DrE.
New policy	Yes. Once-off and recurrent.
Costs	Minimal to moderate once-off and recurrent costs depending on proposed solution.
Time line for implementation	To be introduced within two years of adoption of policy.
CLPA Action Step 20	The national public awareness campaign should highlight trafficking of children , and should in this respect be aimed at a range of audiences, including children, parents, teachers, perpetrators and intermediaries involved in trafficking, and the general public.
Lead	DSD.
New policy	—
Costs	—
Time line for implementation	—
CLPA Action Step 27	Officials of DrSD, DH, DL, DrE and DHA should be trained in ways of detecting other potentially serious cases of child labour and what action to take when it is found.
Lead	DSD.
	Affected departments: DH, DrSD, DL, DrE, DHA.
New policy	Yes.
Costs	Once-off costs moderate. Recurrent cost: moderate.
Time line for implementation	To be introduced within two years of adoption of policy.
CLPA Action Step 30	Information on the specific needs and problems of working children and the relevant elements of a and the applicable legislation should be introduced in the training of teachers, included in the school curriculum (life skills) and disseminated to managers of schools, teachers and governing bodies in the different languages and at appropriate levels of simplicity. Given the relationship between poverty and failure in education there should also be curriculum development in this regard. The material and concept should be injected into the life skills minimal.
Lead	DrE; Secondary institutions: NGOs, trade unions.
New policy	No.
Costs	Once-off cost: minimal. Recurrent costs: Minimal. This has been budgeted for in the roll out of curriculum training.
Time line for implementation	To be introduced within two years of adoption of policy.
CLPA Action Step 32	Appropriate strategies should be found for provision of childcare facilities , especially in sectors and areas where children often have to look after their younger siblings, with a focus on rural poor. The Early Childhood Development (ECD) Programme of the Department of Education aims to provide such facilities for Grade 0/R children for the last year before school. Workplace-based child-care facilities should be encouraged.

Lead	DSD. Secondary institutions: DrE (grade 0/R), DL (workplace-based provision), LG (regarding crèche facilities funded or provided by local authorities).
New policy	Elaboration of existing policy.
Costs	Recurrent cost: moderate to substantial.
Time line for implementation	To be introduced with three years of adoption of policy. Notes: The feasibility of a government programme to fund or provide ECD services is being assessed on the context of a chapter on this issue in the Children's Bill. This action step must be amended in accordance with the decision regarding that chapter.
CLPA Action Step 33	Design and implement minor amendments to existing information management systems to record all steps taken in key areas of a child labour policy (e.g. details regarding child labour inspections, steps taken by departments responsible for social development of children, etc). This system would allow the DL to monitor progress in identifying areas of concern and evaluating targeted programmes or actions AND to track children removed from child labour to ensure that their welfare is attended to adequately. Were such systems do not exist; the first step is the design of such a system.
Lead	DL (labour steps and overall coordination); DrSD*(welfare steps); DrE (education-related steps); SAPS and NProAuth* (investigation and prosecution of CL- related crimes; used of children to commit illegal activities); DHA (refugee children and illegal immigrant children).
New policy	Yes.
Costs	Once-off cost of adjustments of current information management systems: moderate Recurrent cost: Minimal.
Time line for implementation	To be introduced as soon as possible after adoption of policy.
CLPA Action Step 58	Formal education or vocational training should be offered to all children whose sentence involves deprivation of liberty, including those held while awaiting trial. In terms of existing policy education and training is seen as a form of rehabilitation. DE has already embarked on curriculum development and conversion of facilities for children.
Lead	DrE. Secondary Institutions: DCS*, DSD.
New policy	Yes, regarding children awaiting trial. No, regarding children convicted and held in custody.
Costs	Once-off cost: Moderate. Recurrent cost: significant.
Time line for implementation	Within two years of adoption of policy.
CLPA Action Step 59	Authorities holding children in custody should be allowed to continue requiring them to work. Work is preferable to children being bored and feeling useless. However, policy should be formulated on when children deprived of their liberty may be required to work , and when such work should be remunerated. This policy should be in line with national and international protective laws on children.
Lead	DSD.
New policy	Yes.
Costs	Once of cost: minimal. Recurrent cost: minimal.
Time line for implementation	Within two years of adoption of policy.
CLPA Action Step 60	DPLG and sector departments, which already help local governments with insufficient capacity to draft IDPs, should assist

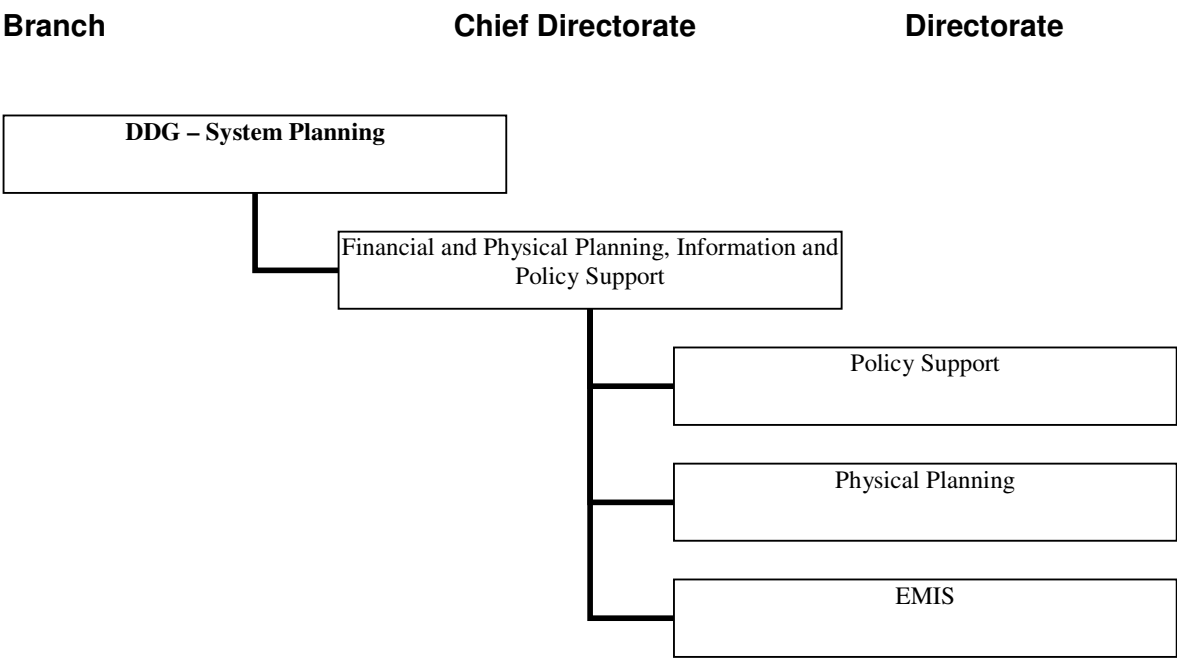
	them in the prioritisation of basic infrastructure services for areas where the direst need is felt.
Lead	DPLG. Secondary institutions: LG (implementation); DWAF* (basic water services); DME (basic energy services).
New policy	Elaboration of existing policy.
Costs	Once-off costs: nil. Recurrent cost: minimal.
Time line for implementation	Within one year of adoption of policy.
CLPA Action Step 69	More equal sharing of household work between boys and girls should be promoted by the life skills curriculum so as to lessen the burden for girls.
Lead	DrE.
New policy	Elaborate existing policy.
Costs	Once-off cost: minimal one-off cost to add to curriculum.
Time line for implementation	To be done within three years of adoption of policy.
CLPA Action Step 71	Encouraging the provision of subsidised boarding houses or subsidised boarding with households in town for children from far-flung areas, especially those in high-school. DrE is presently considering this option. If it agrees, a feasibility study should be done.
Lead	DrE.
New policy	Yes.
Costs	Once-off cost: moderate. Recurrent cost: minimal, if all the state does is to encourage the provision of such boarding by churches and others; substantial if the state pays.
Time line for implementation	Within four year of adoption of policy.
CLPA Action Step 72	Schools should be more flexible about school hours , (e.g. by starting and finishing later or earlier, or taking holidays during peak harvest time) without compromising on the number of school hours required, to allow children aged 15-17 to work in high season when there are opportunities to earn income. This could contribute to funding their education and other needs. This action step will also have the benefit children who have to work during the busy season in subsistence agriculture (see 5.9(a)). Without such measures schooling may be affected detrimentally or children will be unable to assist their families with necessary tasks, especially during busy seasons – this means the families will be poorer, and the children further deprived.
Lead	DoE.
New policy	Yes.
Costs	Once-off cost: minimal to conduct a pilot programme. Recurrent cost: minimal.
Time line for implementation	Within four year of adoption of policy.
CLPA Action Step 88	The principal of a school should be given the responsibility to identify children who are frequently absent from school and in need of care and protection, assist them in returning to school, and give their names and addresses to the provincial head of social development. At the same time a clearer policy and better implementation for monitoring of absenteeism as way of addressing child labour should be developed.
Lead	DoE Secondary institution: DrSD.
New policy	Yes.

Costs	Once-off cost: minimal. Recurrent cost: minimal.
Time line for implementation	To be done within one year of adoption of policy.
CLPA Action Step 89	Standard monitoring approaches regarding school attendance such as registers should be supplemented by research to establish which groups are at particular risk. Mechanisms should be established to share this information with the relevant agencies.
Lead	DoE.
New policy	Yes.
Costs	Once-off cost: minimal. Recurrent cost: minimal.
Time line for implementation	To be embarked on within one year of adoption of policy.
CLPA Action Step 90	Some children work because their families would not otherwise be able to afford school fees. There is thus a need for awareness raising and enforcement of the national school fee policy in respect of exemptions for poorer families and children who are fostered. Effectively distributing existing DoE material should greatly assist in this regard. Such awareness-raising is especially important in the three years before the Plan of Action on improving access is fully implemented.
Lead	DoE. Secondary institution: NGOs.
New policy	Elaboration of existing policy.
Costs	Recurrent cost: minimal.
Time line for implementation	To be embarked on within one year of adoption of policy.
CLPA Action Step 91	Policy should be developed to ensure that children engage in school-related labour only to the extent required to build a sense of responsibility and collectivity. Such work should never be done in school time and should be limited in duration.
Lead	DoE.
New policy	Yes.
Costs	Recurrent cost: minimal.
Time line for implementation	To be embarked on within one year of adoption of policy.
CLPA Action Step 92	The slow implementation of the Thuba Makote conditional grant for rural school building hampers elimination of excessive school-related labour. The DoE needs to ensure that the grant is used effectively and speedily.
Lead	DoE.
New policy	Elaboration of existing policy.
Costs	Cost: nil.
Time line for implementation	To be embarked on within one year of adoption of policy.
CLPA Action Step 93	Learners should not be permitted to clean teachers' and principals' houses.
Lead	DoE.
New policy	Yes.
Costs	Cost: nil.
Time line for implementation	To be introduced within one year of adoption of policy.
CLPA Action Step 94	Flexibility in school hours is needed to accommodate children who need to do reasonable early morning and afternoon tasks, especially where the children have to travel long distances to school. Research commissioned by UNICEF has revealed that some children arrive late

	at school and are punished, or don not arrive at all, because they need to do work tasks at home.
Lead	DoE.
New policy	Yes.
Costs	Cost: nil.
Time line for implementation	To be introduced within two years of adoption.
CLPA Action Step 95	Where children have left school to work and are over-age, it may be difficult for them to return to school even if they stop working. Programmes need to be established that provide for the rehabilitation of children involved in child labour through special education centres or classes within the regular school setting . With the implementation of the Education White Paper No 6 the DE envisages to develop programmes for learners facing a range of difficulties, within the framework of the existing curriculum.
Lead	DoE.
New policy	Yes.
Costs	Once-off costs: moderate. Recurrent costs: depend on the proposed solution.
Time line for implementation	To be embarked on within one year of adoption of policy.
CLPA Action Step 96	The Education Department's programmes for providing public schools within reasonable distance from the homes of children should be vigorously promoted.
Lead	DoE.
New policy	Existing policy.
Costs	No new costs.
Time line for implementation	Within six years of adoption of policy.
CLPA Action Step 97	Any policy that results in the closure of schools, for example farm schools, should be seriously reconsidered.
Lead	DoE.
New policy	As an alternative step (98) should be implemented. Elaboration of existing policy.
Costs	Depends on proposed solution.
Time line for implementation	Within two years of adoption of policy.
CLPA Action Step 98	Adequate and safe transport should be provided for children living further away from schools. This forms part of the newly- published Plan of Action on access to schooling. Special attention should be given to the provision of both primary and secondary schools in rural and particularly commercial farming, areas . Alternative means of transport, such as the provision of bicycles, needs to be investigated. This could be achieved with the cooperation of the private sector.
Lead	DoE. Secondary institution: DT.
New policy	Yes.
Costs	No additional costs beyond existing policy proposal.
Time line for implementation	Within three years of adoption of policy.
CLPA Action Step 99	Information on the specific needs and problems of children who are working and the relevant elements of a Child Labour Programme of Action and applicable legislation should be introduced in the training of teachers, including in the curriculum (life skills) and

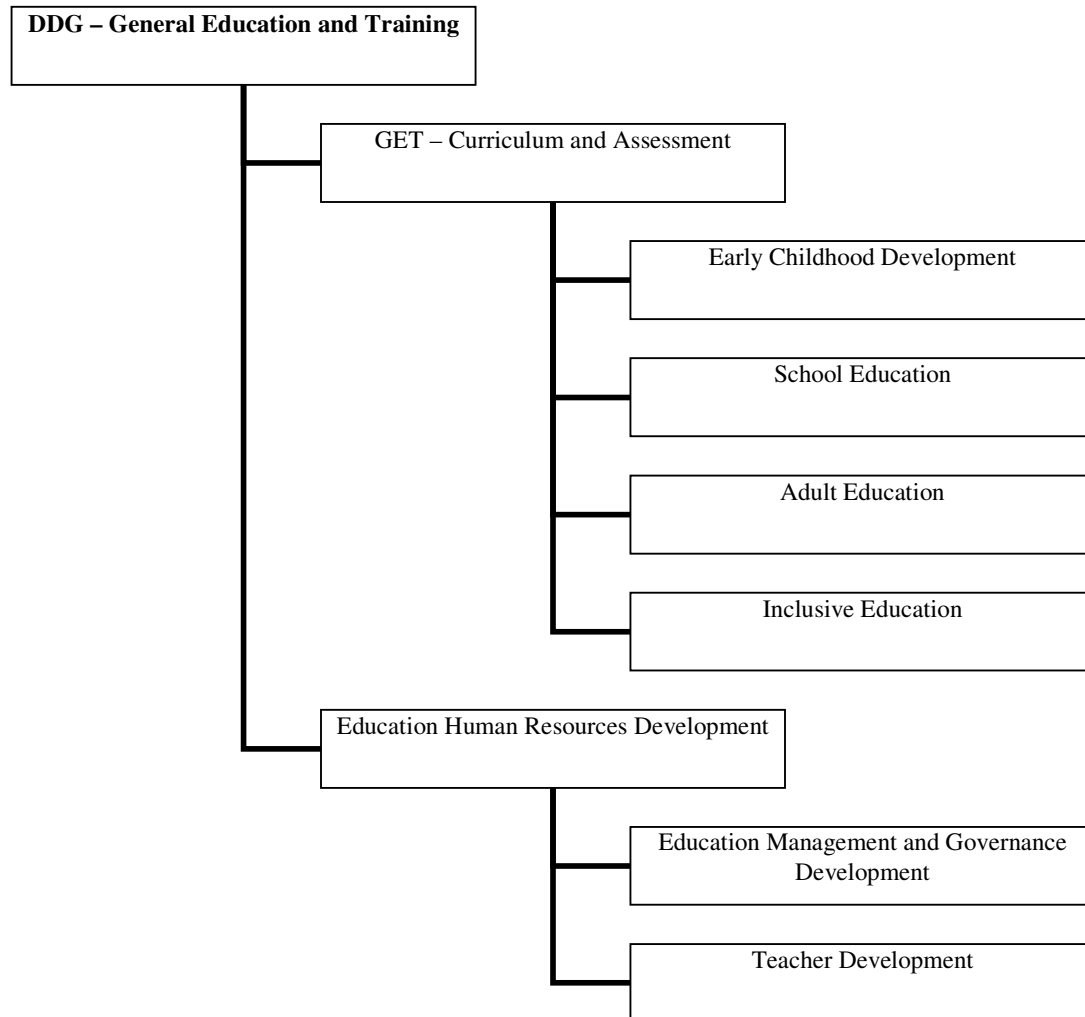
Lead	disseminated to managers of schools , of schools, teachers and governing bodies.
New policy	DoE; Secondary institution: NGOs, Trade Unions.
Costs	Yes. Once-off.
Time line for implementation	Minimal.
	To be introduced within two years of adoption of policy.
CLPA Action Step 102	
	Training children, parents, teachers, trade unions and employers on (a) occupational safety and health, including regulations issued in terms of (100), children's rights and general resources available, and (b) also training subsistence farmers on the hazards of subsistence farming, and the guidelines drawn up on terms of (101).
Lead	Institution: DL; Secondary institutions: DoE, DSD, DH and NGOs.
New policy	Elaboration of existing policy.
Costs	Once-off cost Recurrent cost: minimal to moderate.
Time line for implementation	Within three years of adoption of policy.
CLPA Action Step 120	
	Reconsider the education component of the equitable share formula for provinces and the age related provisions for exemption from school fees.
Lead	NT; Secondary institution: DoE.
New policy	Yes.
Costs	Redistribution rather than additional cost.
Time line for implementation	—
CLPA Action Step 128	
	Giving support while the child is on the street , including the provision of at least basic education to insure minimum- level literacy and skills. This could possibly be done through halfway houses where children could gradually be phased into a back to the education system. When implementing Education White Paper 6 on inclusion, programmes can be adapted in this regard.
Lead	DoE. Secondary institution: NGOs.
New policy	Elaboration of existing policy.
Costs	Moderate (further design) Recurrent cost: moderate.
Time line for implementation	Plan to expand to be in place within three years of adoption of policy.
CLPA Action Step 130	
	A plan should be drafted for effective cooperation between DHA, SAPS, DH and the education departments , to ensure that chills refugees are not arrested, are handled in accordance with existing laws and regulations, and are not denied access to school and health care services.
Lead	DSD. Secondary institutions DHA, SAPS, DoE, DH.
New policy	Elaboration of existing policy.
Costs	Minimal Recurrent cost: minimal.
Time line for implementation	Within three years of adoption of policy.

Appendix 6. DoE organogram



**Branch
Directorate**

Chief Directorate



**Branch
Directorate**

Chief Directorate

