

In 2014, South Sudan made efforts to eliminate the worst forms of child labor, but was also complicit in the forced recruitment of children for armed conflict. While the Government made efforts by launching the Children, Not Soldiers campaign to raise awareness about child protection and to penalize perpetrators that recruit child soldiers, South Sudan is receiving this assessment of no advancement because the Sudan People's Liberation Army (SPLA) recruited, sometimes forcibly, children to fight the opposition group led by former Vice President Riek Machar. In addition, gaps in legislation continue to put children at risk and child labor laws are not effectively enforced.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children are engaged in the worst forms of child labor, including in armed conflict and commercial sexual exploitation, sometimes as a result of human trafficking. (1-7) Table 1 provides key indicators on children's work and education in South Sudan.

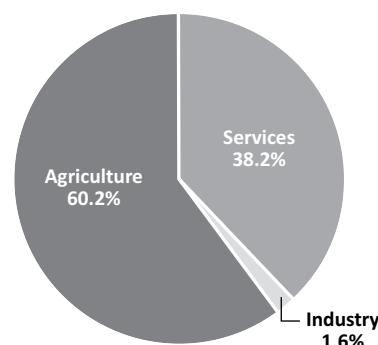
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	10-14 yrs.	45.6 (463,624)
Attending School (%)	5-14 yrs.	31.5
Combining Work and School (%)	10-14 yrs.	10.9
Primary Completion Rate (%)		37.4

Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2014.(8)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Fifth Housing and Population Census, 2008.(9)

Figure 1. Working Children by Sector, Ages 10-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming activities,* including planting* and harvesting* (10-12)
	Cattle herding† (10, 11, 13, 14)
Industry	Breaking rocks to make gravel*† (15, 16)
	Construction,*†including building* and transporting materials* (12, 17)
	Brick making* (4)
	Mining,*† activities unknown (4)
	Domestic work (5, 13, 14, 18)
Services	Street work, including vending, washing cars, polishing shoes, collecting empty bottles, and pushing delivery carts (4, 5, 19-21)
	Scrap metal collection* (22)
	Cow dung collection* (13)
	Work in slaughterhouses,*including transporting livestock* and meat* (12, 23)
Categorical Worst Forms of Child Labor‡	Forced labor in cattle herding, domestic work,* construction,* brick making,* rock breaking,* begging,* and market vending* (4, 17, 24)
	Commercial sexual exploitation,* sometimes as a result of human trafficking* (2-7)

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Used in illicit activities, such as selling drugs* (17)
	Used as border patrols,* community police officers,* and bodyguards to military commanders*(25)
	Used in armed conflict,* sometimes as a result of forced recruitment* (3, 4, 26, 27)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

In 2014, children were recruited for armed conflict, including by the Sudan People’s Liberation Army (SPLA).(4, 10, 25, 28) The Government stationed child soldiers in Bentiu and Rubokona, and sometimes used them as bodyguards.(29) In addition, the Government recruited child soldiers, sometimes forcibly or with the aid of community leaders, to fight against the opposition group, Sudan People’s Liberation Army- In Opposition (SPLA-IO), led by former Vice President Riek Machar during the reporting period.(25, 30-35) Riek Machar’s SPLA-IO also recruited and used many child soldiers during the reporting period.(7, 25, 36, 37) In February 2014, there were reports that children were abducted by SPLA-IO in Malakal in Upper Nile.(28)




During the year, an inter-ethnic conflict in Bentiu resulted in the deaths of hundreds of Nuer and non-Nuer South Sudanese nationals, and caused the displacement of more than 22,000 persons in South Sudan.(38) Many of these displaced families found refuge in the civilian protection sites of the United Nations Mission in South Sudan (UNMISS). Some families in the internally displaced camps placed their daughters in commercial sexual exploitation for money, particularly in Bentiu in Unity State, and Malakal in Upper Nile State.(7) The ongoing conflict may have diminished the Government’s ability to deliver aid, provide education, and address the worst forms of child labor.(38)

Although the Constitution and the Child Act provide for free primary education, in practice, parents must often pay teachers’ salaries—a cost that is prohibitive for many families.(14, 39, 40) The cost of uniforms also prevents some children from attending school.(5) Food insecurity and the high cost of living may also impede access to education in South Sudan, as many families may not be able to afford to send their children to school.(41-44) Many children (especially in rural areas) do not have access to schools, often due to the lack of infrastructure.(14, 39, 40, 45, 46) During the reporting period, there were several incidents of attacks on schools that resulted in lootings and military occupancy.(28) The lack of access to education may increase the risk of children’s involvement in the worst forms of child labor.(28, 47) In addition, there has not been a comprehensive child labor survey in South Sudan and during the year the National Disarmament, Demobilization, and Reintegration Commission (NDDRC) continued monitoring the government’s efforts to ban the use of child soldiers.(35)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

South Sudan has ratified a few key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	
	UN CRC Optional Protocol on Armed Conflict	
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	
	Palermo Protocol on Trafficking in Persons	

South Sudan’s national legislative assembly passed a bill in 2013 to allow the ratification of the UN CRC; the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the two optional protocols. The bill now awaits the President’s signature.(23, 48) South Sudan has not ratified the Palermo Protocol.

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Article 25.3 of the Child Act (49)
Minimum Age for Hazardous Work	Yes	18	Articles 5, 22.3 and 25.1 of the Child Act (49)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 25.2 of the Child Act (49)
Prohibition of Forced Labor	Yes		Article 277 of the Penal Code; Article 13 of the Constitution (50, 51)
Prohibition of Child Trafficking	Yes		Article 22.3(b) of the Child Act; Articles 269, 270, 278, 279, 281, and 282 of the Penal Code; Article 17.1(h) of the Constitution (49-51)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 22.3(c) and (d) of the Child Act; Articles 258 and 276 of the Penal Code (49, 50)
Prohibition of Using Children in Illicit Activities	Yes		Article 24.1 of the Child Act (49)
Minimum Age for Compulsory Military Recruitment	Yes	18	Article 31.1 of the Child Act (49)
Minimum Age for Voluntary Military Service	Yes	18	Article 31.1 of the Child Act; Section 22.2 of the Sudan People's Liberation Army Act (49, 52)
Compulsory Education Age	Yes	13	Article 9.1(b) of the General Education Act (23, 53)
Free Public Education	Yes		Article 6(a) of the General Education Act; Article 14.1 of the Child Act; Article 29.2 of the Constitution (11, 14, 49, 51)

In South Sudan, the minimum age provision for work in the Child Act does not apply to children outside of a formal employment relationship, such as children working in domestic work.(49) Children are only required to attend school until age 13, as the General Education Act requires that a child enrolls in school between ages 5 to 6, and primary education in South Sudan lasts 8 years.(23, 53) This standard makes children between the ages of 13 and 14 particularly vulnerable to the worst forms of child labor, as they are not required to be in school, but they are not legally permitted to work either.(23) Although Articles 31.2 of the Child Act already prohibits the use of children in any military or paramilitary activities and Article 32 punishes violators with imprisonment for a term not exceeding ten years or with a fine or both, the Government in 2014 amended the Sudan People's Liberation Army (SPLA) Act of 2009 to provide additional protections and established punitive measures for SPLA officials who recruit children or use schools for military purposes. In September 2014, the Ministry of Defense issued a Punitive Order against commanders who had children in their military unit.(49, 54) Although in 2013 the Government drafted an updated list of hazardous work for children, the list has not been finalized.(55)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Public Service, and Human Resource Development (MoLPS & HRD)	Develop labor policies, enforce child labor laws, conduct workplace inspections, and oversee the operation of vocational training centers.(14, 49, 56) Through the Ministry's Child Labor Unit, investigate cases of child labor.(10)
Ministry of Gender, Child, and Social Welfare (MoGC & SW)	Coordinate activities on children's rights and act as the focal ministry for child protection.(57)
SPLA's Child Protection Unit	Identify child soldiers and provide training on children's rights to child protection officers and members of the SPLA.(58)
Ministry of Interior	Enforce criminal laws to combat human trafficking and maintain a database on crime statistics.(59)
Ministry of Justice	Protect citizens' rights and enforce the Comprehensive Peace Agreement and the Constitution, including child protection provisions in those laws.(11, 60)
South Sudan Police Services	Enforce criminal laws related to the worst forms of child labor.(14, 23)

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Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Human Rights Commission	Raise awareness of human rights, monitor the application of human rights in the Constitution, and investigate complaints regarding human rights violations, such as human trafficking.(61, 62)

Criminal law enforcement agencies in South Sudan took some action to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, the Child Labor Unit of the Ministry of Labor, Public Service, and Human Resource Development (MoLPS & HRD) was comprised of an estimated 10 labor inspectors and 2 investigators, which appears to be insufficient for the size of the population.(35, 54) MoLPS & HRD officials reported that they lacked sufficient resources, such as vehicles for transport, to conduct labor investigations.(12, 35) It is unclear whether labor inspectors conducted unannounced inspections or whether the inspectorate has the authority to issue penalties.(35) Research did not find information on the quality of inspections, whether labor inspectors received training, how many child labor citations were issued, or whether penalties were applied for the citations issued during the reporting period.(35) The National Steering Committee on Child Labor, led by the Ministry of Labor, was charged with coordinating efforts across government ministries to combat child labor; but evidence indicates that the Committee was inactive during the year, and no referral mechanisms were established to report and address child labor violations.(35)

Research did not find information on the Government's efforts to collect, maintain, or make child labor data publicly available.(6, 35)

Criminal Law Enforcement

In 2014, the IOM, in coordination with INTERPOL, provided training to immigration and customs officials that included presentations on how to combat human trafficking.(54) In October 2014, the IOM and UNDP provided a second training seminar to 20 law enforcement officials on issues related to sexual and gender-based violence that also included a session on human trafficking.(12, 54) However, research found no information on how many investigators were responsible for enforcing the laws on the worst forms of child labor; how many investigations, prosecutions, convictions had occurred; or whether appropriate penalties were applied.(35) Research also found no information on whether a referral mechanism exists between law enforcement and social service entities.(35)

During the reporting period, the Sudan People's Liberation Army (SPLA) recruited children for armed conflict, even though the Child Act sets the minimum age for voluntary military recruitment at 18.(23, 49) Although the Joint Action Plan to Combat the Use of Child Soldiers commits the SPLA to holding its military officers accountable for the recruitment or use of children, research found no information that the Government had investigated or prosecuted officers who had allegedly committed such crimes.(35) However, in September 2014, following the implementation of the Children, Not Soldiers awareness campaign targeting military officials, the SPLA released from military service 32 children in Wau and 43 children in Jonglei.(54) Prosecutors and law enforcement officials are not familiar with the Child Act's prohibitions on the worst forms of child labor, as it has not been adequately disseminated.(23, 57, 63)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Coordinate efforts to combat the worst forms of child labor across government ministries. Led by the MoLPS & HRD.(10)
National Disarmament, Demobilization, and Reintegration Commission (NDDRC)	Oversee and coordinate the implementation of the Joint Action Plan to Combat the Use of Child Soldiers and reintegrate children formerly engaged in armed conflict.(3, 4, 14, 64) In 2014, the Government recommitted itself to the Joint Action Plan. The NDDRC and UNICEF partnered with each other to release child soldiers from armed forces.(12, 65) Despite this, neither the Government nor the SPLA-IO has made significant progress in honoring commitments to release child soldiers from armed conflict.(28)

Research could not confirm whether the National Steering Committee on Child Labor had coordinated activities to combat child labor in 2014.(6)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of South Sudan has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
Joint Action Plan to Combat the Use of Child Soldiers	Requires the SPLA to demobilize children within its ranks.(66) Aims to improve efforts to verify the age of new recruits and provide reintegration services, such as vocational training, to demobilized children.(4, 67, 68) In June 2014, the Government recommitted itself to the implementation of the Joint Action Plan by signing an agreement with the UN.(65) In August 2014, the Government signed a work plan detailing the implementation steps for the agreement, which aims to end the recruitment and use of children by armed forces, the killing and maiming of children, sexual violence against children, and the use of schools for military purposes by July 2015.(54, 65) Throughout the demobilization efforts, girls from the Greater Pibor region were released. Reintegration and rehabilitation services, such as interim care centers, were available for the demobilized children.(12)
MoLPS & HRD's Policy Framework and Strategic Plan (2012–2016)	Aims to eliminate child labor, and support workplace best practices in occupational safety and health.(69, 70)
UN Development Assistance Framework (2012–2016)	Seeks to improve access to and quality of education; includes provisions for social protection and the reintegration of ex-combatants.(12, 71)
War-Disabled, Widows, and Orphans Commission Policy (2010–2014)*	Aims to provide orphans with services such as education, special education, and employment training.(72)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

It is unclear whether an implementation timeline and budget exist for the War-Disabled, Widows, and Orphans Commission Policy.(72)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of South Sudan participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Global Action Program on Child Labor Issues Project (2011–2015)	USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor, established by the Hague Global Child Labor Conference in 2010, by year 2016. Aims to build the capacity of the Government and develop strategic policies to address the elimination of child labor in South Sudan.(73)
Tackling Child Labor Through Education Project	Jointly launched by the European Commission and the ILO to combat child labor through education in 12 African and Caribbean countries and the Pacific group of states.(74) Aims to improve the child labor and education legal framework, strengthen the Government's capacity to develop and implement child labor strategies, carry out activities to combat child labor, and collect data on child labor and education in South Sudan.(74)
World Bank Grant*	World Bank-funded, \$9 million program that aims to improve employment and financing opportunities for youth and women, including by supporting 50,000 small business entrepreneurs and generating 250 jobs.(75)
UNICEF Country Program (2012–2015)	UNICEF-funded program implemented by the Government that aims to develop child protection systems, with an emphasis on birth registration, child-sensitive justice system, and reintegration services for children affected by armed conflict.(76, 77)
UNICEF Child Protection Working Group Situation and Response Trainings†	In August 2014, UNICEF-funded training implemented by the Government officials on identifying needs, gaps, and trends in order to effectively respond to child protection risks, hazards, and threats.(78, 79)

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Table 8. Social Programs to Address Child Labor (cont)

Program	Description
Children, Not Soldiers Campaign†	Ministry of Defense program to raise awareness of child protection principles publicly and within the SPLA, and hold perpetrators accountable for recruiting child soldiers. Also aims to end the recruitment and use of children in armed conflict by the end of 2016.(80) Under the Children, Not Soldiers campaign, the month of November was declared the month for the NDDRC to screen the military, and to demobilize and reintegrate child soldiers.(81)
Refugee assistance programs*	Government programs to assist refugees and allow the return of South Sudanese (including families and children) from North Sudan. Receive support from the UN High Commissioner for Refugees, the IOM, USAID, USDOS, and other organizations; also include the provision of food, shelter, emergency reintegration, and livelihood assistance.(3, 82-84)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

Although South Sudan has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, including in agriculture. Reports also suggest that the level and amount of rehabilitation services provided to child soldiers are not sufficient to meet the total need.(85)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in South Sudan (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC; the UN CRC Optional Protocol on Armed Conflict; and UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and Palermo Protocol on Trafficking in Persons.	2013 – 2014
	Extend the protection for minimum age of work to all children.	2012-2014
	Ensure that the compulsory education age is equivalent to the minimum age for work.	2013 – 2014
	Finalize the updated list of hazardous work for children and the 2012 Labor Bill.	2013 – 2014
Enforcement	Provide sufficient human and financial resources, as well as personnel training for effective inspection and enforcement efforts.	2012 – 2014
	Ensure that prosecutors and law enforcement officials are familiar with the Child Act, which prohibits the worst forms of child labor.	2013 – 2014
	Establish referral mechanisms for labor inspectors, criminal enforcers, and social services providers to facilitate effective labor law enforcement and the implementation of social programs that address child labor issues	2014
	Ensure that the National Disarmament, Demobilization, and Reintegration Commission is able to screen SPLA barracks and other military sites, and to remove child soldiers from the army.	2014
	Track and make publicly accessible information on the number of child labor investigators; types of investigations; areas of investigations; and citations, penalties, prosecutions, and convictions for crimes involving child labor, including its worst forms.	2012 – 2014
	Investigate and prosecute officers responsible for the recruitment or use of children in armed conflict.	2013 – 2014
	Ensure the Child Act's , minimum age for voluntary military recruitment at 18 year is enforced.	2012 – 2014
Coordination	Ensure that the National Steering Committee on Child Labor is able to coordinate activities to combat child labor.	2013 – 2014
Government Policies	Ensure that policies such as the National Social Policy and the Policy on Children Without Appropriate Care and Support are enacted.	2012 – 2014
	Ensure that the War-Disabled, Widows, and Orphans Commission Policy has an appropriate budget and implementation timeline.	2012 – 2014

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Social Programs	Strengthen efforts to lessen the impact that food insecurity and the high cost of living may have on rural populations' ability to educate children.	2012 – 2014
	Improve access to education by addressing the lack of school infrastructure in rural areas, registering all children at birth, and prohibiting the occupation of schools by armed groups and forces.	2012 – 2014
	Ensure that children can complete their primary education by subsidizing or defraying the cost of school uniforms and teachers' salaries.	2014
	Assess the impact that existing programs may have on child labor, including the refugee assistance programs and World Bank Grant.	2012 – 2014
	Conduct a national child labor survey, including research to determine the activities carried out by children to inform policies and social programs.	2013 – 2014
	Ensure that the level and amount of rehabilitation services provided to child soldiers are sufficient.	2014
	Increase the scope of social programs to reach more children at risk of child labor, including in agriculture.	2012 – 2014

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