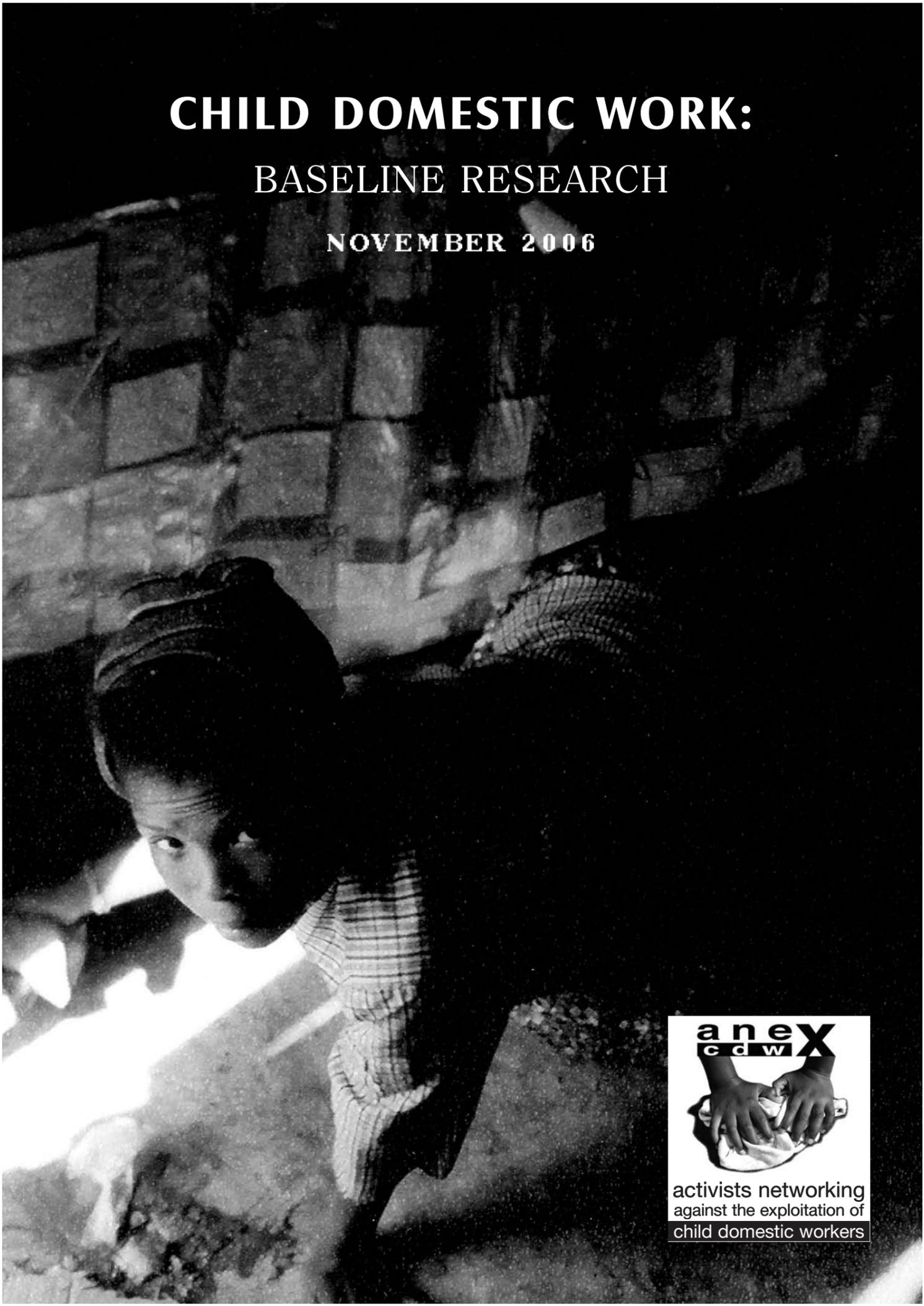




CHILD DOMESTIC WORK: BASELINE RESEARCH NOVEMBER 2006





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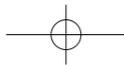
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chapter 1 | Introduction

This research report commissioned by ANEX-CDW¹ and entitled: 'Child domestic work: Baseline research' provides an overview of child domestic work in the Western Cape. This research includes two main elements, namely the voices of children and local level state responses.

This report is structured as follows:

- Chapter 1:** An introduction that provides the purpose, methodology and limitations of the study
- Chapter 2:** A literature review that collates available data on child domestic work and highlights core aspects of this social problem
- Chapter 3:** A presentation of the core findings from the three groups of children² interviewed and the four officials from the selected state departments
- Chapter 4:** An analysis which identifies key issues from children's voices as well as state responses and also outlines cross-cutting issues referred to by both sets of interviews
- Chapter 5:** Recommendations that inform ANEX-CDW's strategic planning process

PURPOSE

The objective of this research is to produce a baseline report on child domestic work in the Western Cape. The research has to inform ANEX-CDW's strategic planning for projects that will improve the lives of children currently engaged in domestic work as well as inform development of prevention strategies to pre-empt the entering of children in the domestic work sector. Therefore, recommendations are developed to inform ANEX-CDW's strategic planning process.

METHODOLOGY

In fulfilling the aims of the baseline survey, information on child domestic work in the Western Cape was obtained through:

- a) A literature review, as well as
- b) Primary sources, namely children and key state departments.

a) Literature Review

While there is a significant amount of literature on child labour, there remains a dearth of literature available on child domestic work specifically. The literature review is therefore based on the limited available information regarding child domestic work in South Africa.

¹ ANEX-CDW is a non-governmental organization based in Athlone in the Western Cape that works on the issue of child domestic work.

² The names of all children have been changed to protect their identities





b) Primary sources

Voices of children were identified as central to obtaining an understanding of child domestic work. ANEX-CDW identified three places where children who have performed domestic work could be invited to participate in the information gathering process. The identification of the three places focused on addressing the assumptions that child domestic workers are only 'coloured' girls from rural areas. Based on the commitment to ensure the children's safety, a process of negotiating entry at each of the places was embarked upon. Only once the children consented to participating, were participatory workshops and focus groups held and/or face-to-face interviews conducted. The places where information was obtained from children were:

- i. The Homestead³ – face-to-face interviews were conducted with 2 boys identified as child domestic workers
- ii. Murraysburg⁴ – a focus group was held with young women as well as face-to-face interviews with those young women identified as having the relevant experiences. The group was established and young women with relevant experiences identified through a process of word-of-mouth with a key informant in the community. The face-to-face interviews were held in the home of the young girls in order to ensure confidentiality⁵
- iii. Nyanga⁶ school – participatory workshops were held over two days with girls and boys that the teachers at the school identified. Story-telling⁷ and art were the mediums used to elicit the relevant information. This methodology was preferred above one-on-one interviews due to the relative informality of support available to the children.

An interview schedule focusing on the key information that the research aimed to obtain from the children's experiences was developed and used as a guide during the face-to-face interviews, focus group and workshops. The interview schedule (see Appendix 1) and transcripts/process notes for Homestead interviews (see Appendix 2); Murraysburg interviews (see Appendix 3) and Nyanga focus group (see Appendix 4) are attached.

Four government departments were identified as having a critical role to play in addressing child domestic work. These departments initially identified were the South African Police Services (SAPS), Department of Health, Department of Social Services and Poverty Alleviation and the Department of Labour. However, once interviews were conducted with the department of Labour, the importance of interviewing the National Prosecuting Authority became apparent. Therefore, the selection of departments was reviewed for the purposes of this study and included the following:

- i. Department of Labour,
- ii. Department of Social Development,
- iii. South African Police Services, and
- iv. National Prosecuting Authority

Telephonic interviews were conducted with an official in each of the four identified government departments (see attached Appendix 5). The officials were selected based on their known involvement in addressing matters of child domestic work and their interactions with ANEX-CDW. A standard interview schedule was initially developed and questions adapted where necessary to ensure relevance with regards to the role of each of the departments. The interview schedules and related transcripts of each interview are attached as Appendix 5.

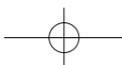
³The Homestead is a place of safety based in Cape Town that provides shelter to street children. The identification of the two boy child domestic workers was an important means of highlighting that not only girls are performing this work

⁴ Murraysburg is a rural area approximately xxx km outside of Cape Town

⁵ During the focus group, the participants indicated that face-to-face interviews in the home would be far better for them as they could ensure that what they shared would not be divulged in their community as Murraysburg is very small – sharing the information in a group felt 'unsafe' for them.

⁶ Nyanga is an 'African' township in Cape Town selected to illustrate that child domestic work is not confined to only 'coloured' communities, and that children who are originally from the city are also performing domestic work. ANEX-CDW negotiated entry into the school where teachers identified that many of the orphaned and vulnerable children at the school find themselves performing domestic work

⁷ The children were told a story about a boy and a girl with whom they could identify. They were then asked to illustrate the household circumstances and members, modeling it on their own experiences, in a drawing. The facilitator guided the illustrations by requesting participants to note: the source of light and heat, location of water sources and sanitation, typical furnishing, members of the household, and sources of income. Participants were also asked to use magazines provided to illustrate the work (both at home and for others) that the children in the story performed and to think about the impact of this work on the children. The intention of using fictitious characters was so that the children did not feel vulnerable or obligated to divulge personal information with which they were not comfortable.





LIMITATIONS

Child domestic workers are a vulnerable group exposed to exploitation and abuse. Obtaining information from children about their experiences as child domestic workers must be done sensitively so as not to further victimise and traumatise the children. Before any sensitive information can be gathered, it is essential that a relationship of trust has been established with the children and that mechanisms have been put in place to provide them with the necessary support. While this study was conceptualised to gain insights into a host of very sensitive issues pertaining to child domestic work, the three month timeframe that was set for the entire research process placed huge constraints on the depth of information that could be gathered. As there was no time for developing trust relationships with children nor provide adequate support mechanisms for them, the anxiety children displayed in reference to issues of illness in their households, cautioned the researchers from probing this issue. Thus, no significant information, for example, was gathered on the HIV/AIDS status of household members.

The interviewees selected to participate in the study were not necessarily the most appropriate persons to add value to this study. With regards to the children for example, the two 'Homestead boys' added little to deepen the understanding of child domestic work generally and the involvement specifically of boys in this work. Also, the departmental officials selected were officials who had office-based insights into intervening on matters of child domestic workers and had no influence on departmental policy. The time constraints for this research influenced access to higher ranking officials as the process of obtaining permission to conduct interviews is a lengthy one. Selecting higher ranking officials within each of the departments could have had far greater impact and provided deeper insights into the departmental approach and attitude towards child domestic work.

While the research would like to have collected data on recruitment (placement) agents/agencies, securing such interviews was not possible due to the sensitive nature of this work. Furthermore, the time frame of the research did not allow for a process of establishing contacts with and interviewing recruitment agents/agencies.



chapter 2 Literature review

1. INTRODUCTION

The main piece of South African legislation governing employment is the Basic Conditions of Employment Act of 1997 (BCEA). According to the BCEA, "domestic worker" means an employee who performs domestic work in the house of his/her employer and includes:-

- (a) a gardener
- (b) a person employed by a household as a driver of a motor vehicle
- (c) A person who takes care of children, the aged, the sick, the frail and the disabled, but does not include a farm worker

The BCEA (sections 43 to 48), in addition to several other pieces of South African legislation⁸, prohibits the employment of a child. Section 43 of the BCEA specifically notes that no person can employ a child:

- Who is 15 years old
- Who is under the minimum school leaving age (where this age is 15 years or older)
- Who is over 15 years but under 18 years old, if the employment
 - (i) is inappropriate for the age of the child or if the work places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development
 - (ii) has been prohibited by the Minister of Labour through regulations

Despite the existence of the above-mentioned laws, the situation in South Africa still indicates that children are employed in domestic services. This criminal practice is one that has received some media coverage as far back as 1976, been placed on the international agenda through international children's rights instruments that South Africa has ratified and somewhat fleetingly on the national agenda⁹. Even though this illegal practice was brought to the South African public's attention over 30 years ago, this issue remains one that is under-researched¹⁰ and lacking in an adequate response to protect these children¹¹. Ultimately, the issue of children in domestic services is one that has received limited attention both by government and civil society.

2. EXTENT OF THE PROBLEM

Indications of how widespread the problem of children in domestic services is can be gleaned from the 1999 Survey on the Activities of Young People (SAYP) which was conducted by Statistics South Africa. According to SAYP, over 50 000 children (2% of all working children) between the ages of 5 and 17 years were engaged in paid domestic work, with the majority of these children aged 15 – 17 years¹². Of these children, less than 10 000 were engaged in work situations that could be described as 'worst forms' of child labour. Even though this may constitute a small percentage of the children covered in this survey, the reality is that there are a large number of children not protected from this form of child labour.

⁸Section 28 of the 1996 Constitution stipulates that every child (any person under 18 years of age) has the right to be protected from exploitative labour practices and work that is inappropriate for the child's age or that places the child's well-being or development at risk; Section 52A of the Child Care Act prohibits employment of and provision of work to a child under 15 years of age

⁹ See Koen K and Van Vuuren B (March 2002) *Children in Domestic Service: The Case of the Western Cape Terre des homes schweiz* (ldh-ch): Switzerland pp. 17-18; Human Rights Watch (June 10, 2004) *Child Domestic Workers: The World's Invisible Workers* <http://hrw.org/english/docs/2004/06/10/africa8789.txt.htm>; Budlender D & Bosch D (May 2002) *South Africa Child Domestic Workers: A National Report* International Labour Organisation International Programme on the Elimination of Child Labour (IPEC): Geneva; Govender P *Pregnancy and poverty create school dropout* (The Argus, 2006)

¹⁰ Budlender and Bosch (May 2002) note in their report that there is limited research in this area, stating "A comprehensive South African literature review uncovered a relatively large number of articles on child labour, but very few of these dealt with - or even mentioned - child domestic work." (pp 17).

¹¹ Koen and Van Vuuren (March 2002) highlight the poor response to this problem by the relevant authorities as well as the lack in support services for those children who do leave domestic services

¹² Qualitative research conducted in 2001 by Koen and van Vuuren indicates that children in domestic services fall within the 12 – 17 year age bracket and come from more rural areas mainly within the Western Cape, Eastern Cape and Northern Cape provinces.



Furthermore, there is recognition that the number of children involved in domestic services and subject to 'worst forms' of child labour, are likely to be higher than what is captured in the SAYP¹³. Part of the difficulty in capturing more accurate data about child domestic workers can be attributed to the lack of understanding of the concept 'child domestic work' as well as perceptions that there is nothing wrong with children doing domestic chores¹⁴.

3. CONDITIONS CHILD DOMESTIC WORKERS FACE

The actual conditions that children in domestic services face are frightening. Koen and van Vuuren's (May 2002)¹⁵ findings that conditions of work faced by children in domestic services include long working hours and low wages, echo those findings from the 1999 SAYP. Their research also draws to our attention that the children (predominantly 'coloured') are employed in wealthier urban homes, conduct work in the family's home, their shop as well as in the homes of the family's relatives, often with no additional pay. Vulnerability to various forms of violence which ranged from isolation and control of their movements to beatings, verbal and sexual abuse¹⁶ is also raised in this research. The above-mentioned conditions which these children face is not unique to the South African experience, as research examining child domestic work in West Africa, Guatemala, El Salvador and Malaysia/Indonesia highlights similar horrific conditions¹⁷.

4. WHY DOES THE PROBLEM EXIST AND CONTINUE?

Literature on child labour situates this problem within a context of poverty and unemployment. The South African context of increased levels of unemployment and deepening poverty, exacerbated by the HIV/AIDS pandemic does not bode well for the prospects of lessening and eliminating child labour broadly, thus child domestic work specifically. Not only will more children seek employment to contribute to the family income, but the increase in child-headed households as a result of AIDS is also likely to force more children into child labour. A UNICEF report¹⁸ which looked at child domestic work in South Africa highlights that in the country, child domestic workers are among the most vulnerable young people. The report cites several reasons which include the impact of the HIV/AIDS pandemic in forcing children to run households as parents have died and also forcing children to work for families and friends for food and lodging. The report specifically states that "While there may be few child domestic workers in the traditional ILO sense, it is clear that children and young people are engaged in household chores in order to contribute to the household...In many cases these are children who have been orphaned mainly due to the HIV/AIDS pandemic."¹⁹ This recognition of the HIV/AIDS pandemic is also reflected in the National Child Labour Action Programme of South Africa (CLAP) which emphasises that children's education is at risk as "... (they) are withdrawn from school to care for ill family members, to care for siblings and to help with household chores where adults cannot do so any more, or to work to supplement family income"²⁰. In the context of poverty and unemployment, HIV/AIDS contributes significantly in exacerbating children's vulnerability to exploitation.

¹³ Budlender D and Bosch D (May 2002) *South Africa Child Domestic Workers: A National Report* International Labour Organisation International Programme on the Elimination of Child Labour (IPEC): Geneva pp.43.

¹⁴ See UNICEF 2004 *"I do fetch water and they give me something" - A report of the UNICEF Child Domestic Workers' study in South Africa*

¹⁵ Koen K and Van Vuuren B (March 2002) *Children in Domestic Service: The Case of the Western Cape* Terre des homes schweiz (tdh-ch): Switzerland

¹⁶ Supra, page 24-25

¹⁷ Human Rights Watch (June 10, 2004) *Child Domestic Workers: The World's Invisible Workers* http://hrw.org/english/docs/2004/06/10/africa8789_txt.htm

¹⁸ Ibid 7

¹⁹ See Ibid 7 pp.18

²⁰ Department of Labour (2002) *The National Child Labour Action Programme for South Africa* pp.30 The Child Labour Action Programme (CLAP) refers to a process whereby the South African government in consultation with relevant stakeholders sought to formulate appropriate policies as well as a national action plan to combat child labour.



Koen and van Vuuren (May 2002), highlight that children in domestic services are actively recruited and the adults who recruit them include family members, friends, neighbours, well-respected community members, priests, teachers and taxi drivers. They describe the recruitment as taking place in three ways, namely²¹

1. Agencies who directly recruit child domestic workers
2. Agencies who contract individuals and taxi drivers to supply young domestic workers when required
3. Syndicates who recruit, transport and supply child domestic workers to other agencies for employment

Irrespective of how the recruitment occurs, children are ultimately enslaved in that they are transported away from home (a journey that is not safe) to an unfamiliar environment and held captive by fear and abuse. For those children who have managed to escape, their attempts at seeking protection from authorities²² such as the police expose them to new environments (i.e. shelters for street children) that often leave them vulnerable to further violence or simply result in no action being instituted.

Poverty, unemployment and HIV/AIDS are factors that contribute to the existence of child labour, however, the lack of support services as well as the lack of action against the perpetrators provides fertile ground for the problem of child domestic work, in particular, to continue and worsen.

4. TOWARDS ADDRESSING THE PROBLEM

“Child domestic workers are nearly invisible among child labourers”²³. The invisibility of this form of child labour is attributed to a number of factors. One being that it occurs in a private sphere within society, namely the ‘home’ which does not readily avail itself to public scrutiny. Another complicating factor is that those who do employ child domestic workers are likely aware of the fact that it is illegal, therefore not readily going to admit to engaging in this practice. Child domestic workers are also reluctant to come forward because of the extent of their vulnerability and fear of the repercussions they could face – emotional, physical and economic. The invisibility of this problem is further entrenched by the poor government and civil society response – partly due to the lack of understanding of what child domestic work is and why it is a problem²⁴, partly due to a lack of capacity and partly to lack of political will to develop effective strategies to address this problem.

In recognising these barriers, the available literature recommends some ways of addressing this problem²⁵:

1. Launch public information campaigns on rights of domestic workers and responsibility of employers
2. Ensure all children enjoy right to free basic education
3. Create confidential toll-free line to receive reports of workers’ rights violations
4. Create effective mechanisms for inspections, enforcement and monitoring of child labour, and prompt investigations
5. Take all appropriate law enforcement measures against perpetrators
6. Ensure care and support to children who escape child domestic work
7. Sensitise labour inspectors, social workers, teachers and other people responsible in an official capacity for children to identify and take action regarding suspected cases of excessive or dangerous work required of children.
8. Where children are found doing paid domestic work, the Department of Labour should prioritise action, seek substantial penalties against the employer, ensure proper publicity of the prosecution and ensure that the child is not penalised or punished in the process.

²¹ Ibid 8 page 28

²² Ibid 8 pp. 29-32

²³ Ibid 10

²⁴ Ibid 7 pp.15

²⁵ Recommendations 1 – 6 comes from the Human Rights Watch (June 10, 2004) *Child Domestic Workers: The World's Invisible Workers* <http://hrw.org/english/docs/2004/06/10/africa8789.txt.htm>. Recommendations 7 – 13 comes from Budlender D and Bosch D (May 2002) *South Africa Child Domestic Workers: A National Report* International Labour Organisation International Programme on the Elimination of Child



9. Address poverty
10. Social mobilisation and educational programmes – expand public view of activities that are performed by children which are bad for them
11. Removal of children – should be done with due consideration to the best interest of the child
12. Infrastructure: Water and electricity – supplying these so that women and children are freed of this burden of collecting water and wood
13. Develop and implement a co-ordinated strategy involving all the relevant stakeholders

The bulk of these recommendations cited above have been formulated through a consultative process with government and relevant stakeholders (which includes consultations with children) in order to formulate 'The National Child Labour Action Programme for South Africa'. This programme details the various roles that government departments as well as civil society groups should play in addressing child labour. However, although a lengthy process was undertaken to formulate the programme of action, the extent to which this programme of action has been put into practice is questionable. Only once the dearth of information available on child domestic work is addressed can further consideration be given to the above-mentioned recommendations. Also, it is only once there is a deeper understanding of the nature and extent of child domestic work that strategies can be developed to ensure effective planning and implementation responses to this problem.

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chapter 3 Findings

As the information for this research was gathered from children at three different settings and through interviews with four state departments, the findings are categorised as follows:

1. CHILDREN'S VOICES

- (a) Homestead boys
- (b) Murraysburg's young women
- (c) Nyanga boys and girls

2. STATE RESPONSE

- (a) Department of Labour
- (b) Department of Social Development
- (c) South African Police Service
- (d) National Prosecuting Authority

1. CHILDREN'S VOICES

- (a) Homestead Boys

Child domestic workers, both in the literature and in the experiences of those working in the field, are predominantly identified as young girls. While there is recognition that young boys also involved in this work, there is not much documentation about this. Therefore, the interviews conducted at the Homestead with two boys identified as child domestic workers, aimed to give voice to the experiences of boys. They shared information about their home environments (including household income), their experiences of leaving home, the work they have been involved in and the income this work generated.

- Home environment

The 14 year old boy from Upington came from a household that included his grandparents, two siblings, seven aunts, and eight cousins. This two-bedroomed house with running water and an outside toilet could not adequately accommodate this large household and as a result, some of the children slept in a bedroom with the grandparents, some in a bedroom with the aunts and the other children slept in the sitting room. He shared that his work responsibility at home was cleaning the yard.

The 15 year old boy from Mossel Bay came from a home that he shared with his parents and three siblings. Their three bedroom home had no electricity, an inside toilet and an outside tap. He stated that his work responsibility at home was cleaning the yard and preparing the vegetables for his mother to cook.

- Household income

According to the 14 year old boy, although he was from a large household, only one of the family members had formal employment, namely an aunt who was first a domestic worker and then opted to do seasonal work on a farm. Both types of employment brought in low wages. The bulk of the household income came through grants, namely Child Support grants, Disability grant, State Old Age Pension grant and a private pension. According to the 14 year old, while he never went hungry, there were occasions when there was no food in his house. On those occasions, he would go to his mother (who was living with her new husband) for food.



The 15 year old boy indicated that while his mother had no formal employment, both his father and older brother worked. They brought sufficient income into the household and the household was never short of food.

Both these boys stated that the household income was primarily spent on food and clothes, with the 15 year old boy adding that money was also used to cover expenses for school and furniture.

- **Leaving home**
Both boys left their homes through the same person – ‘Whitey’ – whom they described as a person known for recruiting and abducting children to work for him. The way in which each of these boys left their homes and their motivations for doing so differed. According to the 14 year old boy, he decided to leave home largely due to the violence he was subjected to in his house. ‘Whitey’ fetched him at a garage and they drove to Cape Town. He described the journey as one along which they made several stops to sleep, relieve themselves and buy food. The 15 year old boy’s description of his experience indicated that he was ‘abducted’ as he was under the impression that they (he and ‘Whitey’) were going away for the day and would return to Mossel Bay. He stated that he never intended to leave home. Instead, ‘Whitey’ took him to Cape Town and provided him with no way of returning to Mossel Bay.
- **Job placement**
Both boys worked for ‘Whitey’ as brokers selling fruit and vegetables near traffic intersections, and also lived in a place together with other boys and older men who worked for ‘Whitey’. The one boy was told that he would receive R40 per day for produce sold; however stated that he never received any salary (only received some clothing) during the two months of working for ‘Whitey’. The other boy stated that he received regular payments of R500 every second week.

They both referred to ‘Whitey’ as a physically and emotionally abusive person. Only the 14 year old boy admitted to being at the receiving end of physical abuse from ‘Whitey’, whereas the 15 year old said he only witnessed how other boys were abused. Despite the abusive situation in which they found themselves, the fact that ‘Whitey’ provided them with sufficient food was reason enough to not immediately leave.

(b) Murraysburg’s Young Women

The literature identifies child domestic workers as predominantly children who have come from rural areas to work in urban areas. Murraysburg was identified as a rural area from which a number of child domestic workers have come from. Through interviews with young women from this area, information was gathered on their home environment and their recruitment experiences, including insights into the recruitment agents/agencies and employers. Some information was also disclosed regarding the mechanisms available to these young women who sought assistance.

- **Home environment**
The girls who shared their experiences as child domestic workers indicated that they were first recruited between the ages of 14 – 17 years old and the recruitment agents were well aware of their ages. These girls were from households that were overcrowded – 12 occupants in a 3 bedroom house; sleeping on the kitchen floor because the bedrooms were all occupied – and, from households in which there was very little income (at times income was only through grants such as pension and child support). Some of the girls indicated that they performed unpaid work in their households such as cooking and cleaning or looking after children. However, with the exception of one girl who stated a willingness to pursue work in Cape Town due to disinterest in school, they all indicated that they decided to pursue the option of



work in Cape Town so that they could assist with the household income. The decision to pursue this work was not always supported by parents, but in some cases, parents granted their children permission to do so.

- Recruitment process
The young women's experiences during the recruitment process can be divided into three distinct phases, namely:
 - (1) Journey to Cape Town
 - (2) Arrival in Cape Town
 - (3) Job placement

In sharing their experiences during each of these phases, these young women indicated, verbally and non-verbally, that they felt vulnerable, desperate and unsafe, irrespective of whether they were coming to seek full-time work or holiday work.

(1) Journey to Cape Town

All the young women stated that those involved in recruitment of child domestic workers were known in the community. The recruitment agents referred to were Attie and Mia and they transported the young women, together with other recruited young women, in a taxi. None of the young women provided details on the actual journey to Cape Town i.e. whether they made any or regular stops; whether they had anything and treatment along the way.

(2) Arrival in Cape Town

All the young women indicated that they spent their first night in Cape Town at a driver's house and were herded into one room where they slept on the floor. One of the young women indicated that on their arrival in Cape Town, they were taken to the recruitment agency's offices and slept in a room infested with rats and cockroaches with no access to clean toilets and washing facilities.

In the event that they spent the night at the driver's house, the following morning they were taken to the recruitment agency offices. The young women described being paraded in front of clients and questioned about their race, health, drinking and smoking habits.

Some of the young women detailed how attempts at escaping during this phase of the recruitment process failed and they were then forced back to the agency offices and immediately placed in a household where they were expected to work.

(3) Job placement

There were young women who indicated that the recruitment agents/agencies informed them that they would have a choice about the place at which they worked and also told them the amount of money they can expect to earn. However, many of the young women stated that they had no choice about their job placements (and easily leaving these placements) and that their expectations regarding payment were never met. None of the young women seemed to have information on the details of their contracts and this was most evident in their expressed shock at the type of work they were expected to do, length of work day and primarily in relation to the amount of money they were paid.

The young women initially expected that they would have set work times, with time off and also perform a single job, namely clean the family home. However, at the job placements, they were expected to perform multiple jobs such as work in the family shop, as well as clean the house and also clean the family cars. Often they had to work in the shop during the day and at night, clean the family house. The notion of time-off was a farce as the young women clearly stated that during their supposed 'off days' they were still required to clean the family house.



The payment they received for the work they did varied greatly from what they were told by the agents, as the young women were not informed that the salary which the family pays goes to the recruitment agent/agency who first deducts taxi fees and then gives the remaining amount to the young women. Therefore, while some of the women were told that they would receive between R600 and R800 per month, after taxi fees were deducted, they only received between R170 and R400 per month. One young woman informed the interviewer that for a week's work of the R100 paid by the family, she received R30 from the agent. Also, there were some women who indicated that the payments they received were not consistent – for the first month they were paid R600 but the following months they received less money.

- Recruitment agents/agencies and employers
The extent to which these young women felt vulnerable, desperate and unsafe was largely attributed to the treatment they received from the recruitment agents/agencies and the employers.

Recruitment agents/agencies

These identified agents who actively recruited young women were aware of the ages of these young women, thus knew that they were underage. The young women described their fear of the agents who were verbally and physically abusive, and while not explicitly stated, inferred that they experienced sexual abuse as well. The environment in which the agents placed these young women both on arrival in Cape Town and the actual work placement reinforced for the young women that they had no or little option of escape. The fact that some young women who tried to escape were returned and subjected to further abuse added to their sense of being held captive.

Employers

While there were young women with positive experiences in relation to their employers, the bulk of experiences shared about their place of work were that they were subjected to verbal, emotional and physical abuse. They worked very long hours (ranging from 10 hours to 18 hours per day, for 7 days a week) and employers had no respect for their privacy (called to clean the kitchen at 9pm following a family function). In sharing their experiences, these young women mentioned that they never (or seldom) left the house where they worked because while the family did not say they could not, they knew it was not allowed. One young woman kept stating that she chose not to leave the house because she came to Cape Town to work and not walk the streets. Her body language however alerted she may have had some negative experiences when trying to go out on the rare days that she was not working.

- Available Support
In finding themselves in these situations that left them vulnerable, desperate and unsafe, some of the young women sought assistance but had limited options available to them.

One of the young women had an aunt to whom she turned thus had a far greater sense of being able to leave the 'captive environment of the job placement'. Through the support of her aunt she was able to return home to her family. However, very few of the young women have family/friends in Cape Town who can assist them.

Most of the young women indicated that their best option is to seek assistance from the police however there is no guarantee that they will be helped. One experience revealed that there was not an immediate response from the police when assistance was sought instead they were sent back to the 'job placement environment' with the promise that they would be helped. In the absence of such help, additional action was taken by sending a note to the police and only then, did the police assist in fetching the young women and arranging for them to be taken back home. Not only was there a lack of an immediate response from the police once they were aware of the situation in which these young women find themselves, but the police also took no action against the recruitment agent/agency or employer.



In relating her experiences as a child domestic worker, one young woman indicated that her mother turned to the criminal justice system by laying a charge. However, no details were provided about how the matter has progressed, if at all.

Abigail's story

Abigail gave a rendition of her story from the time she left school, how she was transported to Cape Town and what happened at the agency.

She left school in grade 11. She made the decision to work as she wanted to help her mother. She was 16 at that stage. She did not receive any permission from her mother to seek employment.

There was a taxi in the area recruiting girls for "Excellent Domestics" in Cape Town. The girls were told that they were going to work in a factory in Woodstock. The girls all got into the taxi. They were not forced. They eventually got to Cape Town and were taken to Blue Downs to sleep at the driver's house. The next morning they were taken to Woodstock. This was another office for the recruitment agency. It was here that they were 'paraded' in front of clients looking for domestic workers. The questions posed to them were if they were 'African' or 'colored'. They were asked if they have any illnesses and whether they drink and smoke. The interviews took place in a back room. She stated that all the girls that were 'fair-skinned' were taken that day.

That night they were taken to the agency's premises in Rylands. She said that it was then that the girls became scared and wanted to run away. They walked off and met a taxi driver that they knew from home (Attie). He was prepared to take them home when the Mia's agency drivers came on the scene. They grabbed the girls' bags and threw it in the cars they were driving and told the girls to get in. The girls eventually got in and the cars sped off. Attie followed them but the Mia's drivers eventually lost him. They slept at the Rylands office. She said they all slept in one room. The room was infested with rats and cockroaches. There was one toilet that was so dirty she had to relieve herself outside. They had to wash themselves in buckets.

The next morning they were taken back to the Woodstock agency. She stated that they had to use the toilets that were in the park across the road. She decided that she needs to do something before a client takes her. She asked to go to the 'toilet'; however she ran to the police station. She told the police details of herself and that she wants to go home. The police said that she must go back that they would come. They never came. She then decided to write a letter and sent it with another girl to the police station. The police eventually came. They then took all the girls that wanted to go. The police from Murraysburg came to fetch them.

Her mother was the first parent to lay charges against "Excellent Domestics". When we asked Abigail to tell us about Mr. Mia, she literally shuddered. She said that they were scared of him. He screamed and swore at the girls. She heard stories of how as he passed girls in the house that he would touch them sexually. She made reference to the fact that he liked to "travel" with girls.



**Merrel's story**

She was 17 years old. She left school in grade 9. Her reason for leaving was to try to help her mom in supporting the household. She stays in a 3 bedroom home but there are 12 occupants in the house. Due to lack of space some sleep on the floor and some on mattresses. Her mom takes care of other peoples children. These children's mothers are in Cape Town working. She had to take care of the other children in the house; she cooked and cleaned every day.

Merrel has no self confidence. She is very soft-spoken and one could pick up that she lacks self-esteem. She abuses alcohol and admits to the fact that she drinks excessively. The only constant 'income' in the home is her parent's pension and 4 of the children receive a Child Support Grant. She has been to Cape Town 4 times.

First trip: She left with Attie. She was 14 years old at the time. She was directly placed in a household to work. She went to Rylands. The house that she worked in had 5 bedrooms and 4 bathrooms. The employers were aware of her age. They treated her 'roughly' in the way that they spoke to her. Her job entailed cleaning the house, cleaning the cars. She started work at 8.00am and ended at about 7pm. She worked Monday to Sunday. She was paid R300 for the month after all taxi fees deducted. Her living conditions were fine in that she had her own room. She said that she always felt 'different' to them. She never went out or left the property. She says that nobody stopped her; however she says that inherently knew that she could not go. She kept on saying that she did not want to out, she never came to walk around. She was there to work.

Second trip: She was 15 years old and went to work during the December holidays. This time she was placed in a home in Rondebosch. It was also a 5 bedroom house. Her duties included house work and cleaning the cars. She was paid R200.00 for the month that she worked there after deductions. She was treated really badly by these people. She had her own room with a shower and TV.

Third Trip: She went to Cape Town the next December holidays. She worked in Rylands and said that the employers treated her really well. She was called in after 9pm when they had guests or functions to clean the kitchen. She said that she did not mind as it did not happen often.

Fourth Trip: She was happiest at this place of employment. They treated her as an equal. She worked a 10-12 hour day. They paid her R400.00 when she left.

Nadia's story

Currently Nadia is 20 years old and she is a single mother. In 2004 she was 17 and in December that year Attie transported her to Cape Town. She left school in grade 11 after she failed. Her reasons she sited for leaving school were that she was lazy, she had no interest in school and truancy was a big problem. The teachers had no interest in the children and what they were doing. She says that the teachers 'het hulle afgedruk (they undermined us)', said things like 'jy sal dit nie maak nie (you will not make it)', and 'jy sal druij voor die einde van die jaar (you will fail before the end of the year)'. All these comments and attitudes demotivated from staying at school and she decided to work. Her parents gave her permission to work.

In 2005 she came with the Mia taxi to Cape Town. They came in a Venture and there were 13 passengers. When they got to Cape Town they spent the night at the driver's house in Eerste River and all of them spent the night on the floor in the front room. She was taken to the Woodstock office. They were told that they would have a choice in employment and that they





would be earning R800.00 a month. The client that came was looking for an 'older' girl to work in a take-aways. She volunteered to work for him in Phillipi. She worked for one week. They started work at 7am and ended work at 2am. They also had to do domestic work thereafter. They worked for the full 7 days in the week. On Sunday afternoons they were 'off' however they were required to do domestic work before they could leave. They were given a trial period by the employer. If the performance was poor they were paid R600.00 and R800.00 if your performance was good.

Nadia found the work extremely difficult and tiring. One of the other girls told the employer that she was not happy and she was complaining that she wanted to leave. The employer verbally abused her and then later returned her to Mr. Mia. The employer gave Mr. Mia R100.00 for her work for the week. Of that money Mia only gave her R30.00. She did not get any other work and then decided to take a train to Stellenbosch to her aunt. There she stayed for a month and her aunt put her on a train to Murraysburg. She has never returned to Cape Town for domestic work or any other work.

Currently Nadia is living with her parents, her 3 brothers and a sister. Both her parents are unemployed and the rest of the siblings are still in school. Her sister worked in Cape Town and later died. The sister has a two year old child and her mother then adopted the child. They receive Child Support grants in respect of her child and her sister's child. They all live in a two bedroom house and those that cannot get place in the rooms have to sleep in the kitchen and front room. They do not own a fridge and they cook on a coal stove.

(c) Nyanga Boys and Girls

While we were aware from the outset that the group comprised orphaned and vulnerable children (Day 1: 14 girls and 8 boys & Day 2: 15 girls and 8 boys), understanding the contexts of these children was essential to gain insight into the type of work that they would be engaged in and their perceptions of this work. Through the non-threatening approach of story-telling, we established a good rapport with the children and simultaneously gleaned useful information about their home environments.

- The Homes

The stories of the children all indicated that Pumla and Themba, who lived in an environment that most resembled their own, came from poor homes. This was indicated based on the way in which they referred to the types of houses, facilities and possessions within the homes, condition and size of the houses and amount of food in the home.

The houses were generally described as brick houses, with the majority having running water (a tap outside the house), electricity (and/or gas) and outside toilets. The possessions within the house spoke mainly to the bare necessities such as a bed, table, fridge, stove and lamp and in a few of the houses there were also televisions. In addition to the sparsely furnished homes, in the group of 12 year olds, the children indicated that the house was in need of repair "It is old and has no ceiling boards – it's very cold especially in winter". Most of the children indicated that ablutions occurred inside the house however, there were drawings in which the children showed that family members washed in a basin outside of the house. The sizes of the houses were generally small and this was most noticeable when the children spoke about the sleeping arrangements (sharing beds, using the lounge as a bedroom at night). In the group of 13 year olds, they told two stories about the home environment of Pumla and Themba. In the one story, the house they drew was very large (a double-storey), however, the story they shared indicated that the family was poor in that they had limited income from an old age pension grant and often had insufficient food in the house – surviving from one pension payment to the next.





- Household income

A further indicator of poverty children in this community face was in reference to the household income. Within each of the stories shared, Pumla and Themba either lived only with one parent or with a grandparent(s) and/or with extended family. Extended family they mentioned was not only aunts and uncles but also older siblings who had their own partners and children.

In very few of the households did all the adults work. Often only one adult worked and the work they conducted was poorly paid such as domestic work, cleaning and council work, thus bringing limited income into the household. Some children indicated that the money that came into Pumla and Themba's households in this manner was sufficient, but several stories stated otherwise. In the event that income into the household was not through work, it was in the form of grants, namely old age pension, child support and disability. According to some of the stories shared, grants served as an additional source of income, however in many households, one type of grant was the only source of income. Children indicated that when this was the case, the money would not last the entire month and they often went through periods without food until the next grant payment.

- Work that children perform: paid and unpaid

The discussion regarding the work that children (Pumla and Themba) performed was facilitated through the use of magazines. In developing posters that reflected the types of work children are involved in, the groups provided insight into work both inside (unpaid) and outside (paid) of the home and the perception of and motivation for the work.

In some of the groups, the children made a distinction between the work Pumla and Themba did in their own homes and the work performed outside of their homes. The work inside the homes was often described in relation to chores for which Pumla and Themba were responsible and the work outside the home was described as a way to bring additional money into the home either to buy groceries, ensure lunch for school and/or buy clothes.

In relation to work inside the home, Pumla and Themba sometimes shared tasks such as making their own beds and washing their own uniforms. Other tasks were divided, often along gender lines, for example, cooking, cleaning and washing clothes was defined as Pumla's chores whereas Themba's chores included bringing water into the house, cleaning the garden and clearing the yard. This was not always the case as there were times that Themba was the one with the responsibility of washing dishes and cleaning windows.

Outside the home, the gendered division was more apparent with Themba performing jobs such as cleaning the neighbour's yard, looking after the neighbour's animals, washing cars and acting as a taxi guard who assists the taxi driver. Pumla's work outside of the home included sweeping, washing and ironing clothes, selling biscuits in the neighbour's spaza shop.

Work and the gendered division of work were most pronounced in discussions regarding free time to play and time to do homework. The boys in some groups indicated that they had time to play and do their homework, while many girls indicated that they had no free time and they had to do their homework at midnight.

In some stories shared, the children gave an indication of the payment (either monthly or daily) that Pumla and Themba received for tasks outside of their homes. Monthly payments varied from R100 to R150 and daily rates from 50cents to R15. The children indicated that when the neighbours paid them a little money for work they did, their earnings were not supplemented with food or clothes (strongly expressed in group of 12 year olds).





2. STATE RESPONSES

Representatives from four state departments identified as most critical to addressing child domestic work were interviewed. The information they shared is presented below with the following core issues highlighted: Interpretation of Legislative Framework; Mandates and Policies; Intervention Procedures and Inter-department Collaboration.

(a) Department of Labour

- Interpretation of Legislative Framework

The main piece of legislation governing the work of the Department of Labour was identified as the Basic Conditions of Employment Act (BCEA). The interviewee noted however that there are also regulations such as the Employment Agencies regulations which have relevance to the departmental response in relation to recruitment agencies in particular. The interviewee stated that the Employment Agencies regulations are outdated and new ones for the regulation of Private Employment Agencies are in the process of being formulated. These regulations will institute minimum standards as well as punitive measures. A draft of the regulations has already been published and the interviewee indicated that these regulations are currently awaiting the Minister's signature to sign them into effect.

The interviewee also made reference to the importance of the Skills Development Act which compels registration of Private Employment Agencies. He cautioned that without the regulations no punitive measures can be instituted when discoveries of non-compliance are made.

In reference to the BCEA, the interviewee highlighted that child domestic work is a grey area. He explained that according to the BCEA, it is illegal to employ children 15 and under. This aspect of the legislation is reinforced in terms of the South African Schools Act which makes schooling compulsory for children 15 years and under. However, no such protection is provided for children 16 years and older. For example, even though the BCEA states that children between 16 and 18 years, should not engage in unsuitable work it provides no guideline in respect of what constitutes unsuitable work for children between these ages.

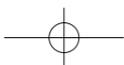
The interviewee noted the relevance of the Children's Bill which will replace the current Child Care Act and also acknowledged the fact that South African law has to conform to international instruments such as the Convention on the Rights of the Child and International Labour Organisation standards.

- Mandates and Policies

According to the interviewee, the Department of Labour administers all issues related to the BCEA and stated that the identification of children who are domestic workers are therefore an integral part of the work of the labour inspectors. However, the interviewee also added that the Department of Labour has no specific budget therefore, no dedicated personnel dealing with child labour. And, as a result, the issue of child labour is included in the inspection checklist of all labour inspections.

- Intervention procedures

The interviewer identified departmental intervention procedures in response to child domestic workers according to three issues, namely (1) procedures followed when dealing with child domestic workers, (2) prosecution and (3) recordkeeping.



**(1) Procedure followed when dealing with child domestic workers**

All inspectors of the Department of Labour are instructed to bear in mind the investigation of child labour and child domestic workers. Reactive inspections (after a complaint is received) and proactive inspections are conducted. The proactive inspections consist of door-to-door inspections where 10 inspectors will enter an area and conduct 6 interviews per person per day. They will ask about whether there is a domestic worker and interview that worker about conditions of employment, age and whether they know of any child domestic workers. Most of these inspections are conducted between 5pm and 6pm in the evening. This means that the employer is often present. If there is any wrong-doing the employer will most likely hide it or deny it. When these inspections occur, word of mouth about the inspections spreads quickly and wrong-doers are prepared when the labour inspectors arrive at their doorstep.

Reports of child domestic workers are received from the social partners and stakeholders especially non-governmental organisations, community based organisations, members of the community and sometimes neighbours. However, it is not often that cases of child domestic workers are reported to the labour centres. The interviewee stated that when Department of Labour investigations are made either the child domestic worker is not found or there is blatant denial of any child domestic worker. He also added that when child domestic workers are identified during routine inspections, the Department of Labour is not able to remove the child immediately. The Department of Labour official notes dejectedly: "Child domestic work is part of their checklist for inspections. They sometimes lack the soft skills to be able to deal with children. It is so different from their normal functions." Only the police or social workers are able to remove the child. Removal of any 'employee' by the Department of Labour is reportedly only possible when there is a contravention of the Occupational Health and Safety Act and there is a safety risk. The removal of children to places of safety such as shelters must be initiated by the police or social workers. The Department of Labour also does not get involved in returning any domestic workers to their place of origin. The Department of Labour official notes anecdotally that to his knowledge the "police pass around a hat to raise money for a train ticket but this practice is not sustainable as it has become unaffordable due to the prevalence of cases".

(2) Prosecution

The Department of Labour official believes that there is a big market for the services of domestic workers. In addition, the agencies who supply these domestic workers believe they are providing a valuable service and doing something good for the domestic workers as the areas where they come from for example Beaufort West has no employment opportunities for them. "They [recruitment agencies] believe they are doing these people a favour and then what right do they [domestic workers] have to become disrespectful [when they report cases]." There are some agencies who post an advertising board but others do not advertise, they raise awareness of their services by word of mouth. Although 5 years ago there were 8 agencies operating in the Athlone area, the official does not think that there are this many agencies these days even though he says the demand has increased.

It is very hard for the Department of Labour to identify recruitment agencies that contravene the law. "Recruitment agencies deny everything [if they are recruiting children] and there are often no records. The inspectors will interview everyone present at the premises and ask for the registration certificate. They often say they will apply tomorrow. They already know the limits of the enforcement [lack of regulations that make punitive measures impossible] and the procedure that the Department of Labour follows."

The Department of Labour compiles affidavits for the criminal court process in order to ensure the successful prosecution of recruitment agencies. This is presented to the senior public prosecutor who has the discretion whether to prosecute. The Department of Labour goes as far as preparing proposed charge sheets but it is up to the Department of Justice if they want to accept this.





(3) Record-keeping

In the Department of Labour there is no central database of registered domestic agencies. Each labour centre may have information about labour law infringements administered by the Employment and Skills Development Services division. In addition each provincial department may also have their own record keeping system. However, these systems are not coordinated and therefore may be of little use in terms of tracking down all the information needed to for example inspect all recruitment agencies at one time. The official interviewed hope this problem would also be addressed by the new regulations which institute measures for the centralisation of data and would enable Department of Labour to enforce compliance and enable the department to take matters to their logical legal conclusion. For example when they identify recruitment agencies that employ children as domestic workers they can charge them and ensure all information is collected that will ensure successful prosecution of the agents. The Department of Labour official opines "...without proper statistics it is difficult to justify [a special focus on child domestic workers] but judging on the impact and consequences on the children alone this is serious enough to warrant special attention regardless of the numbers."

- Inter-department Collaboration

The Department of Labour official notes that there is no official protocol binding departments to work together. There are no formal agreements or informal one that forces cooperation. Informal cooperation agreements are made across departments in the field. The official had no recollection of a Child Labour Sectoral Task Group which existed. He tried to recall the specifics of this process: "...there may have been a move to establish this but nothing came of it and nothing was established. There is no other structure."

(b) Department of Social Development

- Interpretation of Legislative Framework

The interviewee identified the Child Care Act which is being revised into the comprehensive Children's Bill as the main piece of legislation that guides their work with children. She stated that the entire department (social workers and managers of all 16 districts) was involved in the process for evaluating the Children's Bill with the Law Commission to reflect on the implications for practice, service rendering and structures required as well as the impact on beneficiaries. Acknowledgement was also made of the special provisions for children in the Constitution as well as the relevance of international instruments such as UNESCO Children's Charter which frame the work of the department.

- Mandates and Policies

The Department of Social Development's key strategic goal is the care and protection of children and vulnerable groups. Therefore they view the well-being of children who are forced into domestic work as a primary concern of the department. The interviewee stated that the Department of Social Development consider themselves generalists, looking to non-governmental organisations dealing with this issue to be the specialists on child domestic workers.

- Intervention procedures

The interviewer identified departmental intervention procedures in response to child domestic workers according to three issues, namely (1) procedures followed when dealing with child domestic workers, (2) prosecution and (3) recordkeeping.





(1) Procedure followed when dealing with child domestic workers

Cases of child domestic workers may come to light for the Department of Social Development because of reported abuses. The Department of Social Development provides support and counselling as a first step. Thereafter they will find temporary accommodation in the shelters in the area. There are 3 shelters in the Athlone district – Saartjie Baartman; Carehaven and Place of Hope – which are able to provide accommodation and support to women and children who are survivors of abuse. These shelters are available to survivors for a period of 3-6 months until women or children are able to leave. In one specific instance, according to the official interviewed, Department of Social Development was requested to provide temporary shelter and transport home for child domestic workers. The official reported that “...the youth were put on the road.” and the Department of Social Development felt obliged to assist. The Department of Social Development official has critically engaged with the issue of ‘repatriation’ of domestic workers as poverty forces them to come to the city and keep returning to the city. The official asks: “Is it correct to send people back if they come to the city to look for work or should we not look at other alternatives for staying in the city?... people get(ting) off at the next station”.

There are no regular reports of Child domestic workers to the Department of Social Development district offices even though there is 24 hour accessibility of the Department of Social Development (during offices hours at the district office and after hours at the Saartjie Baartman Centre). Department of Social Development takes responsibility for children older than 12 years whereas the Child Welfare Society takes care of issues that affect children younger than 12 years through their ‘Eye on the Child’ programme.

(2) Prosecution

The Department of Social Development official is also not aware of any reports to their offices of either recruitment agencies or employers using Child domestic workers. The Department of Social Development operates a job desk for youth to find employment but the Department of Social Development official notes that they have not been asked for domestic work opportunities.

(3) Record-keeping

The Department of Social Development has no specific statistics about cases of child domestic workers that they have identified or worked with.

- **Inter-department Collaboration**

The Department of Social Development fosters partnerships with other departments such as the SAPS, Health and Labour. The department has regular contact with the SAPS but the relationship with the Department of Labour is not as good. The Department of Social Development has initiated local advisory committees as part of their outreach programme consisting of non-governmental organisations and Community Based Organisations who are supported by the Department of Social Development. This is a monitoring mechanism for Department of Social Development to ensure constant feedback from civil society partners. However, there is an open invitation for departments to attend these meetings and discuss topical issues affecting the serviced community.

(c) South African Police Service

- **Interpretation of Legislative Framework**

The interviewee indicated that the legislation which is most relevant to their work with child domestic workers is the Child Care Act. However, he added that this legislation has very limited impact on the issue of employment of under aged children. The issue of trafficking (including trafficking of children for employment) was identified as a great concern of the police however there are currently no laws that address the issue of trafficking.



- Mandates and Policies

The South African Police Service (SAPS) viewed child domestic work as a social crime. The influx of domestic workers in the Athlone area was attributed to poverty and reportedly resulted in more cases of assault, sexual abuse, drug mules and informal settlements. "The police become the first stop for these young ladies with employment problems such as unfair dismissals and abuse." However, there is no special policy or project related to child domestic workers within the SAPS.

- Intervention procedures

The interviewer identified departmental intervention procedures in response to child domestic workers according to only two issues, namely (1) procedures followed when dealing with child domestic workers, and (2) recordkeeping. No information was shared regarding the departmental intervention in relation to prosecution.

(1) Procedures followed when dealing with child domestic workers

The SAPS primary concern is to get the child out of the custody of the employers. Thereafter, they ensure that the child is referred to a place of safety – the first port of call would be the local police station. In addition, the child is directed to a victim support system which may be the trauma counselling rooms at the police station. The police take a statement of the crime and fill in a skeleton docket in the case of a minor. In most cases the docket would be categorised by the criminal incidents that occurred during employment such as rape or assault. Once these procedures have been completed the child is placed at a shelter. The police officer interviewed reflects despondently: "We have not received reports of child domestic workers. We cannot identify them at all as they are in the houses. Policing this becomes a difficult task and relies on the community to do what is right. No policing can happen behind closed doors." In practical terms domestic workers come to the police station wanting to return home or change employers. They would like the police to intervene in obtaining their clothes and the money owed to them from the employers. The police are able to assist in collecting their clothes but have to advise the domestic workers that they would need to sue for the money owed to them. "They are unable to return home as the situation there is dire. Sometimes the ladies are trapped because the employment agencies say that they owe them money."

(2) Record-keeping

Police records of child domestic workers are not well maintained. The official interviewed report that it is difficult to track down these statistics as there is no system in place to do so. The trauma counselling rooms keep an occurrence book which he assumes would be the best record for determining the context in which the domestic worker was employed.

- Inter-department Collaboration

The SAPS official stresses that they are compelled to work with other agencies even though bureaucracy sometimes hinders this cooperation. The primary partners of SAPS in the protection of children in domestic work are social services, clinics, community safety, the rapid child response unit and Department of Labour. They exchange information, conduct joint youth and awareness programmes and refer cases to each other.

(d) National Prosecuting Authority

- Interpretation of Legislative Framework

The interviewee indicated that four pieces of legislation has bearing on the National Prosecuting Authority's work in relation to children, namely the BCEA, Skills Development Act, Child Care Act and Children's Amendment Act. With regards to the BCEA, the interviewee stated that the National Prosecuting Authority could prosecute on the basis of chapter 6 section 43 which relates to the age when children should not normally be employed i.e. under 15 years of age which is also the school-leaving age. She also noted that section 33 of the Skills Development Act also provides a framework for addressing child domestic work.





Reference was also made to the use of the Child Care Act when prosecuting cases of sexual exploitation which is the more common basis of prosecution in relation to children. In outlining the relevant legislation to the National Prosecuting Authority as pertaining to children (and child domestic work), the interviewee noted that section 141 of the new Children's Amendment Bill, which is yet to be passed into law, will be most useful as it elaborates on the exploitative labour concept that exists in the BCEA and adds special provisions in relation to child labour.

While these pieces of legislation guide the work of the National Prosecuting Authority, the interviewee emphasised that the evidence of the child involved would be crucial in these matters, thus it is important to ensure adequate protection for children as testifying is intimidating and traumatising. She therefore indicated that children under 16 receive special protection from the court under section 170A of the Criminal Procedures Act 51 of 1997 if an application is submitted to the court for the child to testify using electronic media to communicate with the court. The child will then be spared from interacting with the court officials as well as the perpetrator personally as the child will testify in a separate room using the services of an intermediary which may be an adult trusted by the child i.e. a social worker or teacher. With regards to children over 16 years, the interviewee stated that the child will have to site extraordinary circumstances why they cannot testify in court. These would include issues such as the child being abused or threatened, suffering mental stress at the prospect of being faced with the perpetrator.

A host of other important information that the prosecution will need to establish in any of the cases includes whether there is an offence in the first place, the relevant sections of legislation that would form the basis of the charge, the child's age, whether the employer or recruitment agent was aware of the child's age (this may be difficult especially when the child's physical appearance may cause someone to believe that the child is older than their chronological age); whether there is in fact not a prevailing court order giving special permission for the child to work as the child is for example the head of a household (this applies specifically to over 15 year olds). She included that the court will, however, assert criteria of the type of work the child is allowed to engage in so as not to contravene current legislation. The other important factor is whether the child is in fact being forced into labour. The case will then be dealt with in relation to the specific circumstances and then each case will be judged on merit. The National Prosecuting Authority would decide whether to intervene based on the special circumstances of each child.

- Mandates and policies

She reported that to her knowledge and that of her colleagues, they have not dealt with even one case in relation to child domestic work. She replied that it was difficult for the National Prosecuting Authority to be the lead organisation in this issue as the level of awareness of the problem is virtually non-existent. The interviewee stressed that unless it is proven to be a 'real' problem the National Prosecuting Authority would not necessarily become proactive in the issue. She reiterated that it is necessary to be aware of the prevalence, frequency and target areas where the problem exists and especially age at which children are involved because "...if this is affecting for example 9 year olds, this would be alarming and it would urge the National Prosecuting Authority to react and to put a stop to the phenomenon". Therefore, the interviewee suggested that cases should be identified and thoroughly investigated.

- Intervention procedures

The interviewee stated that to her knowledge the National Prosecuting Authority has not dealt with any cases relating to child domestic workers. However, she shared some insights regarding intervention procedures according to two issues, namely (1) procedures followed when dealing with child domestic workers, and (2) recordkeeping.



**(1) Procedures followed when dealing with child domestic workers**

She notes that if they do deal with such matters, there are numerous challenges that they would face. On the one hand, there is a lack of awareness in the National Prosecuting Authority of this issue, therefore there will first need to be awareness raising in order for them to formulate a reactive or even proactive response. Also, the interviewee stated that the National Prosecuting Authority needs to understand the issue in terms of whether a criminal case can be brought against perpetrators in relation to either the BCEA or the Child Care Act. The complexity of this matter was further highlighted as the procedures that the National Prosecuting Authority would need to follow has to include an examination and interrogation of the facts and evidence peculiar to each case in order to identify loopholes or pitfalls relating to the investigation. Only once this is known can recommendations be made to the police or social services about the procedure to follow in investigation that would eventually ensure successful prosecution. The precedent of a successful prosecution will then be the benchmark against which all other cases would be measured. However, in terms of the punitive measures that relate to cases such as these, the interviewee was of the opinion that perpetrators with no previous record of convictions would simply plead guilty as they are unlikely to receive a jail sentence especially if there is no statutory penalties attached to the guilty plea.

Another big challenge the interviewee identified is the lack of general awareness in the National Prosecuting Authority that child domestic labour is an offence. Thus she suggested that there is also a need to define child domestic labour and to differentiate it from household chores by noting especially that work is done in another home for money when the child is not of age to work. She further suggested that the prevailing culture of the definition of child domestic work also needs to be interrogated and then one can ensure that agencies such as social services especially looks for indicators of this phenomenon when conducting investigations.

The interviewee also indicated that it is not only government departments but anyone with an interest in the welfare of the child that could bring a case to the attention of the National Prosecuting Authority in accordance with the Child Care Act. She also stressed that even in this case, the buy-in of the child is crucial. And further indicated that if the matter is reported by the neighbour and the child is unable to testify it would mean that physical evidence needs to be provided in the case by members of the household where the child was employed.

(2) Record keeping

The interviewee was not aware of any database on local or national level that captured this type of information.

- Inter-departmental collaboration

The interviewee was not aware of government fora that deal with the issue of child domestic work.



chapter 4 | Analysis

A) KEY ISSUE: CHILDREN'S VOICES

- An ongoing cycle of poverty and vulnerability

All the information gathered from the children at each of the selected sites revealed that extreme poverty (in their homes, communities and new environments where they are 'forced' to work) defines their lives and highlighted the extent to which they have limited (or no) choices that enable them to improve their lives, thus trapping them in a cycle of poverty and vulnerability to ongoing exploitation.

The findings sketch a picture of households with limited income, a strong reliance on grants and limited access to basic services and of children who live with hunger, watch caregivers struggle to cope with providing for the household and live in fear of losing a household member because of its impact on the ability of the household to survive. The poverty experienced within the household had profound effects on every aspect of the children's lives in that children left school to seek work and sought work either that was poorly paid or with persons who had a history of exploitation and abuse. The poverty that defined the children's lives placed them in positions whereby the limited choices at their disposal merely exacerbated their vulnerability and made their ability to escape poverty impossible. Thus, instead of children fulfilling their dreams and aspirations of securing independence, escaping poverty, and improving their and their families' circumstances, the limited choices available to them (for example, domestic work) merely left them in situations that differed nothing from the reality they were hoping to escape. Instead of escaping poverty, they are thus trapped in cycles of poverty that make them vulnerable to ongoing abuse.

B) KEY ISSUE: STATE RESPONSES

- Child domestic work: An unknown non-priority issue

While the various departmental officials interviewed identified legislation that provides the framework for their interventions in relation to children generally, there was clearly a lack of awareness regarding child domestic work, specifically. The lack of awareness was evident from their low levels of information regarding this issue; with many posing questions around incidence rate, areas of prevalence and who exactly deals with such matters. The implications of this lack of awareness are that the issue of child domestic work is not prioritised within these government departments. However, even when a departmental official had knowledge of the problem of child domestic work, it was still apparent that the department which the official represented did not prioritise this issue. The absence of formal protocols, lack of mechanisms and systems to identify and record cases of child domestic work, failure to allocate funds and insufficient human resources to address the problem of child domestic work are all indicative of departments not prioritising the issue. Thus, not only is there a lack of awareness of this problem among departmental officials but when confronted with the issue of child domestic work, these key departments have no effective strategies to respond.





C) CROSS-CUTTING ISSUES

- Recruitment agents/agencies: 'Untouchables'

Community members (including children), organizations as well as government officials are aware of the way in which recruitment agents/agencies operate; their abusive behaviour and their active luring of young children into work situations. This knowledge about recruitment agents/agencies is documented in the available literature on child domestic work and echoed in the above-mentioned findings. However, these agents/agencies continue to operate – both in communities where children are originally from as well as communities where children are placed to work – without any serious repercussions. The implications of this is that the message to children in particular is that these recruitment agents/agencies are out of the reach of the law; they are 'untouchable' and therefore can do as they please, thus children cannot be protected from them. This failure to protect children from these agents/agencies is reinforced, for example, by the fact that even in a situation where a case is brought against an agent, the agent continues to operate and police who are aware of this, remain reluctant to take harsh steps against this agent.

- Children: Unprotected and unsupported

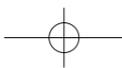
The extent to which 'child domestic workers' are unprotected and unsupported is reinforced by the fact that there is limited help available to them and when they are helped, the assistance they receive is unable to offer adequate protection. On the occasions when children sought assistance from government departments (mainly from the police and social development), they were not necessarily helped immediately. And, when they were helped, the type of assistance was not effective in protecting them from further abuse and exploitation. For example, when seeking assistance from the police, one young woman was told to return to the abusive employer and wait for the police to come help her, however, they only came to assist after her continual pleas for help. The ineffectiveness of the assistance provided by government departments also emerged when the officials interviewed identified the (limited) ways in which they intervene in these matters. For example, the Department of Social Development referred to provision of counseling services and placement of children in temporary shelters.

This limited and inadequate support available to these children is a further reminder of the cycle of poverty and ongoing vulnerability that 'enslaves' them.

- Child Domestic Work: Lacking a clear definition

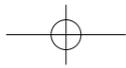
The literature review as well as the findings of this research indicates that the issue of 'child domestic work' is not clearly defined and understood. The children interviewed were unable to discern between acceptable and exploitative labour whether in their own homes or when working for others and accepting payment. The work in their own homes was not referred to as 'child domestic work' but as chores for which they had responsibility for in their homes. There is a lack of clarity as to when household chores become exploitative. Work which children performed outside of their homes for payment (in money or for food and clothes) was also not defined as 'child domestic work' but rather as a means of assisting their families to survive. They had no sense that it was illegal/wrong and exploitative.

This difficulty in defining 'child domestic work' also emerged in the interviews with government officials. While the government officials interviewed made reference to relevant pieces of legislation that provide protection for children (also raising concerns that the existing legislation left children aged 16 – 18 years vulnerable) and outlined the generalized response they have to matters concerning children, they expressed uncertainty about what exactly constitutes child domestic work, thus the process of identifying child domestic workers and the practical implications for their departments in responding to an issue that is filled with so much ambiguity.





This greyness in definition expressed by children and departmental officials alike has an enormous effect on addressing this problem effectively. For example, when a practice is not defined and recognized as problematic and illegal, reporting this practice to relevant authorities is unlikely, and on the rare occasion when reports are made, limited intervention (if any) will occur. This lack of a clear definition thus contributes to the continuing practice of child domestic work and continuous ineffective responses.



chapter 5 | Recommendations

Introduction

The research sets out to gather information on the situation of child domestic work in the Western Cape through the use of primary and secondary data. The information gathered from children and state departments provide useful insights that can guide work in this area. However, the recommendations below are specifically tailored to inform ANEX-CDW's strategic planning process.

All data collected point to the continued low profile of this issue for all concerned. Therefore, the overarching recommendation is that ANEX-CDW, which currently operates on developing local level interventions, needs to reconceptualise itself as a national advocacy organization. ANEX-CDW therefore needs to define the focus of what the organisation wants to achieve in relation to child domestic work and formulate a clear advocacy message. If ANEX-CDW is to ensure the prioritisation of child domestic workers within society at large and government, they will require a clearly articulated advocacy campaign consisting of different components.

Research

Currently, the issue of child domestic work continues to be a grey and largely undefined one. The need for research is therefore critical and should focus on obtaining in-depth information on areas such as: deriving a definition of child domestic work; national incidence rates; hotspots for recruiting and placement; and investigation into current and possible intervention strategies on a community and state level. With such information at hand, ANEX-CDW will be in a far better position to elevate the campaign to a national status.

Coalition Building

In recognition of the time that it takes to conduct in-depth research, ANEX-CDW can simultaneously take steps to realign itself as a national organisation by building strategic partnerships with other national coalitions so that child domestic work is given a platform within existing children's rights groups. These types of partnerships are mutually beneficial. ANEX-CDW will benefit from the coalition as the profile of child domestic work as a growing social problem will increase. The coalitions, on the other hand, will benefit from the specialist knowledge ANEX-CDW has generated through its research and practice.

Lobbying

In addition to coalition building in civil society, the legislature and key government officials also need to be lobbied. Existing research already highlights the key pieces of legislation that has bearing on this work. ANEX-CDW should therefore lobby the legislature through submissions and presentations to profile the issue in relation to gaps that exist within the current legislation. The research reveals that there is a lack of adequate policies and standard intervention procedures when departments deal with the issue of child domestic work. ANEX-CDW can therefore draw on its experiences in protocol development in order to promote inter-departmental collaboration that focuses on prevention strategies, develops tools for identification of child domestic workers and fosters effective service provision. Lobbying therefore involves the following key steps: building strategic relationships with the legislature and key government officials who are able to change legislation and policies around how child domestic work is addressed; providing specialist information derived from research about critical issues affecting child domestic workers. This change that is effected through the lobbying process should be measured against the aims of the advocacy campaign.





Training

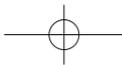
Only once ANEX-CDW has sufficient information to clarify all grey areas in relation to child domestic work, can specialised training be conducted about prevention strategies, identification of child domestic workers and enhancement of service delivery so that information attained permeates through all levels of society.

Media and information

In order to ensure that this issue is profiled broadly, various media strategies need to be employed. ANEX-CDW has gained experience in dealing with various media forms on the local level and should use this knowledge to make a national impact that concentrates on raising awareness as well as shifting attitudes.

Conclusion

Child domestic work is a phenomenon that takes various forms depending on the locality. This issue, while recognised internationally has only received limited focus in South Africa. The only organisation addressing child domestic work in South Africa is ANEX-CDW, a grassroots initiative. While it has attained some success at a grassroots level, ANEX-CDW will need to make strategic interventions to profile child domestic work on the national agenda. Although ANEX-CDW may employ a number of advocacy strategies to increase the national profile of child domestic work, certain factors will hamper its effectiveness. The primary factors that will make it difficult for ANEX to recast themselves as a national campaign include the limited number of staff and funding for the organisation to grow. Therefore, after conceptualising a well structured strategic plan, ANEX-CDW must embark on a vigorous funding drive that aims to increase its donor pool and human resource complement.



appendix 1 Interview guideline for child domestic workers

The interview guideline is structured so that a story unfolds of each child. It starts with capturing a description of whom each child is and where s/he comes from, then explores their encounters during the move to the city and then gathers insight into their work experience(s). The guideline draws the story to a close by detailing whether the child is able to maintain links with her/his home.

In obtaining each child's story, the researcher must remember the following:

- a. The safety of each child is priority
- b. Each child must be treated with the utmost respect
- c. Each child must be assured confidentiality of the information they share
- d. Each child can decide whether or not they wish to share information with the researcher
- e. At any time, a child can choose to end an interview or leave a focus group
- f. Gain permission from the children to tape record any of the information gathering sessions
- g. The information gathering process should occur in a manner that allows for an easy flow of information and not one that creates a sense of interrogation

The researcher therefore needs to inform each of the children of their rights during the information gathering process (if the information gathering occurs through focus group sessions, then these rights can also be visually displayed in the venue, if possible).

Steps for the researcher to follow:

- a. During the information gathering process, pay close attention to the children's behaviour, mood and tone, especially where shifts in either occurs
- b. Allow time for reflection after the information gathering sessions, so that observations made during the process can be noted immediately
- c. If you are conducting focus groups, use methods that do not always require lots of individual sharing as this can be intimidating for the children. Instead, make use of methods such as role-plays and mapping exercises

DEVELOPING A PROFILE

NOTE: Children's full names are not important in the information gathering process. In fact, use of pseudonyms (and informing each child of the pseudonym) reinforces the researcher's commitment to ensure confidentiality is maintained. The italicised points are key for the research.

1. Age:
2. Male/Female
3. Race
4. Education levels: Grade 1 - 12. At which grade did you leave school and why? If the child has had some tertiary education, also ascertain what was studied, for how long and what the reasons were for not pursuing studies further.
5. Home circumstances - describe the household i.e. who lived in the house, who had jobs, what type of jobs did each person do? How many meals did you have a day? Did you ever go to bed hungry? How many nights per week did you go to bed hungry?
6. What type of work did each person do within the house? Did everyone have chores?
7. Did your household have access to running water inside the house? If no, where did you get water? Who collected the water? Did you have electricity? Did you use electricity all the time? If no, when?



8. What type of illnesses were common in your household? Was anyone in your household continuously ill and do you know what the illness was? Was anyone in your household regularly hospitalised? Do you know how come?
9. Did anyone in the household receive a State Old Age pension, a disability grant, a child support grant?
10. What do you think were the main things on which the household money was spent?

TRANSITION TO THE CITY

1. When did you start thinking about leaving home? Who did you speak to about possibilities for leaving home? What plans did you make in order to leave home? Who did you tell about these plans? What made you make the decision to leave home? Who helped you leave home? How did you leave home (mode of transport)?
2. Talk a bit about the actual journey - what time did you leave? Were you alone? Did you have to pay? Was it a comfortable journey - did you stop along the way? For how long did you stop? Did you sleepover anywhere? Where did you sleep? Along the journey, did you have something to eat and were you able to go to the toilet?
3. What time did you arrive at your new destination? Do you remember the first place you were taken to? How long did you stay there? Describe the place where you stayed and who you stayed with
4. How long after you arrived did you meet your employer? Who introduced you to your employer? Where did you meet the employer? Describe this meeting. Did they tell you what work you would have to do? Were you told how much you would be paid and how long you would have to work each day? Were you told how many days per week you would need to work? What promises were made to you about the work? Could you decide not to take the job? Did you sign a contract? Did you understand the contract? Did you receive a copy of the contract? Who else kept the contract?

EMPLOYMENT HISTORY

1. Since arriving how many places did you work at? How long did you work at those jobs? What made you end those jobs?
2. Describe the households that you work for. What type of work did you do at each? Who in these households told you what work you needed to do?
3. What time did you start work? What time did you finish work? How many days a week did you work? Did you have breaks in your work day? How long were they?
4. When were you paid? How much were you paid? How were you paid? Were you ever paid less than what you were promised? Did you question this? What was the response?
5. Accommodation - Describe the place where you stayed (where did you sleep, where did you put your belongings, where did you wash, where was the toilet, where did you eat, what did you eat, how often did you eat)
6. During the time you were not working, did you leave the house to go out? Where did you go? Did you go alone?
7. How did your employers treat you?
8. If you are unhappy with your job, can you leave anytime? What makes you stay at this job?

LINKS TO HOME

1. When was the last time you were home? How often do you go home? What are the reasons for going home?
2. Did anyone from home come visit you where you work?
3. Do you send money home? How often do you send money? What is the money used for?

INTERVIEW GUIDELINE FOR GOVERNMENT DEPARTMENTS

DEPARTMENT OF LABOUR

1. What policies guide the work of the department in respect of child domestic workers?
2. How are the policies put into practice? Are the policies being reviewed/ developed?



3. Does department receive reports of child domestic labour? How often?
4. Who makes these reports?
5. What action does the department take upon receipt of these reports?
6. Do labour inspectors investigate reports of operating recruitment agencies?
7. Explain the registration process with regards to "registering the employment agencies."
8. Is there a policy on the monitoring and the evaluation of placement agencies?
9. What does the department do with the children that they find at an employer/recruitment agency? Are there shelters that you take the children to? Do you assist the children in returning home?
10. What does the department do with regards to the employer/ recruitment agency?
11. Why is there no central database that contains the details of all registered domestic agencies?
12. What structures exist within the department to address child domestic labour?
13. Does department work collaboratively with other relevant departments and civil society groups to address child domestic labour? How? What is the link between the department of Labour and SAPS as well as dept of Social Development?
14. Does the department still have a Child Labour Intersectoral Group? If so, what does this group do and who is the representative on CLIG ? If not, what has replaced this group?
15. What is the DoL definition of Child Labour and specifically child domestic labour
16. Are labour inspectors effective in ensuring the implementation of the BCEA?
17. Do all labour inspectors know the contents of the BCEA?
18. Has the DoL introduced training on child labour.
19. What are the criteria that the Department uses in order to grant the licenses to the Agencies?
20. What are the Departments challenges?
21. Have they received sufficient training around the issues pertaining to child labour?

SOUTH AFRICAN POLICE SERVICE

(Similar questions can be posted to Department of Social Development)

1. What policies guide the work of the department in respect of child domestic workers?
2. How are the policies put into practice? Are the policies being reviewed/ developed?
3. Does SAPS receive reports of child domestic labour? How often?
4. Who makes these reports?
5. What action does the department take upon receipt of these reports? Do they have a specific procedure that they followed?
6. Are the reports about operating recruitment agencies investigated?
7. What does the department do with the children that they find at an employer/recruitment agency? Are there shelters that you take the children to? Do you assist the children in returning home?
8. What is the response of the police when cdw's report cases of abuse or come to the police looking for help?
9. What does the department do with regards to the employer/ recruitment agency?
10. Does department work collaboratively with other relevant departments and civil society groups to address child domestic labour? How?
11. Are the police interested in training around the issues of cdw's as well as generally the protection of children?
12. Do the police refer domestic workers and cdw's to employment opportunities?
13. What are the challenges that SAPS face with regards to cases of cdw's?
14. How is this addressed?
15. What is the mandate of SAPS with regard to cdw's?



appendix 2 | Homestead boys' interviews

August -September 2006

Introduction

Julayga Alfred had identified two boys at the Homestead (shelter for street children) who were trying to get home after working for "Boere" in Cape Town. She negotiated with Charmaine, Anita and Gladys at the homestead to interview the boys.

Meet and Greet

The interviewer went to meet with the boys on Monday 28 August to introduce herself and ensure that the boys agreed to be interviewed. She explained the process of the tape recording and that it would be used purely as a recording mechanism and would not be broadcast. In addition, she explained that Julayga from ANEX would be present at the interview. Confidentiality and pseudonyms were discussed. The interviewer also explained that she would not be able to facilitate their passage home (even though this was how the Homestead staff member introduced her). She told them the research would be used to illustrate that boys were also involved in child domestic work and that others could learn from their experiences. The boys agreed to meet at 2:30 pm on Wednesday 30 August for the interviews. The younger boy, Rico, was the more self-assured and expressed his wish to go home in September. The older boy, Steven, was more quiet and docile but agreed to talk in the interview.

August interviews

The interviewer arrived at the Homestead a bit early on 30 August and waited for Julayga to arrive, sitting in her car in front of the gate. Rico came to fetch her out of the car, telling the interviewer the gate would soon be locked and she should come inside. The interviewer and the boys were given a room for the interview and exchanged pleasantries while waiting for Julayga. When Julayga arrived the interview commenced at approximately 2:45 pm after sorting out the recording equipment which fascinated Rico. He was very helpful in fixing the machine.

Rico's story

Rico presented with lots of bravado. He had a "don't mess with me" attitude about him.

Rico is a 14 year old boy from Rosedale in Uptington, he will turn 15 on 26 January 2006. He came to the Homestead at the beginning of the year and spends most of the day at 'Learn to Live' school in Cape Town while living at the Homestead.

Rico lived with his grandfather and grandmother, his mother is remarried and lives in an informal settlement with her husband. Rico says he has not seen his father since he was 5 years old and thinks he now lives in Pretoria. In the home of his grandparents, Rico lives with his 7 aunts and 8 cousins in addition to his sister (3 years old) and his brother (9 years old). He is very proud of being the eldest. Of his two cousins he refers most frequently to the eldest girl who is in high school and is a year older than himself and the eldest boy who is 21 years old and just recently released from prison. At this stage of the interview we did not realise the impact this male cousin had on Rico's well-being within the household. The household lives in a two-bedroom brick house with running water and a toilet just outside the back door. The household does not have permanent electricity but his grandmother buys prepaid electricity in R5 denomination from time to time. The one bedroom belongs to his grandparents and the other to the aunts. The children sleep between the two rooms and in the sitting room.

There are very few members of the household in formal employment and Rico says most receive "CPS geld (reference to social grants)", "baba of sick geld (child support or disability grants)". He thinks his grandfather and aunt receive disability grants. His aunt has TB and goes to the nearby clinic for her medication. His young sister is also very ill,



she was born with Asthma and has been hospitalised for it. (Rico was very sad when he spoke of his sister and cried bitterly). When Rico cried the interviewer reassured him by saying that we understood he missed his family and that he was worried about the welfare of his sister. He stopped crying soon hereafter.

His grandfather seems to have had the most secure employment with Spoornet - "hyt die spore gele - (he was involved in laying the railway tracks)." However, he is now retired and has been receiving a pension, Rico thinks he is presently over 70 years old. He remembers that when his grandfather received his pension payout he purchased a vehicle (bakkie) and furniture for the household "hy het baie goed gekoop (he bought lots of things". Rico thinks his grandfather still receives a monthly pension from Spoornet in addition to a disability grant from the government. The other person in the house that works in formal employment is one of his aunts. She was a domestic worker for a farmer who paid her R130 per month which she thought was too little and she stopped working there. Thereafter, his aunt worked as a seasonal farmworker on a grape farm "sy werk met die duiwe ...nou doen sy niks sy wag weer vir die duiwe (she is a seasonal farmer on a grape farm and has no other employment between grape-picking seasons)". Other than this, the household receives most of their income from grants. He noted that even his eldest cousin, the 21 year old, was unemployed. Rico says that his stepfather works as a painter.

Rico thinks the money in the household is used primarily for clothes and food. He remembers that they go to the town to shop at Shoprite perhaps on a monthly basis. He says he has never gone hungry "as daar nie kos is nie dan gaan ek na my ma se huis vir brood (if there is no food in the house I go to my mother's house for bread)". This seems to negate his assertion that he never goes hungry. Rico says that his grandmother is the one who cooks in the house and cares for him and his siblings. The aunts care for their own children. The eldest girl cousin is responsible for cleaning the house. Rico is responsible for cleaning the yard and likes to play with his friends - "dis lekker om met vrinne te speel (it is great fun to play with friends)".

Rico finished grade 6 at school before he was suspended for violence at school. He says his mother and grandparents were called in several times because of his violent behaviour. He admits to breaking windows and getting into fights. After a stabbing incident, he was suspended for from school for a year or two, he is not sure, but now asserts "ek kan nou terug gaan skool toe dis my reg, ek kan (I can return to school it is my right)". He reported later in the interview that his eldest boy cousin told him that if he did not want to go to school he should go find a job. To which Rico promptly responded that even though his cousin was 21 he did not even have a job.

His relationship with his eldest boy cousin was a traumatising one. He disclosed that he was beaten repeatedly in a very harsh fashion by him since he is out of prison. His cousin went to prison for stealing and violence. He says that his cousin often beat him "met die buckle kant van die belt (with the buckle of the belt)" inflicting wounds all over his body. He pulled up his t-shirt showing us the scars that the wounds have left. He says that he stabbed his cousin in the lung one time. Rico says that his cousin even assaulted their grandfather. On one occasion Rico used the back of the "piksteel (pickaxe handle)" to hit his cousin unconscious while he was fighting with their grandfather telling his grandfather to "doen wat oupa wil met hom (grandfather you can do what you want to him now)". From this it seems as if Rico sees himself as the protector of the family although he also knew he needed to protect himself from the abuse. This may also be the origin of his façade of bravado and indestructibility. However, his sensitivity in relation to his sister's health may indicate that he uses this bravado merely as a façade or coping mechanism to deal with the abuse.

Rico says he had thought of leaving home several times and finally decided to make his own plan to leave. He says he left home because he did not have his own money and the name brand clothes he desired. He linked up with "Boere" who came to Upington frequently from Cape Town selling fruit and flowers. He worked with "Boere" who got his money from "die pad (literally meaning 'the road' but perhaps referring to selling goods while travelling around)". He was in awe or perhaps afraid of "Boere" whom he says has a gun. He says he has travelled as far as Zimbabwe and Botswana with "Boere". He thinks he has been in Cape Town for about a month. Rico's assessment of time and place seem to be unreliable as his story is sometimes inconsistent.



We stopped the interview at 4 pm as Julayga needed to leave and the boys said they were tired.

Steven's story

When the interviewer met Steven the first time, on Monday 28 August, he smiled a lot but was not very talkative, even a bit lethargic she thought at the time. The interviewer encouraged him to speak up when we eventually conducted the interview on the Wednesday. On Wednesday, Steven was his silent self and giggled a lot. He would prefer to let Rico talk. However, during the first section of the interview the interviewer asked very specific questions about his household and he had to answer by himself.

Steven is a fifteen year old boy from Civic Park in Mossel Bay, he would turn 16 on 14th September 2006. He lived with his mother and father, 2 brothers (aged 7 and 21) and a sister (5 years old). His young siblings are both at school. The 7 year old brother often gets sick with fevers. His mother does not have formal employment but is primarily responsible for cooking, cleaning and childcare. His father is an operator which makes Steven very proud and this job entitles his father to bring home a vehicle from work "die werk se bakkie slaap by ons (the work vehicle stays at our house overnight)". He says that his father has a disability and receives compensation for this. His older brother also works in the building trade and gives some money to their mother as well as to his child for maintenance (his child and the mother of his child do not live in the same household). His family live in a 3-bedroomed brick house with a toilet inside the house and running water just outside. They do not have electricity and use candles for light and gas for cooking. He says the family use their money primarily for food and clothes although there are sometimes expenses for school and furniture. In the household Steven is responsible for the cleaning of the yard and preparing the vegetables for his mother to cook. He says they always have food to eat in the house and sometimes buy food in town at Shoprite.

Steven finished grade 6 at school before his absences, due to time spent with friends during the school day, eventually meant that he discontinued his schooling. He says his parents asked him whether he still wanted to attend school and did not get too upset when he said that he did not want to continue. They did not tell him he needed to get a job.

Steven knows "Boere" (a flower and fruit seller from Woodstock Cape Town) from seeing him in his community. He says that "Boere"'s sister lives in the area where Steven lives. He thinks that "Boere" is in his early 20's and owns three bakkies.

Steven says that he never intended or planned to leave home. He was asked by "Boere" if he wanted to go for a drive with him and they would return home the next day. However, they never returned. Steven says "ek het hom geld gevra om huis toe te gaan maar hy se hy sal gee maar het nog nooit vir my die geld gegee nie (I asked him for money to return home but he never gave it to me even though he promised to)". He says they left Mossel Bay at 5pm on a Saturday night but does not exactly remember the date, it may have been a couple of months ago.

Steven was very lethargic and less communicative than Rico and Julayga suspected he may be using drugs. He giggled a lot during the interview sometimes inappropriately when Rico was sharing something personal. However, at the point when Rico cried Steven seemed very surprised and concerned albeit in a detached way.

September interviews

Julayga from ANEX was unable to participate in the interview. When the interviewer called to confirm the interview the Homestead staff requested that the interviewer allow two Social Work students to sit in. The interviewer responded that this depended on whether the children agreed.

When the interviewer arrived the Social Work students introduced themselves and reiterated the request. If the children were not eager to include them, they requested to speak with the interviewer for a few minutes after the interview to exchange information. The interviewer once again responded that she would need to ask the children's permission to divulge any information. The children agreed that the students sit in and that the interviewer exchange





the information with the students that she had gleaned from the previous interview. A Homestead staff member and the two students were in the interview room as observers with the children's permission during this second interview.

Rico had to be persuaded to settle into the interview as he was angry with one of the Homestead staff and was sulking as a result. The interviewer repeatedly asked him whether he did not wish to continue with the interview. However, once another Homestead staff member calmed him down he was eager to continue with the interview.

Rico was once again fascinated by the recorder and performed a rap song to test whether the machine was working correctly. He also fetched a music tape to test whether it played all kinds of tapes. When he had the lapel microphone he seemed to assume the role of a performer telling us of his experiences in order to entertain. Steven was his quiet self but very willing to engage. We commenced the interview by talking of their employment experiences where we had left off the last time.

Rico's story

Rico was collected by "Boere" at the Engen garage in Prieska. The boys slept outside while "Boere" slept in the vehicle. On their trips, they stopped along the way wherever there was a garage to sleep, use the toilet and buy food.

He described his employment as 'broking' - 'Ek het gebroke met Kleintjie' (I sold fruit and vegetables with Kleintjie). When I asked him to explain exactly how this worked he said that he was placed at a designated fruit and vegetable stall under a bridge where he and his partner serviced a busy intersection. They would walk to cars when the robots / traffic lights turned red offering them either a box or packet of fruit or vegetables. (This is a common practise in the city centre as well as the suburbs of Cape Town and the sellers are nearly always children).

Rico says for this work "Boere" offered to pay him R40 per day as a salary. He had heard that one of the other boys in "Boere's" team earned R 700 per month. In addition, the children would add an extra charge to the price that "Boere" has set, pocketing the difference. For example if a box of fruit was to be sold at R30, the children would charge R40 and be able to use the R10 for themselves. I asked who gave them permission to do this and if they were not scared to cross "Boere". Rico replied that everybody does it and therefore it is acceptable. Rico never received a salary from "Boere" and became angry. However, he did report receiving clothes. He complained he did not have clothes and "Boere's" 'motjie' (girlfriend or wife) bought some clothes for Rico. He realised that "Boere" only really remunerated his permanent 'brokers' and Rico decided to leave. He connected with Giant who he knew to be a fieldworker at the Homestead and asked to accompany him to the Homestead.

He reports physical and emotional abuse while living with "Boere". "Boere" het my geslat' ("Boere" hit me), 'Hy point voor my kop met die gun' (He pointed his gun at my head), 'hy het my al geslat laat daai lang yster buig' (he hit me once until the iron rod he was using bent over). Rico reported that there was a neighbour opposite the road where "Boere" lived who would assist him when he ran away to escape the abuse. He says that "Boere" did not interfere with this neighbour as he was a 'dik ou' (someone important). The neighbour also gave Rico his son's clothes. The interviewer could not decipher how this neighbour was employed other than that he owned a shop. He also tells of how "Boere" has abused others. He tells a story of how he threw boiling water into Blackie's face. Rico says "Boere" is a bad man 'hy slaan daai man gebreekte ... en bloednies' (he hit someone and broke his ... and hit him till his nose bled'. He says "Boere" is a bad man 'hy gaan haal kinders voor hulle yard' (he collects / abducts children from their homes).

While he was in "Boere's" employ he slept at the 'sink khaya' (makeshift homes of wood and iron). Everyone who worked for "Boere" slept here. Rico shared this abode with '3 kinders and 7 pas' (3 children and 7 older men). They ate at least one cooked meal a day and he says they would not be restricted in the amount of food they could consume 'ek eet my vol' (I ate until I am full). Rico also knew that if he was hungry he could pilfer small change





from the ashtray in "Boere's" bakkie for bread. He was not really involved with drugs but when he was offered a smoke he would accept it. Rico says he only remained in "Boere's" employ for 2 months and during that time he was never paid a salary.

Rico says that he has travelled very far to work with "Boere". In Cape Town he has worked in Camps Bay and Hout Bay. Furthermore, he has worked in KwaZulu-Natal, Kimberley and Upington (where he comes from). He also recalls that he went to Zimbabwe and Botswana. When I asked him about passports he said that they could not go to some places as they did not have passports but he was convinced they had crossed borders where the 'security' had let them through.

"Boere" has come to the gates of the Homestead looking for Rico - 'hy wil my he, ek is n goeie broker' (he wants me back because I am a good worker). However, Rico says that he will never go back. He reiterated at every meeting his desire to return to his home in September.

Near the end of the interview Rico kept indicating that as soon as he finished telling his story he wanted to leave. Steven convinced him to stay perhaps because he was not eager to be left alone with all of us.

Speaking with the Social Work student who is his case worker, she is surprised that Rico is so forthcoming in the interviews. He has never really opened up to her with the details that he shared with us. We all thought that the recorder is a mechanism that he uses to put on a performance, telling his story as if to entertain an audience thereby distancing himself from his own reality.

The social work student says that he has told her his sister died. (The interviewer asked whether this is just not another mechanism he uses to create some distance between himself and his family. If he tells himself his sister is dead then he will not have to worry about her. He also says he was lured to Cape Town by 'Boeta Moses' ("Boere's" father) who said there is lots of money to be made in Cape Town.

From his homestead file the interviewer noted that his birthday is recorded as 26/03/92. He has a plan to leave Cape Town by hitching a ride with a truck that is going in the direction of Upington where he lives. At the Homestead he has been fighting with other boys and there were a few occasions of glue sniffing.

The careworker at the Homestead reported he is often moody, likes to be begged to do things and is often angry and hostile. She says this is all part of his attention-seeking behaviour.

Steven's story

Steven was eager and prepared to talk. He was fetching chairs and cups for cooldrink while Rico was being settled down. The interviewer tried to give him the first turn to talk as he was more reticent than Rico who was more spontaneous. However, once the talking began, Rico frequently interjected. Steven did share a significant amount of information with me considering his quiet nature and his detachment which the interviewer confirmed, by consulting his Homestead file, was due to drugs.

Steven also relates that he worked under same bridge where Rico was placed. Even though Rico gave the impression that they travelled to Cape Town and worked together, Steven clarified that this was not correct as he was there much earlier than Rico and already left "Boere's" employ when Rico arrived. Steven says he worked mainly because he was trying to obtain enough money to go home. When the interviewer asked him if he had worked out a plan to go home he replied that he did not have a plan. He was paid regularly every second week an amount of R500 he also made extra money everyday by 'overcharging' clients as was the custom. Therefore, in fact he did make enough money to return home. He used the money to buy clothes and 'dagga' marijuana.



While working for "Boere", he was caught with 'dagga' marijuana in a car with his friends. He was charged with possession and remanded into the custody of the Homestead on 27/03/2006. The Homestead staff accompanied him to his hearing. The case was postponed until 08/05/2006. He was sent to Bonnietown reform institution 'die mang (the prison)' but returned to Homestead on 26/05/2006. Steven did not want to talk about his time in Bonnietown reform institution. This information was extracted from his homestead file. Steven seems to have lost all concept of time and cannot recall dates.

Steven had no written contract with "Boere". Steven says he also stayed in an informal home on "Boere's" premises. He says they ate well there "ek het baie geeet by daai man" (I ate a lot at that man's home). He also says that he was able to buy new clothes and went to buy marijuana at the local 'merchants' - 'ek het a stop gekoop (I bought marijuana)'. However, he says "dit was nie lekker daar nie" (it was not good to stay there). Steven says the violence scared him even though he was not a victim of physical abuse he had witnessed enough to know that he was in danger 'hy slat ander mense se kinders (he hits other people's children)'.

His Homestead file recorded his birth date as 04/08/1990. It also notes that he has told someone else before me that he earned R300 every fortnight. Steven is different from other boys in the Homestead as he has good weight and height for his age and healthy teeth. This made the Social Work student who was working on his case believe that he was well-looked after at home.

Steven had a very innocent air about him. Even though he says he was naughty with friends at home and decided not to go to school, it was different from what he was exposed to in the city. It is the interviewer's assessment that the life he was forced to lead in the city may have been far too much for him to handle. Therefore in the absence of other coping mechanisms he uses glue and marijuana to escape from the traumatic separation from his family.

Conclusion

At the end of the second interview the interviewer made clarified that she would not be returning. She once again thanked both boys for their participation and reiterated the objectives of the research. The interviewer thanked the Homestead staff for providing access to the boys and for their support during the interview process.



appendix 3 | Murray girls interviews

September 2006

Introduction

A focus group was conducted with girls from Murraysburg on 8 September 2006 from 10 am -12:30 pm by Julayga Alfred from ANEX. The girls came to the focus group voluntarily. There were however other girls who refused to partake in the focus group session due to the fact that they thought that sharing their stories with us would make it impossible for them to ever come to Cape Town and work.

The entire area of Murraysburg has access to free water. Each home in Murraysburg gets 50 units free electricity for the month. From the girls' report that at times that free electricity would be able to last between two and three weeks. This seems unbelievable, however perhaps it is possible. Most of the homes do not have fridges and majority of the homes have coal stoves or they cook over open flames.

A family taking care of other people's children seems to be a regular occurrence in the community. This is because of parents going to Cape Town to work. Also a lot of minor children receive the Child Support grant from the State. A lot of these homes survive off the various grants that they receive from the State; however their 'income' does not the entire month.

The adults in the area usually borrow money from the 'loan sharks' in the area. We were told that there were quite a few of these 'loan sharks'. These 'loan sharks' accompany the borrower at the beginning of the next month to the pay out points when they collect their State grants. They immediately take the money that is owed to them. The borrower usually pays a rand on a rand that is loaned.

There is not one place in the entire Murraysburg that caters to recreation of the youth in the area. They have no where to go and nothing to do to amuse themselves. They desire to have such places such as a bowling alley, arcade, or KFC in their area. These are ordinary things that we who live in the city take for granted. They go to a club that is meant for over 18's on the weekend. These girls, who are still minors, are granted access and are able to drink alcohol because older people buy alcohol for them. Most of the girls in the focus group admitted to overindulging in alcohol. They start drinking at the age of 13. The poor attendance of the focus group the second day can probably be attributed to the fact that the girls went out drinking the previous night and were hung over.

Methodology

Eleven girls attended the focus group. The interviewer conducted an open dialogue session with the girls. They were arranged in a semi-circle with the interviewer being part of the circle. Each girl was given an opportunity to speak about herself, her home life and future ambitions.

Thereafter the interviewer spoke about the issue of child domestic work and interviewed the 2 girls who previously came to Cape Town to do domestic work. These one-on-one interviews were conducted on the focus group setting.

As the girls talked the interviewer discovered that only 2 of the 11 girls actually did domestic work in Cape Town. The rest of the girls all still attended school. We did however continue with the interview and based our questions more on their home life, their challenges at home, school and their town. They suggested that each of them bring along a friend who has worked in Cape Town but this did not happen. The girls informed us that the focus group was a barrier because the girls won't open up in front of the others. It would be better to interview them one-on-one and maybe in the privacy of their homes.



8 September 2006 interviews

Ages:

- Their ages ranged from 14 yrs- 18 yrs

Educational Levels:

- Their grades ranged from grade 8- grade 11
- Grade 11- 4girls
- Grade 10- 2girls
- Grade 9 - 2 girls
- Grade 8 - 2 girls
- 1 of the girls left school in grade 11

Home circumstances:

Abigail's story

- Abigail is 19 years of age. She left school in grade 11. She is currently working with a youth programme called Lovelife. Because of her work there she receives a stipend.
- She is an extremely confident, well spoken young woman. She is well-liked and respected by the rest of the group. She is also very intelligent and was very forthcoming in describing her experiences and her life.
- She lives at home with her mom and her brother and younger sister. Both siblings are still at school. Her father died when she was 9 years old.
- Their home has electricity; however they do not have hot water. Their toilets are outside the home and are referred to as "spoeltoilets".
- Her chores in the home include cooking, cleaning and taking care of younger sister while the mom is working. She states that work (chores) are not divided equally between all siblings. Household chores are all her responsibility as 'boys do not work in the home'.
- The mother's income is mainly spent on food, furniture that is bought on credit, water and electricity.
- She spends a portion of her money on clothes for herself and her sister and the rest of her money she is saving.

Berenice's story

- She is still at school. She stays with her mom, dad, 2 brothers and 4 additional children in a 2-bedroomed house. Altogether there are 9 individuals in the home.
- The 4 additional children are children that the mother takes care of while their parents are in Cape Town working. Their ages are 5, 6, 3 and 16 respectively. Two of the children receive Child Support grants from the State at R 190.00 each.
- Both her parents are unemployed so the only income that they have is the child support grant and money that the parents of the children send to Murraysburg. The maintenance money from the parents is not received each and every month.
- Whatever money there is spent on food, paying water and electricity and paying off the furniture that has been bought on credit.
- She explained that payment of school fees is not compulsory therefore her parents do not pay.
- Berenice states that she has no privacy or space of her own. She shares a bed with 2 other children. The rest of the children sleep on mattresses on the floor. Nothing that she has is just hers as everything has to be shared amongst the other children.

Carmen's story

- Carmen lives with 6 individuals in a 2-bedroomed house.
- Her father works in Mossel Bay and she has a sister that is in Cape Town working. The sister's children are living with them.





- She states that they always have enough. They receive income from the domestic work that the mother does in the town, the father receives a salary and the sister send R400.00 every month.

Daphne's story

- She lives with both her parents at home. She has one sister that works in Cape Town. Her father is employed and her sister sends money home occasionally.
- She explained that in difficult times they borrow money from the money-lender.

Ellen's story

- There are 5 household members living in a three-bedroomed house. Her mother owns a tuck-shop that is situated at home and her father works in Murraysburg.

Francine's story

- She stays with her grandparents. There are altogether 5 persons staying in a 5- bedroomed home.
- Both her parents are in Cape Town Working. Her mother is an office administrator and her father is a teacher. Her parents are separated, however both parents send her money every month.
- It is her choice to be in Murraysburg, as she does not want to stay with her parents.
- There are 2 members of her family that are HIV+ that are living with her. Her attitude with regards to them is that they are fine, healthy and she does not have any issues relating to their condition.

Glenda's story

- There are 4 members of her family living in a one-bedroomed house. She stays with her grandparents and her uncle.
- The grandfather is employed on a nearby farm.

Helen's story

- She state she is fine, and then later through her story we pick up that the family has no income and times are really bad at home. She lives with her family as her mom is in Cape Town working. The mother occasionally sends money home.

Irene's story

- Irene lives with 10 other persons in a two bedroom house. Most of the occupants are children under the age 17. Some of the male children seek sleeping place by others in the community as there is no place even on the floor.

Julia's story

- There are 9 persons in her 3 bedroom house. She is 16 years old and she is a single mother of a child. Her baby is 15 months old. She gets Child support grant however she says there is never enough money to even get them through to the middle of the month.

Kimberley's story

- There are 6 occupants in the 3-bedroomed house. Inge stays with her grandparents as her mother is in Cape Town working.





Reasons for leaving school and going to Cape Town:

We then asked the girls reasons that they think push people/ girls to leave school and go to Cape Town?

1. All of them agreed that there is no work in the area.
2. Their families have no money; it is really overcrowded in the homes.
3. They do not like the high school, nor do they like the principal at the school.
4. They feel school is useless as what do they do thereafter? Hardly any students end up going to a tertiary institution and some of them do not qualify even if they want to go and study. The teachers and the principal do not encourage students to do subjects on the higher grade; they say they have no choice. The teachers lower their grades without consulting the teachers

Rating happiness:

We asked the girls to rate their happiness? We stated that happiness includes family school, friends and their lives in general. They had to rate out of 10, 0 being the lowest and 10 being extremely happy...

The responses:

- 2, 3, 5, 5, 3, 6, 7, 4, 5, 4, 4
- The only thing that keeps these girls happy is that they are with their friends.

Child domestic workers

There were two girls that were brought to Cape Town to work as child domestic workers.

Abigail

Abigail gave a rendition of her story from the time she left school, how she was transported to Cape Town and what happened at the agency.

- Abigail left school in grade 11. She made the decision to go and work as she wanted to rather help her mother. She was 16 at that stage. She did not receive any permission from her mother.
- There was a taxi in the area recruiting girls for excellent domestics in Cape Town.
- The girls were told that they were going to work in a factory in Woodstock.
- The girls all got into the taxi. They were not forced.
- They eventually got to Cape Town and were taken to Blue Downs to sleep at the driver's house.
- The next morning they were taken to Woodstock. This was another office for the domestic agency. It was here that they were 'paraded' in front of clients looking for domestic workers. The questions posed to them were if they were 'African' or 'colored'. They were asked if they have any illnesses and whether they drink and smoke. The interviews took place in a back room. Abigail stated that all the girls that were 'fair-skinned' were taken that day.
- That night they were taken to the agencies premises in Rylands. She said that it was then that the girls got scared and wanted to run away. They walked off and met a taxi driver that they knew from home (Attie). He was prepared to take them home when the Mia's recruitment agency drivers came on the scene. They grabbed the girls' bags and threw it in the cars they were driving and told the girls to get inn. The girls eventually got inn and the cars sped off. Attie - a driver for Mr. Mia - followed them but the Mia's drivers eventually lost him. They slept at the Rylands office. She said they all slept in one room. The room was infested with rats and cockroaches. There was one toilet that was so dirty she had to relieve herself outside. They had to wash them selves in buckets.
- The next morning they were taken back to the Woodstock agency. Abigail stated that they had to use the toilets that were in the park across the road. It was there that she decided that she needs to do something before a client takes her.
- She asked to go to the toilet; however she ran to the police station. She told the police details of herself and that she wants to go home. The police said that she must go back that they would come. They never came. She then decided to write a letter and sent it with another girl to the police station. The police eventually came. They then took all the girls that wanted to go. The police from Murraysburg came to fetch them.
- Her mother was the first parent to lay charges against 'Excellent Domestics'.
- When we asked Abigail to tell us about Mr. Mia, she literally shuddered. She said that they were scared of him. He screamed and swore at the girls. She heard stories of how as he passed girls in the house that he would touch them sexually. She made reference to the fact that he liked to "travel" with girls.





Leone's story

- Ricki was 16 years old the first time she went to Cape Town. She was a 'replacement' worker that only works during the December 2005 holidays.
- She left school in grade 9 due to the fact that she wanted to help her mother financially. There is no income in her home and she felt obligated to go and source work. Ricki is a very shy girl and when she speaks she mumbles often. Her head is always lowered and she slouches to the front.
- Ricki received permission from her mother to go to Cape Town to work.
- She left with the driver "Attie" who was well aware of her age.
- She earned R700.00.
- She came to work in a two-bedroomed house and said that working conditions were good and that she was happy there.
- She had R170.00 left after all her taxi fees were deducted.

8 September 2006 interviews

Merrel's story

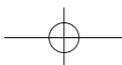
- Merrel is 17 years old. She left school in grade 9. She left school to help her mom to support the household.
- She stays in a 3- bedroomed home but there are 12 occupants in the house. Due to lack of space some sleep on the floor and some on mattresses. Her mom takes care of other peoples children. These children's mothers are in Cape Town working.
- Merrel had to take care of the other children in the house; she cooked and cleaned every day.
- Merrel has no self confidence. She is very soft spoken and one could pick up that she lacks self-esteem. She admits to the fact that she drinks excessively.
- The only constant 'income' in the home is her parent's pension and 4 of the children receive a Child Support grant.
- Merrel has been to Cape Town four times.

First trip:

- She left with Attie. She was 14 years old at the time.
- She was directly placed in a household to work. She went to Rylands. The house that she worked in had 5 bedrooms and 4 bathrooms.
- The employers were aware of her age. They treated her 'roughly' in the way that they spoke to her.
- Her job entailed cleaning the house, cleaning the cars. She started work at 8.00am and ended at about 7pm. She worked Monday to Sunday.
- She was paid R300 for the month after all taxi fees deducted.
- She says her living conditions were fine because she had her own room.
- She said that she always felt 'different' to them. She never went out or left the property. She says that nobody stopped her; however she says that inherently knew that she could not go. She kept on saying that she did not want to out, she never came to walk around. She was there to work.

Second trip:

- She was 15 years old and went to work during the December holidays.
- This time she was placed in a home in Rondebosch. It was also a 5 bedroom house.
- Her duties included house work and cleaning the cars.
- She was paid R200.00 for the month that she worked there after deductions.
- She was treated really badly by these people.
- She had her own room with a shower and TV.





Third Trip:

- She went again to Cape Town the next December holidays.
- She worked in Rylands and said that the employers treated her really well.
- She was called in after 9pm when they had guests or functions to clean the kitchen. She said that she did not mind as it did not happen often.

Fourth Trip:

- She was happiest at this place of employment. They treated her as an equal.
- She worked a 10-12 hour day.
- They paid her R400.00 when she left.

13-15 September interviews

Interview sessions were held one-on-one with the girls, and each session lasted approximately 2 hours each. These interviews were conducted in each child's home. This idea of actually going into the homes rather than conducting interview sessions in the focus groups came from the participants themselves (the group from the first trip 8-9 September 2006).

They said that some girls would feel more comfortable in their homes with no one around. We would then be able to extract the truth from the girls. Also they made mention of the fact that Murraysburg is a small town and word goes around about what they spoke about in the sessions.

Nadia's story

- Currently Nadia is 20 years old and she is a single mother.
- In 2004 she was 17 and in December that year Attie transported her to Cape Town.
- She left school in grade 11 after she failed. Her reasons for leaving school were that she was lazy, she had no interest in school and truancy was a big problem. The teachers had no interest in the children and what they were doing. She says that the teachers 'het hulle afgedruk (undermined them)', said things like 'jy sal dit nie maak nie (you will not make it)', and 'jy sal druij voor einde van die jaar (you will fail before the year has ended) '.
- All these comments and attitudes demotivated her about staying at school and she decided to work. Her parents gave her permission to work.
- In 2005 she came with the Mia - the recruitment agent's - taxi to Cape Town. They came in a Venture and there were 13 passengers. When they got to Cape Town they spent the night at the driver's house in Eerste River and all of them spent the night on the floor in the front room.
- She was taken to the Woodstock office. They were told that they would have a choice in employment and that they would be earning R800.00 a month. The client that came was looking for an 'older' girl to work in a take-aways. She volunteered to work for him in Phillipi.
- She worked for one week. They started work at 7am and ended work at 2am. They also had to do domestic work thereafter. They worked for the full 7 days in the week. On Sunday afternoons they were 'off' however they were required to do domestic work before they could leave.
- They were given a trial period from the employer. If their performance was poor they were paid R600.00 and R800.00 if their performance was good.
- Nadia found the work extremely difficult and tiring. One of the other girls told the employer that Nadia was not happy and she was complaining, saying that she wanted to leave.
- The employer verbally abused Nadia and then later returned her to Mr. Mia. The employer gave Mr. Mia R100.00 for Nadia's work for the week. Of that money Mr. Mia only gave her R30.00.
- Nadia did not get any other work and then decided to take a train to Stellenbosch to her aunt. She stayed there for a month and her aunt put her on a train to Murraysburg.



- She has never returned to Cape Town for domestic work or any other work.
- Currently Nadia is living with her parents, her 3 brothers and a sister. Both her parents are unemployed and the rest of the siblings are still in school. Her sister worked in Cape Town and later died. The sister has a two year old child and her mother then adopted the child. They receive Child Support grants for her child and her sister's child. They all live in a two-bedroom house and those that cannot sleep in the rooms have to sleep in the kitchen and front room. They do not own a fridge and they cook on a coal stove.

Olivia's story

- Olivia is 20 years old.
- In 2002, when she was 16 and in grade 10 she decided to come to work in Cape Town for the holidays in December. She however extended the holidays till the end of February.
- She came to Cape Town with Attie - the recruitment agent's - taxi. She says that she was placed with a good family. They treated her well and she felt that she was one of the children.
- For the first month they paid her R600.00 and the month that she left they paid R1000.00 for the two month period but that included her return taxi fare.
- She came back home and returned to school. She left school when she fell pregnant in 2005. She has a son and he is 1 year and 3 months old.
- She is currently employed - she distributes TB patient's medication. She receives R380.00 p/m. She stays with her mother and her sister's two children in a one-bedroom house. One of the children and her son receives a Child Support grant from the State. They all sleep in one room and her mother is very ill as she has a heart problem.
- She finds her life as very difficult as she has to bring food home and at times there is not enough. She admits to occasionally making loans.

Julayga speaks to both girls on their pregnancy and other issues such as birth control, AIDS and alcoholism.

What came out of that is that there is a lack of knowledge and understanding on how to use the birth control and she also enquired whether they understood the effects of the birth control. They stated that they have to go to the local clinic and wait for long periods to receive their birth control. At times the clinic has no stock of the birth control. Also the clinics have no programs for educating the community about birth control and AIDS. Young girls wanting the birth control are often ostracized and looked down upon by the community and the nurses. They feel shy and self conscious when fetching the birth control. The nurses are very insensitive and unfriendly. The girls feel that they cannot talk to anyone if they have questions or concerns that affect them. Also they are stigmatized by the boys in the community as 'saad-houers (seed barers)' based on their choice to use birth control. They are also not comfortable speaking to their mothers around issues relating to sex and anything related to it. Both Nadia and Olivia stated that their pregnancies were not planned and when they found out they were not happy. To have safe sex seems to be the girls' responsibility as boys are reluctant to wear condoms during sex. Men set the rules during the sexual experience and they decide if they will wear a condom or not. They prefer 'vleis op vleis (flesh on flesh)'. The girls are pressurized and controlled by their boyfriends.

Julayga spoke to them about the AIDS virus, to ascertain if they knew the causes and if they knew the consequences. What came out of the discussion is that they knew that unprotected sex could be a direct cause of the HIV virus; also the virus is transmitted through the blood. However the girls are under the impression that death is the only inevitable consequence.

She then spoke to them about the issue that most of them are abusing alcohol. Their reason for starting to drink at an early age is that there is nothing else for the youth to do. They usually start drinking on the Friday right through till Sunday. They say that they pool money for alcohol and that there are some who perform sexual favors for boys as well as prostitute themselves in order to get alcohol. They claim that their respective parents and 'guardians have no control over them in preventing them from drinking. Also there is no discipline in the schools that can help the children anyway.



appendix 4 | Nyanga focus group

October 2006

Introduction

A school in Nyanga was identified by ANEX-CDW as one in which a research focus group could be conducted with children who have experiences of working to bring income into their households. The school was a primary school and the teachers indicated that a significant number of children at the school were orphaned or lost a parent and as a result lived in households where the likelihood of them needing to work is great.

The meet and greet

On 11 October, we held a meeting ('meet and greet') with the children whom the teachers selected to inform them of the research and the type of interaction we would like with them. At the meeting, there were more than 30 children present. The teacher indicated that while not all of them were selected to attend the meeting, the way in which the announcement was made intrigued many of the children and they would be disappointed if she asked them to leave. We agreed to speak to all the children and if they all appeared interested, we would conduct a group with them and not exclude any of the children from the process.

We introduced ourselves to the children and asked each of them their names. The children were asked to say their names and also pull a face to illustrate their mood. The introduction lightened the mood in the room and we then informed the children that we were doing some research about the types of work that children were involved in and wanted to hear their views on this matter. We also asked them their reasons for attending the meeting with us. The children indicated that they were told that all orphaned children should come meet us. This concerned us as there were clearly children in the room who were uncomfortable about being present. One boy could not even talk, he simply started crying. The children were reassured that they did not need to participate if they did not wish to do so. We also informed them that they could leave at any stage in the process. We informed the children that the information they revealed would be confidential and that they only ever needed to talk about issues that they felt comfortable with and that they could choose not to answer questions if they felt they did not wish to respond. The children told us about the types of things they liked doing e.g. art, painting, acting etc. We established a time when we would come back to run the group.

Focus group sessions

We convened a focus group in a primary school in Nyanga (Mkhanyiseli Primary School) on two consecutive days 18-19 October with 22 and 23 children respectively. The children were aged from 9 -14 years old with both boys and girls present. The sessions were conducted directly after school time in a classroom from 2:20 pm to 3:30 pm. The group was facilitated by ON PAR Development with the assistance of a translator (Amanda) provided by ANEX-CDW. Sufiya Brey from ANEX-CDW was present as an observer and provided lunch packs for all the participating children.

The gender breakdown and age of participants were as follows:

AGE GROUP	GIRLS	BOYS
9	2	0
10	1	0
11	2	3
12	3	2
13	3 (4)*	3
14	3	0
Total Number	14	8

* On the second day, another girl joined the group





Methodology

The methodology of the focus group was participatory using arts and crafts as a main medium for eliciting information. This methodology was preferred above one-on-one interviews due to the relative informality of support to the children after the focus group. Although the staff of the school are supportive of the children (identified as orphans), the facilitators decided that putting children in a position where they would disclose their personal life stories not to be in the best interest of the children. The facilitators were also confident that all necessary information could be solicited from the participatory research methods.

Programme

The programme therefore consisted of conducting an icebreaker; providing nametags; eliciting contextual information by means of a drawing; discussing work that children do by using magazines; and concluding with statements of personal positive qualities. The icebreaker consisted of questions posed to the participants and individuals who had the same answer to the question formed a group. In this way we ended the icebreaker with the question about age and this enabled us to easily demarcate age related groups for the participants to live in. All the age groups worked separately except for the 9 and 10 year old group which merged as there were only three participants. While the groups selected the space in which they would work, the facilitators distributed nametags and materials. The participants wrote names on the nametags but did not introduce themselves because of time constraints. The adults in the room introduced themselves and once again clarified their roles.

Research activities

The first substantive activity was to request the children to complete a story by illustrating the content of their answers in a drawing. The facilitators told the participants that 13-year old Themba (a boy) and 11-year old Pumla (a girl) had recently joined their school and lived in the neighbourhood of Guguletu. The intention of using the fictitious characters was so that the children did not feel vulnerable or obligated to divulge personal information that they were not comfortable with. The children were asked to illustrate the household circumstances and members, modelling it on their own experiences, in a drawing. Some groups chose to illustrate it using one household whereas others chose to work on individual household illustrations. The facilitators guided the illustrations by requesting participants to note: the source of light and heat; location of water sources and sanitation; typical furnishings; members of the household; primary occupation or sources of income for the household members. This activity took up the entire session. We decided to ask the children to reconvene the next day although this had not been the original intention.

On the second day, the facilitators introduced the second substantive activity by requesting the participants to use magazines provided to illustrate the work that Themba and Pumla contributed to their own households as well as the work they performed for neighbours in lieu of payment or clothes and / or food. In addition, the facilitators discussed with the groups the impact of the workload on Themba and Pumla's ability to do their homework and play with friends. The older groups were able to present their input in the format of a poster.

The translator was integral to the research process and had a lovely easy-going manner and established a good rapport with the children. However, the process of translating was lengthy and as there was only one translator, it meant that in those groups where the children only spoke Xhosa, no information could be gathered while the translator was working with another group. This delay is likely to have led to some children not sharing as much, and possibly limiting what they wanted to say because they were aware that the translator was needed in other groups.

Findings

The youngest group consisted of two girls aged 9 and one aged 10. The facilitator was able to elicit responses from the group while they conducted their activities by posing questions and working in tandem with the translator. The girls for the most part were quite comfortable to answer the questions posed while completing their drawings. They did not make eye contact often. One of the group members had conceptions different to the other two and felt comfortable enough to relate her unique story. They were relatively unemotional when relating the story. This group chose to illustrate their households individually. The following information emerged about the households:



- All the households were constructed with bricks
- 2 out of 3 households has toilets inside the house
- 2 out of 3 households only had running water outside of the house (an outside tap affixed to the house)
- All the households have electricity but use gas not paraffin when there is no electricity
- All the households eat 3 times a day
- All the households would perform ablutions inside the house
- Furnishings included a bed, table and chairs and one household had television
- Themba and Pumla were the only siblings and in 2 of 3 households they lived with their mother only and in the other household they lived only with their father.
- The mothers are both domestic workers and the father works for the 'council' - local government.

The children provided the following information about the work that Themba and Pumla do:

- In their own homes, Themba and Pumla make their own beds and wash their school uniform. Themba washes the dishes and Pumla cooks.
- In other people's households, Themba cleans the neighbours yard and received R150 per month and Pumla works in the neighbours spaza shop (shop forming part of an abode) selling biscuits and other commodities earning R100 per month
- The money is used in the household to buy groceries (food such as rice, meat and samp).

In the twelve-year old group there were two boys and three girls. One of the boys did not actively participate and drew a car instead and flipped through the magazines. The facilitator did not push him to engage. The rest of the group chose to illustrate their households individually. They also prepared a poster about the work that Themba and Pumla did. Of the rest of the group there was one vocal male and two vocal females. One of the girls had a fair command of English and was able to help the facilitator converse with the group without the assistance of the translator. They all seemed to enjoy the activities and were very meticulous in their presentation. Although the interlocutor frowned a lot I think it was more indicative of her levels of concentration rather than being unhappy. The boy who interacted had a smiling disposition and participated actively engaging in healthy debate with the girls. The following information about the households was shared:

- All the houses were constructed with bricks
- 3 out of 4 houses had electricity and in the absence of electricity used a generator for light but also used paraffin stoves and gas for cooking
- They only ate once a day
- Half of the toilets were inside and the other outside
- All the households washed inside the house
- One household lived with father only, another with grandmother only, another with grandmother and a brother and finally with both grandparents and 2 other siblings (this household's mother does not live in the household but resides elsewhere)
- In the household with the father, the father works; in the other with the mother that is not resident, the mother works; in the household with both grandparents, the grandfather works
- The other siblings receive a Child Support grant but Themba and Pumla are still in the process of applying for their grant and the grandparents all receive the State Old Aged pension
- Themba and Pumla depend on their grandmother's pension and the house is old and has no ceiling boards -it's very cold especially in winter - they need an increase in the grandma's grant to fix the house (the participating boy intimated)

In relation to the work of Themba and Pumla, the group made the following contributions:

- In their own house, Themba brings the water into the house and cleans the yard whereas Pumla washes the dishes and pots, cleans the house and washes the windows (the boy's contribution)
- They are able to play with friends and do her homework (the boy's contribution)
- In his own house, Themba only sleeps and eats and does not work whereas Pumla looks after the home by cleaning, cooking and washing clothes (the girls' contribution)
- They have no time for homework or play (the girls' contribution)
- For others, Themba is looking after the neighbours' animals and earns R2 per day but received no clothes or food (the girls and especially the interlocutor intimates)



- The money is contributed to the household finances

The thirteen year old group consists of three boys and three girls on the first day and three boys and four girls on the second day. They told two different stories about Pumla and Themba. The information shared through the two stories was:

- The people living in the house were Pumla, Themba, grandmother and aunt and in the other story, Pumla and Themba lived with their mother, uncle and aunt
- They live in a brick house
- In the one house, while they have electricity, they have to fetch water, however the other house has water and electricity
- In the household with the grandmother and aunt, they depend on their grandmother's pension as the aunt does not work because she is ill
- In the household with the mother, aunt and uncle, everyone works and the uncle has a spaza shop as well as a taxi. In this household, the money is pooled together to cover the household expenses
- The houses are small and Pumla and Themba sleep in the same bed
- The bedroom of Pumla and Themba is the lounge during the day
- They often do not have enough to eat and go to bed hungry
- Seldom do they have lunch to eat
- There is lots of illness in the home such as headaches, TB, depression, Asthma, Rheumatism and Diabetes
- They are scared if anyone in the house is sick because if something happens to that person it affects everyone, they will struggle even more

The group chose to illustrate the work that Pumla and Themba performed through a poster. In this group there was one vocal boy and one vocal girl. The facilitator was able to speak to them in English without the assistance of the translator. These were their main points about work:

- In their house, Pumla washes the dishes, cleans the kitchen, sitting room and toilet whereas Themba fetched water, cleans the garden and washes windows. All the family members work together to wash the clothes
- They work in other people's houses because they need money for food and lunch for school as well as clothes
- Themba washes cars for R5, picks up papers in the yards for R1 and can even be a taxi 'guard' (assistant to the driver that collects money and solicits passengers) for R10 whereas Pumla sweeps for 50c and washes and irons clothes for R15 (daily rates)
- They take money home for food and keep R1 for lunch everyday and can buy 'vetkoek' (fried flour mixture like bread)
- They have little time to play with friends and have to do homework at 'midnight'

In the group of eleven year olds, there were three girls and two boys. The girls worked together developing a picture of the house in which Pumla and Themba lived and the boys worked together on creating another picture. The picture developed by the girls revealed the following:

- Pumla and Themba lived with their grandfather, grandmother, father and 3 older sisters
- The older sisters work as cleaners, grandfather and grandmother each have old age pension grants and their father does not work because he is sick with TB
- The family has enough money and Pumla and Themba are never hungry
- The family live in a brick house with electricity
- They have to fetch water from an outside tap
- The toilet is outside of the house
- Pumla and Themba constantly worry that their father is going to die because he is so sick. They already lost their mom and are afraid of also losing their father

The picture developed by the boys revealed the following:

- Themba and Pumla live in the house with their granny, brother and father
- Their grandmother works at Mr Price and their father is sick so he is getting a disability grant
- They do not always have enough food (one of the children added that they do okay)
- Their house has a gas stove and they also have electricity





- They have an outside toilet
- They collect water from a tap outside of the house

In talking about the work that children do, the eleven year old boys and girls said that children have to:

- Wash dishes
- Do laundry
- Sweep
- Polish shoes

They indicated that this work all entails very little money however they did not stipulate how much money is paid for this work. The group did not seem willing to talk too much about the work that children do and some of them appeared puzzled/uncertain about the question. When asked if they are unclear about what they are being asked, they indicated that they were not but yet, did not seem to keen on talking about the topic. The facilitator did not push them any further.

The group of fourteen year olds consisted of three girls. They drew two pictures to reflect the stories of Pumla and Themba, in addition they also spoke about some of the other possible realities that Pumla and Themba could face. According to picture 1:

- Pumla and Themba live with their aunt
- Their aunt works but does not make much money as they often have insufficient groceries in the house
- Pumla and Themba do not work
- The house they live in is a brick house with an inside toilet, electricity and running water
- The house is not big but they are comfortable

According to picture 2:

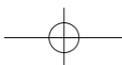
- Pumla and Themba live with their big sister and her husband
- Their sister has 4 children, the youngest is 28 years old
- Their big sister's husband works as well as three of the sister's children
- The house has sufficient income and they always have food
- The house does not have sufficient space so they all share bedrooms
- They do have a television in the house

In discussing the types of work that children are engaged in, they all wanted to make it quite clear that they were not engaged in any work at home. Instead they spoke by referring to what they know of about other children, which included the following:

- Children often work and the money they earn they give to their grandmother so that she can buy things for the house. One of the fourteen year olds indicated that often children live with their grandmother. As the grandmother receives a grant they do not have sufficient food in the house that is why the children have to work
- Children also tend to wash cars to earn some money
- The children who know how to drive, go to the taxi rank and drive some taxis, especially when people have to go short distances from the taxi rank or train station to their homes. Children often do these type of jobs after school
- While they indicated that they know that there are children who do this type of work, they could not indicate how much money this work paid

Conclusion

The programme was concluded with everyone stating one positive characteristic or endeavour that they were involved in. This included many sporting activities and sometimes reading and watching television. The group was thanked for their contributions and informed that a copy of the research report would be accessible from school next year. Although the group asked when we would return, we informed them that there was no plan for us to do so.



appendix 5 Interviews with government departments

Interview with Inspector Bennett - Athlone Police Station conducted on 23 October 2006.

A telephonic interview was conducted with Inspector Bennett who is involved in the sector policing, social crimes unit. The unit deals with underlying issues such as crimes related to unemployment, domestic violence, child abuse, substance abuse. Some of the following questions were posed where he indicated that there was no information available I skipped certain questions.

1. What policies guide the work of SAPS in respect of child domestic workers?
2. How are the policies put into practice? Are the policies being reviewed/ developed?
3. What is the mandate of SAPS with regard to CDWs?
4. Does SAPS receive reports of child domestic labour? How often?
5. Who makes these reports?
6. Do you have specific procedure that you follow? What action does SAPS take upon receipt of these reports?
7. Are the reports about operating recruitment agencies investigated?
8. What does the SAPS do with regards to the employer/ recruitment agency?
9. What does the department do with the children that they find at an employer/recruitment agency? Are there shelters that you take the children to? Do you assist the children in returning home?
10. What is the response of the police when CDWs report cases of abuse or come to the police for help?
11. Does department work collaboratively with other relevant departments and civil society groups to address child domestic labour? How?
12. What are the challenges that SAPS face with the regard to CDWs? How is this addressed?
13. Are the police interested in training around the issue of CDWs and generally the protection of children?
14. Have you heard of police being involved in referring domestic workers and CDWs to employment opportunities? Has any action been taken against them?

Involvement: Inspector Bennett reported that there was an influx of domestic workers employed in the area in his opinion leading to increased cases of assault, sexual abuse by employers, increase in informal settlements or the ladies are used as drug mule. "The police become the first stop for these young ladies with employment problems such as unfair dismissals and abuse." ANEX-CDW-CDW assists with skills development and returning the workers to their homes.

Laws and policies: The Child Care Act has very limited impact on the issue of employment of under-aged children other than stating the age when children are not allowed to work. There are no laws for trafficking. The trafficking laws are being put into place. "Our hands are tied". The Skills Development Act does require that recruitment agencies be appropriately registered and keep proper records of employees. "There are very little laws protecting these individuals (child domestic workers)". The police themselves have no special policy or project related to child domestic workers.

Practice: The police work on education campaigns and referrals with ANEX-CDW. "The girls do not want to lay a charge but they want to leave the employer with the money owed to them and their clothes - we collect the clothes but advise them that they will have to sue for the money." This is a typical example of the type of reports received by the police. In the last 4 months the issue has been raised at ward committees to raise awareness.

Process followed when domestic workers approach the police: a) Get the child out of the custody of the employers; b) Ensure they are then referred to a place of safety; c) Direct them through the victim's support system d) Take a statement of



the crime or fill in a skeleton docket for a minor e) Refer survivor to a shelter (specialized shelters in Mitchell's Plain and Strandfontein and can also call on ZANSAF - a muslim charity that provides food and clothes). Specific information about reports made by domestic workers is not retained. Information would be categorized by crime eg. rapes, assaults. The only source of this information could be the occurrence records of the victim support centres. Even nationally there are no statistics of the reports of domestic workers as there are no systems in place to retain information in this way.

Reports: "We have not received reports of child domestic workers". "We cannot identify them at all as they are in the houses. Policing this becomes a difficult task and relies on the community to do what is right. No policing can happen behind closed doors." The Department of Labour can inspect this. Whenever a domestic worker comes to the police and they want to return home, Captain Sauls works with ANEX-CDW and others to try to help them. Sometimes however, circumstances at home are dire and they choose to rather change employers or agencies. Sometimes the ladies are also trapped because the agencies say that they owe money. On one occasion the police raided an agency and found one of the girls to be 16 years old according to her own admission as she did not have any documents verifying her age. The child was removed and DOL shut the place down. However, the agency (MIA) is still operating from a different address.

Recruitment agencies: According to the Inspector, there is a big market for the services of domestic workers. The police just stumble on cases as girls come to them to report a crime. The agencies believe they are providing a valuable service and doing something good for the domestic workers as the areas where they come from for example Beaufort West, has no employment opportunities. "They (recruitment agents) believe they are doing these people a favour and then what right do they (domestic workers) have to become disrespectful (when they report cases)." The Mia's had posted an advertising board detailing their services but other recruitment agencies do not advertise, they depend on word of mouth to advertise their services. "About 5 years ago we had 8 agencies operating in the area." The Inspector does not believe that there are as many agencies these days even though he says the demand has increased.

Collaboration: The police are compelled to work with other agencies even though this is sometimes hampered by red tape. They work especially with Social services, clinics, community safety, the rapid child response unit and Department of Labour. They exchange information, conduct joint youth and awareness programmes and refer cases to each other.

Challenges: There is no law and policies that give clear direction about how to deal with child domestic workers. Sometimes identifying an available shelter is problematic especially over weekends and then the ladies stay at the police station for a few days. The abuse charges are also hard to obtain as the ladies are reluctant to lay a charge. "Educating the victim is vital in this case." The Inspector believes that providing domestic workers is a lucrative business. Educating the community (especially those that transgress rights) is needed to safeguard the rights of children or domestic workers. This can be addressed by raising awareness through media releases. ANEX-CDW often speaks out on television they also tried to reach out to Mr. Mia but he overlooked them.

Training: They have set up arrangements with ANEX-CDW and confirmed venues it is only the scheduling that remains problematic.

Involvement of police in identifying domestic work opportunities: The Inspector has no knowledge and information about this practice.

Interview with Mr. Ivan Paulson from the Department of Labour on 23 October 2006.

Mr Paulsen is part of the Inspection Enforcement Services at the Provincial Department of Labour, Western Cape. The DOL administers all issues related to the Basic Conditions of Employment Act (BCEA). As all questions were asked in a logical sequence the answer follows directly after the question.

1. What is the DoL definition of Child Labour and specifically child domestic labour?

Mr Paulsen reports that the BCEA prohibits any work done by children under 15 and also unsuitable work conducted by children aged 16-18. However, there are no guidelines for the definition of what constitutes unsuitable or inappropriate work as these are still being drafted. "Child domestic work occurs in the private sphere where individuals are isolated and at the mercy of their employers therefore there is higher risk of for example sexual



exploitation and stunting of personal development.” “In my personal opinion child domestic work is unsuitable for any child under 18 as it is in the private domain where no monitoring from the public is possible.” “Very often the whole family depends on the income of the child, everyone agrees they should be removed from harm but there should be immediate mechanisms from government to sustain that family.”

2. What policies guide the work of the department in respect of child domestic workers? Are the policies being reviewed/ developed?

Mr Paulsen indicated that the BCEA is the best guide but there is also secondary legislation in the form of regulations with a specific emphasis. The Employment Agencies regulations are outdated and new ones for the regulation of Private Employment Agencies are in the process of being finalised. These regulations will institute minimum standards as well as punitive measures. “A draft is already published so I assume it has gone to NEDLAC for discussion and it is currently awaiting the Minister’s signature to sign them into effect.”

There is a process for developing guideline in respect of unsuitable work for children between 16 and 18. Mr Paulsen reports that the indicators provided in the Act are that the work should not place at risk the well being, education as well as physical and mental health of the child. Other legislation such as the South African Schools Act also makes it compulsory for parents to ensure children are at school until the last day of the school year in which they are 15 years old. Another Act that is pending and currently being debated in Parliament is the Children’s Bill. He indicates that all these national laws and policies must also conform to international instruments such as the Convention on the Rights of the Child and International Labour Organisation standards.

3. How are the policies put into practice?

The interviewee reports indicated that there is no special budget for child labour. All inspectors are instructed to bear in mind the investigation of child labour and CDWs. Reactive inspections (after a complaint is received) and proactive inspections are conducted. The proactive inspections consist of door-to-door inspections where 10 inspectors will enter an area and conduct 6 interviews per person per day. They will ask about whether there is a domestic worker and interview that worker about conditions of employment, age and whether they know of any CDWs. Most of these inspections are conducted between 5pm and 6pm in the evening. This means that the employer is often present. If there is any wrong-doing the employer will most likely hide it or deny it. When these inspections occur, word of mouth ensures the spread of this information quickly and wrong-doers are prepared by the time the inspectors arrive.

4. Explain the registration process with regards to registering the employment agencies. What are the criteria that the Department uses in order to grant the licenses to the Agencies?

In Mr Paulsen’s view the Skills Development Act replaces the old Manpower Training Act. This new Act compels registration of Private Employment Agencies but without the supplementary regulations no punitive measures can be instituted when discoveries of non-compliance is made. The recruitment agents cannot be fined and cannot be shut down under this Act. Currently to comply with registration requirements the recruitment agency must have an office, records of all individuals that have registered with them including age and proof of age, registration payment which is limited to a certain amount for the employee’s protection, placements, contracts etc. However, records can still be falsified and the DOL depends on whistleblowers to alert them to irregularities. No licences are issued but the agency should be in possession of a registration certificate (or proof of registration).

5. Why is there no central database that contains the details of all registered domestic agencies?

According to Mr Paulsen, this is administered by the Employment and Skills Development services division separate from the Inspection Enforcement Services. Each labour centre has a database of information and the provincial department also maintains a database but these databases are not coordinated. Mr Paulsen believes the regulations will require the provincial department to maintain the database and send information to local labour centres.

6. Is there a policy on the monitoring and the evaluation of placement /recruitment agencies?

Mr Paulsen reports monitoring and evaluation would form part of the new regulations. This would enable the DOL to force compliance and take matters to the logical legal conclusion. The paucity of cases of child domestic labour is due to the lack of a legal framework.





7. What structures exist within the department to address child domestic labour (especially child domestic work)?

According to Mr Paulsen, investigating child domestic labour forms part of a normal enquiry.

8. Does department receive reports of child domestic labour? How often? Who makes these reports?

Mr Paulsen indicates reports are received from the social partners and stakeholders in the issue especially NGOs, CBOs, members of the community and sometimes neighbours.

9. What action does the department take upon receipt of these reports? Do labour inspectors investigate reports of operating recruitment agencies?

According to Mr Paulsen, when investigations are made the child domestic worker is not found or there is blatant denial. It is not very often that cases are reported to the labour centres. Also patchy statistics are kept at the centres. (The nearest centre for Athlone is in Mitchell's Plain.)

Mr Paulsen reports that recruitment agencies deny that they employ children and there are often no records. The inspectors will interview everyone present at the premises and ask for the registration certificate. The recruitment agents often say they will apply the next day. They already know the limits of the enforcement and the procedure that the DOL follows.

10. What does the department do with the children that they find at an employer/recruitment agency? Are there shelters that you take the children to? Do you assist the children in returning home?

Mr Paulsen indicates the DOL cannot remove children and leave the matter with the social partners who have been involved in the reporting. Removal of any individual is only possible when there is a contravention of occupational health and safety Act and there is a safety risk. Even in these cases the DOL depends on the social partners to remove to a place of safety. Some officials have good contacts with shelters and can identify the shelter but a social worker and or the police are still needed to initiate this process. The DOL is not involved in returning anyone to their homes, even adults. In this case "police pass around a hat to raise money for a train ticket but this practice is not sustainable as it has become unaffordable due to the prevalence of cases."

11. What does the department do with regards to this employer/ recruitment agency that employs children?

Mr Paulsen reports the DOL compiles affidavits for the criminal court process in order to ensure the success of prosecution. This is presented to the senior public prosecutor who has the discretion whether to prosecute. He says the DOL goes as far as preparing proposed charge sheets but it is up to the Department of Justice if they want to accept this.

12. Does department work collaboratively with other relevant departments and civil society groups to address child domestic labour? How? What is the link between the department of Labour and SAPS as well as dept of Social Development?

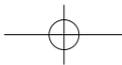
Mr Paulsen indicates there is no official protocol binding departments to work together. He believes that the Children's Act may formalise such cooperation. However, he believes on the ground social workers and inspectors link primarily because they are familiar with each other even though there are no formal agreements that force cooperation. "Sometimes I meet people at ANEX-CDW workshops but these contacts for departments may change."

13. Does the department still have a Child Labour Intersectoral Group (CLIG)? If so, what does this group do and who is the representative on CLIG? If not, what has replaced this group?

"It rings a bell...there may have been a move to establish this but nothing came of it and nothing was established. There is no other structure."

14. Do all labour inspectors know the contents of the Basic Conditions of Employment Act?

"They are supposed to it is part of their induction training."





15. Are labour inspectors effective in ensuring the implementation of the BCEA?

"That is a totally different question. Child domestic work is part of their checklist for inspections. They sometimes lack the 'soft' skills to be able to deal with children. It is so different from their normal functions."

16. Has the DoL introduced training on child labour? Is this sufficient?

This will be discussed at the provincial office next week as we have received an offer of comprehensive, funded training from a social partner which they want to do in November.

17. What are the Departments challenges?

In Mr Paulsen's opinion the following challenges can be identified: a) The delay in the promulgation of the regulation. b) Client services who deal with cases inside the labour centres or on the telephone are not as clued up as the inspectors who work in the field, especially in relation to child labour. He believes they do not have the same standards of knowledge. c) Logistical issues such as limited cars and a limited number of inspectors to deal with all issues and sectors. "The inspectors' plates are full and they have a different focus around the year in relation to legislative guidelines."

18. When asked whether child labour necessitates a special structure within DOL, Mr Paulsen answered that without proper statistics it is difficult to justify but in his opinion judging the impact and consequences on the children alone this is serious enough to warrant special attention regardless of the numbers.

Interview conducted with Ann Ntebe Athlone District Manager - Department of Social Development on 7 November 2006

A telephonic interview was conducted with Ms Ntebe. The care and protection of children and vulnerable groups is a key strategic goal of the department and therefore the well-being of children who are forced into domestic work are of concern to the department. The following questions were posed and the answers are reported in themes:

1. What policies guide the work of DOSD in respect of child domestic workers?
2. How are the policies put into practice? Are the policies being reviewed/ developed?
3. What is the mandate of DOSD with regard to CDWs?
4. Does DOSD receive reports of child domestic labour? How often? Who makes these reports?
5. Do you have specific procedure that you follow? What action does DOSD take upon receipt of these reports?
6. Does DOSD receive reports of about operating recruitment agencies and employers of child domestic workers?
7. What does the department do with the children that they find at an employer/recruitment agency? Are there shelters that you take the children to? Do you assist the children in returning home?
8. What is the response of DOSD when CDWs report cases of abuse or come to the DOSD for help?
9. Does department work collaboratively with other relevant departments and civil society groups to address child domestic labour? How?
10. What are the challenges that DOSD face with the regard to CDWs? How is this addressed?
11. Are DOSD interested in training around the issue of CDWs and generally the protection of children?

Legislative and policy framework

Ms. Ntebe reports the Child Care Act which is being revised into the comprehensive Children's Bill is the main legislative framework used by the DoSD. In addition she opines that the special provisions in the Constitution as well as international instruments such as UNESCO Children's Charter, frame the work of the DoSD. She reports that the entire department (social workers and managers of all 16 districts) was involved in the process for evaluating the Children's Bill with the Law Commission to reflect on the implications for practice, service rendering and structures required as well as the impact on beneficiaries.



Reports of Child domestic work

Ms Ntebe is aware that ANEX-CDW reports cases of child domestic labour to DoSD requesting the involvement of the department. In her opinion, ANEX-CDW have raised the profile of the issue through newspaper reports and other media. In one specific instance DoSD was requested to provide temporary shelter and transport home for child domestic workers, ZANSAF was also involved in this case. "The youth were put on the road" and the DoSD felt obliged to assist. There are no direct reports of CDWs to the offices even though there is 24 hour availability of the DoSD (during offices hours at the district office and after hours at the Saartjie Baartman Centre). DoSD takes responsibility for children older than 12 years old whereas Child Welfare Society takes care of issues that affect children younger than 12 years through their 'Eye on the Child' programme. There are however no statistics available relating to the issue of CDWs at DoSD.

She is also not aware of any report of recruitment agencies nor employers of CDWs to their offices. The DoSD operates a job desk for youth to find employment. Ms Ntebe reported that DoSD had not been asked for domestic work opportunities at this employment desk.

Returning domestic workers to their homes

Ms Ntebe has critically engaged with the issue of 'repatriation' of domestic workers. She asks: "Is it correct to send people back if they come to the city to look for work or should we not look at other alternatives for staying in the city". She says she has engaged ANEX-CDW about this issue and believes there are examples of "people get(ting) off at the next station". She believes that poverty forces them to come to the city and keep returning to the city.

Services to CDWs

Ms Ntebe indicated that cases of CDWs may come to light because of reported abuse. In this case, the DoSD would provide support and counselling as a first step. Thereafter they will find temporary accommodation in the shelters in the area. There are 3 shelters in the district - Saartjie Baartman; Carehaven and Place of Hope - which are able to provide accommodation and support to women and children who are survivors of abuse. These shelters are available to survivors for a period of 3 - 6 months until women or children are able to leave.

Partnerships

According to Ms Ntebe the DoSD fosters partnerships with other departments such as the SAPS, Health and Labour. She asserted that the DoSD has regular contact with the SAPS but the relationship with the Department of Labour is not as good. Ms Ntebe also noted that the DoSD has initiated local advisory committees as part of their outreach programme consisting of NGOs and CBOs who are supported by the DoSD. She indicated that this is a monitoring mechanism for DoSD to ensure constant feedback from civil society partners. However, there is an open invitation for departments to attend these meetings and discuss topical issues affecting the serviced community. Ms Ntebe especially indicated that ANEX-CDW is encouraged to join these fora in order to build a relationship with DoSD and other civil society organisations.

Training of DOSD

Ms. Ntebe notes the DoSD has been involved in conferences organised by ANEX-CDW on the issue of CDWs. She opines that they would welcome more training on this issue as they consider ANEX-CDW to be the specialists and DoSD the generalists.

Challenges

Ms. Ntebe perceives there is a lack of communication between ANEX-CDW and DoSD. According to her, DoSD would like to see more information sharing and referrals from ANEX-CDW - 'talk more, train more, meet more'. Ms Ntebe recalls that at the time of the initiation of ANEX-CDW the staff of ANEX-CDW was not aware of the services and procedures of DOSD. Therefore, Ms Ntebe would like ANEX-CDW to become more involved with the department becoming part of their partnership programme.





Interview with Lizelle Africa from the National Prosecuting Authority on 21 November 2006.

A telephonic interview was conducted with a representative of the NPA after a letter of request was directed to the NPA from ANEX-CDW. Lizelle Africa is a specialist prosecutor forming part of the Sexual Offences and Community Affairs (SOCA) unit of the National Prosecuting Authority which is part of the Department of Justice. Ms. Africa specialises in issues of child justice and sexual offences. The following questions were asked and answered in a logical sequence:

1. Have the NPA become involved in cases relating to child domestic work?

Ms. Africa reported that to her knowledge, and that of her colleagues, they have not dealt with even one case in relation to child domestic work. According to her they would expect to be drawn into cases of this nature by the Department of Social Development.

2. Are you able to successfully prosecute employers and recruitment agencies? What is the legislation you would draw on to ensure a successful prosecution?

Ms Africa opines prosecution of cases relating to child domestic work could be based on the application of the BCEA chapter 6 section 43 which relates to the age when children should not normally be employed (ie. under 15 years of age), also the school-leaving age. In addition she noted that the Skills Development Act section 33 can also be used. Ms Africa believes the Child Care Act is especially useful when prosecuting cases of sexual exploitation which is the more common basis of prosecution in relation to children. She noted that section 141 of the new Children's Amendment Bill which is yet to be passed into law will be most useful as it elaborates on the exploitative labour concept that exists in the BCEA and adds special provisions in relation to dealing with child labour.

3. What would you need for a successful prosecution?

Ms. Africa emphasised that the evidence of the child involved would be crucial in this matter. She especially noted that children under 16 years of age receive special protection from the court under section 170A of the Criminal Procedures Act 51 of 1997 if an application is submitted to the court for the child to testify using electronic media to communicate with the court. The child will then be spared from interacting with the court officials as well as the perpetrator in person, as the child will testify in a separate room using the services of an intermediary which may be an adult trusted by the child ie. a social worker or teacher. According to Ms Africa, when children are older than 16, the child will have to site extraordinary circumstances why they cannot testify in court. These would include issues such as the child being abused or threatened, suffering mental stress at the prospect of being faced with the perpetrator.

Ms Africa also informed that other important information required would be whether there is an offence in the first place, the relevant sections of legislation that would form the basis of the charge, the child's age, whether the employer or recruitment agent was aware of the child's age (this may be difficult especially when the child's physical appearance may cause someone to believe that the child is older than their chronological age); whether there is in fact not a prevailing court order giving special permission for the child to work as the child is for example the head of a household (this applies specifically to over 15 year olds) - however the court will still assert criteria of the type of work the child is allowed to engage in so as not to contravene current legislation.

In addition, Ms Africa notes that a fundamental issue is whether the child is in fact being forced into labour. According to the interviewee, the case will then be dealt with in relation to the specific circumstances and then each case will be judged on merit. In Ms Africa's opinion, the NPA would decide whether to intervene based on the special circumstances of each child and the merit of each case.

4. Is there a database that details the NPA's involvement in child domestic work cases?

The interviewee was not aware of any database on local or national level that captured this type of information.





5. Do you collaborate with other departments when dealing with this issue?

Ms Africa informed that it is not only government departments but anyone with an interest in the welfare of the child that could bring a case to the attention of the NPA in accordance with the Child Care Act. However, in her opinion, even in this case the buy-in of the child is crucial. She notes that if the matter is reported by the neighbour and the child is unable to testify it would mean that physical evidence needs to be provided in the case by members of the household where the child was employed.

6. Are there any fora that address child (domestic) labour issues that the NPA is part of?

Ms. Africa advised that another colleague who is an advocate dealing with child justice issues in the national office, may be able to shed some light on this issue. However, to Ms. Africa's knowledge she is not aware of such fora.

7. What would ensure the involvement of the NPA in this matter?

Ms. Africa replied that it was difficult for the NPA to be the lead organisation in this issue as the level of awareness of the problem in the NPA is virtually non-existent. According to her, unless it is proven to be a 'real' problem the NPA would not necessarily become proactive in the issue. She especially notes that, it is necessary to be aware of the incidence rates, prevalence, frequency and targeted areas where the problem exists and especially the age at which children are involved. She says: "If this is affecting for example 9 year olds, this would be alarming and it would urge the NPA to react and to put a stop to the phenomenon". Therefore, she notes that cases of child domestic work should be identified and thoroughly investigated.

8. Would the NPA be open to information sessions or training sessions on this issue?

Ms Africa indicated that in order to raise the profile of the issue with the NPA there would need to be sound research about the prevalence etc. as well as about the manner in which previous cases have been responded to by the court. To this effect she suggests a strategy could be to contact 3-4 courts in the area (Bellville, Mitchell's Plain, Khayelitsha) and interview the senior prosecutors to explore the details of how these cases have been dealt with. The interviewee recommends this can then be shared in information sessions.

9. What are the challenges of the NPA when dealing with this issue?

Ms Africa notes that the challenges relating to the NPAs involvement in the issue relate firstly to the awareness of the NPA of this issue in order for them to formulate a reactive or even proactive response. She opines the NPA needs to understand the issue in relation to whether a criminal case can be brought against perpetrators in relation to either the BCEA or the Child Care Act. According to the Ms Africa, the NPA would not know how difficult it would be to prosecute a case of child domestic work unless an examination of the facts and evidence peculiar to each case is interrogated in order to identify loopholes or pitfalls relating to the investigation. Once this is known she relates that recommendations could be made to the police or social services about the procedure to follow in investigation that would eventually ensure successful prosecution. Ms Africa notes that the precedent of a successful prosecution will then be the benchmark against which all other cases would be measured. However, in terms of the punitive measures that relate to cases such as these, Ms. Africa was of the opinion that perpetrators with no previous record of convictions would simply plead guilty as they are unlikely to receive a jail sentence especially if there is no statutory penalties attached to the guilty plea. According to Ms Africa, the lack of general awareness in the NPA that child domestic labour is an offence, is a very big challenge. She is also of the opinion that there is a need to define child domestic labour and to differentiate it from household chores by noting especially that work is done in another home for money when the child is not of age to work. In addition, Ms Africa indicates that the prevailing culture of the definition of child domestic work also needs to be interrogated this will ensure that agencies such as social services especially looks for indicators of this phenomenon when conducting investigations.

