

**CHILD LABOR IN UGANDA, INADEQUACY OF EXISTING LEGAL
MECHANISMS**

BY

SEWANYANA J. LAZARUS

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**A RESEARCH REPORT SUBMITTED TO THE SCHOOL OF LAW IN
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Declaration

I, **SEWANYANA J. LAZARUS** do hereby declare that the work presented in this dissertation arises out of my own research; I certify that it has never been submitted or examined in any university as an academic requirement for any award.

Sign 

Date 22/8/2014

SEWANYANA J. LAZARUS

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Approval

This dissertation has been submitted with the approval of Dr. Magnus Chima as my supervisor.


Signed

Date *22/8/2014*

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Dedication

First I give praise and thanks to the Almighty GOD for giving me the strength and the capacity to complete this work successfully. For all he has done to me, for his blessings, guidance, wisdom, knowledge, favours and endless blessings throughout my life and this far.

Acknowledgement

I am deeply indebted to my supervisor Dr. Chima Magnus for his overwhelming support and supervision in the compilation of this research.

Next in line I would deeply love to acknowledge my beloved parents, friends, brothers and sisters for their overwhelming and grateful help that they have endorsed in me throughout my curricular activities.

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Acronyms

ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
NGOs	Non Governmental Organizations
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNFPA	United Nations Fund for Population Agency
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations Children Education Fund
WHO	World Health Organization
GBV	Gender Based Violence

List of statutes

The Constitution of Uganda 1995

The Penal Code Act Cap 120

The Children's Act of Uganda

CHAPTER ONE

PROBLEM STATEMENT

1.0 Introduction

This chapter presents the introduction of the problem statement, it includes the background of the study, the statement problem, purpose, objectives and research questions, the scope, significance, literature review and methodology of the research.

1.1 Background to the Study

According to the Random House Webster's Dictionary (1991), child labour is the gainful employment of children below an age determined by law or custom.¹ Child labour is an old scenario in the Ugandan society but only a few people and institutions have bothered to understand its causes, effects and ramifications. The problem of child labour in Uganda has been major attributed to increased household poverty. The increasing number of poor households in recent decades has forced millions of children out of school and into work. Weak national laws and domestic violence are among other factors that were also identified.² The phenomenon of child labour has evolved over the years and significantly, what occurred in Europe and North America before and during the 19th Century Industrial Revolution when children were employed in large numbers, in industries, commercial undertakings including; street trades and agriculture to an extent, may explain what is happening in developing countries at the turn of the 21st Century.

According to the research carried out in Kawempe and Central divisions where most urban informal activities have been carried out, urban centres were meeting points by children all over the country in search for better livelihoods and opportunities and therefore areas of high child labour concentration. Children in the urban informal sector engaged in street trading activities, prostitution (child prostitution), mechanics, washing and watching cars, and restaurant activities. The children dedicated in various activities were exposed to health risks, most were reported to have dropped out of school and

¹ Random House Webster's Dictionary, 1991. Random House, Inc

² Field findings, 2009

others have been involved in the worst forms of child labour, including; child commercial sex that highly exposed them to risks of catching HIV/AIDS and early pregnancies.

In Uganda, a similar situation has been noted in Tororo district where children engage in cross border trade. Children offer cheap labour and they basically engage in smuggling merchandise and head loading. These activities have had a number of implications not only on the child but also on the society as a whole. Child labour is damaging to the educational, physiological, and psychological development of the child. It has health implications to the child as it increases the child's exposure to health hazards that threaten to subject the child to illness or injury. Commercial sex by children and its harmful effects is one of the pronounced consequences of child labour in cross border trade. Other hazards include exposure of the child to sexual harassment (defilement), torture, harassment and exploitive relations with employers, employees, and clients. Child labour has also potentially harmful implications at both micro and macro levels.

The aforementioned situations come contrary to the provisions of the Constitution of the Republic of Uganda (1995) which provides in Article 34 (4)³ the prohibition of any work that is harmful to children and work that will prohibit their education. The Children's Act Cap 59 prohibits the employment of children in work that may be harmful to their health, education, mental and moral development (Section 8). The Government of Uganda also ratified the Organization of African Union Charter on the Rights and Welfare of the Child (1990). Article 15 (1) of the Charter⁴ prohibits child labour – every child has to be protected from any form of exploitation and performing any work that is hazardous to them.

³ The 1995 Constitution of Uganda

⁴ Organization of African Union Charter on the Rights and Welfare of the Child

Although Uganda ratified the International Labour Organization Convention 182 on the Worst forms of Child Labour that urges members that have ratified it to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency (Article 1), the enacted policies, legislation and programmes in a bid to end child labour have registered few successes. While some strategies may have been more operational than the others, the increasing number of children in labour today suggests a more full blown research that looks not only at the underlying causes of child labour based on the political, social and economic dimensions, but also one that addresses its ethical aspects.

Institutionally, the main body responsible for labour and in particular child labour in Uganda is the Department of Labour Employment and Industrial Relations in the Ministry of Gender, Labour and Social Development. This Ministry has worked together with the Ministry of Education and Sports as well as the Ministries of Health, Internal Affairs and Local Government and the Uganda Police Force (CFPU). The Government of Uganda has also worked cooperatively with numerous NGO's, international organizations and CBO's like the ILO, UNICEF, Invisible Children, Save the Children, ANPPCAN Uganda Chapter and Raising Voices (CEDOVIP) in rehabilitating children and providing alternative means of livelihood through vocational training and counselling.

For instance, Uganda has together with the ILO come up with a program for the elimination of child labour, that is, the ILO-IPEC. The Universal Primary and Secondary Education programmes launched in 1997 and 2007 respectively where the Government of Uganda waived school fees for four children per family (UPE). The universal education programmes increased the number of school going children in the form of increased enrolment of pupils in school. This was purposely intended to reduce the number of children into labour. However, despite the legal, policy and programmatic framework against child labour and the establishment of various institutions in this regard, the problem of child labour has persisted in the urban informal sector in Kampala district. Although the Government of Uganda has taken steps to ensure that the labour legislation, and in particular those provisions relating to child labour have

been revised to bring them in line with the current socio-economic conditions of the country and the relevant United Nations and ILO Conventions on child labour, and at the same time formulated and adopted a number of policy initiatives and interventions that impact on child labour including; the National Child Labour policy (2006), The National Employment Policy, and the Poverty Eradication Action Plan, the problem of child labour has persisted and therefore far from over.

Several attempts by the Government of Uganda to live up to its mandate of protecting the rights of the children as enshrined in the legal, policy and programmatic frameworks, is far from reality. This ineffectiveness and inefficiency on the part of the state has created mistrust and the loss of confidence by the public as a whole; whose cooperation is vital and therefore urgent in reducing child labour, especially that, that is 'invisible'. While the problem of child labour is far from over and can not be left unchecked, it is against this backdrop that the research was carried out to analyze from an ethical point of view, the relationship between child labour and the urban informal sector in Kampala district, and in order to find a substantive solution by recommendations to the problem of child labour in the country.

1.2 Statement of the Problem

It is evident that Uganda has several policies and strategies to eliminate the problem of child labour through its existing legal and institutional framework at the national, regional and international level. However, with all these legal instruments and institutions in place, the rate of child labour is on an increase in Kampala, including its worst forms. According to a survey carried out by ILO, it is estimated that 3.8 million (approximately 32 percent of all children) Ugandan girls and boys are working. 1.7 million (16 percent) of these children are child labourers, majority of whom are aged between 10 and 14 years.⁵ Owing to the urban informal sector's absorptive capacity, it is no surprise that the UBOS study on child labour in 2001 indicated that 75% of working children reside in urban areas. Recent studies by the UBOS, that is, the ULFS

⁵ Uganda Decent Work Programme, 2007. Final Text. ILO Office for the United Republic of Tanzania, Kenya, Somalia and Uganda 2007-2010

(2009) results indicate that the majority of the workforce in the greater Kampala area is in informal employment. These figures showed a persistent increase in child labour cases in Uganda, particularly in the urban informal sector in Kampala. It is against this backdrop that the research will be carried out to investigate the root causes and make recommendations accordingly.

1.3 Research purpose

The purpose of this study is to investigate the rate at which child labor has become a rampant challenge in Kampala, the study explores the legal and institutional framework of the concept on child labor in Uganda, a case study of Kampala-Uganda.

1.4 Objectives of the study

- I. To investigate the leading causes of child labor in Uganda, a case study of Kampala
- II. To investigate the effects of child labor in Uganda, a case study of Kampala.
- III. To investigate the legal and institutional policies in protecting the rights of children.

1.5 Research Questions

- I. What are the leading causes of child labor in Uganda?
- II. What are the various effects of child labor on both elders and children in Uganda?
- III. What are the legal and institutional policies in protecting the rights of children in Uganda?

1.6 Scope of the Study

This study focused on an analysis from an ethical point of view, the relationship between child labour and the urban informal sector, as well as its effects on health, safety and education of the children involved. The study further conducted a critical assessment of the effectiveness of the existing strategies on child labour and the ethical challenges of implementing such schemes.

The inquiry will be limited to Kampala district within two of its five administrative divisions, that is, Central and Kawempe divisions. The two divisions were chosen to be representative of the children who come from different parts of the country to seek refuge in the city for the hope of survival.

The time scope of the study will be limited to the year 2013-2014, a period to note when the Employment Act and the National Child Labour Policy were already promulgated. Within the same time bracket, the Education Act (2008) was enacted and the Universal Secondary Education introduced in 2007.

The study will be based on the ideas of applied ethicists and social thinkers which showed that child labour is morally repulsive and hinders moral development, and constantly referred to international, regional and national legislation, principles, interpretations and guidelines related to the protection and promotion of the rights of the child.

1.7 Justification and Significance of the Study

This research was vital as previous research works that had been carried out basically looked at the economic, social, and cultural aspects of child labour. This study purposely looked at the ethical dimension of the relationship between child labour and the urban informal sector.

The study further focused on finding out problems faced by the underage labourers in Kampala as well as conducting a critical ethical assessment of the effectiveness of the existing strategies on child labour. This was intended to make an obvious addition to information on child labour and encourage further research within this area as a way of addressing and finding solutions to the prevailing situation in the country.

The study therefore contributed to the existing knowledge on child rights especially with regard to the causes and effects of child labour and the measures of combating the vice. This work will thus be useful to policy makers and analysts, researchers and students.

1.8 Literature review

The phenomenon of child labour has for a long time attracted the attention of academicians, literary people, researchers, the international community and policy makers. Over the years, literature concerning this subject has accumulated. While many studies have been conducted, a few have had concern with Sub-Saharan Africa. This chapter therefore presents an in-depth review of different works by researchers in relation to child labour and the urban informal sector. Although great emphasis was placed on the challenges faced by children working in the urban informal sector, it must be stressed that the information that has been generated is of great importance with regard to the general characteristics, scope and magnitude of the child labour problem worldwide.

From the studies that have been reviewed in this regard, an important observation that has been made is that child labour is a characteristic of almost all economic systems at some stage. Consequently, what occurred in Europe and North America before and during the Industrial Revolution in the mid 19th Century when children were employed in large numbers, in industries, commercial undertakings including; street trades and agriculture to an extent may be similar to what is happening in the developing countries at the turn of the 21st century (Hindman 2002). For instance children as young as 6 years old worked long hours with only an hour break in horrible conditions coupled with meagre payments.⁶ The children used large, heavy and dangerous equipment that sometimes injured or killed them on the job.

*"They [boys of eight years] used to get 3d [d is the abbreviation for pence] or 4d a day. Now a man's wages is divided into eight eighths; at eleven, two eighths; at thirteen, three eighths; at fifteen, four eighths; at twenty, a man's wages about 15s [shillings]."*⁷

Child Labour in Factories: A New Workforce during the Industrial Revolution. Accessed Monday, June 27, 2011; From: http://www2.needham.k12.ma.us/nhs/cur/Baker_00/2002_p7/ak_p7/childlabor.html

Ibid

This trend has carried on in developing countries as retorted by Hindman and explains the increasing magnitude of the child labour problem in the urban informal sector in Kampala district. This chapter therefore presents literature based on three major themes; the relationship between child labour and the urban informal sector, the existing mechanisms, policy and legal framework on child labour and the welfare model based on the Children's Act.

The relationship between child labour and the urban informal sector

Under this subsection, the researcher presents a wider perspective of the phenomenon of child labour in the urban informal sector by listing the major forms of child labour and the specific activities that the children engaged. The causes of child labour are elaborated in this subsection and both positive and negative implications of child labour have been listed.

Forms of Child Labour

There are two common forms of child labour that are akin to the Ugandan situation, that is, bonded child labour, and also sometimes referred to as forced labour and apprenticeships. These forms of child labour are further elaborated below.

Forced/ Bonded Child Labour

This is the most exploitive and egregious form of child labour. Bonded labour is defined as a long-term relationship between the employer and employee which is cemented by a loan, custom or by force and denies the employee various freedoms including; choice of his or her employer to enter into a fresh contract with the same employer or to negotiate the terms and conditions of contract.⁸ Children have fallen prey of being victims of bonded/forced labour because of their tender age and easy exploitation. A study by the U.S Department of Labour indicates that there are many children in forced

Ravi, S. S.: 2005. Bonded Labour in India: Its incidence and Pattern, Working Paper No. 43

labour because they are too young to choose to work, and because they are actively coerced into working.⁹

Forced child labour is found primarily in informal unregulated or illegal sectors of the economy. It is common among the economically vulnerable and least educated members of the society such as the minority ethnic or religious groups or the lowest classes or castes. Children are especially vulnerable to exploitation because of the tender ages they get into work. They are easily deceived and the employers ensure that they have little or no knowledge of their rights. The researcher found out that it is an axiom that the weakest and most marginalized groups of people are the most vulnerable to exploitation.

Within the context of slavery, indigenous people along with women and children are among the people affected most. This violates Article 4 of the Universal Declaration of Human Rights (1948) that states that; *No one shall be held in slavery or servitude, slavery and slave trade shall be prohibited in all their forms.* The United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave trade, and Institutions and Practices Similar to Slavery defines slavery as; debt bondage, serfdom and any practices whereby a person under 18 years of age is delivered by the parent or guardian, whether for reward or not, with the view to exploit the child or for labour purposes.

Slavery is not an old phenomenon that only existed in the past traditional society, but one that looms even in the current 21st century and mainly referred to as modern day slavery. Slavery has crippled many children and others have suffered silently since all forms of communication are cut. The story below may not represent a situation in Jganda, but explains the characteristics and its negative implications on victims worldwide. The story of Iqbal Masih;

⁹ United States Department of Labour: Bureau of International Labour Affairs. Forced and Bonded Child Labour. Accessed from; <http://www.dol.gov/ilab/media/reports/iclp/sweat2/bonded.htm>; accessed on 30th June 2011

Iqbal was only four when he was sold into slavery. He was a child of bondage, sold by his family to pay for a debt. Though very small and very weak, he was forced to work at a carpet factory for 12 hours a day. He was constantly beaten, verbally abused and chained to his loom for six years. Severe malnutrition and years of cramped immobility in front of a loom stunted his growth. All this changed in 1992, when Iqbal and some of his friends from the carpet factory stole away to attend a freedom day celebration organized by a group working to help end bonded labour. With their help, Iqbal too, became free and soon became a well-known critic of child labour. His campaign scared many, especially those who used children as bonded labour. In December 1994, Iqbal visited the United States to receive a human rights award. Soon after his return, Iqbal was killed by a gunman hired by factory owners. Iqbal was just one of over 250 million child labourers worldwide, but his story has inspired many to act for change.¹⁰

Forced child labour further includes those children whose parents have pledged them as payment or collateral (debt bondage), child prostitutes, child soldiers, children in domestic service, child slaves, children in crime and trafficked children. Children who for instance work in unseen domestic service are barely 'visible' and their rights are constantly infringed upon by their employers. The research study noted that children as young as 12 worked in households under harsh treatment that was not only limited to beatings, meagre payments and less breaks, but also subject to sexual harassment by their male employers. Further evidence by the ILO indicates that children in forced service work in conditions that have no resemblance to a free employment relationship. These children have no control over their daily lives and have no way of escape when they enter into forced labour.

Debt bondage like domestic child service is an 'invisible' yet egregious form of child labour. The International Labour Organization defines debt bondage as a specific form of forced labour in which a worker renders service under conditions of bondage arising from economic considerations, notably indebtedness incurred through the provision of a

¹⁰ <http://cyberschoolbus.un.org/briefing/labour/labour.pdf>

loan. The person under control is usually a child whose services are pledged at a very young age. These children are usually paid meagre wages which when coupled with usurious rates makes it impossible to repay the initial debt. In many cases the debt increases because the employers deduct payment for equipment and tools or charge fines for faulty work.

Apprenticeships

This is a controversial form of child labour where it is claimed that the child is learning skills of an occupation which will be used later in his/her life career. In reality, many employers exploit apprentices as free labour while purporting to teach skills to a new generation.¹¹ According to the ILO, an apprenticeship is carried out under a form of contract of employment, usually within a formalized program under the supervision of national education authorities. This has stayed as a subject of extensive and detailed regulation.

Many cases of apprenticeships have been excluded from the provisions of legislation concerning the minimum age. Legislators have not clearly distinguished the difference between "apprenticeships" and other forms of child labour. For instance, many countries have laws that prohibit the employment of children under the age of 14, but still allow apprenticeships for younger children. In Egypt for instance, the employment of anyone under the age of 12 years is prohibited yet children as young as 7 and 8 years regularly work as apprentices in carpet workshops and leather industries with conditions that are detrimental to their health. Child workers are suffered as apprentices although none of the conditions of apprenticeship applies to them. Children in this sense are exploited under the guise of "apprenticeship".

Uganda is one of the countries where children work and the type of work requires little or no qualification. For instance, information obtained from six respondents aged between 14 and 16 years in Wandegeya a suburb of Kampala, the children said that they were paid nothing as their employers claimed that they were learning skills and

¹¹ Sawyer, R., 1988. *Children Enslaved*. New York: Routledge Press, pp. 139

disciplines of an occupation. This was absurdly coupled with working under harsh conditions such as working overtime, working on 'empty stomachs' and beatings.¹² Though apprenticeships are illegal, the practice is generally accepted as a way of learning skills as portrayed in the earlier traditional society.

Section 8 of the Children's Act prohibits the employment of children in any activity that may be harmful to his/her health, education, or mental, physical or moral development. Children's engagement in domestic work contrary to this Section deprives them of an education, and the fact that these girls are beaten by their female bosses and sexually harassed by their male employers exposes them to physical and psychological harm and the risk of catching HIV/AIDS. Domestic labour is an 'invisible' form of child labour that may not easily be wiped out of society today given the poor implementation of laws. This justifies a close collaboration of relevant stakeholders including; CSO's, NGO's, the state and the community at large to report the 'invisible' cases of children in domestic service.

Causes of Child Labour

The factors that predispose children into child labour are many and work to combination. Most theorists have advanced economic theories to explain child labour. They say children work because of economic reasons mainly attributed to the poor family backgrounds they come from. However, Bequele V (1991) is of a different view, he argues that economic reasons are not enough on their own to cause or reduce child labour.¹³ This argument is supported by the evidence that economic growth of some countries has not been associated with a reduction in child labour but rather a dependence on existing policies and how the economy is run.

Morris Class points out on the other hand that early practitioners in the field of child welfare proceeded on the assumption that physical abuse was associated almost exclusively with poverty, slums, ignorance, industrial exploitation and immigration.

¹² Field research, 2009

¹³ Bequele, A., 1991. Combating Child Labour: Contrasting Views and Strategies for Very Poor Countries. Conditions of Work Digest, 10 (1) pp 7-15

Physical mistreatment was quite open in these sectors, and it was not difficult to introduce admissible evidence to the courts in the prosecution of abusive parents.¹⁴ The Ugandan situation out rightly proves Class' assumption. The research findings clearly indicated that poverty, domestic violence and ignorance of the law were strong contributing factors to child labour. Slums represented a breeding ground for child prostitution and the rapid growth of the urban informal sector facilitated the demand for cheap labour and thus child labour.

Child labour is therefore a multifaceted phenomenon associated not only with ignorance of the victims, but also the indifference of the society we live in, moral degeneration, political and socioeconomic factors. The major causes of child labour are further elaborated below.

Personal Variables

Physical and mental attributes of children influence their abuse. Physical disabilities have long been associated with child abuse and neglect as these children are often victims of discrimination, sexual exploitation and social exclusion. More often than seldom, the abused or the victims of abuse do not report such cases to the authority for fear of reprisal by the abuser who may be a parent and due to ignorance. A study by Plan Uganda confirms these reports as one child was quoted to say that; *'My parents neglected me because I was disabled and I was not allowed to go to school. However, thanks to Plan, I now go to school and this makes me so proud and happy to be like other children.'* Scovia, 14 years old, Plan (2010). These findings are contrary to Section 5 (2) of the Children's Act Cap 59, on custodianship to protect the child from discrimination, violence, abuse and neglect, Article 11 of the African Charter on the Rights of the Child on the right to education for every child and Section 4 (1) of the Education Act, 2008 on the sole duty of parents to educate their children despite disabilities.

fear of reprisal
Plan Uganda

¹⁴ Morris C., 1980. Child at Risk: A Report by the Standing Senate Committee on Health, Welfare and Science, Canada.

Socioeconomic Aspects

Modern socio-economic developments have diminished the traditional role and power of women. This change in status has brought about strains in family life and decreased the value of children, resulting into more frequent occurrences of child abuse and neglect. Today, more than ever before, the socio-economic problems are impinging on the parents and are making them lose child rearing self-confidence as they can hardly sustain the family. The role of bread winners has shifted from men to wives and children hence a call for working to survive.

Social-cultural Aspects

These have played a vital role in contributing to the increasing rate of child labour in Uganda today. Traditionally, children have been viewed as personal property and were generally expected to work. There was maximum division of labour where the girls were expected to do all the house chores and the boys went hunting. These roles were meant to prepare the children for future adulthood especially the girls who were often subjected to early marriages when they clocked the age of puberty, while their male counterparts went to school.

Today, the traditional trend still carries on, children work because of a perceived belief that their participation in domestic activities is part of the learning process and preparedness for adulthood. It is however important to note that some of the household work is too excessive and exploitive and can be categorized under child labour. This work becomes heavy and dangerous especially if the age and physical ability is not put to consideration. Gender and education of children is another old cultural practice that has been carried on to date. Traditionally, education of females was not considered important. While their male counterparts were left to go to school, the females stayed home doing house chores. Educating boys was seen as old age insurance and one that had higher future investment returns. Educating a girl on the other hand was seen as a waste of income since many would get married off and therefore have no economic contribution to the bonafide family. At puberty, girls were

prepared for marital roles and eventually an early marriage where the family acquired bridal wealth.

The situation in Uganda today is not different, children have dropped out of school into marriage and those who have defied against such marriages have resorted to employment for survival. Children have now and again been considered as property. As cited by a one Eunice; *As girls, we always suffer the most, because our parents see us as property or wealth at home, and some of us have to 'drop-out' of school to get married, so that our in-laws can give our families cows, goats, money, or clothes, Plan (2010).*

Gender biases and stereotypes deprive the discriminated sex their rights as children. All individuals according to Article 2 of the Universal Declaration of Human Rights are entitled to all rights set forth in the declaration. Rights are not only limited to education, but also freedom from discrimination, slavery, torture, cruel, inhuman and degrading treatment. The Constitution of Uganda and the Education Act also provide for compulsory education, therefore children should not be denied an education on grounds of sex. Household activities that include digging, cooking and cleaning can still be learnt from school. For example home economics and agriculture practices if handled seriously in all schools, they can be of benefit to many children in the learning process.

Age

The number of children involved in child labour increases with age and peaks off at 14 to 16 years before decreasing. It was observed during the study that children who were at least below 6 years of age did not engage so much in work, whereas their counterparts who were older worked to earn a living and to acquire their independence. Children who were six years and under represented 20 percent, 34.3 percent of the children were aged between 7 and 11 years and children who were 12 years and over represented 45.7 percent. It was also noted that as children grew older, they tended to diminish from certain activities of street life. However, this varied from society to society taking into consideration several socioeconomic factors. For instance, a person

who claims to be preparing the child for adulthood through overworking her/him might not have any specific age limit and the child may work till adulthood. On the other hand, the rapid economic and social transformation worldwide has contributed highly to child labour. Many children are migrating from rural areas into the city centre to find employment and better opportunities. Most of these children have ended up in the urban informal sector because of its ease of entry and most of the activities therein require minimal or no skills. The earnings are used to supplement family incomes back home and to meet daily basic needs.

Family Characteristics

Family characteristics have played a crucial role in the employment of children based on the type of family (polygamous and monogamous), family size and the employment of parents. The study observed that children who came from poor households and their parents were unemployed engaged more in labour activities to supplement meagre family incomes. Household poverty is one of the underlying causes of child labour that affects school enrolment as many cannot afford school fees and scholastic materials. Child labour becomes a majority option for most families for survival which eventually affects the academic performance of some children who labour for fees and it also endangers them physically and psychologically. While it might seem obvious that the children had to fend for their families, parental consent to work comes in the way as a major issue of maximum consideration in child employment. Parents allow their children to work and thus played a big role in influencing child labour.

Single Parenthood

The study indicates that children who reported their parents as no longer staying together or those who had lost one of their parents and in most cases drained in poverty engaged in work.¹⁵ The increasing number of orphans and children raised by single parents undoubtedly necessitated the employment of children. Increase in OVC

¹⁵ Single parenthood includes the raising of children single handedly without the help of the other partner. Many children in Uganda especially in Masaka and Rakai and the parts of the North of Uganda that are in civil strife with the Lords Resistance Army have lost one or both their parents to AIDS and war respectively. The orphaned children only resort to labour for survival.

cases in Uganda has long been attributed to the AIDS scourge. Uganda in the 1980's was one of the countries in Sub-Saharan Africa that experienced the economic and social impact of HIV/AIDS.¹⁶ The scourge left millions of children orphaned (orphans constitute 14 percent of all children in Uganda), led to an increase in child headed households and child employment.

Political Factors

Political factors refer to conditions that cause civil and national strife and unrest including wars inter alia as considered. Khartoum, Sudan has the largest number of street children in Africa mainly due to wars between government and SPLA Soldiers. In Uganda, especially towns in the north and east like Gulu, Lira, Soroti and Mbale, street children have increased due to civil wars. Children migrate to bigger cities in search for help. These children sometimes go accompanied by their parents and some unaccompanied especially orphans. War zones serve as catchment areas for vulnerable children who end up on the streets and involve themselves in child labour for survival. It is reported that many children and women in Darfur in the Sudan are dying daily mainly from the effects of war.¹⁷

All this has been attributed to the weak government policy. Besides failure to keep peace and order and thus keeping the nation at rest, government policies or the lack thereof also contributes to the increase in child labour cases. In many developing countries, lack of surveillance, enforcement and intervention on the part of the government, allows child labour to thrive. In many countries, government policies simply ignore the plight of children. For example, mandatory education laws exist but are often disregarded in rural areas. Let alone, the lack of government policy to maintain peace and avoid wars has led to continuing wars that cause Internally Displaced Persons and refugees.

¹⁶ Uganda Decent Work Programme, 2007, Final Text. ILO Office for the United Republic of Tanzania, Kenya, Somalia and Uganda 2007-2010

¹⁷ As reported on CNN and Aljazeera World Reports, 2009

Gender

In case of child labour, it was observed that female children tend to dominate in domestic life and work in their homes. Because of many traditional poor families, girls' labour is not only a cultural demand, but it is also absolutely imperative for family survival. For instance, when the mother is sick, or out to earn an income, the girl's presence at home becomes essential. They miss school as a pre-requisite to care for young siblings and manage the household when the mother is away. The male species on the other hand dominate street life and other informal activities demanding hard labour. Boys dominate apprenticeships and production and have more avenues especially paid employment and get higher incomes, except child prostitution which is the most lucrative business monopolized by females. Another reason explaining the gender difference is that boys are more rebellious than girls and are likely to leave home for street life through active choice or active rejection.

It should however be noted that the relatively greater premium placed on unpaid domestic labour of girls and the inflexibility of curriculum results is; deferred entry of girls in to the school system, frequent absenteeism from school and chronic fatigue. The Government of Uganda has also observed that the education system in Uganda is characterized by high and constant enrolment, but low completion rates. Children in rural areas particularly girls benefit less from the education system than boys. This is also compared to the education system in the urban areas where parents can afford to pay higher school fees. This has led to deferred entry, leading to early maturity, early marriages and pregnancies and child labour, all which have negative implications on the life of the girl child.

1.9 Methodology

In order to achieve the objectives of the study successfully, the researcher used qualitative methods, that is to say; interviews to collect the required information to facilitate the research, the library of the University (KIU) was among the major sources of information, interview questions were asked to the various families in the area of study and there reviews were also utilized to assess and compile the research.

CHAPTER TWO

GENERAL OVERVIEW OF CHILD LABOUR AND THE SOCIO-ECONOMIC CONTEXT

2.0 Introduction

This chapter reviews the general economic outlook and examines both national and international conventions on child labour. Child labour in Uganda manifests itself in many forms both visible and invisible. Various forms of interventions have been initiated to advocate against all forms of child labour especially the worst forms of child labour.

2.2 Government Policy on Child Labour

In Uganda, any person below the age of 18 years is considered to be a child. However, throughout this document, reference will be made to children in the age bracket of 5-17 years for which UDHS collected information. Like in many societies in Africa, Ugandan children are expected to perform several tasks as they progress to adulthood under the principle of preparing them to be good adults, what is generally referred to as socialisation. Light tasks such as cooking, washing, and fetching firewood, if done in moderation and in consideration of the capacity of the child's other rights, in particular, the right to education, are acceptable as a process of living and a means of transmitting skills from parent to child. However, tasks that place children in danger or expose them to unhealthy, dirty, strenuous moral and exploitative conditions are not acceptable. This is the type of child labour that government is concerned about. A number of interventions have been made to address this phenomenon.

2.3 The National Child Labour Policy

The Ministry of Gender, Labour and Social Development, Labour and Social Development is in the process of formulating a national policy on child labour. The policy identifies and enumerates the socio-economic context of child labour in Uganda, the nature, extent and magnitude of child labour, the causes and consequences and effects of child labour, government response and milestones achieved, strategies for

implementation and the institutional framework within which the national child labour policy will operate.

The national child labour policy identifies the worst forms of child labour based on data generated from various studies supported by ILO-IPEC¹ and other development partners and include: children engaged in commercial agriculture especially in sugar plantations, children engaged in fishing along the lake shores and in the islands, children in domestic labour, children in the informal sector, street activities and commercial sexual exploitation, children in armed conflicts and children in the construction sector.

2.4 The National Employment Policy

The National Employment Policy being drafted is an attempt by government to formulate a comprehensive policy on employment. The employment policy emphasizes the importance government attaches to the protection and promotion of employment opportunities. Furthermore, given the multi-dimensional nature of the employment situation in the country, its contribution to the poverty reduction efforts need not be over emphasized. The objectives of the employment policy are among others to:

- Promote the goal of full employment,
- Secure improvement in the productivity of labour,
- Provide the fullest opportunity to each worker,
- Safeguard the basic rights and interests of workers and
- Stimulate economic growth and development.

The Employment policy sets out the principles and strategies and, the institutional framework for the implementation of the employment policy.

2.5 Plan Of Action On Child Labour

The Draft plan of action on the elimination of child labour was adopted by the National Steering Committee and has been disseminated to districts. The Child Labour Unit of the Ministry of Labour, Gender and Social Development (MGLSD) is making follow-ups at national and district level. The Unit co-ordinates activities on child labour at the

national and district level. The studies include, but are not restricted, to: Baseline survey in Kakira Sugar Works, Sugar Corporation of Uganda and Kinyara Sugar Works; Rapid Assessment study on child domestic workers in the districts of Wakiso, Kampala and Mpigi; and Rapid Assessment of commercial sexual exploitation of children in Kawempe division-Kampala.

CHAPTER THREE

PRACTICAL INTERVENTIONS

3.0 Introduction

Government through the Ministry of Gender, Labour and Social Development has initiated a number of interventions in form of policies and has also set up institutions that are directly and indirectly aimed at eliminating child labour. These include but are not limited to Universal Primary Education (UPE), Poverty Eradication Action Plan (PEAP), National Council for Children (NCC) and the Child Labour Unit in the Ministry of Gender, Labour and Social Development, (MGLSD).

3.1 The ministry of Gender, Labour and Social Development,

The Ministry of Gender, Labour and Social Development (MGLSD), is mandated to deal with employment and occupational health and safety at work places and labour matters. A National Steering Committee on Child Labour has been constituted with the MGLSD providing the secretariat. In addition, MGLSD is the Government Ministry housing the child labour unit. The major task of the Unit is to advocate for the elimination of child labour and the promotion of general public awareness of national policies on child labour. Another sister department in the same ministry is responsible for advocating for the rights of children. The labour legislation is currently under review and is expected to become law soon.

3.2 Universal Primary Education

The Universal Primary Education (UPE) implemented since 1997 is the chief governments' education priority programme. The UPE programme aims among other things at enhancing enrollment and retention of children in primary schools and improving attendance and making instructional time more effective. The programme has multi pronged benefits especially to vulnerable children at the risk of engaging in child labour as listed below: First, the provision of free primary education delays and discourages children from entering the labour market at an early age, Second, children

with disabilities have an opportunity to access free primary education that draws them away from vulnerable circumstances like streets and isolation.

3.3 Poverty Eradication Action Plan (PEAP)

Poverty in Uganda is a multi dimensional phenomenon and indeed pervasive. Poverty manifests itself in many ways and affects different households and individuals differently. Poverty is thus a national problem and government has put in place a PEAP as the overarching development objective. It aims at reducing the proportion of people below the poverty line from the current level of 35 percent to 10 percent by the year 2017. According to the poverty studies, between 1992 and 2000 poverty has steadily been reducing from 56 percent in 1992 to 35 percent in 1999/2000 and that the urban dwellers have benefited more from the growth of the economy than the rural populations.

Different studies have also shown that poverty is more in rural than in urban areas. This is expected because the majority of Ugandans live in rural areas (over 85 percent). Poverty is particularly a serious problem because poor families tend to have more children and to engage their children in work to boost household incomes. Government has come up with four major areas for intervention as a way of reducing poverty. These are: Ensuring security and good governance; Sustained economic growth and structural transformation; increasing the incomes of the poor improving the quality of life by addressing the constraints in the education, health and water sectors. The above areas of focus will inevitably lead to significant improvements in household welfare. The challenge however, is to ensure that the benefit from growth trickles down to those in urgent need like the children. Analysis of the poverty situation in Uganda is based both on the qualitative and quantitative approaches. The qualitative approach uses participatory methods to analyze poverty. The quantitative analysis of poverty on the other hand, is based on consumption expenditure data from the national household surveys conducted by the Uganda Bureau of Statistics. The breakdown of poverty levels by rural-urban and by region reveals that poverty rates are still high in rural areas and northern region in particular. Table 2.1 summarizes the poverty rates by locality.

3.4 International Conventions On Child Labour

The ILO Convention No 138 on Minimum Age for Admission to Employment

The ILO CONVENTION No.138 (1973) on the minimum age for admission to employment urges member states to ensure success of the national policy and to effectively abolish child labour. The Convention also urges countries to progressively extend the minimum age for admission to employment to a level consistent with the physical and mental growth of young persons. The Convention sets the minimum age at 14 years for developing countries (and 15 for developed countries) and urges countries where the cut-off is not possible to fix the minimum age for all employment.

The Convention also commits countries where the minimum age of admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, to take immediate steps to raise it to that level.

ILO Convention No 182 (1999) on the Worst Forms of Child Labour

The Convention urges member states to aim at eliminating the Worst forms of Child Labour. The Convention targets practices like child slavery, forced labour, serfdom, bondage, prostitution, pornography, children in armed conflict, use of children for illicit activities such as trafficking in drugs, engaging children in work which is likely to endanger their health, safety and morals and various forms of hazardous and exploitative work. It calls for the immediate and effective measures to secure their prohibition and elimination as a matter of urgency. The International Programme on the Elimination of Child Labour is a technical cooperation programme between the ILO and the MGLSD meant to assist government in developing policies and interventions against child labour with assistance of the ILO-IPEC.

In addition, activities that expose a child to dangerous equipment and machinery, tools and manual handling of heavy loads as well as children working in unhealthy conditions (which expose them to hazardous substances, agents etc), and children working for long hours or during night or work where children are unreasonably confined to the premises of the employer are also included.

Government has ratified the ILO conventions No 138 of (1973) on Minimum age of admission to employment and ILO convention No. 182 of 1999 on the Worst Forms of Child Labour. Given the importance of the conventions, the International Programme on the Elimination of Child Labour (ILO-IPEC) was established in Uganda to contribute progressively towards the elimination of exploitative child labour in Uganda. The programme has not only instigated debate on the issue of child labour but has also closely worked with government to ratify the conventions. To fulfill its mandate, the office is spearheading several studies on creating awareness about the plight of children especially those exposed to the worst forms of child labour.

The UN Convention on the Rights of the Child 1989

The UN Convention on the rights of the child calls for guaranteeing the basic human rights including survival, development, full participation and protection rights in order to ensure their individual growth and well being. Article 32 urges state parties to protect children from economic exploitation and from any work that is likely to be hazardous or to interfere with the education, or to be harmful to the child's health, or physical, mental or social development

The Status Of Working Children In Uganda

In Uganda, the status of working children is not well documented. However, the 1991 Population and Housing Census enumerated about 3.3 million children in the 10-17 year age bracket. This number has certainly increased during the last decade because of the natural growth related to the high fertility sighted above. According to the 1997 pilot labour force survey, more than 140,000 children aged 7 –17 years were estimated to be employed while more than 100,000 other children were not working.

Education In Uganda

Education is one of the key sectors that government is targeting for poverty eradication. The benefits derived from education to the individual in particular and the country in general are enormous and play a crucial role in any country's development. The formal

education system in Uganda consists of primary, secondary, higher and University levels. There is an examination that qualifies a candidate to move from one level to another level. A candidate may join an institution after the completion of any level above primary. Primary level requires 7 years of schooling before one sits for exams, secondary school level requires 4 years but with an examination at the end of the fourth year before a candidate qualifies for higher school, the two years pre-university entrance. Government has implemented programmes and policies that favour the growth of the education sector. The liberalisation policy together with the Universal Primary Education (UPE) have increased enrollment especially in primary schools from 2.7 million pupils in 1997 to 6.5 million in 2000. Secondary school enrollment realised a 79 percent increase between 1996 and 2000. This represents an annual average of about 16 percent. The increase in secondary school enrollment however, is much lower than that of primary education and significant increases are expected as more primary graduates join secondary schools.

CHAPTER FOUR

LEGAL AND OTHER INTERVENTIONS TO ELIMINATE CHILD LABOUR

4.1 The Constitution Of The Republic Of Uganda

The Uganda Constitution 1995 (Cap1, Article 34 (4)) provides for the protection of a child from hazardous and exploitative work. The constitution clearly spells out the following rights of children; Children are entitled to be protected from social and economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

The Government of Uganda is a signatory to a number of International instruments such as the UN Convention of the Rights of the Child (CRC)¹⁸ and the AU Charter on the Rights and welfare of the child¹⁹. The Palermo protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against Trans-national organized crime (2000). The Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000. All these emphasize taking appropriate measures and strategies to promote and protect the rights and welfare of the children in Uganda including street children.

Article 34, of the 1995 Constitution of the Republic of Uganda recognizes the need to protect the rights of children without discrimination. The Children Act; Cap 59 provides legal framework to protect and promote the rights of children. Every child has a right to live with his/her parents or guardians and every parent has the responsibility for his/her child.

¹⁸ Ratified by Uganda in 1990

¹⁹ Ratified by Uganda on 17th August 1994

Furthermore this is also provided for in the Local Government Act; Cap 243 schedule 2, which mandates the Local administrations to provide services to the children within their areas of jurisdiction without discrimination.

4.2 The Employment Decree 1975

There exists the employment decree of 1975 that limits employment of children between 12-18 years and prevents (or prohibits) it for children below 12 years (Part IV Section). The decree however, restricts employment for those aged between 12 and 18 years and empowers labour inspectors to monitor compliance.

4.3 The Children's Statute No. 16 of 1996

The Children's Statute 1996 spells out the right of a child and the welfare principles that guide those under care for children. Part 2, Section 9 states "A child has a right not to be made to work or take part in any activity whether for pay or not which is likely to injure the child's health, education, mental, physical or moral development. For example, all children have to help out in household work, but they must do so according to their age and ability". In addition a child in Uganda has a right to the following:

- A right to live with his or her parents. Provision is also made in instances where the child and parent are separated;
- Right to education and guidance;
- Right to be protected from violence, ill-treatment and any behaviour that might show a lack of care or interest in child;
- Right to be protected from any form of discrimination;
- Right to be protected from any social or customary practices that are dangerous to the child's health;
- For children with disabilities, the state shall have duty to have the child examined to find out the extent and type of disability and thereafter, the child shall then be given facilities to help him/her live as normal a life as possible. The above rights

have been widely disseminated through several agencies like National Council for Children, Children agencies and Non Governmental Organizations.

4.4 Revisions Made To Labour Laws

The Employment Decree of 1975 and three other Labour Laws have been revised so that they are in line with the principles of the ILO Convention Nos. 138 and 182. The revision takes care of the prohibition of persons below the age of 18 years from working in hazardous and injurious work. In addition, the minimum age of admission to employment has been set at 14 years.

All the above legal frameworks provide for enhancement of dignity for every child in a non-discriminatory manner and equal access to children's rights, child participation, family unit and best interest of the child. These are vital principles of the human rights based approach to the protection of children rights.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

The addition of a child labour module to the Uganda Demographic and Health survey 2000- 2001 was a good starting point in trying to understand the extent and magnitude of child labour in Uganda. Although the questions included were few, they have provided an insight into the extent of child labour in the country. In order to address the problem of child labour, Government has ratified a number of conventions and enacted national laws and has initiated a number of programmes.

The survey covered children aged 5-17 years. Most of the children found in the households, which UDHS covered, were children of the head of household. Despite the fact that the Universal Primary Education programme is in place, results indicate that about one in every five working children aged 5-17 years was not at school. Of these, girls exhibit a slightly higher percentage of non- attendance compared to the boys. The central region is the main culprit regarding non-attendance since more than one third of the working children in the age bracket are not attending school.

Results indicate that 9 percent of the children aged 5-17 years in Uganda are engaged in child labour, with boys exhibiting slightly higher levels than girls. The level of participation for those children attending school is slightly lower than those who were not attending school.

Regarding the orphan-hood status and living arrangements, one in every five working children was an orphan in Uganda. In terms of regional distribution, the results indicate that central region has the highest percentage of orphans among working age children followed by western region. As stated earlier on, districts of Kitgum and Gulu, Kasese and Bundibugyo were not covered during UDHS. Hence the regional differential depicted may not necessarily reflect the situation on ground especially in northern Uganda.

In terms of living arrangements, results show that most of the working age children who live with the mother are more likely to work (11%) than those who live with their

fathers (8%). In terms of regional distribution, the northern region has the highest proportion of children living with only the mother.

5.2 Recommendations

Poverty eradication is the country's overarching development objective. Studies have shown that there is a link between poverty and child labour. As a result, national poverty programmes and budgets should be mainstreamed to reduce child labour.

Various studies have been undertaken to increase the knowledge and data base on child labour issues. However, these studies do not provide a sufficiently detailed national picture on the nature and magnitude of child labour.

It is recommended that ILO-IPEC continues to support efforts that target the elimination of child labour in Uganda and to continue supporting those initiatives that increase the knowledge on child labour. Government has ratified a number of conventions and some national laws are currently being reviewed. The Ministry of Gender, Labour and Social Development, should be facilitated to make such laws known to those who violate them out of ignorance and to enforce the provisions of the relevant laws.

- The Government should build vocational schools for these street children who cannot return back home, so that they can acquire skills. These street children can develop skills and talents in soccer, sports and carpentry to mention but a few but need to be supported.
- Government should come up a mechanism on how to enforce the various laws in place that prevent child trafficking. A special force should be established to arrest people that take young children as young as two years to beg on the streets.
- To the children they should be vigilant, speak out to relevant authorities in cases of abuse and exploitation.
- To the parents they should take their role of caring and providing for their children seriously and stop domestic violence.

Finally, the report gives an insight into the levels and magnitude of child labour in Uganda. However, there is a need to conduct a fully-fledged child labour study to provide a more detailed discussion of other aspects that have not been addressed in this report.

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