

**ADEQUACY OF EXISTING LEGAL FRAME WORKS IN PREVENTION OF CHILD
LABOUR IN UGANDA.**

A CASE STUDY OF MAKINDYE DIVISION OF KAMPALA DISTRICT

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DECLARATION

I, SAANO MARY, declare that this dissertation is my own original work and has not been published or submitted for any other diploma award to any other University before.

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Approval

This proposal has been submitted for examination with my approval as the supervisor.

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LIST OF STATUTES

The 1995 constitution of the republic of Uganda

The children's Act cap 59

The local government Act (1997)

The employment Act (2005)

The penal Code Act (Cap 120)

LIST OF CONVENTIONS

ILO Convention 138 Minimum Age Of Admission to Employment (1973)

ILO Convention 182 Worst Forms of Child Labour

United Nation Convention on the Rights of the Child (CRC) 1989

Universal Declaration of Human Rights.

European Convention on Human and People Rights.

The Bill Of Rights

The African Charter on human and people's rights

LIST OF ACRONYMS

ILO:	International Labour Organisation
UNICEF:	United Nation International Children's Fund
UHDR:	Universal Declaration of Human Rights
IBHR:	International Bill of Human Rights
UBOS:	Uganda Bureau of Statistic
UPF:	Uganda Police Force
CBO:	Community Base Organisation
ILO-IPEC:	International Program for Elimination of Child Labour
PEAP:	Poverty Eradication Action Plan
UPE:	Universal Primary Education
USE:	Universal secondary Education

IHDR:	International Human Declaration of Rights
NCC:	National Council for Children
STDs:	Sexually Transmitted Diseases
GDP:	Gross Domestic Product
SNE	Special Needed Education
UNHS	Uganda National Household Survey
PPA	Participatory Poverty Assistance

ABSTRACT

The research was undertaken to collect data on child labour in Uganda with ultimate goal of designing intervention and policies for addressing child labour. The research was a cross sectional study undertaken in Makindye division of Kampala district. The research also unveiled a shocking reality facing children entangled in the web child labour.

Children are mainly taken to urban areas to work as child Domestic Workers (CDWs), bar/restaurant attendants, sex workers, strippers, and vending. Others are taken to work at fishing/landing sites and agricultural plantation.

Although there are various loopholes in the legal mechanism to address child labour, activities have been identified in the proposed strategy including law reform and training, victim support, sustained media campaigns, poverty eradication and education among others. In addition there is need for stakeholders to work together through a coordinated approach because the problems and needs presented by children are multifaceted and thus need a multi-sectoral and participatory approach involving government, civil society, communities and children.

CHAPTER ONE

1.0 INTRODUCTION

1.1 Background of 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 government and non government organs have bothered to understand its causes, and effective legal mechanisms to eliminate the problem of child labour in the country. Poor households in recent decades have 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 , Article 34 (4) of the Uganda Constitution of 1995, children are entitled to be protected from social or 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. Similarly in the children's act Cap. 59 section 8 states that no child shall be engaged in any activities that may be harmful to his/her health. However basing on the research carried out in Makindye Division of Kampala District found out that there was need to address child labour, activities and propose strategies, such as law reforms, training victims of child labour with useful training at their capacity level, this can be achieved through educating both children and parents on forms of child labour and its worst effects so as to eliminate child labour activities through multi-sectoral and participatory approach involving government, civil society, communities and children.

The phenomenon of child labour has evolved over the years and significantly, it occurs in various parts of the regions, children are employed in large numbers of, agriculture, industries, commercial trade in various activities to earn a better living for themselves and their family members.

According to this research from Makindye division of Kampala District, a lot urban informal activities are carried out in town councils of Kansanga-Gabba road, children are engaged in street

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

² Field findings, 2009 of Indian report on labour.

trading activities, prostitution around Waswa village Kibuye parish, and some parts of kabalagala such as, Pataleyo, Biyinja, and Bwire zones, other activity include mechanics, washing cars and watching videos, restaurant activities such as waitresses, frying chapatti among others. Most of these children are dedicated to work but they are exposed to various risks such as, dropping out of school, others have been involved in the worst forms of child labour, for example in commercial sex which has exposed many young girls to HIV/AIDS and early pregnancies hence high mortality rates among the young generation

In a similar situation there have been a lot of activities going on where children offer cheap labour and they basically engage in smuggling merchandise, head loading, and child soldiers among others. These activities have exposed a number of health complications for both children and adults who risk being imprisoned for sending children to work instead of being at school. Child labour is damaging the education and physiological development of children. Those children are exposed to various health hazards that threatened them with a lot of illnesses or injuries. 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 small and large levels.

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, 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 (UPF). 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 Kampala District Makindye Division as per this research is concern.

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 Conventions like United Nations and ILO on child labour which formulates and adopts 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 those 'invisible' policies. While the problem of child labour is far from over and cannot be left unchecked, it is against this backdrop that the research was carried out to analyze from an ethical point of view, the adequacy of existing legal frame work in the prevention of child labour in Uganda

finds a substantive solution by recommendations to the problem of child labour in Makindye division-Kampala district.

With due consideration to the many dangers associated with child labour, the phenomenon has received the attention of researchers, academicians and policy makers. The International Labour Organization estimates show a large and increasing number of working children worldwide despite endeavours by government and stakeholders to fight the vice. The predominant factor behind child labour was poverty that led to the increasing number of child dropouts since many could not afford school fees and scholastic materials.

Attempts at establishing the exact challenges of child labor in the region have not always been comprehensive, yet still they do not delve into a deeper analysis of the root causes of child abuse in form of child employment so as to find a substantial solution to the vice, this was a statement made by Bennet Alexander, Dawin D. employment law for business 4th edition.

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 increase in Makindye division of Kampala district. In reference to a similar survey which was carried out in March 1999 by plan Uganda and Action Aid, it was 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. This information was got by the help of the vice chairman Kabalagala city council office Muzee Kiberu Moses

1.3.0 Objectives of the Study

1.3.1 General Objective

The general objective of the study was to analyze the existing legal frame work in the prevention of child labour in Kampala district in Makindye division.

1.3.2 Specific Objectives

1. To critically assess legal framework of child labour in Makindye division
2. To investigate Adequacy of existing legal frame work of child labour in Makindye division
3. To examine the challenges of the implementation of children law in Makindye division
4. To suggest and recommend measures to remedy the situation of child labour in makindye division.

1.4 Research Questions

1. Why are there many children involved in labour?
2. Are the laws against child labour effective?
3. What are the challenges of the implementing the law against a child labour in the region?
4. What measures should be taken to solve the problem?

1.5 Scope of the Study

This study focused on an analysis of the relationship between the legal frame works in the prevention of child labour in Kampala district of Makindye division. The study further conducted a critical assessment on effectiveness measures to eliminate child labour and the challenges of implementing such schemes. And the measures to solve the situation of child labour in Makindye division - Kampala district.

The inquiry was limited to Makindye division of Kampala district. These zones represented all children who are working in Makindye division of Kampala district for the hope of survival.

The time scope of the study was limited to the year 2006-2012, a period to note when the Employment Act and the National Child Labour Policy (2006) were promulgated. Within the same time bracket, the Education Act (2006) was enacted and the Universal Secondary Education introduced in 2007.

1.6 Significance of the study

This research was vital as previous research works that had been carried out basically looked at the, causes, challenges and the methods on the elimination of child labour.

Am optimistic that the proposed research will re-examine the roles of government organs, NGOS to promote, protect, monitor and also try to find how best they can carry out their programmes on sensitizing the victimised parents, guardian, community leaders, and the children themselves and the community members, on the right against child labour, support, report and respect the law against child labour.

To enable the concerned ministries to re-examine the effectiveness of the law against child labour

1.7 Definition of Key Terms

1.7.1 Children

These are persons under the age of 18 years.³ This study looked at children aged between 4 and 18 years, as the principal target group. For purposes of comparability of analyzed data, children were divided in three age categories; under 6 years, 7-11 and Over 12 years.

1.7.2 Child Labour

It is a form of child exploitation. According to the ILO, child labour is any work, which by its nature or employment conditions is detrimental to a child's physical, mental, moral, social or emotional development.⁴

1.7.3 Child Rights

These are rights to which every child is entitled, regardless of where born or to whom, and regardless of sex, religion, or social origin.⁵

³ Children's Act. (c. 59) (s.2)

⁴ http://www.cridroc.net/glossary_c.php accessed on Sunday, June 19, 2011

⁵ Ibid

1.7.4 Prostitution of Children

This refers to the use of children as prostitutes. According to **Article 2 (b)** of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the Convention on the Rights of the Child, prostitution of children or child prostitution is the practice whereby a child is used by others for sexual activities in return for remuneration or any other form of consideration. This remuneration/consideration may be provided to the child or any other person. Child prostitution forms part of the Commercial Sexual Exploitation of Children (CSEC), trafficking of children for sexual purposes and child sex tourism.⁶

1.7.5 Hazardous Work

This is work, which because of the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. The harm involved could arise from a range of hazards including; physical, chemical, biological, or environmental.

1.7.6 Sexual Slavery

Sexual slavery refers to the organized coercion of unwilling people into different sexual practices. According to the Rome Statute by Selwn, Norman N. Selwn's law of employment 5th edition, Sexual enslavement means the exercise of any or all of the powers attached to the "right of ownership" over a person.

1.8 REVIEW OF RELATED LITERATURE

Child labor is a complex problem in sub-Saharan Africa. Although the United Nations passed rules on child labor and the rights for the child, child labor in most African countries including Uganda remains a significant problem. Child labor in sub-Saharan Africa may be particularly exploitative and critical due to Africa's unique socio-economic, cultural and developmental circumstances, frequent natural disasters and conflicts, and famine and hunger (ILO, 1998).

⁶ http://psychology.wikia.com/wiki/prostitution_of_children. Accessed on Sunday, June 19, 2011

Child labour is very often equated with child abuse. It is often taken to be a product of avaricious entrepreneurs seeking cheap labour and selfish parents who would prefer enjoying leisure while their children work. Whilst not denying that some of these sentiments could have some element of truth, its roots are deeply embodied in cultural, social and economic structures of societies. When we have children working and with school dropout at an alarming rate, it is much more likely that this reflects not a difference in the attitude of the parents but the problem of stark poverty where parents are compelled to send the children to work for reasons of survival. Once one accepts that sending children out to work is an act of desperation on the part of the parents, it seems reasonable to expect that parents would not send their children to work if their own wages were higher or employment prospects better.

There are many arguments against child labor. First, child labor is abusive since it is usually characterized by low wages, long hours of work under unsafe and unhealthy working conditions, and a lack of physical and social security, all of which might lead to poor physical and mental development. Secondly, child laborers are deprived of their freedom, childhood, education, fun and play, and natural development⁷. Third, child labor is a dis-investment in human capital formation and has detrimental effect on the private and social returns from investment in education and health. Ravi lion and Wooden, India's labor law reforms 1st edition page 20 (1999), argue that the issue of child labor is relevant to development not only because children are made to undertake work obligations that may be beyond their physical capability but also because of its long-term effect on human capital formation and on the child's future welfare. Most countries including Uganda have outlawed child labor but this might not be sufficient since most of the child laborers are found in the informal sector. However, if the poverty is the root cause for child labor, this would suggest that legislation alone cannot solve the problem. Solving the problem requires understanding of the demand and supply side forces that result in high incidence of child labor.

The most common response to child labor has been to legislate against it (White, 1994; Bonnet, 1993). This, although a well-meaning intervention can be counterproductive, moreover, legislation typically covers the formal sector whereas in the case of Africa, we are mainly dealing with an agricultural society in which labor occurs within the household. In addition, most of African rural societies, do not consider child labor as a delinquent activity. Child labor is often seen as teaching the

child survival skills and it is a means of social integration (Grootaert, 1998). On the other hand, childhood is probably the best time for acquiring knowledge from the formal education system since schooling is an investment in human capital, which yields a return in the labor market. In that sense, schooling is a preferred alternative to child labor (Grootaert, 1998), Hilgert, Raymond L. on cases in Collective Bargaining and Industrial relation; a decision Approach 9th edition. However, the concept of child labor in Uganda like any developing country, like Sudan, Rwanda among others. 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.⁷ Children have fallen prey of being victims of bonded/forced labour because of their tender age and easy exploitation. Similarly in another development, a study by the U.S Department of Labour indicates that there are many children in forced labour because they are too young to choose to work, and because they are actively coerced into working.⁸

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

⁷ Ravi, S. S., 2005. Bonded Labour in India: Its incidence and Pattern. Working Paper No. 43

⁸ 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

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 Uganda, but explains the characteristics and its negative implications on victims worldwide. The story of Iqbal Masih in Bennett-Alexander Dawn D. Employment Law for Business 4th Edition

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.⁹

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

⁹ <http://cyberschoolbus.un.org/briefing/labour/labour.pdf>

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 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.

Debt bondage is common in rural areas where traditional class structures of caste and semi-feudalistic patterns exist. Landlord or near landless households and migrant labourers are also vulnerable to debt bondage since they have few resources with which to meet basic needs and unexpected expenses. This usually happens as there are no alternative sources of income. Karl Marx justifies this presentation as quoted below;

"The present day capitalist mode of production presupposes the existence of two social classes on one hand, that of the capitalist, who are in possession of the means of production and subsistence and on the other hand, that of the proletarians, who are being excluded from this possession, have only a single commodity for sale, their own labour power, and who therefore have to sell this power of theirs in order to obtain possession of means of subsistence.¹⁰"

Internationally, debt bondage has highly been reported in Asia, specifically in Pakistan, India and Nepal. In Pakistan and India, debt bondage is called the "peshgi system". According to the Bonded Labour System (Abolition) Act, 1992 of Pakistan, 'advance (peshgi)' means an advance (peshgi) whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor) Section 2 (a).¹⁰ The *peshgi* system is cyclical in the sense that when an advance is taken, the labourer falls into a cycle of indebtedness and debt bondage and its associated implications to include; coercion – menace of penalty and the denial of freedom – involuntary nature of the work.¹⁰ In summary therefore, the

¹⁰ Khan, A., 2010. Peshgi without Bondage: Reconsidering the Links between Debt and Bonded Labour. Cultural Dynamics. Downloaded from <http://cdy.sagepub.com/content/22/3/247.full.pdf>. Accessed on October 26, 2011

leverage provided by indebtedness allows the creditor to exercise non-economic coercion in the form of violence, financial penalties and imprisonment, in order to ensure that the worker/labourer is forced to continue on the terms imposed by the employer.

Like in any sector of the economy, the proliferation of *peshgis* thrives well in the informal/unregulated sector of the economy, and is further characterised by minimum wages and free entry and exit with no basic legislative procedures or mechanisms applied.¹¹ Furthermore, there are no formal agreements and neither is trade unions present, meaning that there is a general lack of collective action by the workers.¹²

In Nepal, debt bondage is commonly referred to as '*Kamaiya*' and children are recruited by a "Naike" also known as a labour contractor. '*Kamaiya*' means a hardworking person who earns much through manual labour,¹³ and the *Kamaiya* system arises from debt relationship and sustains bonded practices as a matter of accepted social phenomenon.¹⁴ Like the *Peshgi* system, the *Kamaiya* system is characterised by a minimal value for labour with a nearness to zero, the debtor is under full control of the master, he marries and dies in bondage, his wife and children inherit the loan and bequeath it to succeeding generations.¹⁵ In India for instance there are cases of "inter-generational" bondage; debts are passed on from parents to their children. When the parent is unable to work, the debt is assumed by the child. This type of debt bondage has been particular with countries that have long standing feudal agricultural societies.

Forced/bonded child labour is the most intolerable and exploitive form of child labour according to the International Programme on the Elimination of Child Labour. While it appears more pronounced in Asia, bonded labour exists in other parts of the world. Forced/bonded child labour is also contrary to several national, regional and international legislations that are against child labour like the Constitution of the Republic of Uganda, the Children's Act Cap59 Convention 182 on the Worst Forms of Child Labour and the Universal Declaration of Human Rights 1986.

¹¹ ibid

¹² ibid

¹³ Mukunda R. K., 2000. A Fight against Kamaiya System: An Experience Review. Vol 21. Downloaded from <http://www.hurights.or.jp/archives/focus/section2/2000/09/a-fight-against-kamaiya-system-an-experience-review.html> on October 26, 2011

¹⁴ ibid

¹⁵ ibid

Kampala is among the district 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 working with some furniture industry in the western part of Makindye division, children said that they were paid nothing as their employers claimed that they were learning skills and disciplines of an occupation. This was absurdly coupled with working under harsh conditions such as working overtime, working on 'empty stomachs' and carrying heavy timber.¹⁶ Though apprenticeships are illegal, the practice is generally accepted as a way of learning skills as portrayed in the earlier traditional believe of Buganda society.

These two forms of child labour (forced and apprenticeships) represent a situation of child labour in the urban informal sector, which is further broken down in the proceeding section to elaborate the specific informal activities that the children engaged in.

Adequacy of existing legal frame work of prevention of child labour in Uganda.

Article 34(4) of the constitution of Uganda 18 provides for protection of all children from Hazardous and exploitative work and shall not be required to perform work that is likely to be interfere with their education, harmful to their physical, mental, spiritual, moral and social development.

However much as there is existing legal frame work against child labour in Uganda, here in Makindye, there is still a lot of child labour activities going on, especially in the urban centres .On a similar report, a survey of 2008 carried out by ILO through the Human Rights report for urban and Working Street children in Kampala, estimate 3.8 million children (32%) Ugandan girls and boys are working. 1.7 million (16 %) of these children are child labourers, majority of whom are aged between 10 and 14.

19Also majority of the workforce in the greater Kampala area is in informal employment. This has been indeed due to such factors like poverty, pursuit for commercial gain and weak laws. Children find themselves employed in the urban informal sector as domestic workers, own account workers, traders, casual labourers, sex workers and in garages as young mechanics and video attendants commonly known as "*Bibanda*". This was typical of the study around this division, to be particular of

¹⁶.The constitution of Uganda 1995 as amended,

Makindye with multiple garages having these children working as young mechanics. The Central division which is the main Business centre having many children engaged in street trading activities, head loading and off loading, hawking, begging and working in restaurants and bars as waiters and waitresses. Some of the major activities the children engaged in are explained in detail below;

Domestic Child Servants

This is one of the outstanding duties of girls aged 12 to 16 years. The girls¹⁷ are expected to do a lot of work but paid between 25,000 – 30,000 shillings a month. Work in domestic service ranged from cooking, cleaning, washing and looking after children. Despite too much work, the girls consider themselves lucky for being able to work and earn a living given the fact that they had no working contracts and are not paid promptly by their employers. Some girls cannot receive payment for about six months since they started working.

The girls are equally subjected to sexual harassment by their male employers, and the female employers always pick quarrels with them, as well as beating them over 'small' or no issues. These children on a sad note don't report such cases for fear of losing their jobs, and yet, the only source of livelihood.

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 this still remains a violation of Rights against Children.

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.

Self-Employed Children

These were very few and the majority of them were boys aged 10 to 16 years. This was due to the fact that being self employed required capital to establish a business. Majority of the children in Makindye division come from poor family backgrounds and therefore lack the necessary capital and appropriate skills to run their own enterprises. Some of these children are facilitated by relatives who were willing to help them; however, it's only a bold fact that a few people would give money to facilitate a business with no strings attached. A percentage of the earnings were sent back to the relatives who initially contributed to the business, and importantly, most of the children who were self employed were able to pay their school fees and hoped for a better future with better jobs.

During the study, while most of the girls work to support their families back home; their male counterparts preferred an independent lifestyle that involve renting outside their homes so as to start an independent life and form families of their own. The boys engaged in several informal activities including; street hawking, head loading, car washing and watching videos, collecting scrap, working at construction sites as well as engaging in kitchen activities like making chapatti. The chapatti sold shillings 200 to 500.

Children Employed as Cooks, Waiters/Waitresses and Porters

Restaurant and food business is a thriving and competitive activity within the urban informal sector. Given its multifaceted nature and the multiple activities therein, the food business is highly successful since many could definitely not work on 'empty stomachs'. The cooking and serving is done by both girls and boys who earn them not only lunch, but a decent pay. It was discovered during the study that the children earned the money they considered to have worked for, and basically spent the money on personal necessities like renting, food (especially supper), clothing and supporting their relatives.

These children also negotiated their terms and conditions of service with the employer prior to commencing work, thus they were not easily exploited. Yet still, when they depicted a bad stay at work they had all powers to change and work for someone else. When these children grow older, they find better opportunities and established their own food businesses and even get married.

Those children who did not work as cooks, waiters/waitresses served as porters. For instance, one of the children by names of Kintu Musoke was interviewed and worked as a porter in the Makindye market lukuli zone, narrates his ordeal that she was brought from the village to Kampala because he was promised to be educated, but ended up as a porter in the food business. Her story explains the process of how children from the traditional rural setting usually end up in employment in the city. For majority of these children, the initial job is just the beginning of a long journey from job to job without realizing the initial dream that brought them to the city.

Child Workers in Garages as Young Mechanics

This is another type of activity that thrived well in the urban informal sector. Children especially boys work in garages as young mechanics and do vehicle maintenance, lifting spare parts, collecting scrap, running errands to spare parts shops, and painting. Most of them are not paid by their employers as they claimed to be training these boys for a better future in form of skills development (apprenticeships). The young mechanics also wash cars, an activity that is not considered as part of the job description of an apprentice mechanic but something that was mandatory. This is a manifestation of child exploitation and yet still, an exposure to the detrimental conditions that are a threat not only to their health, but education and physical development.

The above developments are contrary to the Children's Act Cap 59, the Organization of African Union Charter on the Rights and Welfare of the Child (1990). Article 15 (1) of this Charter provides that every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral or social development. The ILO Convention No.182 on the Worst Forms of Child Labour also prohibits the employment of children in areas or even engaging in activities that will be harmful to them. For these laws to be effective, they have to be domesticated to address such risks which expose children to activities that hinder them from having an education.

Child Prostitution

The major targets of child sexual exploitation in Kampala are slum and street children. Commercial sex work is mainly carried out by young girls most of whom had reached the age of puberty. In the research study carried out in Kabalagala, Patalewo, Biyinja and Bwire zones and Waswa village with in Makindye division, sex is reported to be used both as a form of leisure activity and as payment for

services rendered by street boyfriends, as well as a source of income from main stream society men. According to one of the key informants from ANPPCAN Uganda, many girls engaged in commercial sex to earn a living, sexual abuse and gang rape by male street children was reported. Girls aged 10 to 18 years who were unemployed rented themselves rooms locally known as '*Mizigo*' in groups for easy entry and exit, and because they are affordable. Men who needed these girls find them at their places of residence or are requested to go and meet these men at places of their choice.

'Sarah' one of the respondents in Patalewo village said she had her first sexual intercourse at the age of 10 with a boy in the neighbourhood. From then on she started having sex to earn money and she has lost count of the men she has had sex with but claims they are more than 200. 'Sarah' stays with eight girls who contribute to the rent. These girls including 'Sarah' frequent high end bars in Kabalagala around Ethiopian village to get rich men who can pay them some 'big' money. The men usually go to lodges, their homes or can still opt for their cars. These men sometimes refuse to pay them on the claim that they are not 'sweet' and that the beer and food they bought for them is enough. Some men even go ahead to demand for unprotected sex and equally beat these girls. Although the girls on a good night could make 100,000 Uganda shillings, they were highly exposed to the risk of catching STD's and HIV/AIDS.

Trash Collecting

This is yet another activity that the children engaged especially those who lived within the proximity of the garbage dumps and their families were unable to support them. The children would collect the material, especially plastic bottles and would sell them for recycle for a small amount of money. These children are at a high risk of getting health complications since they are constantly exposed to harmful gasses that came out of the decomposing trash. The children are also at risk of their feet being cut by glass and sharp objects since many cannot afford proper foot wear.

All forms of urban informal activities in which children engage are highly detrimental to their health, physical and moral development and impede them from having an education. The forms of child labour at the national, regional and international levels are also largely uniform, and it's to a large extent that children are employed under the disguise of apprenticeships to offer cheap labour where necessary.

The informal sector is found attractive for child work mainly due to ease of entry and exit in the sector especially for own account workers. It is estimated that 83 percent of own account workers working outside agriculture were in informal employment. This was due to the demand for cheap labour which was largely sourced from among needy children and also partly due to lack of any “effective” restrictions that bar children’s involvement in work of the kind.

The informal sector was also found to thrive on the existing demand for goods and services in the market, and takes care of food, clothing and metal fabrications. It was characterized by limited obstacles to enter and operate, a greater reliance on local resources, and the risky nature of the business handled. While the informal sector in the traditional economies was believed to be important in the face of scarce statistical evidence, recent developments indicate its contribution to GDP, which averages 20% annually, and employment absorption.

Although the sector contributes to national development, the several activities in which children engaged have been detrimental not only to their health, but also hindering them from having an education. The National Child Labour Policy (2006) by the Ministry of Gender, Labour and Social Development indicates that the informal sector harbours so many children and it is a source of hazardous labour in a sense that many activities in the informal sector affect the health and safety of children. Children working in the informal sector are exposed to risks and hazards some of which result in to cumulative disorders, disease, and subsequent deaths. Children working on the streets are exposed to a variety of risks ranging from severe weather conditions, automobile accidents, vulnerability to criminal elements and sexual exploitation while working in bars and restaurants Child labour represents wastage of investment as children forego productive time of educational investment for work, which affects their productivity in future and better welfare.

Contrary to the existing national laws and policies and those that have been ratified including; the ILO Minimum Age Convention No. 138 (1973) and Convention No.182 on the Worst Forms of Child Labour (1999), the welfare of the child has not been paramount. This explains the persistent increase in the magnitude of child labour in the urban informal sector, and some of the causes of this persistent increase in phenomenon are explained below.

1.9 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) of Higert, Raymond L. Cases in collective Bargaining and Industrial Relation A Decision Approach 9th Edition He argues that economic reasons are not enough on their own to cause or reduce child labour. 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. 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.¹⁷ The Ugandan situation out rightly proves Class' assumption. The research findings clearly indicated that poverty, domestic violence and ignorance of the law, HIV and AIDs are the 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.

2.0 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 saying that; 'My

¹⁷ Morris C., 1980. Child at Risk: A Report by the Standing Senate Committee on Health, Welfare and Science, Canada.

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.’ Namutebi Scovia, 14 years old, Plan Uganda (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.

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 Makindye-Kampala district. Traditionally, children have been viewed as personal property and were generally expected to work. There was maximum division of labour where the girls are expected to do all the house chores and the boys went hunting. These roles are meant to prepare the children for future adulthood especially the girls who are often subjected to early marriages when they clocked the age of puberty, while their male counterparts go 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 for example kisakati has been carried during holidays for children to learn the cultural values of Buganda kingdom among young

children inclusively. Traditionally, education of females is still not much valued in most peasant families. While their male counterparts are left to go to school, the females stay home doing house chores. Educating boys is seen as old age insurance and one that had higher future investment returns. Educating a girl on the other hand in some families is still seen as a waste of income since many mature quickly and get married off and therefore are of economic contribution to the bonafied family. At puberty, girls are prepared for marital roles and eventually an early marriage where the family acquired bridal wealth.

The situation in Kampala Makindye division in particular, 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 cars, and money for introduction "even if in future when am very big I may decide to quit that marriage myself "say Eunice, Plan Uganda (2012).

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.

2.1 RESEARCH METHODOLOGY

This chapter describes the various employed methods in carrying out the research. It explains the research design chosen, the study population for research, the sampling procedure and the sample techniques. In addition, this chapter presents the instruments that were used to collect data. It further discussed the validity and reliability, the data analysis, its interpretation and the ethical consideration.

Research Design

The researcher used a case study; because it depicts of either a phase or totality of relevant experience of sample selected datum. The researcher chose case study because of its intensity and depth of the investigation. Case study offers thorough examination of specific social setting and at the same time it's flexible in respect to data collection that was used in this case.

Study population

The population of study concerned 152 people, including the representative of human right activist such as, the office the foundation for human right offices in Sabya parish, chiefs and sub chief in various zones, community members and mostly the children themselves, and others people who supported this study. The eventual findings or study were applicable to all 152 respondents and representatives of the Makindye community.

Sample

A sample was a potion of the population selected for purposes of researching the whole population. The advantage of using sampling is that it enables the researcher to deal with a greater range of issue in greater depth than would be in the whole population .A sample of 110 respondents (out of 152) was used as a real sample of the entire population targeted in this study. Views and findings from them were generalized as representative to the Makindye division-Kampala district.

The Sampling Procedures

Sampling procedure included seven zones of Makindye division namely, Wheeling and Ssebuliba in Kansanga region, Kamwanyi and Sabya central parish, Lukuli and lastly Pataleyo, Biyinja and Bwire, zone of kabalagala; 2 chief, 2 sub chief, 5 pastors from different religions, 6 local leaders, 5 school coordinators, 20 pupils and students, 12 NGO's coordinators, 5 councilors and, 4 youth representative, 10 elders or wise people and 8 Community volunteers. A sample of 152 respondents were chosen

The study population concerned parents, guardian's children and community members and leaders. This forced the researcher to take a group of subjects or participants chosen to represent the entire

population (E.D. 2001). However it was difficult to interact with people, because most of people think they will be sued if the disclosed information and cases of child labor that may be later attacked by those parents who are victims of child labor, the sample was also chosen mainly by meeting with 40% of all community representatives. Respondents were chosen according to ages, levels of education, gender, occupied position due to their capability to give information needed. This forced researcher to interview 1 councilor at kabala gala, Misses Nalongo Betty, 1 Assistant parish chief Mr. Silverstone Kiberu, 2 NGO's coordinator for human right foundation offices, 2 pastors, 2 school coordinator, 3 local leaders, 4 pupils and 2 students in each zone. Respondent from where a 13 year old Nakalema and her two sibling (10 and 8) year old were forced by their step mother, after the divorce of their biological mother to sell charcoal in Mubarak Makindye division.

Instruments

A self-administered questionnaire was used to collect primary data. The researcher had designed the questionnaire in such format where it was closed and open-ending questions. For closed questions, participants are supposed to put responses from a list, category or rating-scaled questions. For open-ending questions, participants are requested to give their own opinion. Clarity was considered, using generally acceptable language and setting objective oriented questions.

Documentary analysis was used to help the researcher to compare the information in records visa-a-vis what will prevailed in the field. This included magazines, tracks, field reports, journals, brochures, news papers, textbooks and handouts. NGOs reports were analyzed through the documentaries. However, it should be noted that other than self-administered questionnaire and documentaries, review guide and focused discussion guide were used as well to supplement and validate the data collected through the self-administered questionnaire

Procedure

The researcher first secured a letter of introduction from the office of the Head of Department of diploma for law, various copies were printed so as to be presented to the administrators of the seven zone offices including the office of area chairpersons in those respective zones for security of the researcher and admission to carry out research in those zones and even to the concerned NGOS. The researcher ensured that, the completed questionnaire was given and collected as soon as it was filled

to avoid loss or misplacement .more over all the appointments for interviews were very well respected.

Validity and reliability

The validity of instrument depended on the average questionnaire, comments on the guidelines, of the supervisor on the first chapters, and other many academic experts (2012).

CHAPTER TWO

2.0 LEGAL FRAMEWORK ON CHILD LABOUR IN UGANDA

2.1 Introduction

Children are very important in our society today and are looked at as future leaders of tomorrow, but largely a marginalised group whose rights have been abused by the very society where they would seek protection. This is definitely not morally upright if a question is to be asked, but rather a question as to whether there is a policy, legal and institutional framework in place to address the rights of children at all. Child protection has therefore been an issue of pressing concern at the national, regional and international levels to guarantee its fulfilment.

On the whole, children are invariably deprived of a good livelihood because of their tender age and thus a threat to their very survival. Within the dynamic society we live and the rapid global economic transformation in recent centuries, children face and are bound to be faced with numerous threats, challenges and widespread violations. These take forms of child trafficking, child prostitution, exploitation and child labour, which is a combination of the aforementioned. It's against this backdrop that the issue of child labour has captured the attention of policy makers at all levels of governance. Institutional, policy and legal frameworks against child labour have been established and developed under umbrella organizations including the UN, AU and particular provisions embedded in national constitutions.

The duty to protect the rights and welfare of the child through the legal framework is not a new development but one that began at the end of the World War era. Following rampant abuse of human rights in the pre and post-war period, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights in 1948 as a foundation for promotion and protection of human rights. The Declaration recognises the inherent dignity and the equal and inalienable rights of all members of the human family without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2).

Article 4 of the Declaration provides that no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5 further states that no one is to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. The two provisions are against any forms of abuse to all humans, including the child.

Article 26 (1) of the Declaration provides that everyone has the right to education, and that it shall be free at least in the elementary and fundamental stages. All school age going children are expected to be in school and not in work or any other form of activity that deters them from having an education, and the parents according to Article 26 (3) have a prior right to choose the kind of education that shall be given to their children.

Embedded in the Constitution of the Republic of Uganda (1995), is Article 34 (4) that provides for child labour law and enforcement. Therein it's stated that children should not be employed in work that is likely to be hazardous or work that would otherwise endanger their health, physical, mental, spiritual, moral, and social development or work that would interfere with their education. The same Constitution under Article 34 (5) states that children shall be persons under the age of sixteen years.

In line with the 1995 Constitution of Uganda is the Children's Act Cap 59 (Section 8) which prohibits the employment of children in work that may be harmful to their health, education, mental, or moral development. Contrary to the Constitution, the Children's Act defines a child as a person below the age of eighteen years (Section 2). Coupled with these instruments is the National Child Labour Policy (2006) whose main thrust is to guide and promote sustainable action aimed at the progressive elimination of child labour, especially its worst forms.

The Government of Uganda in reference to various sections and articles embedded within several international instruments including; the AU Charter on the Rights of the Child, UDHR and the UNCRC has established legal and administrative institutions to ensure full implementation of Articles which cover the formal and informal sectors of employment and having regard to the relevant provisions of the ILO's instruments relating to children. Article 15 (1) of the Organization of African Union Charter on the Rights and Welfare of the Child provides inter alia that; every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be

hazardous or to interfere with the child's physical, mental, spiritual, moral or social development. To ensure full implementation of this provision, Article 15 (2) further asserts that states parties should Provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article (that is, **Article 15 (1)**)

For instance, Uganda in Section 131 of the Penal Code (Amendment) Act, Cap 120 prohibits individuals from procuring girls under the age of 21 for sex in Uganda or elsewhere; violation of this code is punishable by up to 7 years imprisonment. **Section 129** of the same Act provides for defilement of persons under the age of eighteen years. Section 129 (1) states that *any person who performs a sexual act with another person who is below the age of eighteen years, commits a felony known as defilement and is on conviction liable to life imprisonment*. Further, a person who attempts to defile a person below that age is liable to imprisonment not exceeding eighteen years (**Section 129 (2)**).

A person who performs a sexual act with another person who is under the age of eighteen years in such circumstances where the offender is infected with HIV, is a parent or guardian or person in authority (over the person against whom the offence is committed), is a serial offender, or where the victim is under fourteen years of age and or disabled commits a felony¹⁸ called aggravated defilement and is, on conviction by the High Court, liable to suffer death (Section 129 (3)).

The Penal Code (Amendment) Act establishes a code of criminal law in Uganda and also spells out other offences that impact on children. These include desertion of children (Section 156), kidnapping from lawful guardianship (**Section 240**) and kidnapping or abducting a child less than fourteen years (Section 247). The procedures and measures for dealing with child offenders are further elaborated under the **Children's Act, Cap 59**. To achieve the goal of reducing child labour in the urban informal sector, these laws have to be enforced and punishment administered accordingly so as to deter future commission of the crime.

Uganda is signatory to a number of regional and international child rights instruments and thus

¹⁸ A felony means an offence which is declared by law to be a felony or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, with death or with imprisonment for three years or more.

obliged to incorporate them into its national legal and policy framework. Most of these instruments have been ratified as a move to address the child labour problem in the country. Incumbent upon the background that Uganda is part of the international legal order and above all, signatory to majority of the international and regional human rights instruments, it has domesticated most of them and legislation on the rights and welfare of the child is no exception to this.

The United Nations Convention on the Rights of the Child (1999); this is an International Convention setting out the civil, political, social, economic and cultural rights of children. Uganda ratified this Convention and is therefore bound to it by International Law. Article 1 of the Convention defines a child as any human being below the age of 18, unless an earlier age of majority is recognized by a country's law. The Convention deals with the child's specific needs and rights and it further requires that states act in the best interest of the child. This approach is different from the common law approach in most countries that had previously treated children and wives as possessions.

Article 32(1) of the Convention provides that;

States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual or moral and social development. States overall have the duty to protect, promote and preserve the rights of the child following the provisions in such legal instruments.

Article 4 further calls for the implementation of the rights in the Convention by undertaking all appropriate legislative, administrative and other measures. This is manifested in Uganda's legal documents like the Constitution of Uganda (1995), the Employment Act (2006), the Education Act, 2008, and the Children's Act Cap 59. These legal instruments have been coupled with the policy and programme frameworks like the Universal Primary and Secondary Education programmes and the Uganda National Policy on Child Labour (2006).

Article 36 of the Convention provides that; States parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare. This includes all forms of exploitation whether documented or not including; subjection to long hours of work without corresponding pay, sexual exploitation, work without protective gear (high risk jobs) and work that will generally deter children from having an education.

Under Article 28(1) of the Convention, states parties are urged to recognize the right of the child to education and with the view to achieving this right progressively and on the basis of equal opportunity, they shall in particular; Make primary education compulsory and available free for all. Encourage development of different forms of secondary education including general and vocational education.... Uganda in this respect initiated the Universal Primary Education programme in 1997. This included paying school fees for four children per family and the USE initiated in 2007.

Like the Convention on the Rights of the Child, the Organization of African Union Charter on the Rights of the Child is an African legal document ratified by the Government of Uganda to create an enabling environment for the fight of the vice of child labour. Article 2 of the African Charter defines the child as every human being below the age of eighteen.

Alongside other articles against economic exploitation and any other work that is likely to be hazardous to the child, the charter provides for children's education. Article 11 of the charter provides that every child shall have the right to an education. The education of the child according to paragraph 2(b) shall be directed to; Fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and people's rights and international human rights declaration and convention. Education should include a curriculum on children's rights. This will create an informed citizenry that can report such cases and thus a reduction in child labour.

Uganda ratified the ILO Convention No.138, the Minimum Age Convention of 1973. **Article 1 of the Convention** provides that each member state pursues a national policy designed to ensure effective abolition of child labour and rise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. To this

effect, Uganda under the Ministry of Gender, Labour and Social Development established the National Child Labour Policy, 2006. The ILO in close collaboration with Uganda established a programme for the elimination of child labour – International Programme for the Elimination of Child Labour (ILO-IPEC). However, the fact that these policies have been in existence since, we still see an increase in child labour cases every day.

Article 2(3) the minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and in any case, shall not be less than 15 years.

Article 3(1) The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety, or morals of young person's shall not be less than 18 years. However, the existence of the Minimum Age Convention has not deterred children below the age of eighteen from working. The research findings clearly indicated that the number of children in labour was on an increase, and yet the majority are already in labour. Children six years and under represented 20 percent which is an exorbitant figure for a child of such tender age, children 7-11 years represented 34.3 percent and children that were twelve years and over represented 45.7 percent. These statistics are a clear manifestation that the majority of the labour force in the urban informal sector is represented by children.

Uganda ratified also the International Labour Organization Convention No.182 on the Worst Forms of Child Labour, 1999. Article 1 of this Convention calls upon member states to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency; for purposes of the very convention, the term 'child' applies to all persons under the age of eighteen (Article 2). The convention further lists the worst forms of child labour to include, but not limited to; all forms of slavery and or practices similar to slavery to include child trafficking, debt bondage, forced labour, child prostitution and pornography, drug trafficking and any other work, which by its nature and or circumstances it's carried out, is likely to harm the health, safety or morals of the children (Article 3).

The United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery provides in Article 1 that; the parties commit to abolish and abandon debt bondage, serfdom, servile marriage and child servitude. Further in Article 6, the convention provides for its criminalization to include; criminalization of enslavement and giving others into slavery.

Aside the legal instruments, Uganda in close collaboration with the International Labour Organization, UNICEF and other international organizations has come up with policies and programs for the elimination of child labour. The policies and programmes that have been developed not only address the problem of child labour, but also its root causes. To this effect, universal education and poverty reduction strategies have been introduced based on the root causes of the phenomenon.

The Universal Primary and Secondary Education Programmes were launched in 1997 and 2007 respectively where the government of Uganda waived school fees in order to increase the number of school going children. Poverty being one of the causes of child drop outs and therefore child labour, the government introduced the poverty eradication programmes like the Poverty Eradication Action Programme I and II. These policies have contributed directly and indirectly to the elimination of child labour and the basic education policy which directly correlates to the child labour problem has further been explained below.

2.2 Basic Education

In its policy on the provision of education and training, the Education Act, 2008 states that ‘Basic Education’ means the minimum education package of learning made available to each individual or citizen through phases of formal primary education and non formal education system to enable him/her be a good and useful person in society; Section 2, Education Act (2008).

According to Section 4(1) of the Education Act, provision of education and training to the child shall be a joint responsibility of the state, the parent or guardian and other stakeholders. **Section 4(2)** provides inter alia that; basic education shall be provided and enjoyed as a right by all persons.

Although the law clearly stipulates that basic education is a right, and its provision a joint responsibility of the state and the parents/guardians, the study indicated that 45.7 percent of the children did not attend school. As explained in the proceeding paragraphs, the weaknesses of the universal education programmes – UPE and USE initiated in 1997 and 2007 respectively, have registered little success explaining the increased number of children in child labour, particularly in the urban informal sector.

2.3 Universal Primary Education Programme (1997)

At the onset of the decentralization reform in Uganda in 1992, one of the focuses of the National Resistance Movement government was to increase the number of primary school going children.¹⁹ This saw the introduction of the Universal Primary Education programme in 1997. Section 2 of the Education Act (2008) defines UPE as the state funded Universal Primary Education Programme where tuition fees are paid by government where the principle of equitable access to conducive, quality, relevant and affordable education is emphasized for all children of all sexes, categories and in special circumstances. The government of Uganda therefore waived school fees for four children per family purposely intended to reduce the number of children into child labour.

¹⁹ Decentralization is a process of dispersing decision-making governance closer to the people or citizens. For instance political, administrative, fiscal and economic decentralization.

CHAPTER THREE

3.0 Introduction

The adequacy of existing legal frame work on child labour in makindye division is about accessing the law relating to child labour to Uganda and its effectiveness. This chapter will represent Uganda law against child labour and international treaty that will create awareness on child labour in Uganda, Kampala district.

3.1 LEGAL FRAME WORK ON CHILD LABOUR

There are many areas in which Uganda has made measurable strides towards improvement of the legal frame work in protecting children from child labour. The international treaties formulating sectoral policies, legislation and programmes.

3.2 The national legislation

The 1995 constitution of Uganda, article 34(4), states that children have the right to be protected from social and economic exploitation. The constitution further states that children should not be employed in work that is likely to be hazardous or work that would otherwise endanger their health, their physical, mental, spiritual, moral or social development or that would interfere with their education.

Equally, **the children's statutes No.6 of 1996** provides that any child below the age of 18 years, not to be employed in any work that may be harmful his or her health, education, mental, physical or moral.

The local government act of 1997 also nearly all central government responsibilities to district and local councils, bringing decision making on children's affairs, including education and health, to local communities. This has been effective by the help of local chairman and elders who have always ensure that all parents and their children to school and national immunization programmes.

Under section 129 penal code, any person who attempts unlawful sexual intercourse with a girl under the 18 is liable to imprisonment, and rape of a girl under the age of 18 is an offense punishable by imprisonment with or without death sentence. This law as enabled the concern persons to always report any cases of marriage or sex which violates this law, this has made very many parents and guidance for fear to give out their young girls in early marriages and any related sexual activities in children below the age of 18 years.

3.3 International conventions

Uganda has acceded on several international treaties which bind it to translate into the municipal law, these include:

ILO convention 138 minimum age of admission to employment (1973)

Ugandan ratified the ILO convention 138 on the minimum age for admission to employment no. 138 (1973) in 2002. This convention provides for the development of a comprehensive national child labour policy. Government has declared the minimum age for admission to employment to be set the age 14 years. The government of Uganda ratified ILO convention 138 on March 25, 2003.

ILO convention 182 worst forms of child labour

The convention defines the worst forms of child labour as practices similar to slavery such as sale and trafficking of children, child prostitution, debt bondage and recruitment of children in armed conflict. Prior to the ratification of the ILO convention on child labour, government launched a national programme on elimination of the ILO convention on child labour. In its first phase, the programme target the most exploitative and abusive forms of including children working in plantations, in the informal sector, domestic service, and children involved in CSEC and other hazardous work. The government of Uganda ratified ILO convention 182 on June 21, 2001.

United nation convention on the rights of the child (CRC) 1989

This commits Uganda to promote children's rights to survival, development, protection and participation. Articles in the CRC that have a bearing on trafficking of children include:

Sexual exploitation, sale, trafficking and abduction, torture and deprivation of liberty, armed conflicts, rehabilitation and care.

3.4 Recognition and identification

The term "Adequacy of existing legal frame work" in the prevention of child labor in Uganda is used to define how well the law against child labor has been successful in relenting child labor in Uganda.

3.5 The law reforms against child labour

The Uganda constitution 1995 Article 34(4) provides for protection of all children from Hazardous and exploitative work .The constitution goes ahead to spell out the following rights of children.

Children are entitled to be protected from social and economical exploitation and shall not be

employed in or required to perform work that is likely to be hazardous or to interfere with their .Education to be harmful to their reaction or physical, mental spiritual moral and or social development .However, much as the above is true in theory, it is still very inadequate in practice of preventing child labour, for example, in Kampala district there are still a lot of street children suffering alongside the streets of Kampala as Beggars, Hawkers and addict of drug due the kind of jobs they do both at night and day time where by offers work of porters on buildings to facilitate materials such cement when is harmful to their health. The government organs in charge of children's right places to effectively protect these children instead they watch them suffers.

The convention on the rights of children acknowledges children status and enhance their priority in national development plans or political agendas continue to fall short but are forced to work against their priority equally in reference to every year in June 16, the day of the African child is held to corroborate the killing of 100 black student in south Africa in protection against poor education. Citing the statements by Wamala Havia "of the situation children in Uganda is worrying, with 2.7 million are subjected to Hazardous child labor, it's early in the morning but 10 year old Gerald Balyokwe is already looking tired, pale and hungry carrying buddle of carrots and tomatoes in his small head, he walks from Makindye to Kampala town without breakfast .An induction much as these international conventions were put in place to prevent child labor, but in the real world most of the children around Makindye division large scale majority of children are not benefiting due to high poverty.

The employers effort in eliminating child labour, noted that predominant factor behind child labour is poverty, particularly in rural areas where more than 90 percent of Ugandans population lives. Children work in both subsistence and commercial farming. Children a variety of task, including harvesting tea and tobacco (25 percent); picking coffee beans (23 percent); weeding (14 percent); slashing (9 percent); spraying (9 percent); and sorting tobacco (5 percent).

Children in domestic service provide that children working as servant frequently work long hours, are denied food, endure physical and sexual abuse, and are isolated from family and friends report show that some of the worst forms of child labour in the country include heavy domestic work; commercial sex and sexual slavery; involvement in military operations; smuggling of merchandise across borders; and the work of children living on the streets. In urban areas, children are employed in garages and mental workshops and are often exposed to hazardous products such as paint, petroleum,

battery acid, and asbestos. They are also involved in the commercial sex industry, particularly in Kampala and border towns. Child street workers are exposed to crime, drug abuses and suffer from malnutrition and hunger as per **the electronic correspondence from Sopia Kyagulanyi**

According to the interview carried out on divorced Nakalema²⁰ in Mubarak Zone Makindye on 04th June 2012 said “All the rights against child labor end to exist for most children when either parents or one, especially a mother die or when your parents get divorced, the law against child labor is not known for a step mother, may be if you almost dying the you can be rescued by the so called the children’s laws or police who don’t have any charity custody even where to keep you instead to bring you back in that very home of torture. In reality a lot of children are denied or have no say when their biological parents die or divorce, their rights are in the mercies most of the children in most of family meaning that these rights are actually enjoyed with the few fortune children.

Africa charter on the rights and Welfare of the child states that²¹ every child shall be protected from all forms of economical exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical mental, spiritual, moral or social development.

It goes a head saying “the state parties to the present charter shall take all appropriate legislation and administrative measures to ensure full implementation of this Article which covers both the formal and informal sector of employment, as having regard to the relevant Revision²² carrying the international labor organization instrument relating to children state parties shall in particular.

, Provide thorough legislation, minimum wages for admission for every employer

, Provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article.

, Provide the dissemination of information on the hazards of child labor to all sectors of the community.

However, there has been little result in achieving such preventive measures due to insufficient practice against child labor. For example in 1998 alone, the International labor estimated that 44.4

²⁰ Respondent

²¹ African charter on the rights and welfare of the child DOC (AB) LEG/24.1.149 (1990)

²² International Labor Organizational Instruments, population sensuous report 1990

percent of children between the age of 10 and 14 in Uganda were working. In 1999 population census²³ report of Uganda and the 1992 /93 Uganda government estimate that 23 percent of children between the age of 10 and 14 works in various activities such as industrial work and agriculture. In a similar report the Uganda Government estimates around 3.3 million children between the ages of 10 and 17 were working in 1991, of these children 19 percent were girls and 51 percent were boys. In 2000, the Uganda Bureau of statistics (UBOS) in collaboration with US agency for International development indicates²⁴ the inadequate legal frame work of prevention against child labour.

3.6 The revisions made to labor laws.

The employment Decree of 1975 and three after labor laws have been reviewed so that they are in line with the principles of the law²⁵ The International Labor on Conventional rights No.138 and 182.

The revision takes care of the prohibited 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.

However, according to Girl child soldier in Northern Uganda report there has been cases on child labor.

This revision has been made under the labor laws, the employment Decree of 1975 and three other labor laws revised so as to be in line with the principle of the International Convention No.138 and 182. The purpose of this revision was to take care of the prohibition of person below the age of 18 years from working hazardous and injurious work; in addition the minimum age of admission to employment has been set at 14 years.

However much, it's our effort to prevent rampant case of early child labor to exist in Uganda and various districts, there is still a very high report on child labor in various regions and counting for example there is still a lot industrial work and sexual workers in Makindye - Kampala district .The

²³ 1999 population census on labor

²⁴ Uganda Bureau of Statistics 2000

²⁵ Revision made by labor laws

physical, mental and social development.

However, in Makindye, a lot of children are involved in collecting and selling disposed mineral water bottles and old metal locally known as scrap which is very harmful to their health because these bottles and metal are themselves dirty and dangerous for children to just pick them up anyhow.

The role of the International Labor Organization that works on the ground to combat child labor in Uganda. This organization deals in fighting child labor through the Action programs implemented by partner agencies, to prevent and withdraw children from child labor.

CHAPTER FOUR

4.0 CHALLENGES OF IMPLEMENTIN LAW AGAINST CHILD LABOUR

RECOMMENDATION

Much as there are governments and non government organs advocate against child labour, still harms the welfare of individual's children and also slows broader national development efforts. The worst off child labourers face immediate threats to their safety and wellbeing, and therefore constitutes an urgent policy priority in relation to child labour, the situation for millions of children in Uganda is still desperate and urgent. There remains an estimate 44.4 percent of children between ages of 10 and 14 in Uganda working in various activities. **According to ministry of labour and social welfare, Uganda report and position on child labour**

The progressive elimination of child labour in Uganda as elsewhere requires a policy response targeting three broad groups:

- . Children at risk of involvement in child labour;
- . Children already harmed by exposure to child labour; and
- . Children in the worst forms of child labour requiring immediate, direct action.

Studies, as well as policy experience in Uganda and elsewhere, point to a number of general strategies for reaching these groups. Better access to schooling and other basic services combined with mechanism to reduce social risk are still a challenge in preventing children from entering child labour, and to stopping children already in work from moving to more hazardous forms or leaving school prematurely. Remedial schooling and other "second chance" learning opportunities and related work related that harm children's welfare. There is still need for better formal workplace inspection instrument, together with expanded grassroots level monitoring, and the need to guide "direct action" to remove and rehabilitate children in unconditional worst forms of child labour.

In summary there still inadequate measures to reduce the flow of vulnerable children into child labour and to stop children already in work from moving to worse forms or leaving school, while "second chance" measures still needed to avoid large numbers of children entering adulthood in a disadvantages position, permanently harmed by early work experiences. "Direct action" is needed to identify and withdraw the children in unconditional worst forms, a group facing immediate and severe threats to survival, safety and development. The effective implementation of both prevention and protection measures requires political commitment, reliable information, an appropriate legal and regulatory frame work, functioning coordination structures, capable institution and a mobilized

society, i.e. an “enabling environment”.

Many human rights instruments prohibit the involvement of children labour which might be hazardous to their health, safety, lives and growth.

Lack of harmonization between laws in relation to definition of child and age, **ILO Convention 138 The employment Act (2005), section 51**, provides that “no person may employ a person may employ a person of or under the apparent age of twelve years except on such light work as the Minister may, from time to time, by statutory order, prescribe. However there are still very many children below the age of twelve along the street of Kampala and Makindye in particular selling fruits and clothes at night.

The constitution of Republic of Uganda Articles 34(4) protects age of a child as per the above statutes. This creates a very big loophole in the system as different child abusers use that inconsistency to beat the system. Therefore; the statutes should be harmonized.

Many legislation which are passed **the employment Act (2005)** which limits the age of employment, are shrugged by private business owners. In private business sector, the curbing of child labour can be included in codes-of-conduct, labeling programmes as in the case of carpet manufacturers, importers and retailers (using labels to indicate that they were not made by children or were made by a company that supports children’s programs). Industry- wide arrangements such as that of Bangladesh garment manufactures where, under agreement with the ILO and UNICEF, underage workers were removed from their jobs, put into schools and paid stipends amounting to apart of the money they had been earning in their jobs.

Convention 182 is particularly weak on the special vulnerable of girl children. This can be countered in part by extra- territorial laws that permit prosecution of citizens who sexually abuse children in another country. For example national from many European countries and the US can now be charged at home for engaging in child prostitute in Uganda.

Although almost Uganda has laws prohibiting the employment of children below a certain age like **the employment Act (2005), section 51**, provides that “no person may employ a person of or under the apparent age of twelve years legislation too often proves ineffective. New laws periodically introduced in Uganda are shrugged off by hardened business owners and disillusioned campaigners alike. Hence there’s need for there to be checks and policies to make sure that the new passed are implemented by fining and imprisoning those trying to defeat the intention of the law. However this has not been achieved very due to corrupted officers who are compromised by money to release the

victims or offenders of child labour making law inactive in real scene.

Existing policies and laws not been disseminated among the population like **The Children Act 2000** establishes the rights of children such as: the right to with parents have custody, protection from discrimination, violence, abuse and neglect and prohibits the employment of children or their engagement in any activity that may be harmful to their lives, health, and education, mental physical or moral development and puts a responsibility on each members of the community. There is still need for dissemination and sensitization of the population of the population to create awareness and vigilance in fighting against child labour.

Labour legislation consistent with international child labour standards is necessary both as a statement of national intent and as legal and regulatory framework for efforts against child labour. As child labour is an issues that cuts across sectors and areas of ministerial responsibility, progress against it requires that institutional roles are clearly delineated, and that effective coordination and information sharing structures are in place.

Most laws have remained on paper and not implemented such as **national policy older persons**, which has never been approved. For instances, the **employment Regulation of 1977**

Most laws have remained on paper and not implemented such as **National Policy for Older Persons**, which has never been approved. For instance, the **Employment Regulation of 1977** prohibits children under 18 from employment in dangerous and hazardous jobs; equally the **ILO Convention 182 on Worst Forms of Child Labour** prohibits use of children in hostile situations, trafficking & slavery. But much as the plight of children in night fishing has been exposed, little has been done to save the situation. The laws should be made stringent and give for provision on how to deal with the perpetrators of child labour both at the International and National levels.

Uganda lacks a human trafficking law, the code that exists is scattered in the penal code. There are gaps and inconsistencies in the law, have been compounded with laxity in enforcement. LAW- Uganda supported by ABA initiated a human trafficking bill which should be largely supported by ILO.

Regulatory frameworks need to define minimum standards of care for former child labourers and other vulnerable children, and to specify the respective roles of the various State and private actors in meeting these care needs. The key recommendation is to take steps to enforce the laws intended to address the problem of child labour. This can best be achieved by bridging the existing gap in the perceptions of the lawmakers, the enforcers and families and employers regarding child labour.

The government needs to, sign a declaration by all government members and civil servants stating that they do not employ a child in their household to send a clear moral signal to the public.

The Government should equally, narrow the gap between the existing legislation on child rights and the prevailing practices. Review and harmonize both local and international laws to fix a minimum age applicable to all employment. Review Employment laws to include specific provisions on Child Labour to for ease of implementation. Disseminate laws of children and child welfare issues and review the National Development Planning Framework to strengthen monitoring of Early Childhood Development and Special Needs Education

Child registration is a huge challenge and without documents to prove birth registration, children and families often cannot access health, education and other social services, and States cannot plan poverty alleviation and social service programmes without accurate estimates of annual births.

Therefore, for this evil of child labour to be dealt with and combated, compulsory registration must be put in place so as to keep data of every child born and monitor their growth, wellbeing.

Much as many government programmes and policies as discussed in **Chapter 3 (3.2)** have contributed positively to the elimination of child labour, they have left many gaps & loopholes

While the implemented programs have positively contributed to poverty reduction, macroeconomic policy and growth, the persistent deep-seated nature of poverty have brought to the spot light the effectiveness of the interventions in effectively reducing poverty. The deduction is that the current anti-poverty interventions and interventions to reduce risk and vulnerability have targeted and benefited the “active poor” or the “working poor” thus leaving out a large (and perhaps growing number) of the population. The impacts of having an “un-reached” poor and vulnerable groups is that such groups will forever be trapped later alone sink into deeper poverty which jeopardizes government efforts in realizing the Millennium Development Goals thus the need for Social Protection to realize pro-poor growth, equitable access to and utilization of resources. Population growth represents another major challenge to poverty reduction.

HIV pandemic is the most obstinate root causes of child labour. It exposes even more children to the hardships of child labour due to poverty, the burden of caring for family; the death of guardians, fewer teachers and discrimination. There are no quick-fix solutions to this critical problem.

Ultimately, success in efforts against HIV, AIDS and child labour requires a change in behaviour and attitudes. From the policy to the community level, there is still need to promote universal

understanding of the virus, its transmission and its effects, and also the need to promote a change in attitudes towards women, masculinity and sex, and a better understanding of sexual violence, gender inequality and stigmatization as continuing causes of the spread of HIV. In addition, social protection for the millions of adults and children made vulnerable by HIV and AIDS is needed to ensure that lives are not thrown away nor childhoods lost. Young people are an integral part of the campaign to eliminate child labour and to put a stop to the spread of HIV.

Not only do young people have a right to participate in the programmes and policies that affect them, they also bring enormous potential through their diverse energy, motivation, creativity and commitment to contribute to their communities as agents of social change.

Under **Universal Primary Education, (UPE)**, enrollment increased in primary schools from 3 million pupils in 1997 when the programme was first introduced to about 7.5 million in 2003 and over 7.6 million in 2005/06, and yet about 1.3 million children aged 6 to 12 years (school going age) are still excluded from UPE. **The Uganda bureau of standard and Uganda national household survey 2005/06** reported that, the enjoyment of their right to education. High drop-out rates make the situation worse, especially in rural areas, where the majority of those who are trapped in poverty live. Close to 50% of pupils who enroll in Primary One do not complete Primary Seven in the set timeframe. According to the 2007 Primary Leaving Examination (PLE) results, only 444,019 of the 890,997 who enrolled in 2001 sat for the examinations in 2007. This was according to studies carried out by **George Beekunda, presentation made during the 22nd joint social development sector review, minister of gender, labour and social development. 13th to 14th December 2007.**

The new vision Monday 21th January 2008 pg 12 attributed to the failure by poor parents to raise/meet additional non-tuition costs/requirements related to school attendance such as provision of uniforms, scholastic materials, and examination fees, among others. Lack of lunch at schools is also documented as one of the main causes for the high drop out rates. Other causes are attributed to low attention in prioritizing Special Needs Education (SNE) for PWDs such as training of SNE teachers. Cultural practices such as girls being given away in early marriages “in order to fetch an income in bride price” and children engaging in income generating activities and exploitative child labour also play a part. The cost implications of so many children missing out on education are quite considerable as they will be likely to fall into exploitative labour and be unable to contribute to national economic

survey further revealed that about 1.4 million who fell sick did not seek medical attention, out of which 32%(nearly 450,000 people) cited costs as a hindrance to seeking medical attention. PWDs access to health services is limited by problem of the long distance to health centers .In addition due to poor enforcements for health centers to build ramps and other mechanisms to ensure accessibility by PWDs, most health centers to not have these accessibility mechanisms for PWDs.

Reducing household vulnerability; poverty is the root cause of child labour, children's work frequently forms part of households strategy for dealing with risks, making them less vulnerable to loss of income arising from individual or collective shops. Widespread poverty, a very limited social protection net and the impact of the HIV/AIDS crisis means a very high degree of household vulnerability in Uganda. Reducing household vulnerability by expanding social protection is there for a critical priority in the country.

Developing and strengthening community –based social safety mechanisms is likely to yield needed benefits to vulnerable households in the short –term. Community-based measures such as micro health insurance plans, community saving groups and micro credit initiatives should be promoted and expanded, especially targeting poorest and HIV/AIDS affected households

Adult education; bad //poor parenting styles is one of the reasons why child labour has prevailed for so long, Empirical evidence in Uganda indicating the parents education and particular mothers' education has significantly positive effects on children's time use, making it less likely that children are involved in work at a young age and more likely that they are in school. Developing and expanding effort in promoting good parenting, functional literacy and numeracy, work –related skills training and basic education equivalency programmes are all important in this context.

Cultures, tradition and attitudes of the community have a role to play in the prevalence of child labour. The influence of negatives perceptions, cultural attitudes and cultural practices is tremendous raising public awareness should be intensified of civic leaders, leaders in, agencies of law and or private sector entrepreneurs, communities and general population.

4.1 Conclusion

Child labour is work that threatens the health, safety, physical growth and moral development of children involved in work that deprives them the opportunity to go to school. Child labour includes use of dangerous tools, long hours of work, heavy work loads and tasks, exposure to toxic chemicals, cruelty, sexual abuse and exploitation of children with work when they are too young for little pay or payment in kind and under hazardous conditions. The worst form of child labour includes poverty, domestic violence, HIV and AIDS effects, using children in illicit activities and work that is likely to harm their health, safety and morality. The notion of child labour is therefore placed on children below the age of 18 years who work on a regular and continuous basis to earn a living for themselves or on behalf of their families. They work for long hours, sometimes without wages, in conditions that forces them to prematurely lead adult lives and condemned to a cruel future.

For the effective combating of child labour in Uganda, there should be harmonizing of the International and National statutes that expressly prohibit child labour. Further, there should be harmonizing of the National legislation against child labour like The Children Act which defines a child as one below 16 while The Constitution puts the age to 18. So, there should be harmonization of the different legislations to give a uniform definition of a child & avoid perpetrators of child labour, taking advantage of the contradiction. The Government should equally narrow the gap between the existing legislation on child rights and the prevailing practices. Review Employment laws to include specific provisions on Child Labour to for ease of implementation. Disseminate laws of children and child welfare issues and review the National Development Planning Framework to strengthen monitoring of Early Childhood Development and Special Needs Education.

Achieving sustainable reductions in child labour requires a supportive national political, legal and institutional environment. Political commitment is needed to ensure that child labour is mainstreamed into broader development plans and programmes. This may include, integrating child labour as an explicit concern in Millennium Development Goals, Education for All plans, and poverty reduction strategy plans. Without effective enforcement, government policies and programmes on paper cannot achieve much. A plan fails not necessarily because of its formulation but in most cases, because of deficiencies in its implementation. An effective push for abolition of child labour requires not only commitment, especially from political and civic society perspectives, but also resources. There is, therefore, need to significantly step up advocacy for resources for this cause at International, national and sub-national levels. This essentially requires that the lobbying and advocacy for the children's

cause be brought to the political and corporate agenda of the controllers of resource allocation-political leaders Legislators. Other policy-makers or advisors at all levels.

Children are the future and so, they deserve protection from the State, society and culture. There isn't much publicity of child labour, therefore it's an evil which has been silenced yet it's very prevalent. The existing legal mechanisms, statutes which tend to protect children's rights aren't respected and given priority. Much some measures have been put in place by the Government, there's so much that still needs to be done to illuminate child labour as discussed above

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According to Comp Time²⁸ *“compensatory times, time off given to an employee who works over a certain amount hours, given in lieu of overtime pay generally to those who do not pay for such pay.”* so the department of labour still publishes such occupations.

The children’s Act Cap 59 Section 8²⁹ prohibits the employment of children in work that may be harmful to their health, education, mental and moral development.

In addition, Reich Robert the labor secretary³⁰ observed that: children are prohibited if they are below a certain age with exception. his announcement was moving to suspend restriction on hours that 14 and 15 years old may work as baseball bat boys and girls, Reich who was recommended by advisory panel established a law to review child labor laws, the suggestion which was granted favor by former Vice President of labor law Dan Quayle who had unsuccessfully worked to lift the ban during his tenure in the senate, however Dan Quayle sought to amend the fair labor standard Act, stating that at least boys and girls must be 16 years old because 14 and 15 year olds may not work beyond 10 pm during summer and 7 pm while at school.

Reich’s move was positioned and resulted to advisory committee of independent child labor. However in 1999 the law recommended and the labor department should be no exceptional for hours and time of work for 14 and 15 year olds but boys and girls in profession. the same applies here in Kampala the law is the opposite poor implementation against child labor for example a lot of children are currently working as toilet cleaners, painters, scrap collectors, late night fishing which is hazardous to their health and mental development.

Another major legal challenge for child labor is³¹ inadequate legislative measures due to social evils involved in the employment of children, there is still a wide spread of illiteracy resulting into lack of development of children’s personality as a result of, negligence and indifferences of various ethnic groups in the areas, legal officers fail to support the prevention of child labor due to the belief that the first court of protecting a child is a home, the family members, community leaders and then the

²⁸ FLSA a comprehensive peace of legislations that govern wages, hours and the employment of minors in the work place

²⁹ the children’s Act Cap 59

³⁰ Daily labor report, No. 103 (June 15th 1993), APPA-13-A-14 copy rights 1993 by the bureau of national affairs in corporation (800-372,1033), www.bna.com

³¹ Aiyar and Aiyar, the Indian factory’s Act (1939) P.133, Industrial relationship and labor laws.

government. So much as these children work under hard labor conditions may not necessarily be their choice as children but due false presumption of freedom to work as a result of legal negligence. For example the researchers view indicated that most of these children are mistreated under hard labor in the presence of police officers who are there to protect the rights against child abuse hence child labor.

Literally some children work due³² to ignorance of the parents and guardians and the children themselves about the law against child labor especially those from rural areas and peasant families.

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